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

VENICE COMMUNITY HOUSING
CORPORATION and HOLLYWOOD
COMMUNITY HOUSING CORPORATION,

Petitioners

v.

THE LOS ANGELES BOARD OF
TRANSPORTATION COMMISSIONERS
and THE CITY OF LOS ANGELES, a
municipal corporation,

Respondents.

Case No.: - **25STCP00892**

**VERIFIED PETITION FOR WRIT OF
MANDATE**

Pursuant to California Civil Code sections 1085 and 1094.5, Petitioners Venice Community Housing Corporation (“VCHC”) and Hollywood Community House Corporation (“HCHC”) (collectively, the “Affordable Housing Developers”) petition this Court for a writ of mandate directed to Respondent the City of Los Angeles and Respondent the Los Angeles Board of Transportation Commissioners (“BOTC”), vacating the BOTC’s ultra vires actions at the Special Meeting on December 10, 2024 (the “Ultra Vires Actions”) because they exceeded the BOTC’s scope of authority. By this verified Petition, Affordable Housing Developers allege as follows:

INTRODUCTION

1. The Venice Dell Community Affordable Housing Project (the “Project”) is a vital supportive housing project to construct affordable, supportive housing units and replacement public parking spaces on an undeveloped and underutilized municipally owned parking lot: Lot. 731. Lot 731 is located in Venice, California, an area with astronomical housing costs, a lack of affordable housing, and a high rate of homelessness.

2. California is suffering from a severe, multi-decade housing crisis, and nowhere is this crisis felt more acutely than in the City of Los Angeles (“City”). In approving the Project, the City Council affirmed that California is in the midst of an affordable housing crisis, and that Los Angeles County is the least affordable county for housing in the state. As a result, there has been an explosion in the number of unhoused individuals living in Los Angeles. The homelessness crisis in Southern California has reached a state of emergency, with tens of thousands of individuals experiencing homelessness in the City alone. A substantial concentration of homelessness is experienced in Venice.

3. In 2016, in response to this multi-decade affordability and homelessness crisis, the City adopted a Comprehensive Homeless Strategy. The goal was to dramatically expand the amount of affordable housing in the City to mitigate the homelessness crisis. The Comprehensive Homeless Strategy found that it is necessary for the City to consider putting underutilized City properties to work as affordable and supportive housing.

4. In response, in 2016, the City Administrative Officer launched the Affordable Housing Opportunity Sites (“AHOS”) initiative and conducted initial reviews of City-owned properties, including unimproved or underused parking lots, to determine which properties could be utilized for supportive housing developments. Through the AHOS process, the City identified an underutilized asphalt parking lot in Venice, Lot 731, as a suitable site for affordable housing.

5. On July 25, 2016, the Office of the City Administrative Officer sought proposals to develop an affordable housing project on Lot 731. Affordable Housing Developers and others responded with a proposal for a supportive housing project at the site and, in December 2016, the City Council unanimously voted to enter into an exclusive negotiating agreement with Affordable Housing Developers.

1 6. Affordable Housing Developers spent over eight years advancing the Project, conducting
2 substantial community engagement through a variety of methods throughout the design, application, and
3 public hearing processes. Affordable Housing Developers incorporated community feedback into the
4 design and development process, seeking to create a Project that would center and serve the Venice
5 community.

6 7. On December 1, 2021, the City Council unanimously approved the Project, including a
7 Coastal Development Permit (“CDP”), Site Plan Review, Vesting Tentative Tract Map, Vesting Zone
8 Change and Height District Change, and Specific Plan Amendment, among other approvals.¹ On June
9 15, 2022, the City Council approved a Disposition and Development Agreement (“DDA”) for the Project.
10 The DDA is a binding contract that outlines the development of the Project site, mandates the execution
11 of the ground lease for the construction and management of the Project, and describes the requirement
12 for the Affordable Housing Developers and City to enter a public parking agreement at a future time.
13 These approvals were upheld in litigation last year.²

14 8. The City’s approval of the Project’s CDP in December 2021 was appealed to the
15 California Coastal Commission. For the next three years, Affordable Housing Developers worked closely
16 with the Coastal Commission to ensure the Project aligned with the Coastal Commission’s aims of
17 protecting coastal resources and safeguarding public access to the California coast.

18 9. Coastal Commission staff conducted an extensive, multi-year review process of the
19 Project. At a hearing on December 11, 2024, the Coastal Commission unanimously approved the Project.
20 The Coastal Commission determined the Project promotes public access by increasing available parking
21 and providing housing opportunities in a high-demand coastal area where only 70 affordable housing
22 units were permitted from 2009 to 2020.

23 10. Despite these extensive approvals issued by the City Council, the Board of Transportation
24 Commissioners intervened in an apparent attempt to undercut the authority of the City Council. The
25

26 ¹ Further action was taken by City Council on the Project in June 2022, including to correct map exhibits
contained in the prior City Council approvals.

27 ² *Coalition for Safe Coastal Development et al. v. City of Los Angeles et al.*, LASC Case Nos. 22STCV00162,
28 22STCV03626 (May 21, 2024); *Coalition for Safe Coastal Development v. City of Los Angeles et al.*, LASC Case
No. 22STCP03359 (July 11, 2024).

1 BOTC is a City commission charged with management of municipal parking lots. While none of the
2 Project components were before the BOTC at the time, on December 5, 2024, the BOTC deliberately
3 noticed a Special Meeting for December 10, 2024—the day before the Coastal Commission was already
4 scheduled to review the Project’s City-approved CDP, Coastal Commission CDP, and request for a Land
5 Use Plan amendment at a public hearing. The BOTC agenda item was, in its entirety, “The Proposed
6 Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing.”

7 11. Before the BOTC meeting, the Los Angeles Department of Transportation (“LADOT”)
8 sent the BOTC a report with two recommendations: (i) Not to authorize the use of Lot No. 731 for the
9 affordable housing project; and (ii) Recommend that the Los Angeles Housing Department (“LAHD”)
10 determine the feasibility of relocating the proposed affordable housing project to Lot No. 701. After years
11 of cooperation between Affordable Housing Developers and the City, this LADOT report was the first
12 public, official action by the City against the Project.

13 12. On December 10, 2024, only one day before the Coastal Commission hearing, the BOTC
14 convened its Special Meeting to discuss the Project. Over 100 people attended the Special Meeting. At
15 the conclusion of that meeting, the BOTC voted to adopt the LADOT recommendations, supplanting and
16 ignoring the extensive review and decision-making conducted by the City, Coastal Commission, and
17 LAHD. The BOTC’s Ultra Vires Actions against the Project directly conflicted with the will of the City
18 Council expressed through its approval of the Project’s entitlements years before.

19 13. The BOTC’s Ultra Vires Actions were unlawful—exceeding the scope of the BOTC’s
20 legal authority and contradictory to the evidence in the administrative record. Affordable Housing
21 Developers accordingly file this Petition seeking to vacate the BOTC’s unsupported Ultra Vires Actions.

22 **PARTIES**

23 14. Petitioner Venice Community Housing Corporation (“VCHC”) is a 501(c)(3) non-profit
24 public benefit corporation organized under the laws of California. VCHC was selected by, and has
25 contracted with, the City of Los Angeles to develop affordable housing on Municipal Lot 731 as part of
26 the Venice Dell Community Affordable Housing Project. As such, VCHC is within the class of persons
27 beneficially interested in the BOTC’s performance of its legal duties.
28

15. Petitioner Hollywood Community Housing Corporation (“HCHC”) is a 501(c)(3) non-profit public benefit corporation organized under the laws of California. HCHC was selected by, and contracted with, the City of Los Angeles to develop affordable housing on Municipal Lot 731 as part of the Venice Dell Community Affordable Housing Project. As such, HCHC is within the legal class of persons beneficially interested in the BOTC’s performance of its legal duties.

16. Respondent Los Angeles Board of Transportation Commissioners is a citizen commission, created by the Los Angeles City Council, charged with the oversight of off-street parking facilities and other related duties for the City of Los Angeles pursuant to Los Angeles Administrative Code section 22.484.

17. Respondent, City of Los Angeles, is a charter city incorporated under the laws of the State of California.

JURISDICTION AND VENUE

18. This Court has jurisdiction over this matter pursuant to sections 1085 and 1094.5 of the Code of Civil Procedure.

19. Venue is proper in this court, as Respondents and the Project are located within the County of Los Angeles, and the acts and events giving rise to the claims occurred in the County of Los Angeles.

FACTS

The Venice Dell Community Project

20. The Project proposes the construction of 120 affordable housing units and approximately 200 parking spaces on an underutilized flat parking lot known as Municipal Parking Lot No. 731. The Project units are 100-percent affordable, with the exception of three units reserved for on-site managers. The Project is a vital supportive housing project which has been in development for nearly a decade, designed to combat the City's critical homelessness and affordable housing crises.

21. In 2016, the Office of the City Administrative Officer implemented the AHOS initiative, wherein City staff conducted review of City-owned properties to determine which could be utilized for supportive housing developments, like the Project. The Comprehensive Homeless Strategy includes Strategy 7D, which states that it is “necessary to consider use of existing City properties, including unimproved lots and those with facilities that are either surplus or underused that could be developed for

1 affordable housing and/or housing for the homeless.” Strategy 7D recommends that the City
2 Administrative Officer identify City-owned property that can be used for the development of affordable
3 housing and housing for the homeless.

4 22. The City Administrative Officer launched the AHOS initiative and conducted initial
5 reviews of City-owned properties, including unimproved or underused lots, to determine which could be
6 used for supportive housing developments. Through this process, the City identified eight potential
7 properties suitable to develop housing, one of which is the Project site: Lot 731.

8 23. Lot 731 is an underutilized, City-owned asphalt parking lot located in Venice, California.
9 Venice has both a high population of people experiencing homelessness and a severe lack of affordable
10 housing. Only 70 affordable housing units were permitted between 2009 and 2020.

11 24. The City subsequently sought proposals to develop an affordable housing project on Lot
12 731, specifically requesting proposals which provided replacement parking at a 1:1 ratio to the current
13 capacity of Lot 731. Affordable Housing Developers VCHC and HCHC were recommended by LAHD,
14 and selected by the City, to construct the Project on Lot 731.

15 25. Affordable Housing Developers have successfully navigated a complex and lengthy
16 permitting process, having received approvals and recommendations of approval from the City’s
17 Planning Commission for various entitlements in July 2021. Following the Planning Commission’s
18 decision, the City Council unanimously approved the Project in December 2021. These entitlements
19 included a CDP, Site Plan Review, Vesting Tentative Tract Map, Vesting Zone Change and Height
20 District Change, Specific Plan Amendment, Community Plan Amendment, and Land Use Plan
21 Amendment among other approvals.³ (See Exhibit 1 [Official City Action of the Los Angeles City
22 Council, Council File No., 21-0829-S1, Agenda Item No. 16 (Dec. 1, 2021)].) Further, the DDA for the
23 Project was approved in June of 2022. The DDA is a binding contract that outlines the development of
24 the Project site and mandates the execution of the ground lease for the construction and management of
25 the Project. The DDA also describes the requirement for the Affordable Housing Developers and City to
26 enter a public parking agreement at a future time.

27 ³ Further action was taken by City Council on the Project in June 2022, including to correct map exhibits
28 contained in the prior City Council approvals.

1 26. Despite the City approvals in December 2021, the Project has still not broken ground.
2 Starting in August 2021, the Project has faced—and prevailed in—a tidal wave of litigation seeking to
3 delay or thwart this affordable housing development project.

- 4 • **Lawsuit #1.** In August 2021, a local NIMBY group filed a petition for writ of
5 mandate under the Brown Act to stop the Project. (*Venice Vision v. City of Los*
6 *Angeles*, LASC Case No. 21STCP02522.) The group voluntarily dismissed the
7 petition after failing to name Affordable Housing Developers as real parties in
8 interest.
- 9 • **Lawsuit #2.** A second NIMBY group, Coalition for Safe Coastal Development
10 (“CSCD”), filed an action on January 13, 2022, challenging the Project under
11 CEQA, the Coastal Act, Subdivision Map Act, the Mello Act, and other legal
12 theories. (*Coalition for Safe Coastal Development et al. v. City of Los Angeles et*
13 *al.*, LASC Case Nos. 22STCP00162, 22STCP03626.) CSCD amended its petition
14 to add Los Indios de San Gabriel as a petitioner and to allege that the City failed
15 to consult with the Gabrieleño Band of Mission Indians – Kizh Nation under AB
16 52. After four days of trial, this Court denied CSCD’s petition in its entirety,
17 finding that each and every claim lacked merit.
- 18 • **Lawsuit #3.** In August 2022, CSCD filed another petition for writ of mandate
19 against the Project approvals and repeated Venice Visions’ meritless Brown Act
20 theories. (*Coalition for Safe Coastal Development v. City of Los Angeles*, LASC
21 Case No. 22STCP03125.) The Honorable Judge Beckloff granted the City’s
22 motion for judgment on the pleadings as to the cause of action challenging the
23 Project’s approvals for failing to name Affordable Housing Developers as real
24 parties in interest. CSCD dismissed its petition as to the remaining causes of
25 action, and the Court entered Judgment for the City on August 18, 2023.
- 26 • **Lawsuit #4.** In September 2022, CSCD filed a third suit, challenging the DDA
27 between the City and Affordable Housing Developers for the Project. (*Coalition*
28 *for Safe Coastal Development v. City of Los Angeles et al.*, LASC Case No.

1 22STCP03359.) On June 4, 2024, the Honorable Judge Chalfant issued his
2 decision denying the petition in full.

3 27. In addition to the litany of litigation, the Project's City-approved CDP was also appealed
4 to the California Coastal Commission, a state agency charged with preserving the California coastline
5 and safeguarding public access. Because Lot 731 is located within the Coastal Zone, the Project was
6 required to obtain two CDPs: one from the City and one from the Coastal Commission. Additionally, the
7 City's approval of the Land Use Plan amendment was required to be certified by the Coastal Commission.
8 While the City granted the Project a CDP in December 2021, this decision was appealed. Thus, the
9 Coastal Commission had to review the City-approved CDP, consider the Affordable Housing
10 Developers' Dual CDP Application No. 5-22-0588 (submitted on July 11, 2022), and consider the City's
11 request for the Coastal Commission's certification of the City-approved Land Use Plan amendment
12 (submitted on July 8, 2022).

13 28. Over the next several years, Affordable Housing Developers worked with the Coastal
14 Commission to revise the Project and ensure that it fully complies with the Coastal Act, safeguards
15 important coastal resources, and promotes public access. Before coming before the Coastal Commission
16 on December 11, 2024, Affordable Housing Developers, in response to feedback from Commission staff,
17 revised the Project design to address the Coastal Commission concerns, including by reducing the number
18 of units, reconfiguring the boat launch, removing a campanile, and eliminating restaurant and art gallery
19 spaces.

20 29. Based upon the findings of two comprehensive staff reports and extensive deliberations
21 during a Coastal Commission hearing, the Coastal Commission determined that the Project promotes
22 public access by increasing available parking and providing housing opportunities for low-income
23 residents near the coast.

24 30. On December 11, 2024, during the public hearing, the Coastal Commission unanimously
25 approved the Project.

26 **The Board of Transportation Commissioners Special Meeting**

27 31. The BOTC and LADOT were created by the City Council in 1979 via Ordinance No.
28 151832. The Ordinance delegated certain authorities to LADOT and the BOTC.

1 32. The BOTC is granted the authority by the Los Angeles Administrative Code (“LAAC”)
2 over “coordinating, directing, and managing all matters respecting the acquisition, and thereafter
3 management, of all public off-street parking places by the City except for those parking facilities which
4 are under jurisdiction or control of departments controlling their own funds,” among other traffic and
5 parking-related duties. LAAC § 22.484.(g)(2)(A)(7). The BOTC has an advisory relationship to the
6 General Manager of LADOT. LAAC § 22.484.(g)(1).

7 33. On December 5, 2025, the BOTC publicly published an agenda for a special meeting on
8 December 10, 2024 (the “Special Meeting”). The Coastal Commission had published the agenda for its
9 December 11, 2024 hearing on November 22, 2024, two weeks before the BOTC noticed its Special
10 Meeting. Despite the fact that the BOTC was already scheduled to hold a regular meeting on December
11 12, 2024, the BOTC deliberately scheduled the Special Meeting one day before the Coastal Commission
12 hearing.⁴

13 34. The only item on the agenda was entitled: “Proposed Redevelopment of Municipal
14 Parking Lot No. 731 in Venice for Affordable Housing.” (See Exhibit 2.) Whereas the Brown Act under
15 Cal. Gov. Code. § 54956(a) requires that a special meeting agenda state “all business to be transacted or
16 discussed,” the BOTC’s agenda lacked specificity, offering no indication that the BOTC would take
17 action at the Special Meeting to thwart a City-approved project. In fact, the agenda offered no indication
18 to public stakeholders that the BOTC would take any action at all.

19 35. On December 3, 2024, counsel for the Affordable Housing Developers sent a letter to the
20 BOTC clarifying the BOTC’s limited role in the Project and expressing concern over the Special Meeting,
21 given that no Project component was before the BOTC for consideration at this time. The letter requested
22 that “the [BOTC] either remove the Project from the agenda, or, if the Project is considered, that the
23 [BOTC] take no action.” (See Exhibit 3, [*Proposed Redevelopment of Municipal Lot No. 731 in Venice*
24 *for Affordable Housing (Venice Dell Community Project)*, Letter from Latham & Watkins to the BOTC
25 (Dec. 3, 2024).].)

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27
28 ⁴ The BOTC holds regularly scheduled meetings on the second Thursday of each month.

1 36. Prior to the Special Meeting, LADOT sent the BOTC a report (the “LADOT Report”)
2 with two recommendations: (i) “DO NOT AUTHORIZE the use of Lot No. 731 for the affordable
3 housing project as proposed by the Venice Community Housing Corporation and Hollywood Community
4 Housing Corporation” with “120 affordable housing units plus 200 parking spaces spread over two
5 parking structures” within the housing development; and (ii) “RECOMMEND that the Los Angeles
6 Housing Department (LAHD) determine the feasibility of relocating the proposed affordable housing
7 project to Lot No. 701, including potential changes to the zoning and height limitations affecting Lot No.
8 701 to effectuate a maximum number of affordable housing units with no replacement parking required.”
9 A true and correct copy of the LADOT Report is attached as Exhibit 4.

10 37. To support these recommendations, the LADOT Report contained a discussion of the
11 Project, purporting to analyze the current use and revenue of Lot 731, the details of the proposed Project,
12 the costs and funding associated with the Project, supposed impact of the Project on public access to the
13 beach, and “pros” and “cons” of the Project as a whole. (*See* Exhibit 4.)

14 38. On December 9, 2024, counsel for Affordable Housing Developers sent a second letter to
15 the BOTC on behalf of Affordable Housing Developers urging the BOTC to refrain from taking action
16 at the Special Meeting in accordance with the recommendations of the LADOT Report, as the
17 recommended actions would be an unlawful excess of the BOTC’s authority and abuse of discretion
18 unsupported by evidence (“December 9, 2024 Letter”). A true and correct copy of the December 9, 2024
19 Letter is attached here to as Exhibit 5.

20 39. On December 10, 2024, at the Special Meeting, the BOTC considered aspects outside the
21 scope of its authority under the LAAC. During its deliberations, the BOTC discussed and weighed the
22 Project’s potential impacts on parking, affordable housing, and public access, going beyond its delineated
23 powers and duties. The BOTC is not charged with protecting—or even analyzing—public access, nor is
24 it charged with regulating affordable housing. Ultimately, the BOTC voted unanimously to adopt the
25 recommendations of the LADOT Report.

26 40. The BOTC’s vote at the Special Meeting was an ultra vires attempt to undo valid City
27 approvals and entitlements in favor of the Project that have been repeatedly upheld in litigation. The
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1 BOTC is a lower arm of the City, yet, through its Ultra Vires Actions, it acted to usurp the authority of
2 the City Council.

3 41. On December 11, 2024, a day after the Special Meeting, the Coastal Commission
4 unanimously approved the Project. (See Exhibits 6-7 [Letter to City] [Notice of Intent].)

5 **Affordable Housing Developers' Appeal to the City Council and Exhaustion of Administrative**
6 **Remedies**

7 42. Following the BOTC Special Meeting, on December 19, 2024, counsel for Affordable
8 Housing Developers sent a letter to the City Council appealing the BOTC's Ultra Vires Actions at the
9 Special Meeting on the grounds that these actions were unlawful and outside the scope of the BOTC's
10 authority (the "December 19, 2024 Letter"). A true and correct copy of the December 19, 2024 Letter is
11 attached as Exhibit 8.

12 43. On February 19, 2025, counsel for Affordable Housing Developers sent a second letter to
13 the City Council regarding the appeal ("February 19, 2025 Letter"). A true and correct copy of the
14 February 19, 2025 Letter is attached as Exhibit 9.

15 44. On February 28, 2025, the City Clerk responded to the request for the appeal, stating that
16 the appeal would not be accepted for consideration by the City Council.

17 45. Affordable Housing Developers have consequently exhausted all administrative remedies
18 available to them, and have no plain, speedy, or adequate remedy in the ordinary course of law to
19 challenge the BOTC's Ultra Vires Actions at the Special Meeting.

20 **FIRST CAUSE OF ACTION**

21 **(FOR ISSUANCE OF A WRIT OF MANDATE UNDER 1085/1094.5)**

22 46. Affordable Housing Developers hereby incorporate the allegations set forth in paragraphs
23 1 through 45 as if set forth herein.

24 47. Under section 1085 and/or 1094.5 of the Code of Civil Procedure, the trial court reviews
25 the BOTC's conduct to determine whether the BOTC's Ultra Vires Actions were, among other things,
26 unlawful, procedurally unfair, or whether the agency failed to follow the procedure or acted in excess of
27 its legal authority.
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1 48. LAAC section 22.484(g) outlines the powers and duties of the BOTC. Section
2 22.484(g)(1) provides that “The [BOTC]’s relationship to the General Manager of [LADOT] shall be
3 advisory.”

4 49. Section 22.484(g)(2) provides that “Notwithstanding its advisory capacity, the [BOTC]
5 shall exercise the following powers and duties, and such other powers and duties as may be conferred by
6 ordinance. Specifically, “[t]he [BOTC] shall have the power, duty and responsibility of coordinating,
7 directing, and managing all matters respecting the acquisition, and thereafter the management, of all
8 public off-street parking places by the City except for those parking facilities which are under jurisdiction
9 or control of departments controlling their own funds.”

10 50. Further, “[t]he [BOTC] is authorized to conduct hearings on all matters within the purview
11 of [LADOT] and to advise the General Manager as to its findings and recommendations.” LAAC
12 22.484(g)(1)(A)(4).

13 51. The BOTC’s actions in rejecting the use of Lot 731 for the Project and recommending
14 LAHD evaluate the feasibility of Lot 701 were unlawful and in excess of its legal authority.

15 52. The BOTC lacked authority to deny the Project or its use of Lot 731. Lot 731 is already
16 owned by the City. As such, there is no acquisition of property. LAAC section 22.484(g)(7), therefore,
17 bestows no jurisdiction upon the BOTC to act. Further, the use of Lot 731 for the Project has already
18 been approved by the City Council. The BOTC lacks authority to reverse these approvals. Attempting to
19 deny the Project’s use of Lot 731 is outside the scope of the BOTC’s powers.

20 53. Second, the BOTC exceeded its authority by voting to recommend LAHD determine the
21 feasibility of relocating the Project to Lot 701. The BOTC lacks any authority to advise or make
22 recommendations to LAHD. The BOTC’s advisory powers are limited by the LAAC to advising and
23 making recommendations to LADOT.

24 54. LAHD retains “charge, superintendence, and control of all City-owned real property, the
25 use of which currently is or is intended to be for affordable housing development purposes, projects or
26 activities.” LAAC § 22.606.1. These powers have not been delegated to the BOTC by the City or LAHD.

27 55. The BOTC’s actions were consequently taken in an unlawful excess of its authority, are
28 null and void and should be vacated.

1 56. Affordable Housing Developers have no available administrative remedies.

2 57. Affordable Housing Developers have no plain, speedy, or adequate remedy at all.

3 58. As such, Affordable Housing Developers are entitled to a writ of mandate or other
4 appropriate relief vacating the BOTC's actions at the Special Meeting.

5 **SECOND CAUSE OF ACTION**

6 **(FOR ISSUANCE OF A WRIT OF MANDATE UNDER 1085/1094.5)**

7 59. Affordable Housing Developers hereby incorporate the allegations set forth in paragraphs
8 1 through 58 as if set forth herein.

9 60. Under section 1085 and/or 1094.5 of the Code of Civil Procedure, the trial court reviews
10 the BOTC's conduct to determine whether the BOTC's actions were, among other things, unlawful,
11 procedurally unfair, or unsupported by evidence.

12 61. The BOTC acted unlawfully at the Special Meeting by abusing its discretion in acting
13 arbitrarily, capriciously, and contrary to evidence.

14 62. The BOTC abused its discretion in determining Lot 731 should not be used for the Project
15 and recommending LAHD evaluate the feasibility of moving the Project to Lot 701.

16 63. These actions were undertaken by the BOTC upon the recommendation of LADOT via
17 the LADOT Report. Exhibit 4. However, the LADOT Report's analysis failed to consider all relevant
18 factors, considered factors outside the scope of the BOTC's authority, and is contradicted by evidence in
19 the administrative record.

20 64. LADOT's analysis in the LADOT Report attempts to regulate factors outside of the
21 BOTC's statutory authority, including affordable housing and public coastal access. Exhibit 4. The
22 BOTC's decision to adopt the LADOT's recommendation is contrary to evidence in the record regarding
23 the Project's impact on public access and parking and determinations made by the City and the Coastal
24 Commission. Further, the BOTC's claims that Lot 701 would be a better site for the Project are unfounded
25 and contrary to the years of extensive review undertaken by the City and the Coastal Commission
26 regarding the Project and Lot 731. In addition, the BOTC's assertion that Lot 701 would not require
27 replacement parking exceeds the authority of the BOTC. Lot 701 is in the Coastal Zone and under the
28

1 dual jurisdiction of the City and Coastal Commission, and thus the Coastal Commission must make a
2 determination about public access and any requirements to replace public parking on Lot 701.

3 65. The BOTC's actions were consequently an unlawful abuse of discretion, without
4 evidentiary support, and should be vacated.

5 66. Affordable Housing Developers have no available administrative remedies.

6 67. Affordable Housing Developers have no plain, speedy, or adequate remedy at all.

7 68. As such, Affordable Housing Developers are entitled to a writ of mandate or other
8 appropriate relief vacating the BOTC's actions at the Special Meeting.

9 **THIRD CAUSE OF ACTION**

10 **(FOR DECLARATORY RELIEF)**

11 69. Affordable Housing Developers hereby incorporate the allegations set forth in paragraphs
12 1 through 68 as if set forth herein.

13 70. An actual controversy has arisen and now exists between Affordable Housing Developers
14 and Respondents concerning their respective rights and duties. Affordable Housing Developers contend
15 that the BOTC lacks the authority to undo or otherwise interfere with the City Council's approval of the
16 Project, including the use of Lot 731 for affordable housing development.

17 71. The BOTC's actions at the December 10, 2024 Special Meeting, which purported to reject
18 the use of Lot 731 for the Project and recommend the evaluation of Lot 701 as an alternative site, were
19 beyond the scope of its legal authority and in direct conflict with the approvals granted by the City
20 Council.

21 72. Affordable Housing Developers seek a judicial declaration as to the scope of BOTC's
22 authority, specifically that the BOTC cannot undo, reverse, or otherwise interfere with the City Council's
23 approval of the Project, including the entitlements and use of Lot 731 for affordable housing
24 development.

25 73. A judicial declaration is necessary and appropriate at this time so that Affordable Housing
26 Developers may ascertain their rights and duties with respect to the Project and proceed without the threat
27 of further unlawful interference by the BOTC.
28

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Affordable Housing Developers pray for judgment as follows:

3 74. For issuance of a writ of mandate compelling the BOTC to vacate its Ultra Vires Action
4 at the December 10, 2024 Special Meeting.

5 75. For a stay, temporary restraining order, preliminary injunction, and permanent injunction
6 prohibiting any actions by Respondent pursuant to BOTC's Ultra Vires Action.

7 76. For a judicial declaration as to the scope of BOTC's authority, specifically that the BOTC
8 cannot undo, reverse, or otherwise interfere with the City Council's approval of the Project, including
9 the use of Lot 731 for affordable housing development.

10 77. For costs of suit, and if allowed by statute, attorney's fees.

11 78. For other and further relief as may be just and proper.
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16 Dated: March 7, 2025

Respectfully submitted,

LEGAL AID FOUNDATION OF LOS ANGELES
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21 By: Anna Hales
22 Anna Hales
23 Kevin Mitchell
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VERIFICATION

I, Sarah Letts on behalf of Hollywood Community Housing Corporation, declare:

- 1. I am a party to this action.
- 2. I have read the VERIFIED PETITION FOR WRIT OF MANDATE. The facts stated are either true and correct of my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis, I allege them to be true and correct.

This verification was executed on March 7, 2025 in Los Angeles, California. I declare under penalty of perjury that the foregoing is true and correct.

Sarah Letts

Sarah Letts
Executive Director
Hollywood Community Housing Corporation

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VERIFICATION

I, Erika Lee on behalf of Venice Community Housing Corporation, declare:

- 1. I am a party to this action.
- 2. I have read the VERIFIED PETITION FOR WRIT OF MANDATE. The facts stated are either true and correct of my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis, I allege them to be true and correct.

This verification was executed on March 7, 2025 in Los Angeles, California. I declare under penalty of perjury that the foregoing is true and correct.

Erika Lee
Erika Lee (Mar 7, 2025 16:27 PST)

Erika Lee
Co-Executive Director
Venice Community Housing Corporation

Exhibit 1

HOLLY L. WOLCOTT
CITY CLERK

City of Los Angeles
CALIFORNIA

OFFICE OF THE
CITY CLERK

PETTY F. SANTOS
EXECUTIVE OFFICER



ERIC GARCETTI
MAYOR

Council and Public Services Division
200 N. SPRING STREET, ROOM 395
LOS ANGELES, CA 90012
GENERAL INFORMATION - (213) 978-1133
FAX: (213) 978-1040

PATRICE Y. LATTIMORE
DIVISION MANAGER
CLERK.LACITY.ORG

December 1, 2021

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 21-0829-S1

Council Meeting Date: December 1, 2021

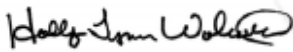
Agenda Item No.: 16

Agenda Description: CONSIDERATION OF and ACTIONS RELATED TO A STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), COMMUNICATIONS FROM THE LOS ANGELES CITY PLANNING COMMISSION (LACPC), MAYOR, AND DEPARTMENT OF CITY PLANNING (DCP); RESOLUTION, and ORDINANCE FIRST CONSIDERATION relative to a General Plan Amendment, Specific Plan Amendment, Vesting Zone and Height District Change, and an APPEAL filed by Venice Vision (Representative: Jamie T. Hall, Channel Law Group, LLP), from the determination of the LACPC in approving a Statutory Exemption, No. ENV-2018-6667-SE, as the environmental clearance for the project; a Project Permit Compliance Review for a project within the Venice Coastal Zone Specific Plan, pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.7; a Coastal Development Permit for a project located within the Dual Permit Jurisdiction of the California Coastal Zone, pursuant to LAMC Section 12.20.2; a Mello Act Compliance Review for the demolition of four Residential Units and the construction of 140 Residential Units within the Coastal Zone, pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Interim Mello Act Compliance Administrative Procedures; and, a Site Plan Review for a project which creates or results in an increase of 50 or more dwelling units, pursuant to LAMC Section 16.05; for the properties located at 2102-2120 South Pacific Avenue, 116-302 East North Venice Boulevard, 2106-2116 South Canal Street, and 319 East South Venice Boulevard.

Council Action: MOTION (BONIN - BLUMENFIELD) - ADOPTED FORTHWITH

Council Vote:

YES	Blumenfield	YES	Bonin	ABSENT	Buscaino
YES	Cedillo	YES	de León	YES	Harris-Dawson
YES	Koretz	YES	Krekorian	YES	Lee
YES	Martinez	YES	O'Farrell	ABSENT	Price
YES	Raman	YES	Rodriguez		


HOLLY L. WOLCOTT
CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 250(b)

FILE SENT TO MAYOR
LAST DAY FOR MAYOR TO ACT

12/03/2021
12/13/2021

APPROVED



12/11/2021

DATE SIGNED

Adopted Report(s) Title

Motion (Bonin- Blumenfield) 12-1-21

Motion (Bonin- Harris-Dawson) 12-1-21

Communication from Department of City Planning dated 11-29-21 - Supplemental Transmittal

Attachment to Communication dated 11-29-21 - Appeal Response

Communication from Department of City Planning dated 10-28-21 - Supplemental Transmittal

Communication(s) from Public_ 10-28-2021

Attachment to Communication dated 10-28-21 - Response to Appeal

Attachment to Communication dated 10-28-21 - Statutory Exemption Justification

Communication from Department of City Planning dated 8-03-21 - Supplemental Transmittal

Attachment to Communication dated 8-03-21 - Appeal

Report from City Planning Commission dated 7-13-21

Attachment to Report dated 7-13-21 - Mayor Transmittal

Attachment to Report dated 7-13-21 - Staff Report

Attachment to Report dated 7-13-21 - Draft Ordinance

Attachment to Report dated 7-13-21 - Proposed Ordinance VSP Amendments

Attachment to Report dated 7-13-21 - Resolution

Attachment to Report dated 7-13-21 - Conditions of Approval

Attachment to Report dated 7-13-21 - T Conditions

Attachment to Report dated 7-13-21 - Findings

Attachment to Report dated 7-13-21 - SE Justification and Analysis

Attachment to Report dated 7-13-21 - Mello Act Determination

Communication from Department of City Planning dated 11-09-21 - Supplemental Transmittal

Communication from Department of City Planning dated 10-01-21 - Supplemental Transmittal

Exhibit 2

**BOARD OF TRANSPORTATION
COMMISSIONERS**

CRIS LIBAN
PRESIDENT

SELIKA TALBOTT
VICE PRESIDENT

DOUGLAS TOHOM
VIGGEN DAVIDIAN
ERIN PAK
RAYMOND REGALADO
DAVID MARQUEZ

JASMIN SAN LUIS
ACTING COMMISSION EXECUTIVE ASSISTANT

**CITY OF LOS ANGELES
CALIFORNIA**



KAREN BASS
MAYOR

DEPARTMENT OF TRANSPORTATION

100 S. MAIN STREET, 10th FLOOR
LOS ANGELES, CA 90012

LAURA RUBIO-CORNEJO
GENERAL MANAGER

**SPECIAL MEETING
BOARD OF TRANSPORTATION COMMISSIONERS**

AGENDA

**Tuesday, December 10, 2024
10:00 AM**

**Room 1010, City Hall
200 North Spring Street, Los Angeles, CA 90012**

Note: The meeting is audio taped.

Every person wishing to address the Commission must complete a speaker's request form at the meeting and submit it to the Commission Executive Assistant prior to the Board's consideration of the matter.

The live audio can also be accessed at: (213) 621-2489 (Downtown); (310) 471-2489 (West L.A); 310 547-2489 (San Pedro); 818 904-9450 (Van Nuys).

ADMINISTRATIVE ITEMS

1. Welcome
2. Roll Call

NOTICE TO PAID REPRESENTATIVES

If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code 48.01 et seq. More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org.

NEIGHBORHOOD COUNCIL COMMENT

Discussion with Neighborhood Council representatives on any formal positions or resolutions adopted by the Neighborhood Council relating to any agenda item listed or being considered on this agenda for the Board of Transportation Commissioners.

PUBLIC FORUM

ACTION ITEM

3. Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing

ADJOURNMENT - PURSUANT TO GOVERNMENT CODE SECTION 54956.7

Agenda will be posted online and can be downloaded at least 72 hours prior to a meeting from the Department of Transportation Website <https://ladot.lacity.org/about/commissions> or posted on the bulletin board located on the 1st floor of City Hall East (Main Street Lobby).

Members of the public are invited to address the Board of Transportation Commissioners on any item on the agenda prior to action by the Board on that specific item. Members of the public will be given an opportunity to address non-agenda items within this Board's jurisdiction.

A total of 10 minutes will be allotted, subject to time limits on individual items, as the President deems appropriate.

Written material supporting agenda items can be reviewed prior to each Board meeting at the Commission office, 100 S. Main Street, 10th floor, Los Angeles, 90012, between the hours of 8:00 a.m. and 4 p.m.

Finalization of Commission Actions: In accordance with City Charter, actions that are subject to Section 245 shall become final at the expiration of the next five meeting days of the Los Angeles City Council during which the Council has convened in regular session and that if Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Matters pending will be carried for a maximum of six months, after which time they will be deemed withdrawn and rescheduled when a new staff report is received.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, we will provide reasonable accommodation to ensure equal access to its programs, services, and activities. To ensure availability, you are advised to make your request at least 72 hours prior to a meeting you wish to attend. For additional information, please contact Jasmin San Luis, Acting Commission Executive Assistant, at (213) 972-8448 or TTY call (213) 580-1177.

Exhibit 3

FIRM / AFFILIATE OFFICES

Austin	Milan
Beijing	Munich
Boston	New York
Brussels	Orange County
Century City	Paris
Chicago	Riyadh
Dubai	San Diego
Düsseldorf	San Francisco
Frankfurt	Seoul
Hamburg	Silicon Valley
Hong Kong	Singapore
Houston	Tel Aviv
London	Tokyo
Los Angeles	Washington, D.C.
Madrid	

December 3, 2024

VIA EMAIL

Board of Transportation Commissioners
City of Los Angeles
Los Angeles City Hall
200 N. Spring St.
Los Angeles, CA 90012

December 10, 2024 Special Meeting
Agenda Item No. 3

Re: Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for
Affordable Housing (Venice Dell Community Project)

Dear President Liban and Honorable Commissioners:

On behalf of our pro bono clients, the Venice Community Housing Corporation and the Hollywood Community Housing Corporation (collectively, “Affordable Housing Providers”), we have significant concerns about the Board of Transportation Commissioners’ consideration of the Venice Dell Community (the “Project”) at the Board’s December 10, 2024, special meeting.

There is nothing for this Commission to do at this time, so it is unclear why this meeting has even been scheduled. And when it comes time for this Board to act, its purview is very limited. The Board’s only role in this Project is to make non-binding recommendations to the General Manager of the Los Angeles Department of Transportation (“LADOT”) on the operational and management aspects of the Project’s public parking component. The operation and management aspects of the Project’s public parking component are not pending before the City. Therefore, the Board has nothing to do at this time.

The Project is a vital supportive housing project that has been in development for nearly a decade and will provide affordable housing for homeless and low-income individuals in Venice, a community in the City of Los Angeles that contains substantially fewer affordable housing units than other areas of the City. In line with the City’s affordable housing policies, the Project will be built on an underutilized City owned parking lot, adding 120 affordable homes to Venice while also increasing the public parking supply in Venice. The Project offers a unique opportunity to expand supportive and low-income housing, increase public access, and provide low-cost, visitor-serving amenities in a high demand area.

The City Council unanimously approved a Coastal Development Permit for the Project, along with other entitlements, on December 1, 2021 (Council File No. 21-0829-S1).¹ The City Council's approvals were then challenged in litigation, and the City and the Affordable Housing Providers successfully defended the City's approvals in court. On May 21, 2024, the Superior Court for the County of Los Angeles upheld each of the Project's approvals.² This decision is final.

The California Coastal Commission is set to consider the Project's Coastal Development Permits and the Land Use Plan Amendment approved by the City Council that will allow homes to be built on the current paved parking lot on December 11. California Coastal Commission staff recommends approving the Project because, among other reasons, it is consistent with the Coastal Act and contributes to environmental justice and public access in the Coastal Zone. With the Coastal Commission's hearing already scheduled for next week, it is confusing why the City chose to schedule this Board's meeting – ***where there is no pending action for the Board to take*** – through a special meeting set just one day before the Coastal Commission's hearing.

As noted above, the Board's authority related to this Project is very limited. The Board has the "power, duty and responsibility of coordinating, directing and managing all matters respecting the *acquisition, and thereafter the management*, of all public off-street parking places by the City." (Admin. Code, § 22.484(g)(2)(A)(7) [emphasis added].) Further, "the [Board] is authorized to conduct hearings on all matters within the purview of [LADOT] and to advise the General Manager as to its findings and recommendations." (*Id.*, § 22.484(g)(2)(A)(4).) The City owns the parking lot where the Project will be built – so no acquisition activities are involved. Accordingly, the Board's only role in this Project is limited to reviewing the operational and management aspects of the Project's public parking component and making non-binding recommendations concerning public parking operation and management to the General Manager of LADOT. The operation and management aspects of the Project's public parking component are not currently pending before the City. As such, there is nothing for this Board to do.

The Los Angeles County Superior Court – in affirming the Project's approvals – also clarified the Board's role related to the Project. Administrative Code Section 22.484(g)(2)(A)(7) only delegates the "acquisition and management of the City's public off-street parking to the [Board]." On the other hand, the "disposition of the City's real property, including parking places, intended to be for affordable housing development purposes is delegated to [the Los Angeles Housing Department] by [Administrative Code] [S]ection 22.606.1." The Court confirmed that the Board does not possess any authority under Administrative Code Section 22.484(g)(2)(A)(7) with respect to the Project because the City already owns the Project site, meaning "[t]here is no 'acquisition' at issue in this case." The Court's decision was consistent with the sworn testimony of the Assistant General Manager for the Los Angeles Housing Department and the head of LADOT's Bureau of Parking Management. According to their sworn testimony, "the Project (or some agreement related to the Project's parking component)

¹ Further action was taken by City Council on the Project in June 2022, including to correct map exhibits contained in the prior City Council approvals.

² *Coalition for Safe Coastal Development v. City of Los Angeles* (Case No. 22STCP03359).

LATHAM & WATKINS LLP

will be put before the [Board] prior to seeking approval for the ground lease.” Again, neither the ground lease nor any other agreements related to the public parking component of the Project are pending at the City. Affordable Housing Providers and the City do not anticipate any City approval processes for the public parking agreement or ground lease until 2025, as the anticipated dates for executing those documents are late 2025 through 2027.

For all these reasons, the Board’s consideration of the Project at the upcoming special meeting is premature, inconsistent with the timeline laid out by the City during litigation, and beyond the Board’s legal power and authority. Any action taken by the Board at its December 10, 2024, special meeting is outside its authority under the Administrative Code and therefore cannot be binding.

The Project presents a unique opportunity to provide more than 100 affordable homes for unhoused and low-income residents in an area plagued by a housing crisis. The Project will also benefit the larger community by increasing coastal public parking, providing improved coastal public access, and creating additional recreational opportunities and open space for the community. We respectfully request that the Board either remove the Project from the agenda, or, if the Project is considered, that the Board take no action at its December 10, 2024, special meeting.

Very truly yours,



Duncan Joseph Moore
of LATHAM & WATKINS LLP

cc: Becky Dennison, Venice Community Housing Corporation
Sarah Letts, Hollywood Community Housing Corporation
Laura Rubio-Cornejo, General Manager, Los Angeles Department of Transportation
Jay Kim, Assistant General Manager, Los Angeles Department of Transportation
Ken Husting, Los Angeles Department of Transportation
Michelle Cayton, Los Angeles Department of Transportation
Hydee Feldstein Soto, City Attorney, Los Angeles City Attorney’s Office
John Heath, Los Angeles City Attorney’s Office
Michael Nagle, Los Angeles City Attorney’s Office
Kevin Dufner, Los Angeles City Attorney’s Office
Yolanda Chavez, Los Angeles City Attorney’s Office
Kevin Keller, Interim Deputy Mayor of Housing, Office of Mayor Karen Bass
Councilmember Traci Park, City Council, Council District 11

LATHAM & WATKINS LLP

Star Parsamyan, Chief of Staff, Council District 11 Councilmember Traci Park
Arsen Voskerchyan, Los Angeles Bureau of Engineering
Tricia Keane, Executive Officer, Los Angeles Housing Department
Eric Claros, Director of Housing, Los Angeles Housing Department
Lisa Webber, Deputy Director of Planning, Los Angeles City Planning
Juliet Oh, Senior City Planner, Los Angeles City Planning
Beth Gordie, Latham & Watkins LLP
Benjamin Hanelin, Latham & Watkins LLP

Exhibit 4

**BOARD REPORT
CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION**

Date: December 10, 2024

To: Board of Transportation Commissioners

From: Laura Rubio-Cornejo, General Manager
Department of Transportation



Subject: **PROPOSED REDEVELOPMENT OF MUNICIPAL PARKING LOT NO. 731 IN VENICE FOR AFFORDABLE HOUSING**

SUMMARY

In 2022, City Council authorized a Disposition and Development Agreement to redevelop the Lot No. 731 in Venice into affordable housing with replacement public parking. Per Section 22.484(g)(2)(A)(7) of the Los Angeles Administrative Code (LAAC), the Board of Transportation Commissioners has the express authority and responsibility to direct the acquisition and management of all Los Angeles Department of Transportation (LADOT) public parking lots, which includes the proposed redevelopment of Lot No. 731. This report provides LADOT's evaluation of the proposed project and project alternatives, which is presented to the Board for the first time.

RECOMMENDATIONS

That the Board:

1. DO NOT AUTHORIZE the use of Lot No. 731 for the affordable housing project as proposed by the Venice Community Housing Corporation and Hollywood Community Housing Corporation in Attachment "B" with 120 affordable housing units plus 200 parking spaces spread over two parking structures within the housing development (23 spaces in the west structure, and 177 spaces in the east structure); and
2. RECOMMEND that the Los Angeles Housing Department (LAHD) determine the feasibility of relocating the proposed affordable housing project to Lot No. 701, including potential changes to the zoning and height limitations affecting Lot No. 701 to effectuate a maximum number of affordable housing units with no replacement parking required.

BACKGROUND

Lot No. 731 is a surface lot located at 200 N. Venice Boulevard, Venice in Council District (CD) 11 (see Attachment "A"). The parking lot is less than 1,000 feet from Venice Beach and in a predominantly residential area. Currently, the lot has a total of 177 public parking spaces consisting of 171 standard spaces, and 6 disabled spaces. The parking lot previously had 196 public spaces. The Venice Canal bifurcates the lot creating a west side and east side of the property. The lot is highly utilized from May to September, and has moderate to low usage from October to April. The parking lot is operated with an

attendant daily from 7am to 5-8pm depending on the season, and is closed from 11pm to 5am. Rates vary from \$4 to \$25 per day at the lot depending on the time, day, and season. Annual revenue generated from Lot No. 731 is approximately \$747,000.

In May 2016, City Council directed LADOT and the City Administrative Officer (CAO), with the assistance of the then Housing and Community Investment Department (now LAHD), to prepare an RFP to provide for an affordable housing project, along with replacement parking at Lot No. 731 (CF 15-1138-S9). In December 2016, City Council approved the selection of Venice Community Housing Corporation and Hollywood Community Housing Corporation (Developer) to create a full development plan for the project (CF 16-0600-S145). In June 2022, City Council authorized LAHD to execute a Disposition and Development Agreement for development of affordable housing at Lot No. 731 with the Developer based on the project design submitted at that time (CF 22-0496). The design reflected 136 housing units and 252 public parking spaces all located in a parking structure on the east side of the property surrounded by housing units. The Board was not presented with any information on the project at that time. Moreover, in the 8 ½ years since the City Council issued its directive, multiple modes of transportation not contemplated in 2016 have been introduced in the Venice Beach area, which the City could more effectively manage through the creation of a cohesive mobility hub on Lot No. 731.

Per Section 22.484(g)(2)(A)(7) of the LAAC, the Board has “the power, duty and responsibility of coordinating, directing, and managing all matters respecting the acquisition, and thereafter the management, of all public off-street parking places by the City.” Contrary to recent correspondence from Developer’s counsel, the LAAC exclusively empowers the Board to approve or deny the proposed project as part of its ongoing responsibility to manage Lot No. 731. The project as presented raises a number of issues related to beach access, maintenance, easements across the property, insurance, indemnification, financial obligations for resident (private) parking, and other details that must be negotiated and included in a parking management agreement and/or other agreements between the City and the Developer for the Board’s consideration and approval.

DISCUSSION

Based on feedback and/or requirements from City staff and the California Coastal Commission, the Developer has modified the design multiple times since a preliminary design was attached to the CAO’s report presented to City Council in June 2022. Due in large part to multiple lawsuits filed and recently resolved, the project has not been previously considered by this Board. According to the LAAC, the Board has the authority and responsibility to direct and manage the repurposing of all LADOT public parking lots, which includes the authority to determine the requirements for the proposed redevelopment of Lot No. 731. Below is LADOT’s evaluation of the project as currently proposed by the Developer, and alternatives considered by LADOT.

Current Proposed Project

Preliminary Design Observations

Included as Attachment “B” is the most current project design provided to LADOT by the Developer in October 2024.

1. Compared to the 2022 preliminary design referenced earlier, the latest design reduced the number of housing units from 136 to 120. The proposed public parking also decreased from 252 parking

spaces in the east parking structure to 200 parking spaces spread over two parking structures (23 in the west and 177 in the east) which exceeds the required replacement parking of 196 spaces.

2. Most patrons that use Lot No. 731 travel west directly to the beach and/or use the Ocean Front Walk. With most of the public parking proposed to be replaced on the east side of the property, patrons will have to walk roughly a few hundred feet further which may negatively impact the utilization and revenues of the parking structure, and reduces beach and Ocean Front Walk access.
3. Portions of the proposed east parking structure's exterior walls will be within a matter of inches from the walls of the surrounding housing units. The proposed plan is to build a new public parking structure, and then build the housing immediately adjacent to the exterior. Having these walls so closely co-located raises liability and cost concerns due to uncertainties during construction and complicates future maintenance and rehabilitation. Any delays during the construction of the parking structure may impact the overall development schedule and thereby increase construction costs of the adjoining housing development which could obligate the City to compensate the Developer. Given the close proximity of this facility to the ocean and noting the fact that Southern California experiences earthquakes periodically, should the exterior concrete parking structure walls require rehabilitation from salt and moisture corrosion and/or seismic activity, it is unclear how this will be addressed between the City and the Developer given the immediately adjacent walls of the housing development, as any associated costs will likely impact those adjacent dwelling units.
4. There are other design requirements that LADOT and the Developer have yet to successfully work through such as rollup gates to secure the facility after hours, parking office and storage rooms.

Cost Estimates

The project proposal includes the City paying for the cost of the proposed East Parking Structure including hard and soft costs. LADOT received a detailed estimate for the East Parking Structure from the Developer in 2021 with a total City cost of \$17,207,981 and Developer cost of \$2,284,882 for a total project cost of \$19,492,682. LADOT received an updated cost estimate as of November 2024 with a revised construction cost and same total project cost. The cost estimate includes the assumption that the City will pay all the costs for the East Parking Structure since the Developer will finance several public parking spaces in West Parking Structure. As of the drafting of this report, the cost estimates are still being vetted. The Developer claims that the total cost of the project remains roughly the same because of design revisions to remove mechanical lifts that were once proposed to be used in the structure. LADOT projected out the 2021 East Parking Structure City construction cost and the total City project costs (planning, design, construction, etc.) to the current year in the table below. Under the current proposal, the City is obligated to pay for the entire cost of replacement public parking in the East Parking Structure with a total project cost conservatively estimated by the City at roughly \$22 million, all of which is to be funded with general obligation bonds issued by the City's Municipal Improvement Corporation of Los Angeles (MICLA). \$11.6 million in MICLA financing was initially authorized by Council in the 2022-23 budget cycle, and that authorization expires if the funds are not expended within three years of authorization.

	Developer's 2021 City Construction Cost Estimate ¹	Developer's 2021 Total City Project Cost Estimate ²	Developer's 2024 City Construction Cost Estimate ¹	Developer's 2024 Total City Project Cost Estimate ²	City Projected 2024 City Construction Cost Estimate ³	City Projected 2024 Total City Project Cost Estimate ⁴
Proposed East Parking Structure	\$12,761,012	\$17,207,981	\$13,608,663	\$19,492,862	\$17,972,967	\$22,062,323

¹ Construction estimate based on hard costs and demolition.

² Total City project cost estimate based on construction estimate plus soft costs such as planning, design, permits, etc. and contingency costs.

³ Based on cost estimate provided by the developer in 2021 (\$12,761,012) and escalated to 2024 cost using the annual inflation rates from the California Construction Cost Index (13.4% from 2021 to 2022), and the City of Los Angeles Bureau of Engineering (BOE) (15% from 2022 to 2023 and 8% from 2023 to 2024).

⁴ Based on cost estimates provided by the developer in 2021 (total City project cost: \$17,207,981; City construction cost: \$12,761,012; removal of parking lift equipment: \$680,400) and escalated to 2024 cost using the construction estimate escalated to 2024 cost and the remaining soft costs escalated using BOE escalation rates (0% for 2021 to 2022, 4% for 2022 to 2023, and 4% for 2023-2024).

Project Parking Agreement Status

The Bureau of Engineering and the Developer have been working together to draft a parking agreement that clearly states the terms and conditions to allow the Developer to construct the public parking structure and to be reimbursed by the City with MICLA bond financing. Work remains to refine the scope of work as well as the milestones/payment schedule.

Project Alternatives

Below are the alternatives considered with LADOT's assessments of benefits and disadvantages.

1. Approve the affordable housing project on Lot No. 731 as proposed by the Developer. (*Not recommended*)

Pros:

- Quickest alternative for a mixed-use development with affordable housing.

Cons:

- Design and liability concerns by having a parking structure that has other structures immediately adjacent to it.
- Approximately \$20 million impact to General Fund for construction of a parking structure during the current fiscal crisis.
- Loss of parking revenue during construction and value of land transferred for free.
- Reduces beach access and potentially parking revenue with longer distance to walk to the beach and Ocean Front Walk.
- Will not allow for future development of the lot to include increasingly desirable additional mobility options (car share, bike share, micro-mobility, shuttle service, transit store, etc.).

2. Deny the use of Lot No. 731 for the affordable housing project as proposed by the Developer and keep the existing surface parking lot. (*Recommended*)

Pros:

- Eliminates design and liability concerns from a parking structure with residential structures immediately adjacent to it.
- Reduces the potential General Fund burden due to MICLA commitment by roughly \$20 million during the current fiscal crisis.
- City retains ownership and use of the Lot No. 731 property with no loss in land value and parking revenue due to construction.
- Allows for future development opportunity that may include additional capacity for increasingly desirable mobility options and improved beach access. Lot No. 731 is situated at a prime location with excellent connectivity to major transportation corridors, bike paths, and pedestrian-friendly streets. It offers a rare opportunity to integrate multiple modes of transportation into a cohesive mobility hub. Its size, accessibility, and proximity to transit lines make it ideal for implementing:
 1. **A Multi-Modal Transit Center:** With space to accommodate bus stops, a transit store, community shuttle service, car share, bike-sharing stations, micro-mobility, and ride-hailing pick-up zones, Lot No. 731 can become a central point for residents and visitors to navigate this part of the City seamlessly.
 2. **Electric Vehicle (EV) Charging Stations:** As Venice moves toward sustainable transportation solutions, dedicating Lot No. 731 to expanded EV infrastructure could encourage greener commuting options while serving the increasing demand for charging stations.
 3. **Expanded Bike Infrastructure:** The proximity of Lot No. 731 to Venice's existing bike paths makes it a natural fit for a secure bike storage and repair facility, further encouraging cycling as an eco-friendly commuting option.
 4. **Pedestrian-Friendly Enhancements:** With ample space to include shaded walkways, resting areas, and public art installations, Lot No. 731 can enhance the pedestrian experience and contribute to Venice's vibrant urban culture.

Cons:

- Eliminates mixed-use development with affordable housing on Lot No. 731, although option 4 below offers the opportunity for the placement of affordable housing on Lot No. 701.
 - Developer will likely seek reimbursement from the City for approximately \$3 million in predevelopment expenses incurred to date.
3. Approve an affordable housing project on Lot No. 731 with the required minimum number of 196 replacement parking spaces in a stand-alone parking structure on the west side of the property. *(Not recommended)*

Pros:

- Allows for a mixed-use development with affordable housing.
- Reduces design and liability concerns by having a parking structure that does not have other structures immediately adjacent to it.
- Provides parking spaces closer to where most of the patrons are walking, thereby resolving concerns regarding beach access.

Cons:

- Will result in redesign of the proposed project, triggering additional costs and delays.
- More than \$20 million impact to General Fund for redesign and construction of a parking structure.
- Loss of parking revenue during construction and value of land transferred for less than full market value.
- Will not allow for future development of the lot to include increasingly desirable additional mobility options.

4. Recommend that LAHD evaluate the feasibility of relocating the proposed affordable housing from Lot No. 731 to Lot No. 701 with no replacement parking required. (*Recommended*)

Lot No. 701 is located at 2150 Dell Ave in Venice, across the street and to the northeast from Lot No. 731 (see Attachment "A"). Lot No. 701 is a 150 space paid public parking lot in a residential area. The lot is primarily utilized during summer weekends and holidays, and has low usage during other times. On Fridays, there is a farmers' market on the parking lot that can be relocated, if needed. The lot is operated by an attendant, as needed, on summer weekends and holidays as an overflow parking lot to Lot No. 731, otherwise the lot remains closed to public. Rates vary from \$5 to \$25 per day at the lot depending on the time and day. Annual revenue generated from this parking lot is approximately \$114,000.

Pros:

- Allows for a thorough evaluation of the potential site.
- Allows for potential mixed-use development with affordable housing, possibly with a higher number of affordable housing units than the 120 proposed for Lot No. 731.
- Allows for future development opportunity on Lot No. 731 that may include increasingly desirable additional mobility options.
- No requirement to replace the parking spaces and thus no cost to General Fund for construction a parking structure during the current fiscal crisis. The parking spaces could be replaced in a future mobility hub project on Lot No. 731.
- An affordable housing project on Lot No. 701 instead of Lot No. 731 would reduce the loss of parking annual revenue by approximately \$633,000.
- Maintains existing public parking spaces closer to the beach and Ocean Front Walk.

Cons:

- Will result in a new affordable housing project requiring more time for design and entitlement.
- Loss of 150 public parking spaces, which would require California Coastal Commission approval.
- Loss of approximately \$114,000 in annual parking revenue and value of land likely transferred for less than full market value.

Evaluating the alternatives above, LADOT recommends denying the current project as proposed based on the disadvantages outlined in Option 2. Given the lack of affordable housing in the area that the current project would provide, LADOT recommends that the Board also consider Option 4 and recommend that LAHD evaluate Lot No. 701 to determine the suitability of the site for a new affordable housing development that will not require any replacement parking, which would be subject to California Coastal Commission approval. The recommendation to relocate the proposed development

of new affordable housing from Lot No. 731 to Lot No. 701 in Venice provides an opportunity to enhance both community resources and mobility options for the residents of Venice. While affordable housing is a critical need, the unique potential of Lot No. 731 to become a mobility hub makes it a more impactful site for long-term urban development, while still providing an opportunity for an affordable housing project on nearby Lot No. 701. The relocation recommendation in Option 4 represents a strategic and thoughtful choice for the community.

Should the Board select any other alternative that proposes the development of affordable housing on Lot No. 701 or Lot No. 731 where replacement public parking is required, the project will come back to the Board for approval of applicable parking management agreement(s).

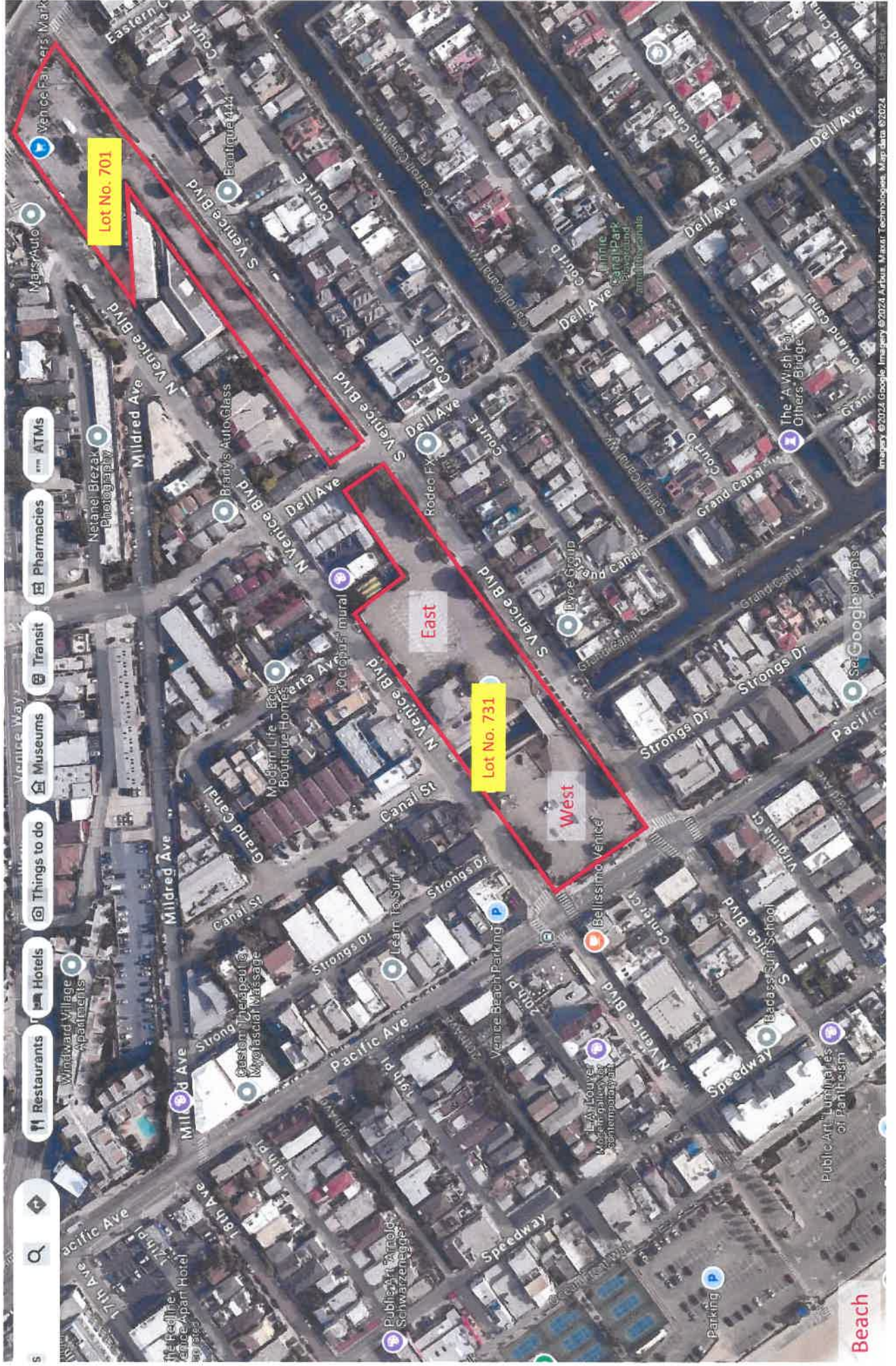
FISCAL IMPACT STATEMENT

Depending on the option selected, there are potentially significant impacts to the General Fund and/or Special Parking Revenue Fund (SPRF) during the City's current fiscal crisis. The design and construction of a parking structure to replace the existing public parking lot is estimated to be between \$19.5-\$22.1 million. Currently, the Developer proposes to have the City fund all amounts for the construction and maintenance of the new parking structure by issuing general obligation bonds from MICLA, which is a General Fund obligation of the City. LADOT public parking lot revenue generated from existing public parking lots is deposited into the SPRF. The estimated loss of annual parking revenue during construction of the project proposed by the Developer at Lot No. 731 is approximately \$747,000. The estimated loss of annual parking revenue at Lot No. 701 is approximately \$114,000 per year. In addition to the loss of annual revenue from operations, SPRF will lose the revenue that could be generated from the sale of the property and deposited into the SPRF, potentially estimated in the tens of millions of dollars if the Lot No. 731 property were to be sold for full market value.

LRC:JK:kh

Attachments

ATTACHMENT "A"



VENICE DELL COMMUNITY

ATTACHMENT "B"

VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90291

COASTAL COMMISSION

ABBREVIATIONS

ABV	ABOVE	JT	JOINT
AFF	ABOVE FINISH FLOOR	KIT	KITCHEN
A.G.L.	ADJ. GROUND LVL. PER LAMC SECT. 12.03	LDSC	LANDSCAPE
ADJ	ADJACENT	LAV	LAVATORY
ALUM	ALUMINUM	LOC	LOCATION
@	AT	MFR	MANUFACTURER
BM	BEAM	MAX	MAXIMUM
BTWN	BETWEEN	MECH	MECHANICAL
B.O.	BOTTOM OF	MTL	METAL
BLDG	BUILDING	MIN	MINIMUM
BUR	BUILT UP ROOF	(N)	NEW
CLNG	CEILING	N/A	NOT APPLICABLE
CL	CENTERLINE	N.I.C.	NOT IN CONTRACT
CLR	CLEAR	NO.	NUMBER
COL	COLUMN	O.C.	ON CENTER
CONC	CONCRETE	OPER	OPERABLE
CMU	CONCRETE MASONRY UNIT	OPP	OPPOSITE
CONST	CONSTRUCTION	O.A.E.	OR APPROVED EQUAL
CONTS	CONTRUCTIONS	OFICI	OWNER FURNISHED/ CONTRACTOR INSTALLED
CFCI	CONTRACTOR FURNISHED/ INSTALLED	PTD	PAINTED
CJ	CONTROL JOINT	PR	PAIR
D.G.	DECOMPOSED GRANITE	P.NL	PANEL
DIB	DESIGN/BUILD	P.O.T.	PATH OF TRAVEL
DET	DETAIL	P.LY	PLYWOOD
DIA	DIAMETER	P.I.C.	POURED-IN-PLACE CONCRETE
DIM	DIMENSION	PL	PROPERTY LINE
ACC	DISABLED ACCESS	RAD	RADIUS
DWH	DOMESTIC HOT WATER	RE	REFER TO
DR	DOOR	REF	REFRIGERATOR
DBL	DOUBLE	REQD	REQUIRED
DN	DOWN	RF	ROOF
DS	DOWNSPOUT	RFNG	ROOFING
DWGS	DRAWINGS	RM	ROOM
EA	EACH	R.O.	ROUGH OPENING
EVCS	ELEC. VEHICLE CHARGING STATION	SCHED	SCHEDULE
ELEC	ELECTRICAL	SCRN	SCREEN
EL	ELEVATION	SECT	SECTION
(ELEV.)		SHWR	SHOWER
EQ	EQUAL/ EQUAL TO	SIM	SIMILAR
EQMT	EQUIPMENT	S.C.	SOLID CORE
(E)	EXISTING	SPECS	SPECIFICATIONS
EXT	EXTERIOR	S.S.	STAINLESS STEEL
F.O.C.	FACE OF CONCRETE	SP	STAND PIPE
F.O.PL	FACE OF PLYWOOD	STL	STEEL
Y.		STOR	STORAGE
F.O.S.	FACE OF STUD	S.D.	STORM DRAIN
FIN	FINISH	STRUC	STRUCTURAL
FFL	FINISH FLOOR LEVEL	TL	TRUSS
FEC	FIRE EXTINGUISHER CABINET	STRUC	STRUCTURE
T		TEMP	TEMPERED
FR	FIRE HYDRANT	THK	THICK
FHR	FLAME SPREAD RATING	THRU	THROUGH
FLR	FLOOR	T.O.	TOP OF
FLRG	FLOORING	TYP	TYPICAL
FLOUR	FLOURESCENT	UNIFORM	UNIFORM FEDERAL ACCESSIBILITY STANDARDS
FRMO	FRAMING	UFAS	
GALV	GALVANIZED	U.N.O.	UNLESS NOTED OTHERWISE
GA	Gauge	UNRL	UNRUL
QED	GEOTECHNICAL	UNRL	UNRUL
GLAZ	GLAZING	VNR	VENEER
GYP.	GYP/SUM BOARD	VER	VERIFY
BD.		WIF	VERIFY IN FIELD
HT	HEIGHT	WD	WASHER/ DRYER
H.C.	HOLLOW CORE	W.P.	WATERPROOFING
H.M.	HOLLOW METAL	WINDW	WINDOW
HW	HOT WATER	W/	WITH
INSUL	INSULATION	W/O	WITHOUT
INT	INTERIOR	WD	WOOD
JAN	JANITOR		

PROJECT INFORMATION

PROJECT DESCRIPTION:
VENICE DELL COMMUNITY IS A 120-UNIT SUPPORTIVE AFFORDABLE HOUSING DEVELOPMENT ON CITY-OWNED LAND, ON THE PUBLIC PARKING LOT BETWEEN NORTH AND SOUTH VENICE, DELL AND PACIFIC IN THE VENICE NEIGHBORHOOD OF THE CITY OF LOS ANGELES.

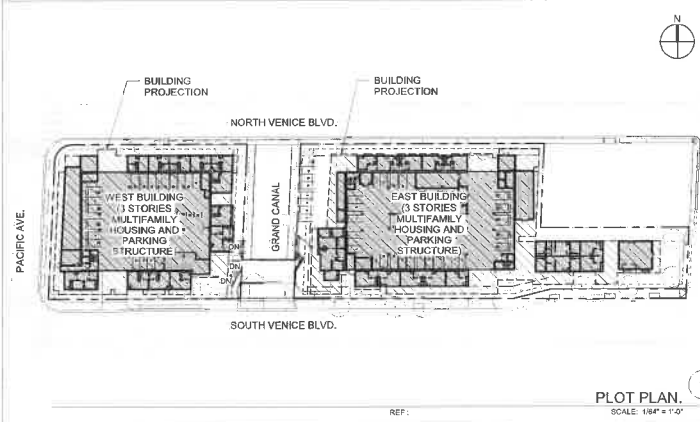
APPLICABLE CODES:

- 2004 VENICE COASTAL ZONE SPECIFIC PLAN
- 2018 LOS ANGELES BUILDING CODE
- 2018 LOS ANGELES MUNICIPAL CODE
- 2018 CALIFORNIA BUILDING CODE

FUNDING REQUIREMENTS:

- THE COUNTY'S MEASURE H DOLLARS FOR SERVICES FOR THE PSH UNITS
- LOS ANGELES HOUSING DEPARTMENT (LAHD) MANAGED PIPELINE
- PROJECT BASED SECTION 8 VOUCHERS FROM HACLA FOR 68 PSH UNITS
- LA COUNTY NO PLACE LIKE HOME FUNDS AND/OR GENERAL FUNDS (APPLICATION EXPECTED FALL 2024)
- FHLP AHP (APPLICATION EXPECTED SPRING 2025 OR 2026)
- AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES (AHS/C) PROGRAM (APPLICATION EXPECTED 2025)
- TCAC/ CDLAC (APPLICATION EXPECTED AUGUST 2025)

PLOT PLAN



ZONING INFORMATION

ZONING INFORMATION:
COMMUNITY PLAN AREA:
AREA OF PLANNING COMMISSION:
NEIGHBORHOOD COUNCIL:
COUNCIL DISTRICT:
LADBS DISTRICT OFFICE:
500-FOOT SCHOOL ZONE:
CURRENT ZONING:
CURRENT LAND USE:
PROPOSED ZONING:
PROPOSED LAND USE:
SPECIFIC PLAN AREA:

VENICE
WEST LOS ANGELES
VENICE
CD 11 - TRACI PARK
WEST LOS ANGELES
NO
OS-1VL
OPEN SPACE
C2-1L
NEIGHBORHOOD
COMMERCIAL
VENICE COASTAL ZONE
LOS ANGELES COASTAL
TRANSPORTATION CORRIDOR

ADDITIONAL ZONING INFORMATION:

- Z1-2462 TRANSIT PRIORITY AREA IN THE CITY OF LOS ANGELES
- Z1-2471 COASTAL ZONE
- Z1-2406 DIRECTOR'S INTERPRETATION OF THE VENICE SP FOR SMALL LOT SUBDIVISIONS

FLOOR TO AREA RATIO:
OPTION B, 1.15:1 (BASED ON BUILDABLE AREA)

LOT AREA:
GROSS PLOT AREA: 115,674 SF
NET LOT AREA: 97,060 SF (GROSS AREA EXCLUDING DEDICATION)
BUILDABLE AREA: 90,573 SF (NET AREA EXCLUDING SETBACK PER VENICE COASTAL ZONE SPECIFIC PLAN)

BUILDING HEIGHT:
MAXIMUM: 35 FEET
PROVIDED: 34 FEET (HEIGHT MEASURED PER PIZC 2002-008)
PROVIDED # OF STORIES: 3

SETBACKS:
REQUIRED FRONT: MIN. 5 FEET
REQUIRED SIDE: MIN. 5 FEET
REQUIRED CANAL: MIN. 10 FEET, 15 FEET AVG.

DWELLING UNIT:
ALLOWABLE # OF UNITS: 144 (115,674 SF AT 800 SF PER DWELLING UNIT, PER LAMC 12.14.C.3 AND 12.21.C.8)
PROVIDED # OF UNITS: 120

OPEN SPACE

OPEN SPACE SUMMARY

PROPOSED OPEN SPACE:
WEST BUILDING: 12,425 SF
EAST BUILDING: 0 SF

REQUIRED OPEN SPACE TABULATION:

UNIT TYPE	O.S. FACTOR	TOTAL COUNT	OPEN SPACE
STUDIO	100 ft ²	76	7,600 ft ²
→ LIVE-WORK		30	
1 BED	100 ft ²	29	2,900 ft ²
2 BED	125 ft ²	14	1,750 ft ²
3 BED	175 ft ²	1	175 ft ²
TOTAL		120	12,425 ft²

PROGRAM

UNIT MIX SUMMARY

UNIT TYPE	MIN	MAX	WEST COUNT	EAST COUNT	TOTAL COUNT
STUDIO	349 ft ²	462 ft ²	32	45	77
→ LIVE-WORK					(26)
1 BED	560 ft ²	811 ft ²	10	16	26
2 BED	754 ft ²	924 ft ²	6	10	16
3 BED	1,000 ft ²	2,000 ft ²	1	1	2
TOTAL			48	72	120

SPECIAL NEEDS UNITS

UNIT TYPE	SPECIAL NEEDS UNITS	NON-SPECIAL	SN UNIT DISTRIBUTION
STUDIO	42	35	67.30%
→ LIVE-WORK	0	(26)	
1 BED	15	11	21.20%
2 BED	11	5	11.50%
3 BED	0	1	
TOTAL	68	52	100%

PARKING SUMMARY

PROPOSED PARKING:
LADOT PARKING: 200
PRIVATE PARKING: 85 (includes BIP, Residential, and Commercial)
BOAT LAUNCH PARKING: 8
TOTAL PARKING: 293

REQUIRED PARKING:

PRIVATE - RESIDENTIAL	RATIO	UNITS	PARKING	SOURCE
MANAGER UNIT	0.5/unit	3	2	AB744
SN UNIT	0.5/unit	68	21	AB744
AFFORDABLE UNIT	0.5/unit	49	25	AB744
SUBTOTAL		120	48	

PRIVATE - COMMERCIAL	RATIO	AREA (SF)	PARKING
RETAIL		0	AB2097
SUBTOTAL			0

PRIVATE - BEACH IMPACT	RATIO	AREA (SF)	PARKING
COMMERCIAL	1/640sf	1735	3
RESIDENTIAL	1/1,000sf	16052	17
SUBTOTAL			20

TOTAL PRIVATE PARKING REQ. 68
TOTAL LADOT PARKING REQ. 196
TOTAL PARKING REQ. 264

BICYCLE SUMMARY

PROPOSED BICYCLE:
TOTAL LONG-TERM BIKE PARKING: 108
LONG-TERM BIKE PARKING - WEST BUILDING: 44
LONG-TERM BIKE PARKING - EAST BUILDING: 64
TOTAL SHORT-TERM BIKE PARKING: 14 (ON SITE)

REQUIRED BICYCLE PARKING TABULATION:

LONG-TERM	RATIO	WEST UNITS	EAST UNITS	TOT... BIKES
RESIDENTIAL	1/1 units (1-25)	25	25	50
	1/1.5 units (26-100)	23	16	47
	1/2 units (101-200)			0
	1/4 units (201+)			0

RETAIL	AREA	BIKES
RESTAURANT	1/2,000 sq.ft. (2 min.)	2
COMMERCIAL	1/10,000 sq.ft. (2 min.)	0
SUBTOTAL		43

SHORT-TERM	RATIO	WEST UNITS	EAST UNITS	TOT... BIKES
RESIDENTIAL	1/10 units (1-25)	25	3	6
	1/15 units (26-100)	23	2	49
	1/20 units (101-200)			0
	1/40 units (201+)			0

RETAIL	AREA	BIKES
RESTAURANT	1/2,000 sq.ft. (2 min.)	2
COMMERCIAL	1/10,000 sq.ft. (2 min.)	0
SUBTOTAL		7

VICINITY MAP



PARTICIPANTS

OWNER/CLIENT: VENICE COMMUNITY HOUSING
200 LINCOLN BLVD., VENICE, CA 90291
TEL: 464-268-5120
CONTACT: ALLISON RILEY

HOLLYWOOD COMMUNITY HOUSING
5020 SANTA MONICA BLVD., LOS ANGELES, CA 90029
TEL: 323-464-4211
CONTACT: VICTORIA SENNA

ARCHITECTS: BROOKS + SCARPA
3929 W 138TH ST., HAWTHORNE, CA 90250
TEL: 323-598-4700 EXT 703
CONTACT: CARLOS GARCIA

REVISION 1
CONSTRUCTION ISSUE
CONSTRUCTION DOCUMENTS
BID ISSUE
DESIGN DEVELOPMENT
PERMIT SET
SCHEMATIC DESIGN
PLAN CHECK SUBMITTAL
ENTITLEMENT SET

YYYY-MM-DD
YYYY-MM-DD
YYYY-MM-DD
YYYY-MM-DD
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YYYY-MM-DD

VENICE DELL COMMUNITY

VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90291
PROJECT NUMBER: 24007.0



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SHEET INDEX

SHEET INDEX	
VV	SHEET TITLE
X0.00	COVER SHEET
X0.01	PROJECT INFORMATION
X0.02	3D VIEWS
X0.03	EXISTING SITE PHOTOS
X0.04	SURVEY
X0.05	SURVEY
X0.06	EXISTING SITE PLAN
X1.00	PLOT PLAN
X1.01	EASEMENT PLAN
X1.02	CIRCULATION DIAGRAM
X3.10	1ST FLOOR PLAN - WEST BUILDING
X3.11	2ND & 3RD FLOOR PLAN - WEST BUILDING
X3.12	ROOF PLAN - WEST BUILDING
X3.20	1ST FLOOR PLAN - EAST BUILDING
X3.21	2ND FLOOR PLAN - EAST BUILDING
X3.22	3RD FLOOR PLAN - EAST BUILDING
X3.23	ROOF PLAN - EAST BUILDING
X4.01	ELEVATIONS
X5.01	SITE SECTIONS
X9.10	LANDSCAPE PLAN - WEST BUILDING
X9.20	LANDSCAPE PLAN - EAST BUILDING

BUILDING & SAFETY

APPLICABLE CODES

SYMBOLS

	GRID		Room name ROOM NAME ROOM NUMBER ROOM AREA
	ELEVATION MARKER		DOOR NUMBER
	ELEVATION SIGNAGE		WINDOW NUMBER
	SECTION MARKER		SMOKE DETECTOR**
	WALL TYPE		FIRE EXTINGUISHER CABINET
	INTERIOR ELEVATION MARKER		CEILING MOUNTED EXIT SIGNAGE
	DETAIL MARKER		WALL MOUNTED EXIT SIGNAGE
	NORTH ARROW (PLAN NORTH)		CEILING MOUNTED MOTION SENSOR
	REVISION DELTA		WALL MOUNTED MOTION SENSOR
	PROPERTY LINE		SECURITY CAMERA
	KEYNOTE MARKER		SECURITY GATED INTERCOM
	FLOOR CLEARANCES SHOWN DOTTED		CENTERLINE

* PROVIDE PORTABLE FIRE EXTINGUISHERS PER 2022 CBC SECT. 906, RATED 2A,10B-C AT A MIN. OF 75' APART. FIRE EXTINGUISHERS SHALL BE RECESSED UNLESS NOTED OTHERWISE
** COMBO SMOKE/CARBON MONOXIDE DETECTOR PER 2022 CBC 420.6.

PLAN LEGEND

	(SEE PLANS & DETAILS FOR VARIOUS WALL TYPES) NEW CONCRETE WALL PER STRUCTURAL
	NEW MASONRY WALL, PAINT PER SPECS. SEE PLANS & DETAILS FOR VARIOUS WALL TYPES
	NEW STUD WALL, PAINT PER SPECS. SEE PLANS & DETAILS FOR VARIOUS WALL TYPES
	NEW 1-HR RATED STUD WALL AT CORRIDOR AND UNIT SEPARATION, PAINT PER SPECS. SEE PLANS & DETAILS FOR VARIOUS WALL TYPES
	NEW 1-HR RATED OCCUPANCY SEPARATION WALL, PAINT PER SPECS. SEE PLANS & DETAILS FOR VARIOUS WALL TYPES
	NEW 1-HR RATED STUD WALL AT SHAFT, PAINT PER SPECS. SEE PLANS & DETAILS FOR VARIOUS WALL TYPES
	(N) SCORED CONC. SLAB / PAVING
	(N) LANDSCAPE / PLANTING AREA

DEFERRED SUBMITTALS

VENICE DELL COMMUNITY

VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90291
PROJECT NUMBER: 24007.0



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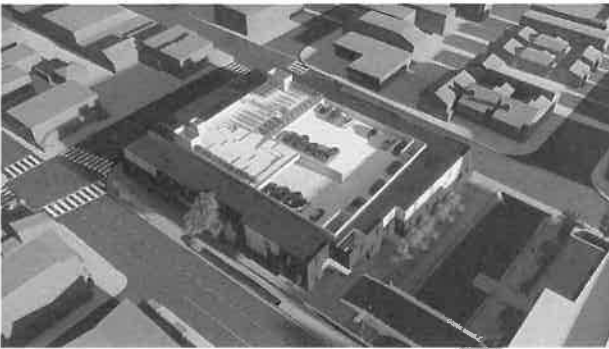
PERSPECTIVE LOOKING EAST ALONG SOUTH VENICE BLVD.



PERSPECTIVE LOOKING WEST ALONG SOUTH VENICE BLVD.



PERSPECTIVE LOOKING AT CANAL ST FROM NORTH VENICE BLVD.



AREAL VIEW - WEST BUILDING

VENICE DELL COMMUNITY

VENICE BLVD. / DELL AVE.
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VENICE CANAL EAST WALKWAY
LOOKING FROM N. VENICE BLVD S. VENICE BLVD



VENICE CANAL EAST WALKWAY
LOOKING FROM WEST WALKWAY TOWARD S. VENICE BLVD



VENICE CANAL EAST WALKWAY
LOOKING TOWARD N. VENICE BLVD



VENICE CANAL WALKWAY
LOOKING TOWARD S. VENICE BLVD



VENICE CANAL WEST WALKWAY
LOOKING FROM N. VENICE BLVD. TOWARD S. VENICE BLVD



VENICE CANAL WALKWAY
LOOKING TOWARD S. VENICE BLVD



VENICE CANAL BOAT LAUNCH RAMP



VENICE CANAL GATE UNDER BRIDGE

VENICE DELL COMMUNITY

VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90291
PROJECT NUMBER: 24007.0



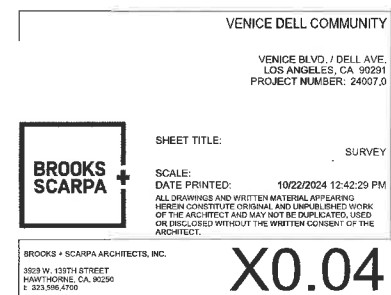
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* A-C 18429

- CLASS, GROUPING

- STREET AND BUILDING SEARCH DATA SHOWN BELOW HAVE BEEN OBTAINED FROM THE CITY OF LOS ANGELES

- [illegible]

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- [illegible]

LOTS 1-7, 36-42 IN BLOCK 9, LOTS 1- 12 IN BLOCK 12, VACATED PORTION OF ALBERTA AVE, LOTS 1, 7-12 IN BLOCK 14,
SHORT LINE BEACH SUBDIVISION NO 1 AS PER MAP FILED IN BOOK 2, PAGE 59, OF MAPS
CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BUYER: PREPARED FOR HOLYWOOD COMMUNITY HOUSING CORPORATION 8020 SANTA MONICA BL. LOS ANGELES 40 0000		2001 HOLLYWOOD GROUP 211 211 211 211 211	
PROJECT ADDRESS: VENICE BLVD NORTH TO THE NORTH, PACIFIC AVENUE TO THE WEST, LOS ANGELES, CALIFORNIA		#/A 1/1	END FILE 1/1
		DATE JUL 25 2001	JOB NO 1/1
		SHEET NO. 1	OF 2 SHEETS

VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90291
PROJECT NUMBER: 24007.0

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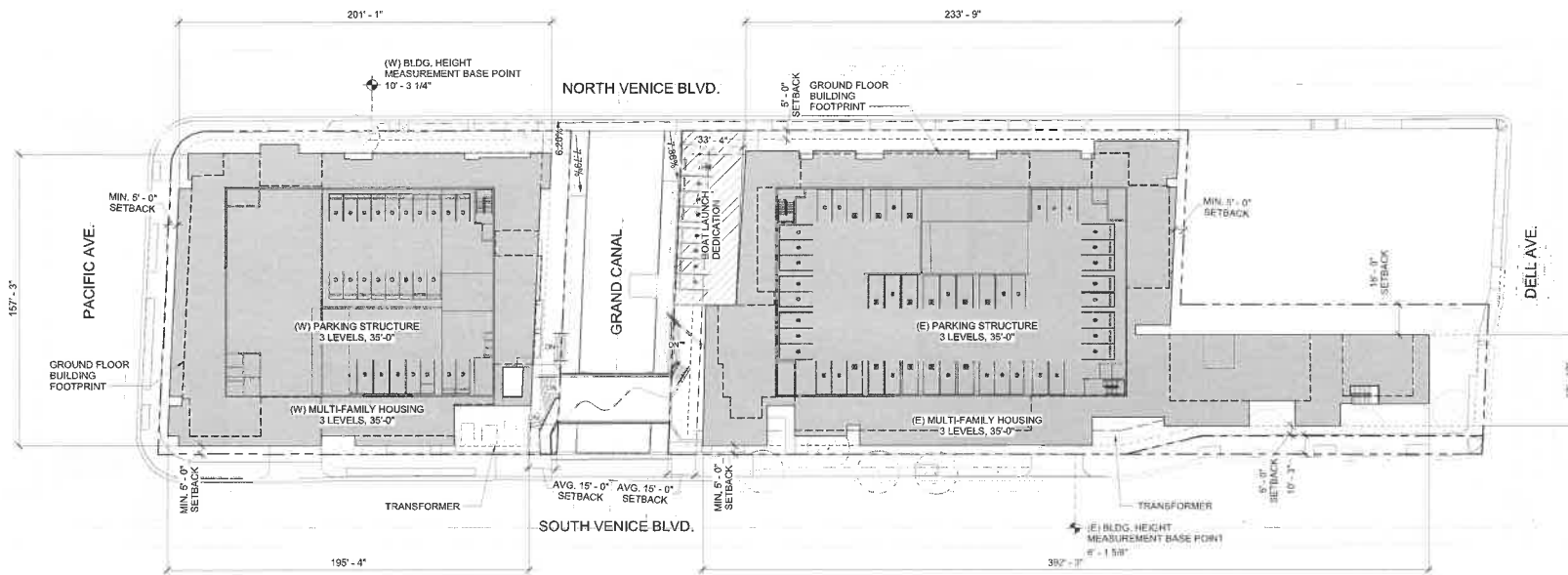
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X0.06



PRESENTATION PLOT PLAN

SCALE: 1" = 30'-0"

VENICE DELL COMMUNITY

VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90291
PROJECT NUMBER: 24007.0

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SHEET TITLE:

PLOT PLAN

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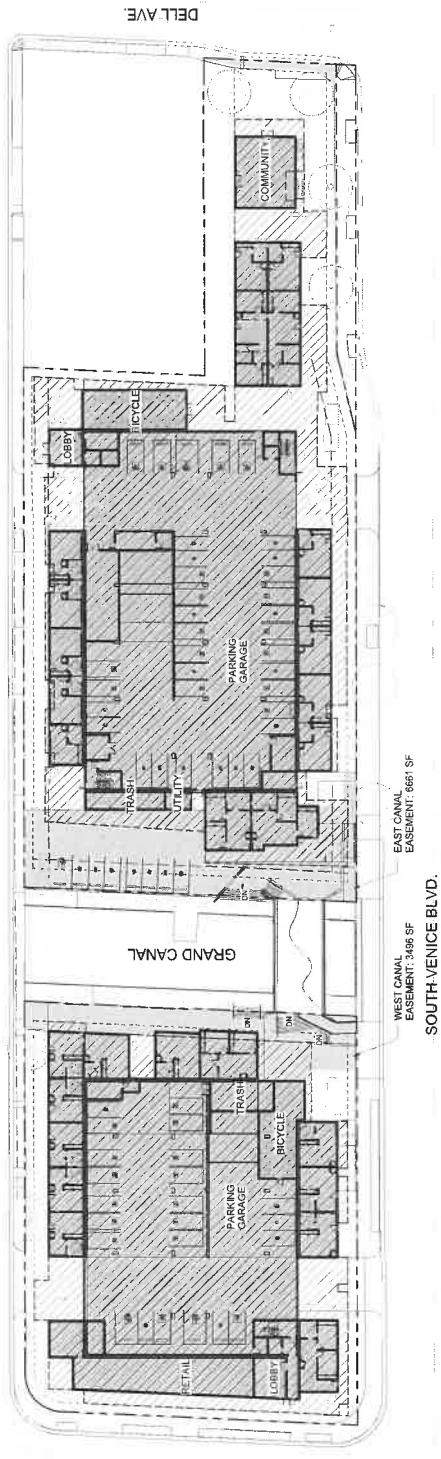
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X1.00

VENICE DELI COMMUNITY
VENICE BLVD. / DELL AVE
LOS ANGELES, CA 90021
PROJECT NUMBER: 24007.0

NORTH VENICE BLVD.



EAST CANAL
EASEMENT: 8661 SF

WEST CANAL
EASEMENT: 3499 SF

SOUTH VENICE BLVD.

PACIFIC AVE.

DELL AVE

SIDEWALK ACCESS EASEMENT - DELL AVE.
PEDESTRIAN ACCESS EASEMENT - VENICE GRAND CANAL

PRESENTATION EASEMENT PLAN
SCALE: 1" = 30'-0"

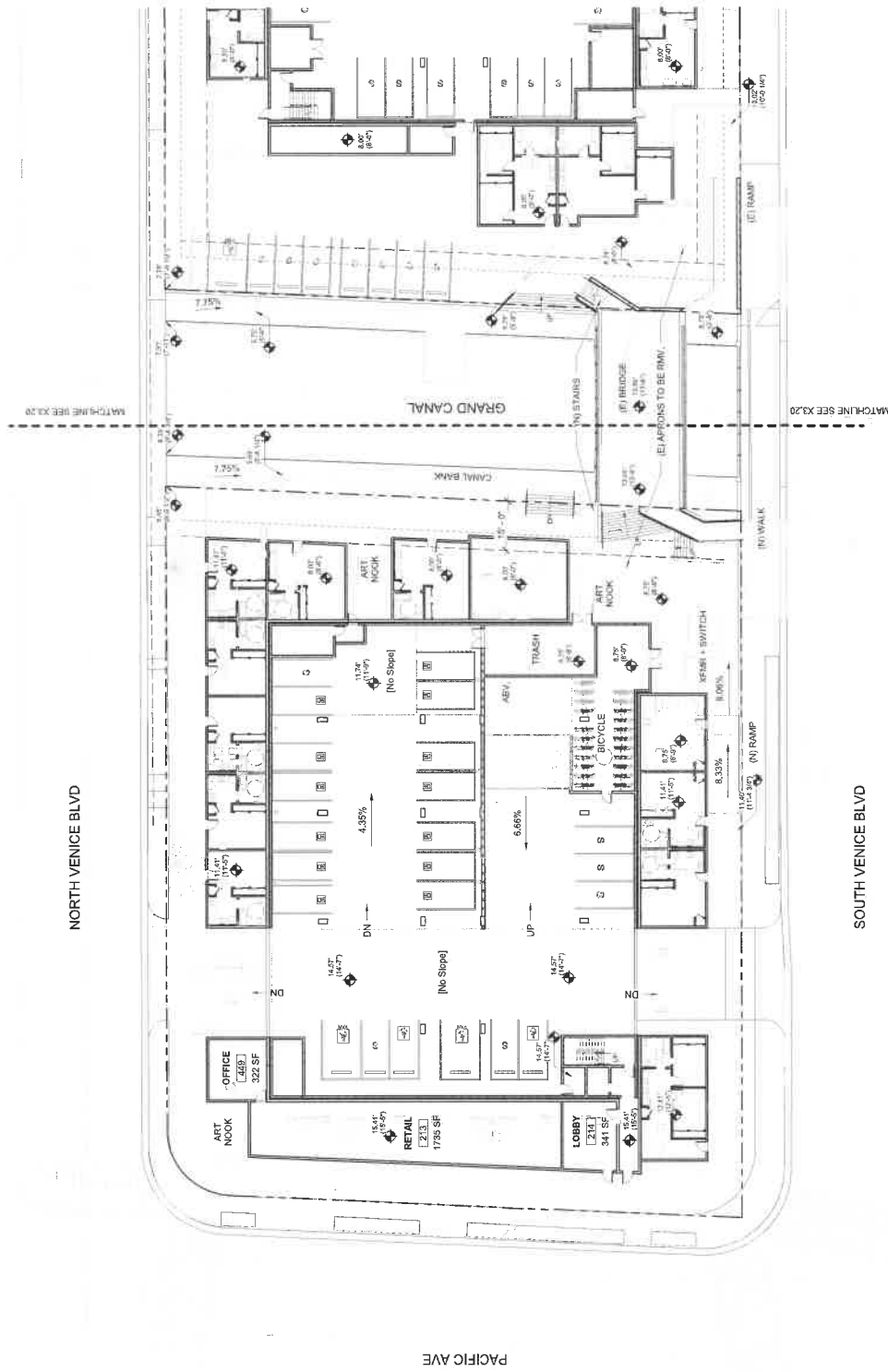
VENICE DELI COMMUNITY
VENICE BLVD. / DELL AVE
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PROJECT NUMBER: 24007.0



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X1.01



1
PRESENTATION GROUND FLOOR W

SCALE: 1/8" = 1'-0"
VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90291
PROJECT NUMBER: 24077.3

REF:

VENICE DELL COMMUNITY

**BROOKS +
SCARPA**

SHEET TITLE:

1ST FLOOR PLAN - WEST

DELL COMMUNITY

SCALE:

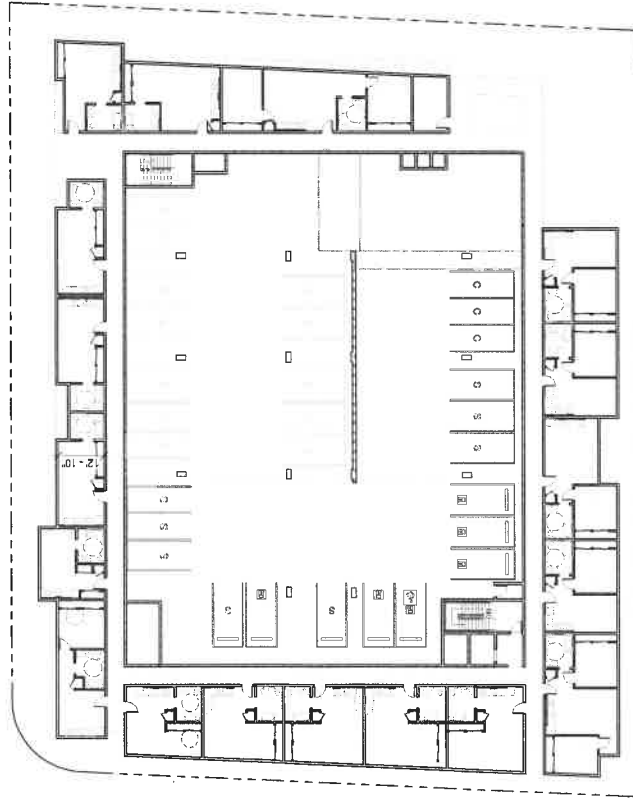
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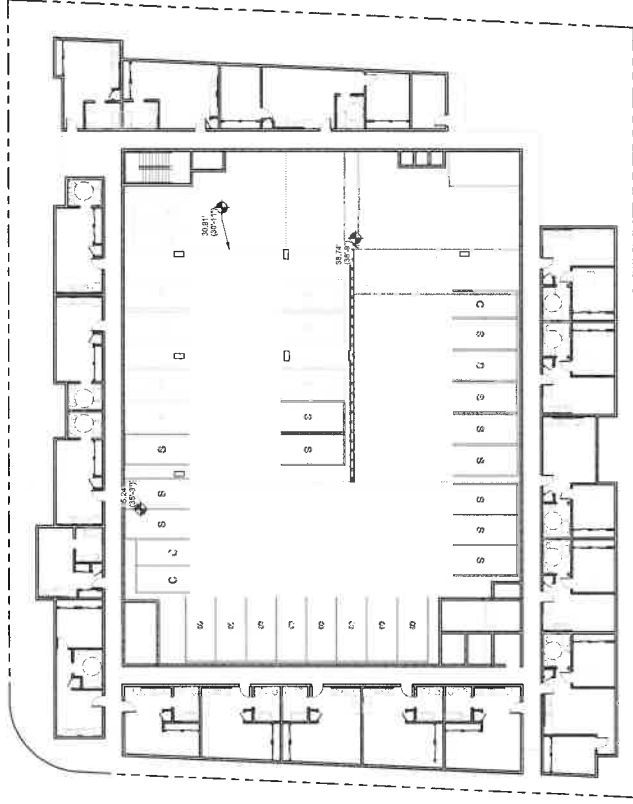
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X3.10



1
PRESENTATION 2ND FLOOR W
SCALE: 1/8" = 1'-0"



2
PRESENTATION 3RD FLOOR W
SCALE: 1/8" = 1'-0"

VENICE DELL COMMUNITY
WEST BUILDING
VENICE BLVD. / DELL AVE
LOS ANGELES, CA 90031
PROJECT NUMBER: 24007.0



SHEET TITLE: 2ND & 3RD FLOOR PLAN -
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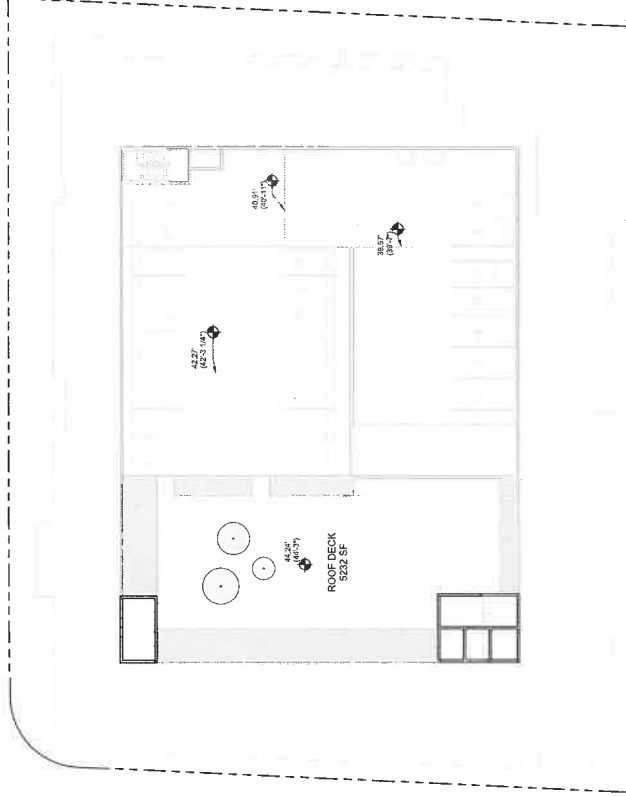
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WEST HAVEN, CA 90745
P: 310.358.6700

X3.11

NORTH VENICE BLVD

PACIFIC AVE

SOUTH VENICE BLVD



MATCHLINE SEE X3.22

GRAND CANAL

MATCHLINE SEE X3.22

PRESENTATION ROOF W

REF:

SCALE: 1/16" = 1'-0"

VENICE DELL COMMUNITY
VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90091
PROJECT NUMBER: 240073



SHEET TITLE: ROOF PLAN - WEST BUILDING
SCALE: 1/16" = 1'-0"
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VENICE DELL COMMUNITY ARCHITECTS, INC.
ARCHITECT
VENICE DELL COMMUNITY ARCHITECTS, INC.
3529 N. 158TH STREET
HAWAII, MOLOKAI, CA 92020
TEL: 360.666.6666

X3.12

SOUTH VENICE BLVD

PRESENTATION GROUND FLOOR E

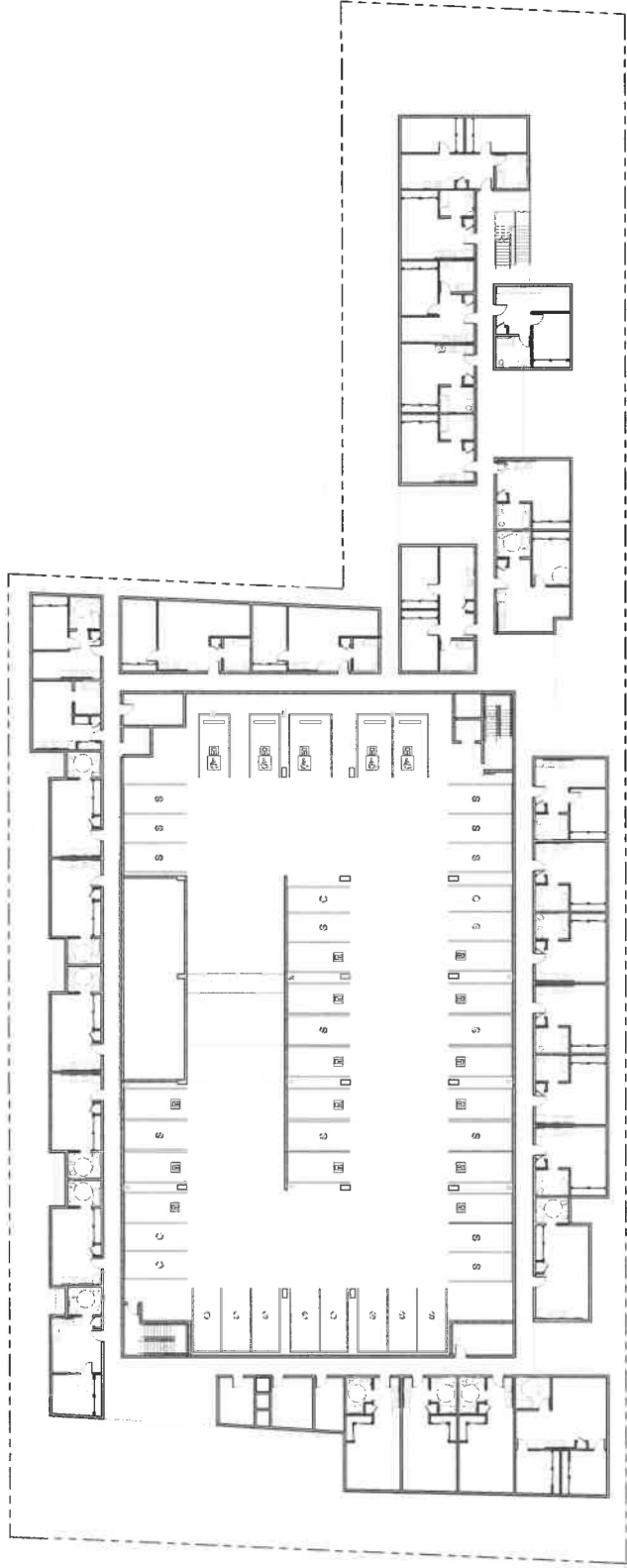
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t 323.596.4700

X3.20



1
PRESENTATION 2ND FLOOR E
SCALE: 1/8" = 1'-0"

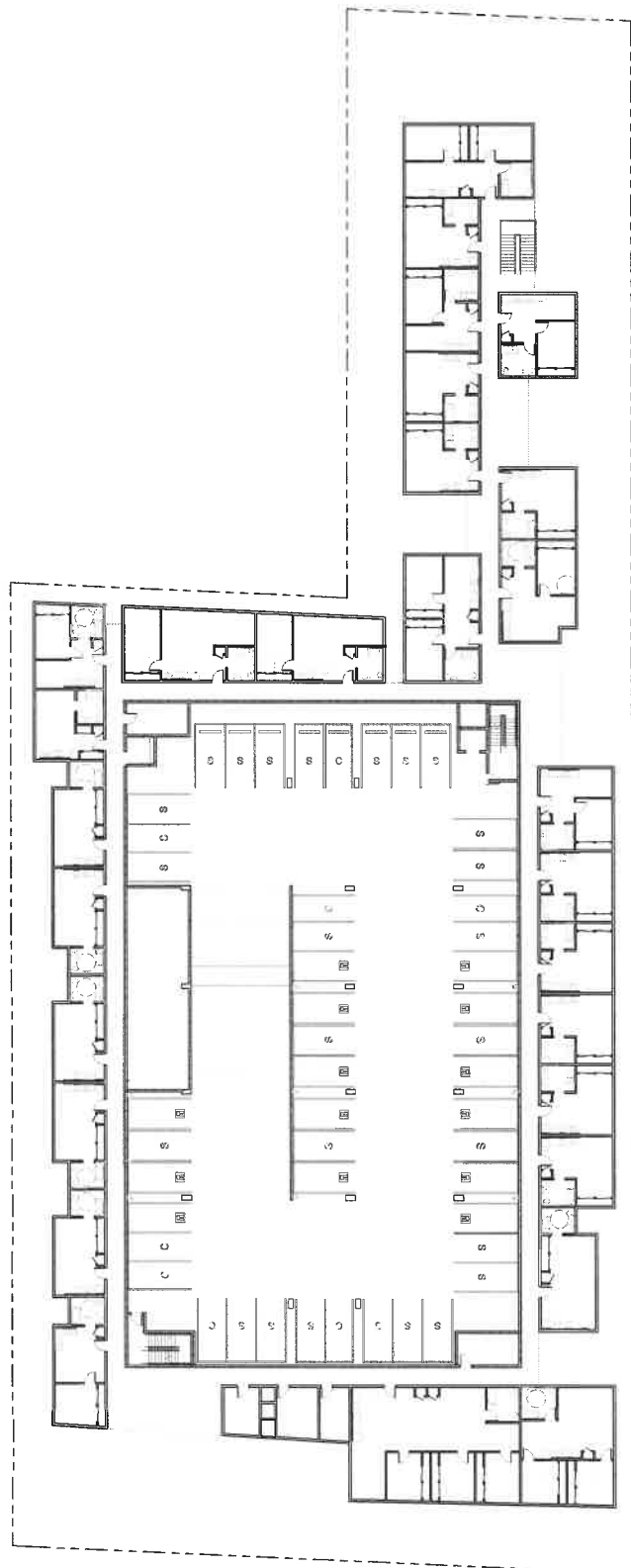
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VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90057
PROJECT NUMBER: 240712



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1/8" = 1'-0"

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3839 W. 138TH STREET
PO BOX 10000
LOS ANGELES, CA 90024

X3.21



PRESENTATION 3RD FLOOR E (2)
SCALE: 1/8" = 1'-0"

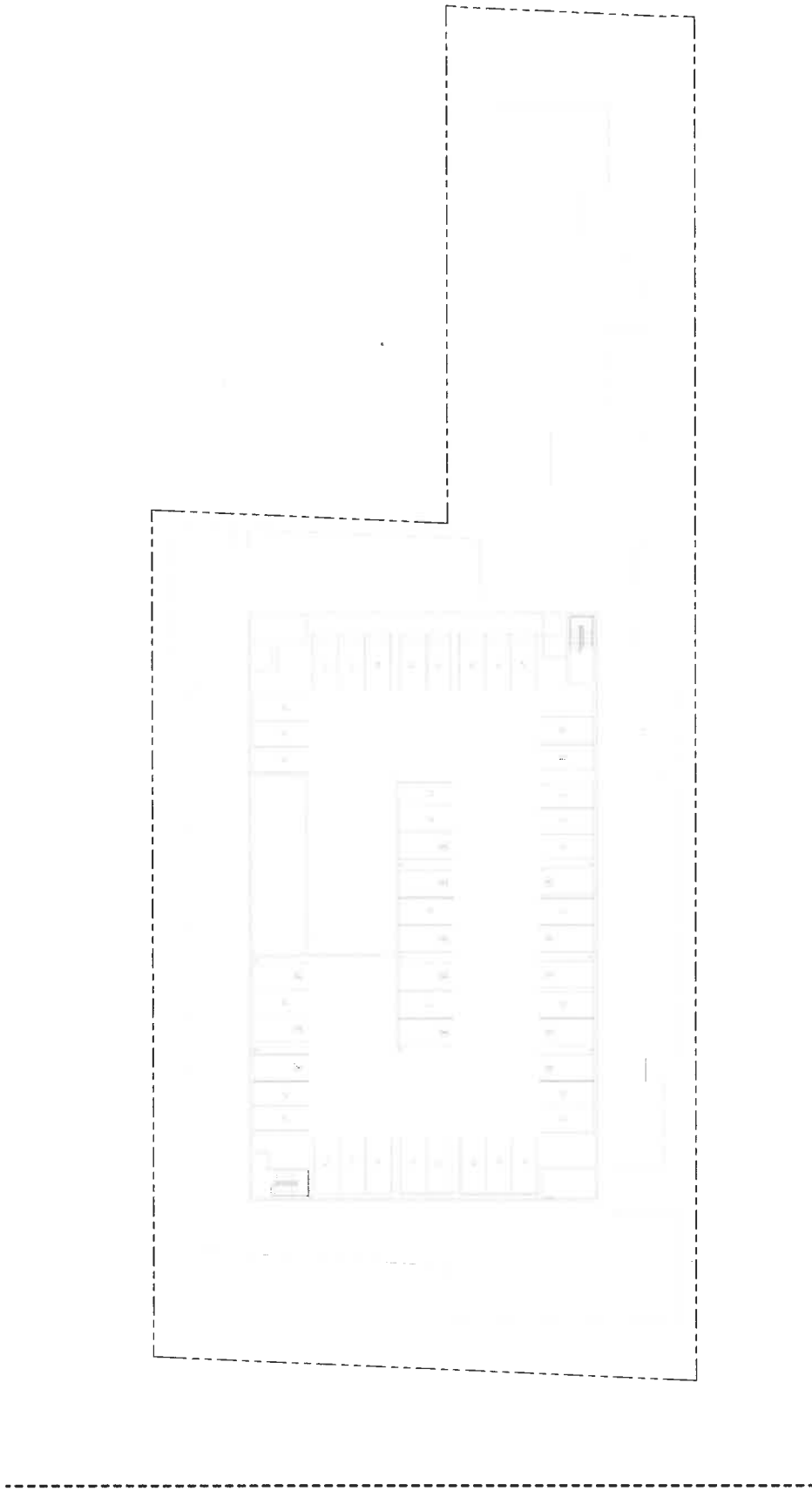
VENICE DELL COMMUNITY
VENICE BLVD. / DELL AVE
LOS ANGELES, CA 90021
PROJECT NUMBER: 24007.0



SHEET TITLE: 3RD FLOOR PLAN - EAST
BUILDING: VENICE DELL COMMUNITY
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X3.22



PRESENTATION ROOF E 2

SCALE: 1/8" = 1'-0"

VENICE DELL COMMUNITY
VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90091
PROJECT NUMBER: 240713



SHEET TITLE:
ROOF PLAN - EAST BUILDING
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1/8" = 1'-0"

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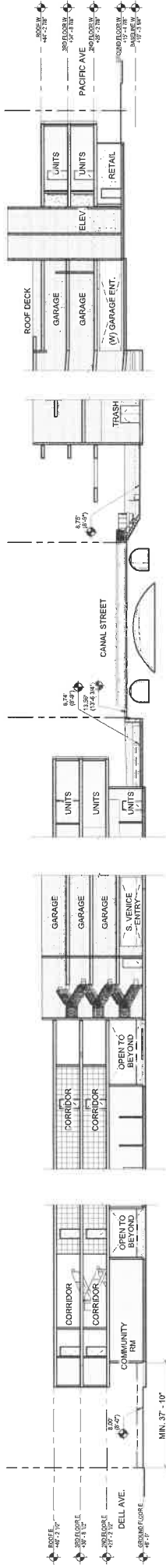
X3.23



X4.01
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EAST BUILDING

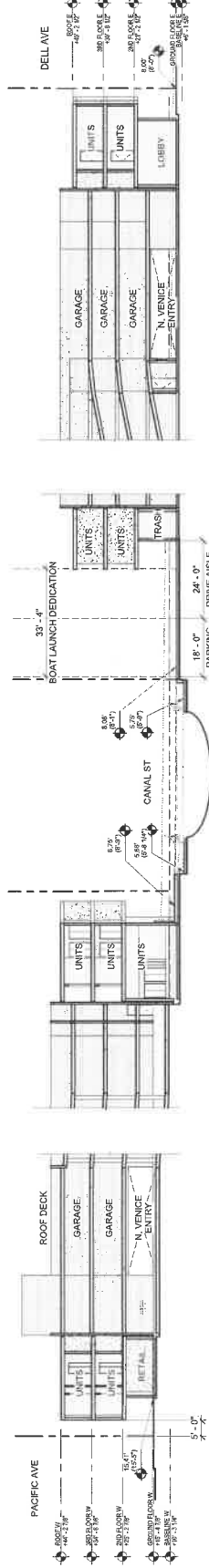
WEST BUILDING



1
LONGITUDINAL SITE SECTION, FACING SOUTH
REF: SCALE: 1/16" = 1'-0"

WEST BUILDING

EAST BUILDING



2
LONGITUDINAL SITE SECTION, FACING NORTH
REF: SCALE: 1/16" = 1'-0"

VENICE DELL COMMUNITY
VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90056
PROJECT NUMBER: 2007.0



SHEET TITLE:
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SHEET NUMBER: 1
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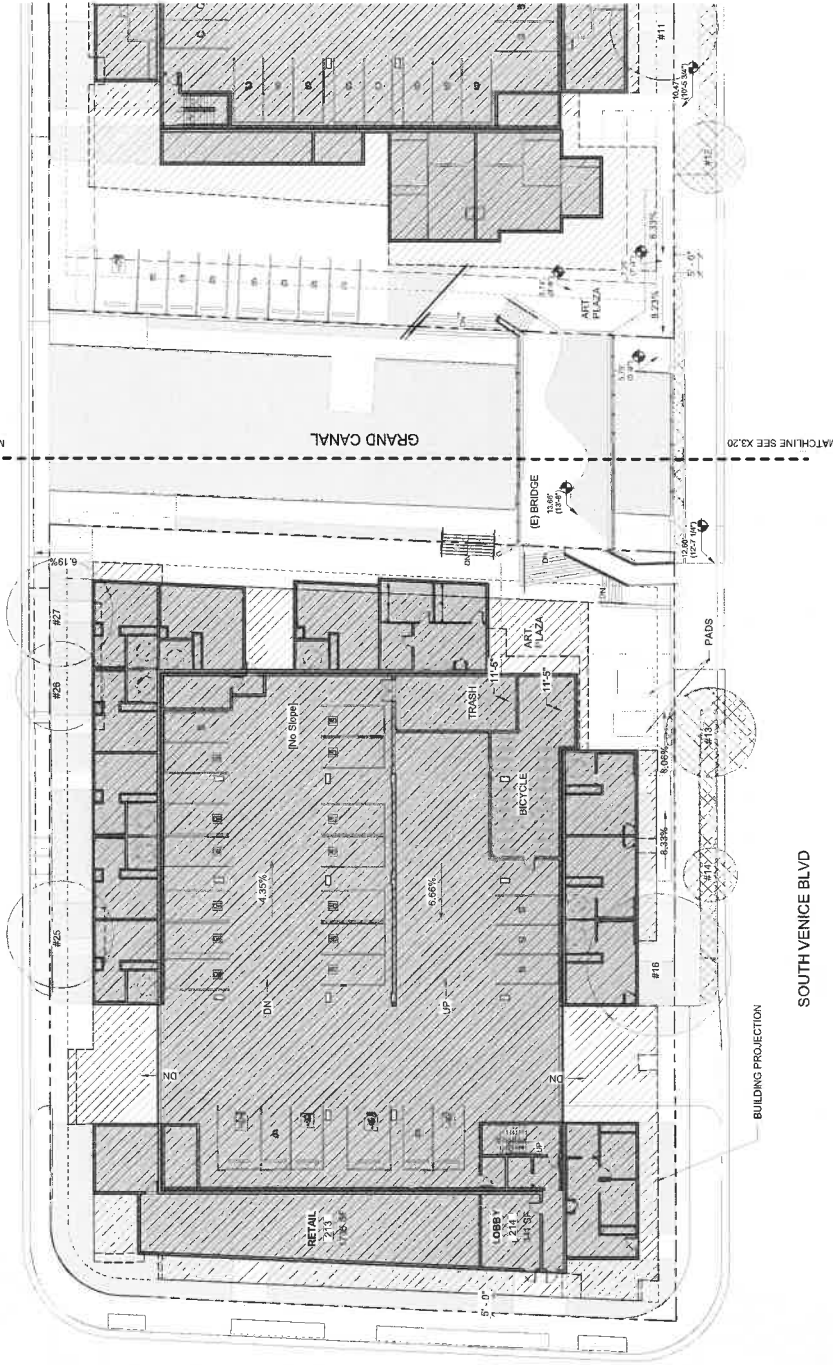
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X5.01

NORTH VENICE BLVD

PACIFIC AVE

SOUTH VENICE BLVD



PRESENTATION LANDSCAPE W 1

VENICE DELL COMMUNITY
VENICE BLVD / DELL AVE
LOS ANGELES, CA 90021
PROJECT NUMBER: 24027.0



SHEET TITLE: LANDSCAPE PLAN - WEST
SCALE: 1/8" = 1'-0"
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X9.10

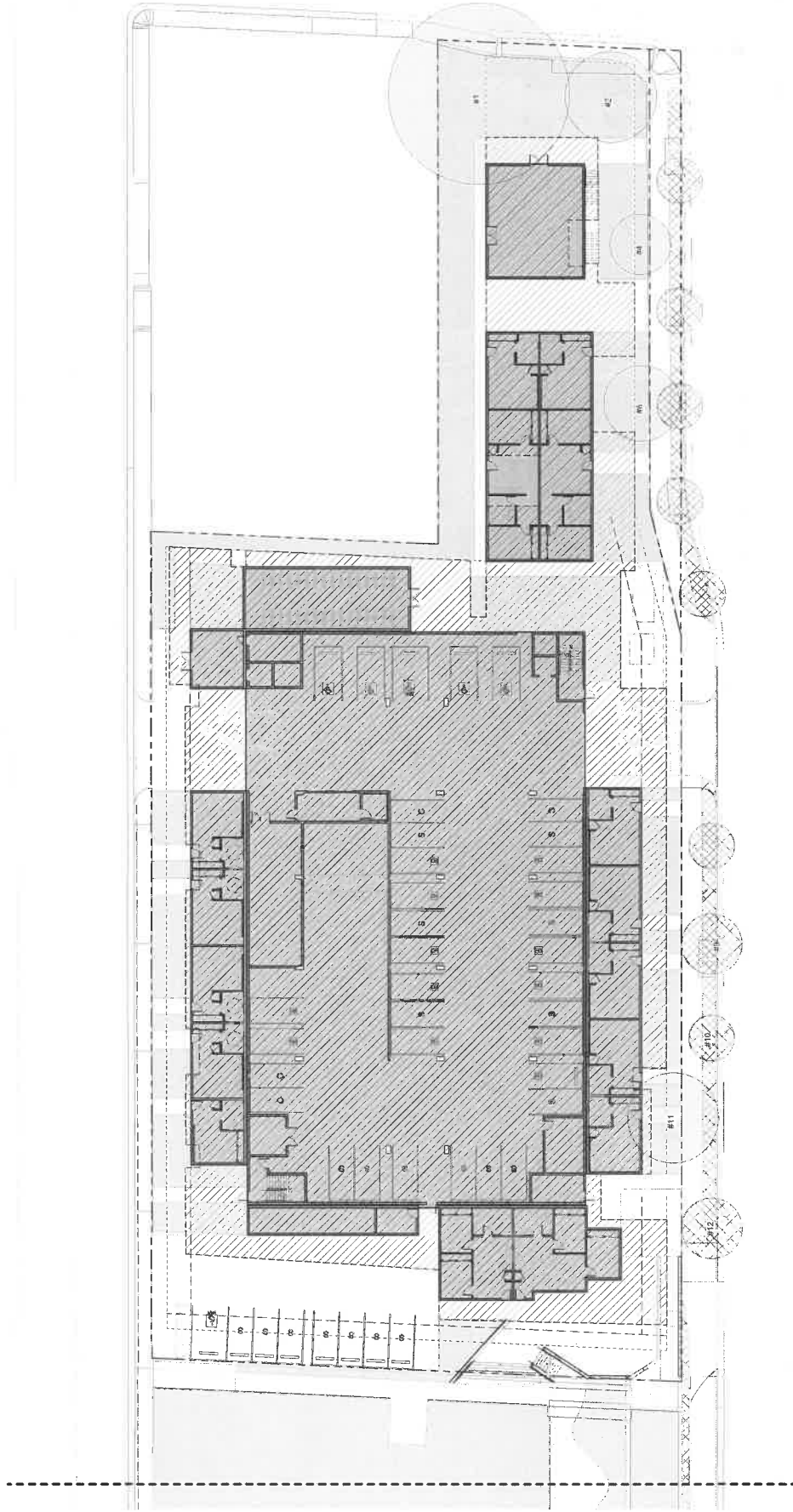
LANDSCAPE AREA
POTENTIAL LANDSCAPE AREA
(E) STREET LANDSCAPE AREA

TREE LEGEND

- (E) SITE TREES TO REMAIN
- (E) STREET TREES TO REMAIN

NOTE: TREE # PER
10/21/18 TREE REPORT PREPARED FOR HCHC

PERMEABLE AREA
88,740 SF
MAX. LANDSCAPE AREA
16,645 SF
TARGET PERMEABLE AREA
12,513 SF



PRESENTATION LANDSCAPE E 1
SCALE: 1/8" = 1'-0"

VENICE DELL COMMUNITY
VENICE BLVD. / DELL AVE.
LOS ANGELES, CA 90091
PROJECT NUMBER: 240073



SHEET TITLE: LANDSCAPE PLAN - EAST
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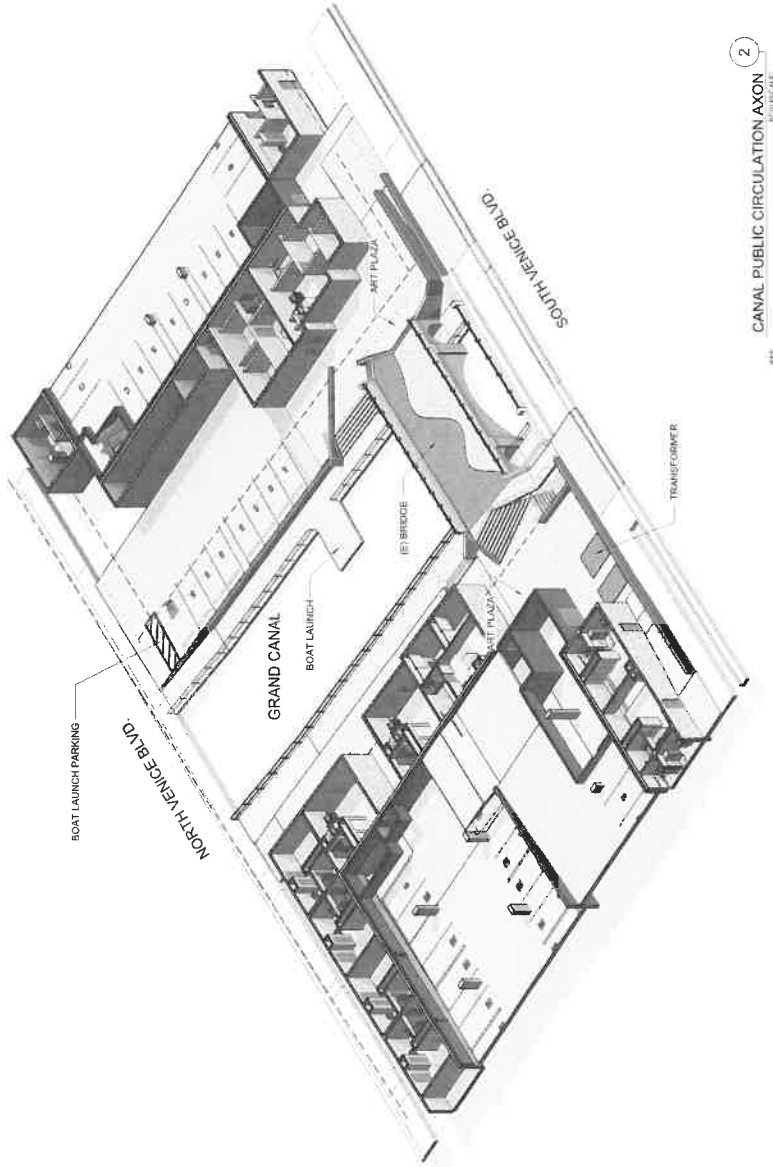
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P: 310.316.4700

LANDSCAPE AREA
POTENTIAL LANDSCAPE AREA
(E) STREET LANDSCAPE AREA

TREE LEGEND
(E) SITE TREES TO REMAIN
(E) STREET TREES TO REMAIN

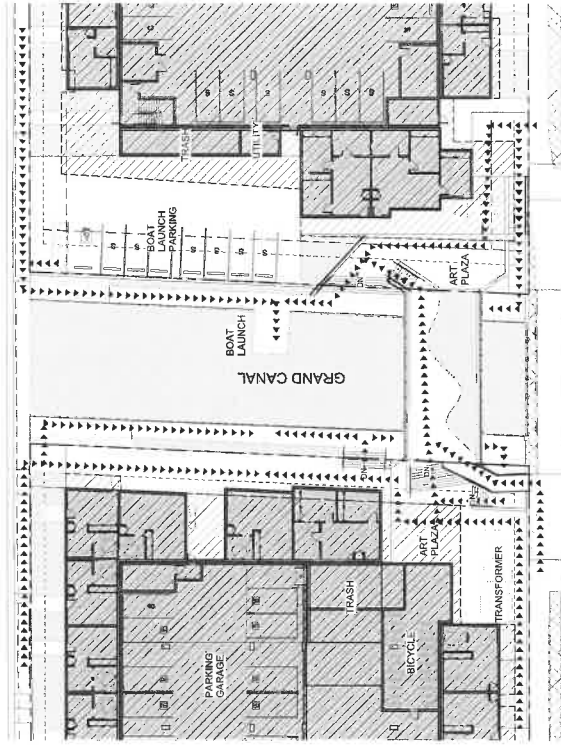
NOTE: TREE # PER
10/21/18 TREE REPORT PREPARED FOR HCHC
PERMEABLE AREA
SITE AREA: 96,740 SF
MAX LANDSCAPE AREA: 16,845 SF
TARGET PERMEABLE AREA: 12,633 SF

X9.20



2
CANAL PUBLIC CIRCULATION AXON
SCALE: 1" = 20'-0"

NORTH VENICE BLVD.



SOUTH VENICE BLVD.

1
CANAL PUBLIC CIRCULATION SITE PLAN
SCALE: 1" = 20'-0"

VENICE DEL COMMUNITY

VENICE BLVD / DEL AVE
LOS ANGELES, CA 90091
PROJECT NUMBER: 24007.0

SHEET TITLE:

**BROOKS
+
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CIRCULATION DIAGRAM

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X1.02

Exhibit 5

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Boston	New York
Brussels	Orange County
Century City	Paris
Chicago	Riyadh
Dubai	San Diego
Düsseldorf	San Francisco
Frankfurt	Seoul
Hamburg	Silicon Valley
Hong Kong	Singapore
Houston	Tel Aviv
London	Tokyo
Los Angeles	Washington, D.C.
Madrid	

December 9, 2024

VIA EMAIL

Board of Transportation Commissioners
City of Los Angeles
Los Angeles City Hall
200 N. Spring St.
Los Angeles, CA 90012

December 10, 2024 Special Meeting
Agenda Item No. 3

Re: Venice Dell Community Project – Response to LADOT Staff Report

Dear President Liban and Honorable Commissioners:

On behalf of our pro bono clients, the Venice Community Housing Corporation and the Hollywood Community Housing Corporation, (collectively, “the Affordable Housing Developers”) we write to urge the Board of Transportation Commissioners (the “Board”) to refrain from taking action on the Venice Dell Community project (the “Project”) at the Board’s December 10, 2024, special meeting. As an initial matter, the Board has not provided proper notice for this special meeting as required under the Brown Act. The California Government Code requires that the agenda state “all business to be transacted or discussed.” (Cal. Gov. Code, § 54956(b)). The Board’s agenda merely states as an action item: “Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing,” but does not explain the action to be taken by the Board. Given this description, the Board has no authority under the Brown Act to *vote* on whether to authorize the Project, as it does not identify any such vote as “business to be transacted.” (See *Moreno v. City of King* (2005) 127 Cal.App.4th 17 [holding that a special meeting agenda that merely stated “Public Employee (employment contract)” without indicating that the employee’s dismissal would be considered was insufficient notice of the item of business to be transacted or discussed].) The Board must cure or correct this violation consistent with Brown Act requirements before it can take any action.

We also respond to the Los Angeles Department of Transportation’s (“LADOT”) Board Report on the Project. We strongly disagree with the recommendations and contentions made in the Board Report, discussed in detail in **Attachment A** to this letter.

The Project is a vital supportive housing development that creates needed affordable housing units and increases public parking supply in a coastal community. The Los Angeles City Council unanimously approved the Project’s entitlements on December 1, 2021. The City

and Affordable Housing Developers successfully defended these approvals in court. Moreover, Affordable Housing Developers have worked collaboratively with LADOT on the Project's public parking design since the inception of the Project. In fact, as recently as October of this year, LADOT expressed support for the current parking garage design. As such, we are perplexed why the Board Report recommends that the Board reject this Project that already has been approved by the City Council; advances the City's efforts to combat the housing crisis; and guarantees more public parking than is currently provide on Lot 731 (and more parking than the alternative proposed in the Board Report). Included as **Attachment B** is the December 9, 2024, Los Angeles Times editorial: It's past time for city officials to let Venice Dell homeless housing move ahead.

The Board has no approval authority over the Project, rendering any action at the special meeting null and void. Under Los Angeles Administrative Code ("Admin. Code") Section 22.484(g)(2)(A)(4), "the [Board] is authorized to conduct hearings on all matters within the purview of [LADOT] ***and to advise the General Manager as to its findings and recommendations.***" (Admin. Code, § 22.484(g)(2)(A)(4) [emphasis added].) As such, the Board's only role in the Project is to make non-binding recommendations to the LADOT General Manager on the operational and management aspects of the Project's public parking component. The Board Report itself acknowledges that no public parking agreement discussing such operational and management aspects has been drafted, much less presented to the Board. (Board Report, p. 4.) In fact, no parking agreement with the City has been negotiated, and the City approval process for any agreement related to the Project's public parking component is expected until late 2025.

The Board Report incorrectly asserts that the Board "has the authority and responsibility to direct and manage the repurposing of all LADOT public parking lots," citing Admin. Code Section 22.484(g)(2)(A)(7). (Board Report, p. 2.) The Board's authority pertains to "***the acquisition, and thereafter the management***" of off-street parking places. (Admin. Code, § 22.484(g)(2)(A)(7) [emphasis added].) The Superior Court determined that the Board has no authority under Section 22.484(g)(2)(A)(7) as it relates to the Project because "[t]here is no acquisition at issue in this case." Further, the City, in its sworn testimony before the Superior Court, attested that "the Project (or some agreement related to the Project's parking component) will be put before the [Board] prior to seeking approval for the ground lease." At this time, no agreements regarding operation and maintenance of the Project's public parking are pending at the City and no City approval processes for such documents are expected until 2025. Therefore, for the Board to act on the Project at this special meeting would be premature, inconsistent with the timeline laid out by the City during litigation, and beyond the Board's legal power and authority.

The Board Report further recommends that the Board exceed its authority by recommending the Board take action to recommend that the Los Angeles Housing Department ("LAHD") determine the feasibility of relocating the Project to Lot 701. The Board is a commission reporting to the General Manager of LADOT, not LAHD, and it has no authority to advise LAHD. Indeed, the Los Angeles County Superior Court held that the "disposition of the City's real property, including parking places, intended to be for affordable housing development

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purposes is delegated to [LAHD].” (*Coalition for Safe Coastal Development v. City of Los Angeles*, p. 19.) The City Council has not delegated its power to the Board concerning the conveyance of an interest in City-owned property or the transfer of jurisdiction of City-owned property between City departments. Nothing in the Admin. Code grants the initial or ultimate decision-making authority to the Board to dispose, or transfer jurisdiction, of City-owned parking lots, regardless of whether they are operated by LADOT.

Even if the Board had such authority – which it does not – the City undertook an extensive review process, discussed in detail in Attachment A, to identify underutilized City properties suitable for redevelopment as affordable housing. During this process, the City identified Lot 731, not Lot 701. Not only is this recommendation outside the Board’s authority, it is antithetical to the City’s goals for providing public beach parking for the Board Report to state that the Board is tasked with “management of off-street parking places” while recommending a project alternative that would provide zero replacement public parking spaces on an existing public parking lot.

We respectfully request that the Board take no action regarding the Project at the December 10, 2024 special meeting. We look forward to coming to the Board with agreements related to the Project’s parking operation and management at the appropriate time. In the meantime, any action by the Board on the Project – including the recommendations in the Board Report – is outside the Board’s scope of authority and cannot be binding.

Very truly yours,



Duncan Joseph Moore
of LATHAM & WATKINS LLP

cc: Becky Dennison, Venice Community Housing Corporation
Sarah Letts, Hollywood Community Housing Corporation
Laura Rubio-Cornejo, General Manager, Los Angeles Department of Transportation
Jay Kim, Assistant General Manager, Los Angeles Department of Transportation
Ken Husting, Los Angeles Department of Transportation
Michelle Cayton, Los Angeles Department of Transportation
Hydee Feldstein Soto, City Attorney, Los Angeles City Attorney’s Office
John Heath, Los Angeles City Attorney’s Office
Michael Nagle, Los Angeles City Attorney’s Office
Kevin Dufner, Los Angeles City Attorney’s Office

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Yolanda Chavez, Los Angeles City Attorney's Office
Kevin Keller, Interim Deputy Mayor of Housing, Office of Mayor Karen Bass
Councilmember Traci Park, City Council, Council District 11
Star Parsamyan, Chief of Staff, Council District 11 Councilmember Traci Park
Arsen Voskerchyan, Los Angeles Bureau of Engineering
Tricia Keane, Executive Officer, Los Angeles Housing Department
Eric Claros, Director of Housing, Los Angeles Housing Department
Lisa Webber, Deputy Director of Planning, Los Angeles City Planning
Juliet Oh, Senior City Planner, Los Angeles City Planning
Beth Gordie, Latham & Watkins LLP
Benjamin Hanelin, Latham & Watkins LLP

ATTACHMENT A

ATTACHMENT A

RESPONSE TO BOARD REPORT

I. THE BOARD LACKS ANY AUTHORITY TO TAKE ACTION WITH REGARD TO THE PROJECT

- The Board Report asserts that the Board of Transportation Commissioners (the “Board”) has “express authority and responsibility . . . to approve or deny the proposed [P]roject as part of its ongoing responsibility to manage Lot No. 731” under City of Los Angeles Administrative Code (“Admin. Code”) Section 22.484(g)(2)(A)(7). (Board Report, pp. 1-2.)
 - The Board Report is incorrect. The Board does **not** possess any general authority to approve or disapprove the Project. Admin Code Section 22.484(g)(2)(A)(7) establishes the boundaries of the Board’s approval authority, which is narrowly limited to “coordinating, directing and managing all matters respecting the **acquisition**, and thereafter **the management**, of all public off-street parking places by the City.” (Admin. Code, § 22.484(g)(2)(A)(7) [emphasis added].)
 - **The Board has no authority because the Project does not involve the acquisition of public off-street parking spaces.** As the City itself has repeatedly acknowledged, *“there is no ‘acquisition’ at issue, as the Project site is presently owned by the City.”* (Coalition for Safe Coastal Development, et al. v. City of Los Angeles, et al. (Case No. 22STCP03359); City and Real Parties in Interest’s Brief in Opposition to Petitioners’ Opening Trial Brief (“City Brief”), p. 16 [emphasis added].)

The Los Angeles County Superior Court agreed with the City, holding that the City’s approval of the Disposition and Development Agreement (“DDA”) with Hollywood Community Housing Corporation and Venice Community Housing Corporation (collectively, the “Affordable Housing Developers”) was **not subject to the Board’s review or approval**. In fact, the Court held that “the City is correct that section 22.484(g)(A)(7) only delegates the acquisition and management of the City’s public off-street parking places to the Transportation Commission. The disposition of the City’s real property, including parking places, intended to be for affordable housing development purposes is delegated to [the Los Angeles Housing Department (LAHD)] by section 22.606.1.” (Coalition for Safe Coastal Development, supra (Case No. 22STCP03359), Judgment on Writ of Mandate, p. 16.)

- Moreover, no parking management components of the Project have been prepared or submitted for the Board’s review. As the City has acknowledged, “the City and [Affordable Housing Developers] have not yet negotiated an agreement

regarding the ownership, construction, and operation of the public parking portion of the Project, and thus ***no Transportation Commission consideration, much less approval, is required at this time.***” (City Brief, pp. 16-17 [emphasis added].) To the contrary, “the Project (or some agreement related to the Project’s parking component) will be put before the [Board] prior to seeking approval for the ground lease.” (City Brief, p. 17.) Because no such agreement has been negotiated between the City and the Affordable Housing Developers, the Board has nothing before it to review and consider. As such, the Board has no authority to consider the Project at this time – much less to “deny” the Project as recommended in the Board Report.

II. THE BOARD LACKS AUTHORITY TO ACT UPON THE “RECOMMENDATIONS,” WHICH CONFLICT WITH PRIOR CITY ACTIONS

- The Board Report recommends that the Board (1) not authorize the use of Lot 731 for the Project; and (2) recommend that LAHD “determine the feasibility of relocating the [Project] to Lot No. 701 to effectuate a maximum number of affordable housing units with no replacement parking required.” (Board Report, p. 1.)
 - First and foremost, the Board Report’s recommendations would conflict with the City’s prior Project approvals and undermine the City’s efforts to combat the housing crisis plaguing the City. The Board Report acknowledges that its recommendation would “***eliminate***” the opportunity to develop ***117 critical affordable housing units*** on the Project site. (Board Report, p. 7 [emphasis added].) Blocking the development of these units (which the Board lacks the authority to do) would exacerbate the housing crisis in the City.
 - In an effort to combat the housing crisis, the City ***specifically identified Lot 731 – not Lot 701*** – as an underutilized site appropriate for an affordable housing project. (See Miguel A. Santana, City Administrative Officer, *Report from Office of the City Administrative Office, Request for Authority for Various Actions Related to the Evaluation, Disposition, and Development of Affordable Housing Opportunity Sites* (May 31, 2016) (“Request for Authority”), p. 3.¹)
 - The City subsequently sought proposals to develop an affordable housing project on Lot 731. (See City Administrative Office (CAO), *City of Los Angeles Request for Qualifications/Proposals for the Affordable Housing Opportunity Sites* (“RFQ/P”) (Jul. 25, 2016), p. 37.²)

¹ Available at: https://clkrep.lacity.org/online/docs/2016/16-0600-S145_rpt_CAO_06-03-2016.pdf.

² Available at: <https://cao.lacity.org/ahosrfq.pdf>.

- After evaluating and scoring proposals in response to the RFQ/P, LAHD recommended the selection of the Affordable Housing Developers to construct the Project on the Lot 731 site.
 - The City Council approved entitlements to develop the Project on Lot 731, and these approvals were upheld in litigation. (See *Coalition for Safe Coastal Development, supra* (Case No. 22STCP03359).)
 - California Coastal Commission (“Commission”) staff recently reconsidered – and again rejected – the same Lot 701 alternative identified in the Board Report because there was no “guarantee that additional parking will be developed at Lot 731 in the future,” and it would “result in **drastically fewer affordable housing units and increased cost.**” (Commission Staff Report, CDP Appeal No. A-5-VEN-22-0042 and CDP App. No. 5-22-0588 (Nov. 27, 2024) (“CDP Staff Report”), pp. 72-73 [emphasis added].)
- Moreover, relocation of the Project to Lot 701 is contrary to City and statewide goals, as the Board Report’s recommended actions would decrease both public parking and affordable housing as compared to the Project. By the Board Report’s own estimates, this recommendation would result in the “**loss of 150 public parking spaces**” – with “no replacement parking required.” (Board Report, p. 6 [emphasis added].) It is perplexing that LADOT or the Board would be interested in recommending an action that would eliminate public parking, given their roles in ensuring availability of public parking for those in the City. The loss of parking spaces would also directly conflict with the City’s goals for the redevelopment of the Project site, which required replacement parking at a 1:1 ratio. (See City Administrative Office (CAO), *City of Los Angeles Request for Qualifications/Proposals for the Affordable Housing Opportunity Sites* (“RFQ/P”) (Jul. 25, 2016), p. 37.³) A project without replacement parking also would be impossible, as it would directly conflict with Coastal Act policies requiring that public access to the Coastal Zone be protected. (See, *e.g.*, Pub. Resources Code, §§ 30210-30214.)
- Finally, the Board has no authority to make recommendations to LAHD. Admin. Code Section 22.484(g)(2)(A)(4) allows the Board “to advise **the [LADOT] General Manager** as to its findings and recommendations.” (Emphasis added.) The Board Report has not asserted or cited any support for the claim that this narrow advisory power extends to other government bodies such as LAHD. As such, the Board lacks authority to take action on either of the Board Report’s recommendations.

³ Available at: <https://cao.lacity.org/ahosrfq.pdf>.

III. THE BOARD REPORT'S ANALYSIS IS FLAWED AND INACCURATE

- The Board Report states that Lot 731 is “highly utilized from May to September, and has moderate to low usage from October to April.” (Board Report, p. 1.)
 - The Board Report’s characterization is contradicted by evidence in the record. The City determined that Lot 731 was an underutilized site that would be appropriate for affordable housing. (See Request for Authority, p. 3) A parking demand study commissioned by the City further confirmed that Lot 731 operates at **less than 25% capacity** a majority of the time. (See Tierra West Advisors, Inc., *Venice Parking Study* (June 2020), pp. 14-19.)
- The Board Report states that Lot 731’s “[r]ates vary from \$4 to \$25 per day at the lot depending on the time, day, and season.” (Board Report, p. 2.)
 - The Board Report fails to address the fact that the City’s rates for Lot 731 do not comply with the City’s existing Coastal Development Permit (“CDP”) for public parking lots in Venice. The CDP imposes a limit of \$11 per day per vehicle in Lot 731; however, ample evidence demonstrates that Lot 731 has charged daily rates well in excess of this cap, up to \$50 per day – \$39 more than the authorized rate. (See CDP Staff Report, p. 111 [citing CDP No. 5-01-028⁴].) These rates serve as a deterrent to public access to the coast. Commission staff confirmed that the City’s parking rates continue to exceed the rates approved in the City’s CDP, despite the Commission bringing this issue to the attention of the City on numerous occasions. (See *ibid.*)
 - In accordance with proposed Special Condition 2 of the Project’s CDPs, the Affordable Housing Developers will be required to submit a Parking Management Plan for approval by the Commission that incorporates the parking rates established by CDP No. 5-01-028, limiting public parking to the authorized rate. (See *id.*, p. 41.)
- The Board Report states that the Project’s parking structures will provide a combined total of 200 public parking spaces, with 23 spaces in the west structure and 177 in the east structure. (See Board Report, pp. 2-3.)
 - The Board Report is incorrect. The Project will provide 223 total public parking spaces – representing an increase of 27 public parking spaces relative to existing conditions – with 46 public parking spaces in the West parking structure and 177 public parking spaces in the East parking structure.

⁴ Available at: <https://documents.coastal.ca.gov/reports/2001/10/M8d-10-2001.pdf>.

- The Board Report asserts that locating residential units in proximity to public parking areas “raises liability and cost concerns” and “complicates future maintenance and rehabilitation.” (Board Report, p. 3.)
 - The Board Report cites no authority or evidence to support this claim. To the contrary, the City’s own policies **recommend** that parking areas be buffered by “wrapping the parking with active uses such as office and/or residential spaces” – just as the Project proposes. (See City Planning Department, “Advisory Notice Relative to Above-Grade Parking” (Oct. 24, 2019) p. 3.) Above-ground public parking has been successfully incorporated into other private developments (including similar projects constructed on City-owned property) in other neighborhoods in the City, such as the Hollywood Arts Collective apartment project at 1630 N. Schrader Boulevard, which was developed on a City parking lot in Hollywood. There, the City executed the exact same types of agreements (ground lease and reciprocal easement agreement) that will be utilized for the Project site. Thus, this Project does not raise any novel concerns regarding liability, cost, maintenance, or rehabilitation.
- The Board Report asserts that any “delays during the construction of the parking structure . . . could obligate the City to compensate the Affordable Housing Developer.” (Board Report, p. 3.)
 - The Board Report cites no authority or evidence for this claim. Absent any evidence, this claim is entirely speculative. Regardless, the public parking is an integral component of the Project. As such, construction of the affordable housing and the parking structures will be completed in tandem, and the public parking will adhere to the same strict construction milestones as the affordable housing. If the Project does not meet these deadlines, its funding sources will impose financial consequences, including funding recapture. Thus, Affordable Housing Developers and the City both will be incentivized to avoid construction delays.
- The Board Report incorrectly states that the Project will decrease Lot 731’s utilization and revenues because most public parking will be located in the East parking structure. (Board Report, p. 3.) The Board Report further asserts that this configuration will “reduce[] beach and Ocean Front Walk access” because “patrons will have to walk roughly a few hundred feet further” than if they were to park on the west side of Lot 731 under existing conditions. (*Ibid.*)
 - The Board Report ignores the fact that, under existing conditions, a majority of the parking spaces are **already located on the east side of Lot 731**. Moreover, the City previously approved the Project with **zero** public parking spaces in the West parking structure. The Affordable Housing Developers have since revised the Project **to add public parking in the West parking structure**. Under the Project

as proposed, 46 public parking spaces – over 20% of the Project’s public parking spaces – will be provided in the West parking structure.

- The Board Report cites no evidence for the claim that the location of the Project’s public parking spaces will decrease utilization and revenue. To the contrary, the Project will increase Lot 731’s utilization and revenue by adding 27 new public parking spaces to the Project site and creating an attractive development that will draw in the public.
- Furthermore, while the Board Report expresses concerns about “beach access,” Coastal Commission staff – representing the State agency with foremost responsibility and expertise in coastal access – has concluded that the Project, as proposed, will enhance coastal access. (See CDP Staff Report, pp. 85, 90.)
- In the introductory paragraph of the Discussion, the Board Report states: “[d]ue in large part to multiple lawsuits filed and recently resolved, the project has not been previously considered by the Board.” (Board Report., p. 3.)
 - This is misleading. As noted in Section I above, BOTC has not had, and still does not have jurisdiction over the Project, which is why there has been no reason for the Board to consider it. BOTC’s authority is limited to “coordinating, directing, and managing all matters respecting the **acquisition**, and thereafter **the management**, of all public off-street parking places by the City.” (Admin. Code, § 22.484(g)(2)(A)(7) [emphasis added].) The Project does not involve acquisition of a parking site, and no management agreement is being brought before the Board at tomorrow’s hearing.
- The Board Report asserts that the Project “[w]ill not allow for future development of the lot to include increasingly desirable additional mobility options”, such as a car share, bike share, micro-mobility, shuttle service, transit store, or other options. (Board Report, p. 4.)
 - There is no evidence that the City plans or has ever planned to build a “mobility hub” or any other “additional mobility options” on the Project site. (Board Report, p. 2.) Instead, the City took measures to identify Lot 731 as a suitable site for development as affordable housing and then approved an affordable housing project to be located on this site. (See, e.g., RFQ/P, p. 37.) BOTC cannot unilaterally determine that Lot 731 could be better utilized for a different purpose, particularly when the City Council already has approved the Project.
 - The Project, on the other hand, effectively combines affordable housing with increased public parking. The Project provides 117 affordable and supportive units—almost 30 times more than what is required under the Mello Act. The

Project also provides 27 more public parking spaces than are currently available in Lot 731.

- The Board Report claims that the Affordable Housing Developers’ November 2024 cost estimates for construction of the East parking structure are inaccurate and that the actual cost to the City will be roughly \$22,000,000. Moreover, the Board Report states that the \$11,600,000 previously authorized by the City for construction of the East parking structure will expire during the 2025-2026 budget cycle. (See Board Report, p. 3.)
 - The Board Report’s \$22 million dollar cost estimate relies on an overly-simplistic cost-of-inflation calculation of the 2021 budget, which was based on the prior parking structure design. It fails to consider reductions in the cost of constructing the East parking structure due to proposed Project modifications, which include reduction in the total number of parking spaces and the removal of mechanical lifts.
 - Additionally, LADOT incorrectly estimated increased costs for all total development costs. In contrast to those estimates, the majority of the Project’s soft costs are set by fixed sum contracts and will not experience significant increase. Furthermore, the development budget for the public parking already includes hard cost and soft cost contingencies to absorb potential cost increases. For example, the current budget contains a 7 percent contingency to account for rising construction costs. These contingencies are also escalated by the Board Report, which results in overinflation of the cost estimate.
 - Moreover, the Board Report misrepresents the Project’s Municipal Improvement Corporation of Los Angeles (“MICLA”) funding. Re-authorization of MICLA allocations is routine and the City Administrative Office (“CAO”) already has begun preparing a re-authorization of the Project’s MICLA allocation as part of the 2025-26 budget.
- The Board Report states that the only “pro” of the Project is that it is the “[q]uickest alternative for a mixed-use development with affordable housing.” (Board Report, p. 4.)
 - The Board Report conducts a biased review of the Project and its benefits and drawbacks as compared to the Board Report’s proposed alternatives. The Project provides substantial public benefits, including:
 - An increase of 27 public parking spaces at the Project site;
 - An additional boat launch parking space at the Project site;
 - 117 new affordable housing units in the Coastal Zone;

- Revitalization of the Grand Canal and enhanced access to the existing boat launch; and
 - New open space, landscaped area, and commercial spaces on an underutilized site.
- The Board Report asserts that denying the Project – its recommended Project alternative – would “[r]educe[] the potential General Fund burden . . . by roughly \$20 million during the current fiscal crisis.” (Board Report, p. 5.)
 - As discussed above, the Board possesses no authority to deny the Project. Moreover, this assertion is false. MICLA is designed to finance revenue-generating capital projects outside of the City’s General Fund and serves as a distinct pool of funds. As such, the Project’s MICLA funding has no impact on the General Fund.
- The Board Report claims that the Project will result in “potentially significant impacts to the General Fund and/or Special Parking Revenue Fund (SPRF),” and states that the City will fund construction of the East parking structure by issuing general obligation bonds from MICLA, which is a General Fund obligation of the City.” (Board Report, p. 7.)
 - The Board Report fails to note that the Project already has received a \$11.6 million allocation of MICLA funding, which is financed separately from the General Fund. The MICLA funding will be repaid by revenue received by the City from the Project’s public parking. A revenue stream analysis performed by the Affordable Housing Developers demonstrates that a \$19,492,862 MICLA loan can be repaid over the 18-year loan term (supplied by CAO), and still generate upwards of \$7 million in revenue for the City over the same period, and nearly \$20 million over the course of 30 years.
- The Board Report states that the estimated loss of annual parking revenue during Project construction would total \$747,000, whereas at Lot 701 annual lost parking revenue would total only \$114,000. The Board Report also asserts that the Project will prevent the future sale of Lot 731 at full market value. (See Board Report, p. 7.)
 - Affordable Housing Developers have prepared a temporary replacement parking plan to address the loss of public parking and resulting loss of revenue to the City during construction. The plan reflects findings from the City-commissioned Venice Parking Study, which concludes that Lot 701 is underutilized and may be used as replacement parking. This will allow the City to recoup 76.5% of the lost revenue when construction begins. (Venice Parking Study, p. 6.)
 - Additionally, it is unclear how the Board Report arrived at these estimates for lost revenue. The estimates are improperly inflated if the City is using current non-

compliant parking rates, which are well in excess of the existing Coastal Commission-authorized rate of \$11 per day. (See CDP Staff Report, p. 111 [citing CDP No. 5-01-028⁵].) Ample evidence demonstrates that Lot 731 has charged daily rates well in excess of this cap, up to \$50 per day – \$39 more than the authorized rate. (*Ibid.*) Additionally, while Lot 701 may have lower rates of utilization, this is because the City only opens Lot 701 on weekends, holidays, and during the summer.

- Moreover, under proposed Special Condition 4 of the Project’s CDPs, the Affordable Housing Developers would be required to submit and obtain approval of a final Construction Staging Plan, which provides for the use of the parking spaces in Lot 701 as temporary replacement parking during construction. (CDP Staff Report, p. 42.) Thus, any City revenue that would have been generated at Lot 731 will instead be generated at Lot 701.
- The Board Report speculates that Lot 731 could be sold at full market value in the future, ignoring the fact that (as discussed above) the City already identified Lot 731 as appropriate for affordable housing and selected the Project for the site. The Board Report cites no evidence that a future sale of Lot 731 has ever been contemplated by the City. Moreover, any claim that Lot 731 would be sold ignores the California Surplus Land Act (Gov. Code, §§ 54220-54234), which generally requires that surplus public property be prioritized for affordable housing development.

⁵ Available at: <https://documents.coastal.ca.gov/reports/2001/10/M8d-10-2001.pdf>.

ATTACHMENT B

OPINION

Editorial: It's past time for city officials to let Venice Dell homeless housing move ahead



A homeless encampments on Venice Beach in 2021. (Carolyn Cole / Los Angeles Times)

By The Times Editorial Board

Dec. 9, 2024 5 AM PT

In Los Angeles, a city desperate for homeless housing, one project that will fill some of that need has been unconscionably delayed for years. The City Council has already approved it twice, most recently two years ago. This week, city officials have a chance to show they are serious about getting that project built.

On Wednesday, the California Coastal Commission will take up the Venice Dell Community project, which will provide 117 units, including 68 for homeless supportive housing and the remainder for low-income affordable housing, on a city-owned 2.65-acre parking lot in Venice not far from the beach.

Commission staff already recommends the project receive a coastal development permit. The Coastal Commission should approve that.

And any official from the city who shows up at that meeting should support the project. Not doing so would be a disgrace.

The Venice Dell Community project has been in the works for seven years.

After meeting with the community and taking their concerns into account, the nonprofit developers, Venice Community Housing and Hollywood Community Housing Corp., were approved by the L.A. City Council for a development agreement in 2021 and 2022. The site is just the kind of surplus city land that advocates and city leaders covet for homeless housing. But somewhere along the way, city officials seemed to forget that.

In the time since their agreement was signed, the developers have designed and redesigned — and redesigned again — the public parking garage that replaces the lost spots in the original lot at the suggestions of the city's Department of Transportation.

They lost time on the project last year during an eight-month period when City Attorney Hydee Feldstein Soto, long an opponent of the project, told city departments to [stop meeting with the developers](#) to work on plans and contracts. Staff members resumed meeting with them only after Mayor Karen Bass ordered them to do so.

The developers also were set back last year when the [Coastal Commission put on hold](#) its decision on whether to grant the project its necessary coastal development permit

after city officials couldn't decide whether they would oversee the operation of the parking structure on the site.

And finally, [two lawsuits](#) filed by a community group to try to stop the project were rejected by Superior Court judges earlier this year.

ADVERTISEMENT

Enough.

Building on a city-owned parking lot is a smart plan for homeless housing, and Venice Dell Community should go forward.

The latest issue for this development is a [letter](#) from the city's Department of Transportation urging the Board of Transportation Commissioners, an advisory panel composed of residents appointed by the mayor, to recommend at a special session on Tuesday that the project not go forward.

After years of working with the developers on the project, the department officials suddenly have a change of heart? The developers have already been through numerous discussions with the city's Department of Transportation over parking requirements on the site and have made adjustments to the parking garage. At this point, a negative recommendation from the Board of Transportation Commissioners would be disingenuous. But it would not be binding — [a judge decided](#) as much when this issue

came up in one of the unsuccessful lawsuits against the project — and it should not be allowed to hinder progress.

What most matters here is the Coastal Commission's decision. The city attorney has written an absurd [letter](#) to the Coastal Commission telling its members not to approve the project because the parking will be located on the east side of the site instead of the west side, which would be closer to the beach. Seriously? This project is about creating desperately needed housing for homeless and low-income people, not creating desperately needed parking. (And Becky Dennison, the co-executive director of Venice Community Housing, says that in the latest design, there would be parking on both the west and east sides of the site.)

The city attorney also says she can't guarantee that the city will agree to oversee the operation of the parking structure. Uncertainty over such a matter should not have delayed the Coastal Commission's decision last year and should not be used as an excuse by city officials to convince the commission to avoid approval this week.

This project has some powerful opponents. The city attorney is one. Traci Park, the councilmember whose district includes Venice, is another longtime detractor. And the mayor has done little to support the project even though she has pledged to expedite the creation of affordable housing. It's shameful that some elected officials have failed to stand up for this project while others actively tried to kill it.

The Coastal Commission should approve Venice Dell and give it the coastal development permit it needs. And if city officials argue against awarding the permit to the project, the commission should see that move for what it is — a ploy to stop a much-needed housing project on the west side of the city, where there is little permanent housing for homeless people.

More to Read

Editorial: A test for Mayor Bass' Planning Commission — support affordable housing or preserve single-family zoning?

Sept. 25, 2024



Beverly Hills is dragging its heels on a development with affordable apartments. The governor says: Build it

Sept. 4, 2024



L.A. officials continue to stall homeless housing project in Venice, new lawsuit claims

July 12, 2024



The Times Editorial Board

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Exhibit 6

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
300 E. Ocean Blvd., Suite 301
Long Beach, CA 90802
(562) 590-5071



January 22, 2025

Los Angeles City Council
City Hall, 200 N. Spring Street
Los Angeles, CA 90012

Re: City of Los Angeles, Venice Land Use Plan (LUP) Amendment Request No. LCP-5-VEN-23-0037-1 for the Venice Dell Community Project

Dear Councilpersons:

You are hereby notified that, at its December 11, 2024 meeting in Newport Beach, the Coastal Commission approved with suggested modifications the City's LUP Amendment Request No. LCP-5-VEN-23-0037-1. The subject amendment request was submitted to the Commission pursuant to city Los Angeles City Council Ordinance No. 187551 and adds a new subarea to the Venice coastal zone to enable approval of the Venice Dell Community Housing Project on the Venice Median.

Pursuant to the Commission's action on December 11, 2024, certification of LUP Amendment Request No. LCP-5-VEN-23-0037-1 is subject to the attached suggested modifications (Attachment A). Therefore, the subject amendment request will not be effective for implementation in the City's coastal zone until: 1) the City Council adopts the Commission's suggested modifications, 2) the City Council forwards the adopted suggested modifications to the Commission by resolution or ordinance, and, 3) the Executive Director determines that the City has complied with the Commission's December 11, 2024 action. Cal. Code of Regulations Title 14 § 13537(b) requires that the City's adoption of the suggested modifications be completed within six months of the Commission's action (i.e. by June 9, 2025).

Thank you for your cooperation and we look forward to working with you and your staff in the future. Please contact me at chloe.seifert@coastal.ca.gov with questions regarding the modifications required for effective certification of LUP Amendment Request No. LCP-5-VEN-23-0037-1.

Sincerely,

A handwritten signature in cursive script that reads "Chloe Seifert".

Chloe Seifert
Coastal Program Analyst

ATTACHMENT A—SUGGESTED MODIFICATIONS

LUP Amendment Request No. LCP-5-VEN-23-0037-1 is subject to the Commission's suggested modifications outlined below. For ease of reading, solely the sections subject to suggested modification have been included below.

Normal Text = Existing, unmodified language

~~Strikethrough Text~~ = City's proposed eliminated language

Underline Text = City's proposed added language

~~Strikethrough Text~~ = Commission's proposed eliminated language

Underline Text = Commission's proposed added language

Definitions, Qualified Permanent Supportive Housing Project.

The construction of, addition to, or remodeling of a building or buildings offering Supportive Housing; and where all of the total combined Dwelling Units or Guest Rooms, exclusive of any manager's units, are affordable. For the purposes of this subdivision, affordable means that rents or housing costs to the occupying residents do not exceed 30 percent of the maximum gross income of Extremely Low, Very Low or Low-Income households, as those income ranges are defined by the United States Department of Housing and Urban Development (HUD) or any successor agency, as verified by the **Housing & Community Investment Department (HCIDLA) Los Angeles Housing Department (LAHD)**. A minimum of 50 percent of the total combined Dwelling Units or Guest Rooms is occupied by the Target Population.

Definitions, Supportive Housing.

Supportive Housing. Housing with no limit on length of stay for persons with low incomes who ~~have one or more disabilities and~~ may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, ~~and~~ homeless people, **and those who have one or more disabilities**. The housing is linked to onsite or offsite Supportive Services, and any Floor Area used for Supportive Services shall be considered accessory to the residential use.

Residential Land Use and Development Standards, Policy I.A.1

The maximum densities, building heights and bulks for residential development in the Venice Coastal Zone shall be defined by the Land Use Plan Maps and Height Exhibits (Exhibits 9 through 16), and the corresponding land use categories and the development standards as described in this LUP. Refer to Policies II.C.10 for development standards for walk streets and to Policies II.A.3 and 4 for parking requirements. **Development within Subarea A is not subject to the provisions of Policy I.A.1 and shall comply with the standards outlined in Policy I.B.6.**

~~Replacement~~ of Affordable Housing, Policy I.A.18

Permanent Supportive Housing Projects that meet the definition of Qualified Permanent Supportive Housing Project and comply with the following requirements:

...

b. Affordable Housing Covenant. Projects shall record a covenant acceptable to ~~HCIDLA~~ **LAHD** that reserves and maintains the total combined number of Dwelling Units and Guest Rooms designated as restricted affordable **for the life of the development unless otherwise limited as set forth in Government Code Section 65915.2, in which case, the restriction shall apply for** at least 55 years from the issuance of the Certificate of Occupancy.

c. Housing Replacement. Projects shall meet any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3), or as thereafter amended, as verified by ~~HCIDLA~~ **LAHD**, and all applicable covenant and monitoring fees in Section 19.14 of this Code shall be paid by the applicant prior to the issuance of any building permit.

~~Replacement~~ of Affordable Housing, Policy I.A.19

Parking Requirements for Qualified Permanent Supportive Housing Projects and Supportive Housing. Reduced parking is permitted, as follows:

a. Supportive Housing ~~as defined in Health and Safety Code 50675.14(b)(2). Projects providing Supportive Housing and Qualified Permanent Supportive Housing Projects~~ may provide reduced parking consistent with Government Code Section 65915 **if the City determines that the reduced parking will not have any adverse effects on coastal resources. If the City determines that the requested incentive will have an adverse effect on coastal resources, the City shall consider all feasible alternative incentives and the effects of such incentives on coastal resources.**

Neighborhood Commercial Areas, Policy I.B.5

Move the proposed language from Policy I.B.5 to Policy I.B.6.

Community Commercial Areas, Policy I.B.6

~~Neighborhood~~ **Community** Commercial Area of Special Interest

~~ae.~~ Subarea A (Exhibit 10b). The lots within Subarea A shall be developed with a Qualified Permanent Supportive Housing Project that meets the requirements

of Policy I.A.18 and the following development standards. Qualified Permanent Supportive Housing Projects are not subject to the standards outlined in Policy I.B.7.

1. Density. No project shall exceed ~~the density permitted in the R3 zone~~ **one unit per 800 square feet of lot area.**

2. Use. Uses ~~allowed in the C2 zone or as~~ outlined in Policy ~~I.B.5 I.B.6.~~

3. Height.

i. All projects shall be limited to a maximum height of 35 feet.

ii. One (1) campanile structure may exceed the maximum height of 35 feet. A maximum height of 67 feet is permitted, measured to the top of the Roof Access Structure.

4. Canal Setback.

i. An average setback of 15 feet, but not less than ten feet shall be maintained in the front yard adjacent to the property line which faces the canal.

ii. An open, permeable yard with an area of at least 15 times the lot width and a minimum area of 450 square feet shall be maintained between the property line that faces the canal and the front of any structure, No fill nor building extensions, including stairs and balconies, shall be placed in or over the required permeable front yard area except fences up to 42 inches in height or permeable decks at grade level not more than 18 inches high A minimum total 11,266 square feet of permeable area shall be maintained throughout Subarea A in conjunction with a multi-path drainage system.

5. Access.

i. Driveways and vehicular access ~~to Venice Coastal Development Projects~~ shall be provided from North Venice and South Venice Boulevards, unless the Department of Transportation determines that it is not ~~Feasible.~~ **New and eExisting curb cuts shall be minimized, removed when no longer necessary, and new curb cuts shall be prohibited** to protect and maximize public onstreet parking opportunities.

ii. A minimum of 203 public parking spaces (including at least seven boat launch public parking spaces) shall be maintained in Subarea A.

6. Roof Access Structures. Building heights and bulks shall be controlled to preserve the nature and character of existing residential neighborhoods. Residential structures may have an enclosed stairway (roof access structure) to provide access to a roof provided that:

i. Up to nine (9) total roof access structures may be permitted for all development throughout Subarea A and shall be limited to a height of no more than ten (10) feet above the maximum height of the building;

ii. All roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of Grand Canal and the inland side of the Esplanade (City right-of-way), except no more than four (4) roof access structures allowed within the 60-foot horizontal setback; and

iii. The roof access structures shall not exceed 100 square feet in individual area as measured from the outside walls.

7. Lot Consolidations. Consolidation and subdivision of up to 40 lots into two (2) lots for the construction of a mixed-use development with 100% affordable supportive housing, retail, parking associated with allowed development and public parking lots/garages may be permitted in Subarea A.

8. Qualified Permanent Supportive Housing Projects may provide reduced parking consistent with Government Code Section 65915 for all new affordable housing units. A minimum of 203 public parking spaces (including at least seven boat launch parking spaces) shall be maintained onsite for the life of the development.

Development Within Natural and Recreational Resource Areas/Protection of Views,
Policy I.D.1

Canals and Ballona Lagoon Waterways.

Adjacent Use/Development: **Except for mixed-use development with 100% affordable supportive housing, retail, parking associated with allowed development and public parking lots/garages in Subarea A,** the only permitted development adjacent to the canals and lagoon shall be habitat restoration, single-family dwellings, public parks and walkways, subterranean or surface public parking lots, maintenance activities, **public access and recreation (including, but not limited to, public boat launch ramps with associated public parking)**, and emergency repairs. Surface public parking lots shall be permitted only where sufficient access and roadway capacity exists to accommodate such parking. New construction along the Canals, and Ballona Lagoon shall comply with standards for setbacks, noise barriers, landscape plan,

pervious surfacing with drainage control measures to filter storm run-off and direct it away from environmentally sensitive habitat areas, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration including off-site drainage improvements. For more details refer to the provisions contained in Policy Group I.A., Residential Land Use and Development Standards, and Policies IV.C.1 and IV.C.2, Stormwater Runoff and Circulation.

Parking, Policy II.A.3

Parking Requirements.

The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone. ...

Multiple dwelling and duplex on lots 40 feet or more in width, or 35 feet or more in width if adjacent to an alley

2 spaces for each dwelling unit; plus a minimum of 1 (one) guest parking space for each 4 (four) or fewer units (i.e. 2.25 spaces per unit; always round-up to highest whole number of spaces).

Exceptions: For projects where all required parking spaces are fully enclosed, any required guest spaces may be paid for at the same in lieu fee rate defined for BIZ parking. **100% affordable development in Subarea A is subject to the parking requirements of Policy I.A.13, I.A.14, and I.A.19.**

Parking, Policy II.A.4

Parking Requirements in the Beach Impact Zone.

Any new and/or any addition to commercial, industrial, and multiple-family residential development projects within the Beach Impact Zone shall provide additional (in addition to parking required by Policy II.A.3) parking spaces for public use or pay in-lieu fees into the Venice Coastal Parking Impact Trust Fund, **100% affordable development in Subarea A is subject to the parking requirements of Policy I.A.13, I.A.14, and I.A.19.**

Parking, Policy II.A.9

Protection of Public Parking.

The following policies shall be implemented and enforced in order to protect and enhance public parking opportunities provided on public rights-of-way and in off-street parking areas:

a. Beach Parking Lots. The beach parking lots located at Washington Boulevard, Venice Boulevard and Rose Avenue shall be protected for long-term (4-8 hours) public beach parking. No parking spaces in the beach parking lots shall be used to satisfy the parking requirements of Policies II.A.3 and II.A.4 **except in Subarea A, where residential/commercial parking may be allowed only as part of a 100% affordable residential/mixed use development provided that a minimum of 203 public parking spaces (including at least seven boat launch parking spaces) shall be maintained for public use on site.** The temporary short-term lease or reservation of parking spaces in the beach parking lots may be permitted if the proposed temporary use of the parking supply does not conflict with the need for public parking by beach goers. Any proposal to allow overnight residential parking in the beach parking lots shall include provisions to enforce a prohibition against the storage of vehicles in the lots during the daylight hours by non-beach goers.

Coastal Waterways, Policy III.D.2

Boating Use of Canals and Lagoon.

Recreational boating use of the Venice Canals shall be limited to non-commercial shallow-bottom, non-motorized boats such as canoes and rafts, in order to permit recreation while protecting the environmentally sensitive habitat area and maintain a quiet ambience within the neighborhoods of the plan area. No boating shall be permitted in Ballona Lagoon and the portion of Grand Canal south of Washington Boulevard.

A public boat launch facility was built as part of the Venice Canals Rehabilitation Project at the Grand Canal and North Venice Boulevard. The City shall protect the public's ability to access the canals by boat by maintaining public access to the Grand Canal public boat launch **and by providing at least seven public vehicle parking spaces located adjacent or in as close proximity to the boat launch ramp as feasible. The boat launch parking spaces shall include signage informing the public of available boat launch access, shall remain open to the public, and shall not be gated.** The facility shall provide adequate on-site public parking consistent with the sizes and types of boats to be launched and frequency of launching pursuant to the County Department of Small Craft Harbors standards.

Land Use Plan (Map): North Venice, Venice Canals, **Subarea A**, Exhibit 10b

Re-designate the area located between Dell Avenue, North Venice Boulevard, South Venice Boulevard, and the Grand Canal as 'Community Commercial'.

Shift the "Canal St." caption north from the Grand Canal terminus to the street bounded by Mildred Avenue and North Venice Boulevard.

Designate the Grand Canal terminus located between North Venice Boulevard and South Venice Boulevard as 'Open Space'.

Add "Subarea A" to exhibit title and add a caption stating: "All building heights shall be measured from the elevation of the fronting right-of-way Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet."**

Subarea: North Venice, Venice Canals, **Subarea A**, Exhibit 14b

Shift "Canal St." caption north from canal segment located between North and South Venice Boulevard, Pacific Avenue, and Dell Avenue to street bounded by Mildred Avenue and North Venice Boulevard.

Delete the "I: Subject to maximum regulation contained in LAMC" caption and replace with the caption: 'I: 35'"

Extend the boundaries of "I: Subarea A" west to encompass the seven lots located between Strong's Drive and Pacific Avenue.

Coastal Access Map, Exhibit 17a

Designate the area located between Dell Avenue, North and South Venice Boulevard, and the Grand Canal as "Existing Public Parking" in red.

Exhibit 7

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
PH (562) 590-5071
WWW.COASTAL.CA.GOV



January 22, 2025

Permit Application Numbers: **A-5-VEN-22-0042 & 5-22-0588****NOTICE OF INTENT TO ISSUE PERMITS**

(Upon satisfaction of special conditions)

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). Coastal Development Permits for the development described below have been approved but are not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDPs to be effective, Commission staff must issue the CDPs to the applicant, and the applicant must sign and return the CDPs. **Commission staff cannot issue the CDPs until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all the Special Conditions for the permits is attached.

The Commission's approval of the CDPs is valid for two years from the date of approval. To prevent expiration of the CDPs, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDPs, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On December 11, 2024, the California Coastal Commission approved Coastal Development Permit Nos. **A-5-VEN-22-0042 and 5-22-0588** requested by **Venice Community Housing Corporation and Hollywood Community Housing Corporation** subject to the attached conditions, for development consisting of the Venice Dell Community Project, more specifically described in the application filed in the Commission offices. **Commission staff will not issue the CDPs until the "prior to issuance" special conditions have been satisfied.**

The development is within the coastal zone located on 2.65 acres between Pacific Avenue, North Venice Boulevard, South Venice Boulevard, and Dell Avenue, Venice, City of Los Angeles, Los Angeles County (APNs: 4238-024-900, 4238-024-902, 4238-024-903, 4238-024-905, 4238-024-906, 4238-024-907, 4238-024-908, 4238-024-909, 4238-024-910, and 4238-024-911)

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP Nos. A-5-VEN-22-0042 and 5-22-0588, please contact the Coastal Program Analyst identified below.

NOTICE OF INTENT TO ISSUE PERMITS
(Upon satisfaction of special conditions)

Sincerely,

Dr. Kate Huckelbridge
Executive Director



Chloe Seifert
Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date	Permittees
------	------------

Please sign and return one copy of this form to the Commission office at the above address.

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, then permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission and affidavit accepting all terms and conditions of the permit.

NOTICE OF INTENT TO ISSUE PERMITS
(Upon satisfaction of special conditions)

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

NOTE: IF THE **SPECIAL CONDITIONS** REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE DISTRICT OFFICE.

1. Submittal of Final Project Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, final Project Plans in substantial conformance with the Project Plans dated November 4, 2024. The final Project Plans shall, at minimum, include the following provisions:

- A. Revision of the land use designation on Sheet G0.01 to state "Community Commercial".
- B. Provision of an average 15-ft. (and no less than 10-ft.) setback between primary development and canal-fronting property lines. Development within the canal setback is limited to paved public accessways and parking lots, permeable landscaping, and fencing or railing up to 3.5-ft. in height. A minimum 366 sq. ft. permeable area shall be provided between the new west structure and the west side of Grand Canal. A minimum 240 sq. ft. permeable area shall be provided between the new east structure and the west side of Grand Canal.

The permittees shall undertake development in accordance with the final Project Plans approved by the Executive Director. Any proposed changes to the approved, final Project Plans shall be reported to the Executive Director. No changes to the approved, final Project Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Submittal of Final Parking Management Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, a revised, final Parking Management Plan in substantial conformance with the "Plan for Permanent Replacement and Expansion

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

of Public Parking” dated March 2022. The final, revised Parking Management Plan shall, at minimum, include the following:

- A. Provision of at least 196 public parking spaces onsite (not including the seven public boat launch ramp parking and loading/unloading spaces required for the boat launch area pursuant to **Special Condition 3**).
- B. Provision of at least 55 resident parking spaces on the western side of Grand Canal within the project site;
- C. Provisions to prevent the use of public parking spaces by residents onsite;
- D. Provision of a parking rate plan in which no public parking space shall exceed the approved parking rate pursuant to CDP No. 5-01-028 unless a separate coastal development permit or amendment for a different parking rate is obtained.
- E. Provision of a Final Signage Plan that clearly describes, at a minimum, the dimensions, material(s), text, and font of each public parking garage wayfinding sign. The signs shall facilitate, manage, and provide public access to the public beach parking garages.

The permittees shall undertake development in accordance with the final Parking Management Plan approved by the Executive Director. Any proposed changes to the approved, final Parking Management Plan shall be reported to the Executive Director. No changes to the approved, final Parking Management Plan shall occur without a Commission amendment to CDP No. 5-01-028 (the last CDP approved by the Commission for a parking rate system in LADOT Lot 731) or this CDP unless the Executive Director determines that no amendment is legally required. This includes any change in the number of parking spaces proposed under this permit, including, but not limited to, the leasing or selling of parking spaces to third parties, or reserving parking spaces for other uses not approved under this permit. These proposed changes shall be submitted to the Executive Director to determine if an amendment to the permit is legally required.

- 3. Submittal of Final Boat Launch Access Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, a final Boat Launch Access Plan in substantial conformance with the Boat Launch Access Plan dated November 4, 2024. The final Boat Launch Access Plan shall, at minimum, include the following:

- A. Provision of at least seven 18-ft. long by 8.25-ft. wide vehicle parking spaces, and one ADA-compliant vehicle parking space, sited in a parking lot adjacent to the Grand Canal boat launch ramp and provided free of charge during all hours

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

between 8 A.M. and sunset, with specified methods to avoid the use of the subject areas by non-boating visitors.

- B. Provision of a vehicle entrance and exit between the boat launch ramp parking lot and North Venice Boulevard separate from those of other development onsite.
- C. Removal of any and all 'Private Property' signage from the vicinity of the boat launch ramp accessway and parking lot and gates and fencing from the site of the boat launch and parking lot.
- D. Provision of a Final Signage Plan that clearly describes, at a minimum, the dimensions, material(s), text, and font of each boat launch wayfinding sign. The signs shall facilitate, manage, and provide public access to the boat launch ramp and associated parking lot.

The permittees shall undertake development in accordance with the final Boat Launch Access Plan approved by the Executive Director. Any proposed changes to the approved, final Boat Launch Access Plan shall be reported to the Executive Director. No changes to the approved Boat Launch Access Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Submittal of Final Construction Staging Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, a revised, final Construction Staging Plan in substantial conformance with the "Temporary Plan for Replacement of Public Parking (during Construction Period)" dated May 1, 2022. The final, revised Construction Management Plan shall, at minimum, include the following:

- A. Provision of at least 180 replacement offsite parking spaces at LADOT Lot 701 for the full duration of construction closures at the project site. Lot 701 shall remain in operation and available to public vehicles from at least 8AM to 5PM every day, with the exception of a temporary partial closure for the Venice Farmer's Market for a period not to exceed five hours on a single day of the week.
- B. Provision of at least 23 replacement parking spaces at one or more offsite parking lots for the full duration of construction closures at the project site. The offsite parking lot(s) shall be located no further inland from the sandy beach than 0.25 miles. The replacement parking spaces shall be leased from the offsite location(s) on, at minimum, weekends and state holidays. A copy of the lease agreement, as well as a plan for rate collection (the approved parking rates

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

pursuant to CDP No. 5-01-028) at the offsite location(s), shall be provided for Executive Director review and approval.

- C. Provisions for signage at the project site indicating the location, quantity, and cost of replacement parking at the second offsite parking lot.
- D. Provisions for storage of all construction equipment within the project site and out of the public right-of-way for the duration of construction;
- E. Provisions for the use of a flagman to direct traffic during initial placement or removal of construction equipment and/or dumpsters onsite; and
- F. Identification of a disposal site for waste materials and recyclable materials located outside of the coastal zone.
- G. Copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, with such copies available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, as well as the public review requirements applicable to them, prior to commencement of construction.
- H. A construction coordinator shall be designated as the point of contact during construction should questions arise regarding the construction in case of both regular inquiries and emergencies. The construction coordinator's contact information, i.e., address, phone numbers, email, etc., including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible. This information shall indicate that the construction coordinator should be contacted in case of questions regarding the construction for both regular inquiries and emergencies. The construction coordinator shall record the name and contact information, i.e., address, email, phone number, etc., and nature of all complaints received regarding the construction and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Any complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.

The permittees shall undertake development in accordance with the final Construction Management Plan approved by the Executive Director. Any proposed changes to the approved, final Construction Management Plan shall be reported to the Executive Director. No changes to the approved, final Construction Management

NOTICE OF INTENT TO ISSUE PERMITS
(Upon satisfaction of special conditions)

Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Tsunami Hazard Safety Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittees shall submit, for the review and written approval of the Executive Director, a plan for mitigating the hazards associated with potential flood inundation of the site from tsunami wave run-up.

A. The plan shall demonstrate, at minimum, the following:

- i. The existence of the threats of inundation of the site related to a tsunami event (both distant and local sources) will be adequately communicated to all employees and residents;
- ii. Information will be made available regarding personal safety measures to be undertaken in the event of a potential tsunami event;
- iii. Efforts will be provided to assist less physically mobile employees, customers, and residents in seeking evacuation from the site during a potential tsunami event; and
- iv. Staff will be adequately trained to carry out the safety plan.

B. The plan shall include, at minimum, the following:

- i. Information Component, detailing the provision of informational materials to employees and the posting of placards, flyers, or other materials at conspicuous locations explaining flood risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes;
- ii. Evacuation Assistance Component, detailing the efforts to be undertaken by property management staff to assist the evacuation of physically less mobile persons during a tsunami event; and
- iii. Staff Training Component, detailing the instruction to be provided to all property management/employee staff to assure that the Tsunami Safety Plan is effectively implemented.

The permittees shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 6. Submittal of Final Landscaping Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, revised, final Landscaping Plans in substantial conformance with the Landscaping Plan Sheets X9.10 and X9.20, dated November 4, 2024. The final, revised Landscaping Plans shall at minimum include the following:

- A. Provision of a plant palette consisting of native plant species and/or non-native, drought-tolerant, and non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society (<https://www.cnps.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<https://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed, or allowed to naturalize or persist, on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (<https://ucanr.edu/sites/WUCOLS/files/183488.pdf>); and
- B. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or micro-spray irrigation systems may be used. Other water conservation measures shall be considered, such as weather-based irrigation controllers.

The permittees shall undertake development in accordance with the final Landscaping Plans approved by the Executive Director. Any proposed changes to the approved, final Landscaping Plans shall be reported to the Executive Director. No changes to the approved, final Landscaping Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required

- 7. Submittal of Final Drainage Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and written approval, final drainage system plans in substantial conformance with the "LID Runoff Management Plan" dated August 1, 2023. The final drainage plans shall, at minimum, include the following provisions:

- A. Elimination of the phrase "Pretreatment Option" from the plans;

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

- B. Provision of downspout filters, Continuous Deflection Separator units, two cisterns, planter drains, and trench drains to treat, capture, and/or discharge runoff to the proposed locations;
 - C. Estimation of the volume and depth below grade of the two cisterns;
 - D. Provision for a cleaning schedule for all pre-treatment drainage features onsite, as well as specification of which entity is responsible for cleaning drainage features in each structure.
- 8. Submittal of Marine Debris Reduction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a robust plan, including a comprehensive monitoring and evaluation framework, to reduce waste and single-use items. The plan shall include at a minimum, all of the following, and the applicants shall implement the approved version of the plan:
- A. The applicants shall install and maintain educational signage for commercial development staff and patrons that promotes and encourages the use of reusable items (instead of single-use items).
 - B. All commercial development onsite shall adhere to the following criteria:
 - i. Only use reusable food-ware (including dinnerware, drinkware, silverware, and ramekins/containers) for onsite dining, specifically prohibiting the use of plastic cups, utensils or any other service-ware.
 - ii. Prohibit the use of plastic straws and only provide reusable straws, non-plastic straws, or straws made from naturally occurring materials, upon request.
 - iii. Prohibit the use of expanded polystyrene (aka Styrofoam).
 - iv. Prohibit the use of plastic bags onsite or for takeout/to-go orders.
 - v. Only provide single-use (biodegradable or compostable) utensils, straws, condiments, containers, and other accessory items upon request for takeout/to-go orders.
 - vi. Prohibit the sale of beverages in plastic bottles.
 - vii. Follow proper recycling practices.

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

- C. Install a microfiber filtration system for all residential laundry facilities to capture and remove microfibers from the water during the laundering process.
- D. All waste resulting from restaurant activities should be exported outside the coastal zone.

The applicants shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required

- 9. Methane Mitigation Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittees shall provide to the Executive Director a copy of a permit issued by the City of Los Angeles Department of Building and Safety, a letter of permission, or evidence that no permit or permission is required, for the proposed methane mitigation system. The permittees shall inform the Executive Director of any changes to the project (including, but not limited to, the methane mitigation system) required by the City of Los Angeles Department of Building and Safety. Such changes shall not be incorporated into the project until the permittees obtain a Commission amendment to this coastal development permit, unless the Executive Director issues a written determination that no amendment is legally required.
- 10. Bird Strike Prevention.** Canal-facing deck railing systems, fences, screen walls, gates, and windows subject to this permit shall use materials designed to minimize bird-strikes. Such materials may consist, all or in part, of frosted or partially-frosted glass, or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglass shall not be installed unless they contain UV-reflective glazing that is visible to birds, or unless the materials are provided by Ornilux glass or equivalent. All materials shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.
- 11. Construction Best Management Practices.** Construction Responsibilities and Debris Removal. By acceptance of this permit, the applicants agree that:
 - A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wind, rain or tidal erosion and dispersion;
 - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas;

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

- C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
- D. Demolition or construction debris and sediment shall be removed from work areas regularly to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- F. The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- J. The discharge of any hazardous materials into any receiving waters is prohibited;
- K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

N. Drainage and Water Quality

- i. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any canal or street that drains into a canal, unless specifically authorized by the California Regional Water Quality Control Board;
- ii. All equipment and materials shall be stored and managed in a manner to minimize the potential of pollutants to enter the canals;
- iii. A French drain, underground cistern, or other similar drainage systems that collect and reduce the amount of runoff that leaves the site shall be installed and maintained on the project site; and
- iv. All runoff leaving the site shall be directed away from the nearby bluff and beach and into the City storm drain system

12. Provision of Affordable Units.

- A. By acceptance of this permit, and as proposed by the permittees, the permittees agree that the 117 income-restricted affordable units onsite shall be maintained as affordable units, and three non-income restricted units onsite shall be maintained as manager units, for the life of the development approved by CDP No. A-5-VEN-22-0042/5-22-0588.
- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittees shall provide to the Executive Director evidence that the applicants have recorded the deed restriction required by the City for the creation of affordable rental units.

13. Public Rights. The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist on the property. The permittees shall not use this permit as evidence of a waiver of any public rights that may exist on the property now or in the future.

14. Development Removal. By acceptance of this permit, the permittees agree, on behalf of itself and all successors and assigns, that the permittees or their successors and assigns shall remove the development authorized by this permit and any other improvements associated therewith if:

- A. The City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from flooding or other hazards related to coastal

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

processes, and that there are no feasible measures that could make the structures suitable for habitation or use;

- B. Essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;
- C. Removal is required pursuant to LCP policies for sea level rise adaptation planning; and/or
- D. The development requires new and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies.

The permittees shall obtain a coastal development permit for removal of the approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.

15. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicants acknowledges and agrees (i) that the site may be subject to hazards from storm conditions, liquefaction, flooding and sea level rise; (ii) to assume the risks to the applicants and the properties that are the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable and (viii) that the structures may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to the Coastal Act.

16. Consistency with the Land Use Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, certification of the City of Los Angeles Venice Land Use Plan Amendment No. LCP-5-VEN-23-0037-1 by the Coastal Commission must be final and effective in accordance with the procedures identified in the California Code of Regulations, Title 14, Division 5.5, Section 13544.

17. Proof of Legal Ability to Comply with Conditions. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall demonstrate the legal ability

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

or authority to comply with all of the terms and conditions of this coastal development permit by submitting, for the Executive Director's review and approval, information indicating approval from the record title property owner(s) that (a) authorizes the applicants to proceed with the approved development and (b) permits the applicants to comply with the terms and conditions of this coastal development permit.

- 18. Local Government Approval.** The proposed development is subject to the review and approval of the City of Los Angeles (City). This action has no effect on conditions imposed by the City pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the City and those of this coastal development permit, the terms and conditions of Coastal Development Permit A-5-VEN-22-0042/5-22-0588 shall prevail.
- 19. Liability for Costs and Attorneys' Fees.** The permittees shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/or (2) imposed by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the permittees against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP. By acceptance of the permit conditions, the applicants irrevocably agree that this obligation, which is a contractual obligation, shall be continuing in nature and remain in full force and effect regardless of whether this permit approval is invalidated as the result of the litigation contemplated by this condition or otherwise changed in any way.
- 20. Final Tract Map.** PRIOR TO ISSUANCE OF THE PERMIT, AND PRIOR TO RECORDATION OF THE FINAL TRACT MAP, the applicants shall submit to the Executive Director for review and approval, the final version of the Vesting Tentative Tract Map No. VTT-82288. The tract map shall reference that the Property is restricted pursuant to the recorded Deed Restriction, required pursuant to **Special Condition 22**. The Executive Director's review shall be for the purpose of ensuring compliance with the standard and special conditions of this Coastal Development Permit. In addition, after recordation of the final map, the applicants shall submit an electronic copy of the recorded Final Tract Map No. VTT-82288 to the Executive Director within 3 days of recordation and a physical copy no later than 30 days after recordation.
- 21. Protection of Archaeological and Tribal Cultural Resources.** The permittees shall undertake development in compliance with the following mitigation measures to protect archaeological, including tribal cultural resources:

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

- A. AT LEAST ONE MONTH PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the permittees shall (i) notify in writing, email, and/or phone calls, as necessary, the representatives of Gabrieleño-affiliated Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list for the area; (ii) invite all affiliated Tribal representatives on that list to be present and to monitor ground-disturbing activities; and (iii) arrange for any invited Tribal representative that requests to monitor and a qualified archaeological monitor to be present to observe project activities with the potential to impact archaeological and/or tribal cultural resources. A qualified archaeologist means an individual who meets the Secretary of the Interior's Professional Standards for an Archaeological Principal Investigator and/or is listed as Registered Professional Archaeologist. The monitor(s) shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended Tribal procedures for the inadvertent discovery of archaeological resources and human remains. Evidence of written notification shall be made available to the Executive Director upon request.
- B. If an area of archaeological resources is discovered during ground-disturbing activities, all construction shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittees shall retain a qualified archaeologist and a tribal cultural resource specialist qualified to analyze the significance of the find in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. The specialist(s) shall immediately notify the affiliated Tribes on the NAHC list. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.
- C. Should human remains be discovered onsite during the course of the project, immediately after such discovery, the onsite archaeologist and Native American monitor(s) shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An "exclusion zone" may be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The permittees shall comply with the requirements of Section 5097.98 and work with

NOTICE OF INTENT TO ISSUE PERMITS

(Upon satisfaction of special conditions)

the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittees shall notify the Coastal Commission's Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.

- D. A permittee seeking to recommence construction within an exclusion zone (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (C) above), following discovery of the archaeological resources shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Gabrieleño-affiliated Native American Tribes listed on the NAHC list for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

22. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AND PRIOR TO RECORDATION OF THE FINAL TRACT MAP, the applicant(s) shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property in perpetuity and run with the land. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

Exhibit 8

FIRM / AFFILIATE OFFICES

Austin	Milan
Beijing	Munich
Boston	New York
Brussels	Orange County
Century City	Paris
Chicago	Riyadh
Dubai	San Diego
Düsseldorf	San Francisco
Frankfurt	Seoul
Hamburg	Silicon Valley
Hong Kong	Singapore
Houston	Tel Aviv
London	Tokyo
Los Angeles	Washington, D.C.
Madrid	

December 19, 2024

Los Angeles City Council
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Re: Justification for the Appeal of Board of Transportation Commissioners' Denial of
December 10, 2024 Special Meeting, Agenda Item 3: Proposed Redevelopment of
Municipal Parking Lot No. 731 in Venice for Affordable Housing

Dear Council President Harris-Dawson and Honorable Councilmembers:

On December 10, 2024, the City of Los Angeles Board of Transportation Commissioners (“BOTC”) held a special meeting to consider the Venice Dell Community Affordable Housing Project (the “Project”).¹ The BOTC Commissioners voted to not authorize the use of the City-owned Lot 731 for the affordable housing project as proposed by the Venice Community Housing Corporation and Hollywood Community Housing Corporation (“Affordable Housing Providers”). However, the BOTC has no authority to decide whether the Project goes forward. Because the action by the BOTC was ultra vires and outside the BOTC’s scope of authority, on behalf of our pro bono clients, Affordable Housing Providers, we appeal the BOTC decision to City Council.

The Project is a vital supportive housing project that has been in development for nearly a decade, and which was previously approved by the City Council. The Project will provide affordable housing for homeless and low income individuals in Venice, a community in the City of Los Angeles that contains substantially fewer affordable housing units than other areas of the City. In line with the City’s affordable housing policies, the Project will be built on an underutilized City-owned parking lot, adding 120 affordable homes to Venice while also increasing the public parking supply in Venice. The Project offers a unique opportunity to expand supportive and low income housing, increase public access, and provide low-cost, visitor-serving amenities in a high demand area.

¹ City of Los Angeles, Special Board of Transportation Commissioners Meeting Agenda (December 10, 2024), Action Item 3: “Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing.”

The BOTC voted to not authorize the use of Lot 731 for the Project. The BOTC also voted to recommend that the Los Angeles Housing Department (“LAHD”) determine the feasibility of relocating the proposed affordable housing project to Lot 701. First, the BOTC acted without substantial evidence when making determinations related to public access and affordable housing, and thus it abused its discretion. Second, the BOTC asserted that its decision-making authority stemmed from Section 22.484(g)(2)(A)(7) of the Los Angeles Administrative Code (“LAAC”). The BOTC is incorrect. LAAC Section 22.484(g)(2)(A)(7) provides the BOTC no such authority, and thus its decision has no legally binding impact on the Project. Rather, the approvals by the City Council—as upheld by the Los Angeles Superior Court—and by the Coastal Commission provide full authorization for the Project. The BOTC decision must be vacated.²

Project Background and Overview

City Council Approval of the Project

The City of Los Angeles is facing a critical housing shortage, and its homelessness crisis has reached a state of emergency.³ In response to the multi-decade homelessness crisis, the City adopted the Comprehensive Homeless Strategy in February 2016.⁴ The CHS includes Strategy 7D, which states that it is “necessary to consider use of existing City properties, including unimproved lots and those with facilities that are either surplus or underused that could be developed for affordable housing and/or housing for the homeless.”⁵ Strategy 7D recommends that the City Administrative Officer (“CAO”) identify City-owned property that can be used for the development of affordable housing and housing for the homeless.

Shortly after the CHS was adopted, the CAO launched the Affordable Housing Opportunity Sites (“AHOS”) initiative and conducted initial reviews of City-owned properties, including unimproved or underused lots, to determine which could be utilized for supportive

² The BOTC’s Special Meeting was also held in violation of the Brown Act, as the BOTC’s Notice of the Special December 10, 2024, did not comply with the Brown Act. The California Government Code requires that a special meeting notice state “all business to be transacted or discussed.” (Cal. Gov. Code, § 54956(a).) The Board’s notice merely stated as an action item: “Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing.” There is no statement or explanation of the action to be taken by the Board. Because the Notice did not detail the “business to be transacted,” the Board had no authority under the Brown Act to take any action on the Project. (See *Moreno v. City of King* (2005) 127 Cal.App.4th 17.)

³ Mayor Karen Bass declared a State of Emergency on Homelessness on December 12, 2022.

⁴ City of Los Angeles, Comprehensive Homeless Strategy (Feb. 9, 2016) (“CHS”), Available at: http://clkrep.lacity.org/online/docs/2015/15-1138-s1_misc_03-21-2016.pdf.

⁵ CHS, Strategy 7D, p. 145.

housing developments. The City specifically identified Lot 731 as an underutilized site appropriate for an affordable housing project.⁶

The City subsequently sought proposals to develop an affordable housing project on Lot 731.⁷ The City issued a “Request for Qualifications/Proposals (“RFP/Q”) for the Affordable Housing Opportunity Sites.” The RFP/Q required any proposal for Lot 731 to provide replacement parking at a 1:1 ratio and encouraged “[i]nnovative solutions for parking management and capacity.” Selection criteria included “maximiz[ing] each site’s potential for supportive and affordable housing units.” After evaluating and scoring proposals in response to the RFQ/P, LAHD recommended the selection of the Affordable Housing Providers to construct the Project on Lot 731.

The City Council unanimously approved the Project’s approvals and entitlements on December 1, 2021.⁸ On June 15, 2022, the City Council approved a Disposition and Development Agreement (DDA) for the Project. These approvals were upheld in litigation.⁹

California Coastal Commission Unanimously Approved of the Project

Affordable Housing Providers subsequently worked with California Coastal Commission (“Coastal Commission”) staff for over two years to refine the Project to ensure the Project is consistent with the Coastal Act. On November 25, 2024, Coastal Commission staff issued a report recommending approval of the Project’s CDP and the City’s LUP Amendment.¹⁰ At its December 11, 2024 meeting, after extensive public comment and deliberation, the Coastal Commission unanimously voted to approve both the CDP and the LUP Amendment.

The Coastal Commission is charged with safeguarding public access and correctly found that, in accordance with the Coastal Act, the Project promotes public access.¹¹ Based on the findings in the two comprehensive staff reports and the extensive deliberations during its hearing on December 11, 2024, the Coastal Commission determined that the Project promotes public

⁶ See Miguel A. Santana, City Administrative Officer, *Report from Office of the City Administrative Office, Request for Authority for Various Actions Related to the Evaluation, Disposition, and Development of Affordable Housing Opportunity Sites* (May 31, 2016) (“Request for Authority”), p. 3, available at: https://clkrep.lacity.org/onlinedocs/2016/16-0600-S145_rpt_CAO_06-03-2016.pdf. In addition, in 2014, City Council District 11 released a Request for Information (“RFI”) to develop additional parking capacity on City-owned lots in Venice. The RFI identified Lot 731 as the “best option for the development of public parking along with affordable housing.”

⁷ See City Administrative Office (CAO), *City of Los Angeles Request for Qualifications/Proposals for the Affordable Housing Opportunity Sites* (“RFQ/P”) (Jul. 25, 2016), p. 37, available at: <https://cao.lacity.org/ahosrfq.pdf>.

⁸ Further action was taken by City Council on the Project in June 2022, including to correct map exhibits contained in the prior City Council approvals.

⁹ See *Coalition for Safe Coastal Development, supra* (Case No. 22STCP03359).

¹⁰ Available at: <https://www.coastal.ca.gov/meetings/agenda/#/2024/12>.

¹¹ Public Res. Code, §§ 30001 *et seq.*

access by both increasing the amount of available parking and providing housing opportunities for low income residents who are otherwise often excluded from living near the coast.¹²

The Project Provides Affordable Housing and Increases Public Parking at Lot 731

The Project will help meet two of the City’s major goals—increased affordable housing and increased public parking—while also revitalizing the area around the Venice Canals by providing open space improvements and visitor-serving uses. As approved and conditioned, the Project will provide 120 affordable and supportive housing units on an underutilized parking lot in a high demand area of the City, all while creating more public parking than what currently exists on-site.

Venice is in dire need of affordable housing. Homelessness in Venice has increased 11 percent from 2021 to 2024, and the community’s median rent in November 2024 was \$6,027—63 percent higher than the City median. However, little affordable housing has been permitted in Venice for more than a decade. From 2009 to 2020, only 70 affordable housing units were permitted in Venice. As of December 2023, after the first year of Mayor Bass’s signature Executive Directive 1 (“ED1”) to streamline affordable housing, Council District 11 had just 82 proposed units, none of which are in Venice, which is just 0.88 percent of ED1 proposed units Citywide. In 2023, the LA City Controller released two sets of data regarding projects that were 95 percent affordable or greater: 1) affordable housing covenanted properties from 1985–2022, and 2) affordable housing approvals from 2018 and 2024. For covenanted properties from 1985 to 2022, Council District 11 holds just 2.86 percent of total units Citywide. For approvals by City planning area from 2018 to 2024, only 0.84% of the total approved in the City were in Venice planning area. In contrast, South and Southeast Los Angeles contain 34 percent of the units approved.

The Project will help address this critical shortfall of affordable housing in Venice. The Project will provide 68 supportive housing units, 45 low income units, 4 Ellis Act low income units, and 3 on-site manager units. Supportive housing units will be reserved for people experiencing homelessness¹³ and earning 30 percent or less than the Area Median Income. Importantly, the Project will provide the necessary supportive services for its tenants, utilizing all best practices and exceeding the Los Angeles County requirements for supportive services in affordable and supportive housing developments. All services are individually tailored, voluntary, and free of charge. Services will take place on-site, in private case management/counseling offices and in community rooms, and off-site at partner locations and/or other Venice Community Housing locations. The Project will also work with multiple off-site service partners to supplement on-site staff including Venice Family Clinic, Safe Place for Youth, CLARE Foundation, Meals on Wheels, Chrysalis, Helper Foundation and others.

The Project will create these community benefits on what is today an underutilized asphalt parking lot. The City determined that the Project site is underutilized in its current use as

¹² See Coastal Commission Staff Report, Appeal No. A-5-VEN-22-0042 and CDP App. No. 5-22-0522 (Nov. 27, 2024), pp. 22-26.

¹³ As defined by Health and Safety Code Section 50675.14.

Lot 731. This is supported by a study of public parking demand in Venice commissioned by the City. While there are 196 parking spots today, the parking study confirmed that Lot 731 operates at less than 25% capacity a majority of the time. Nevertheless, the Project will not eliminate or reduce this underutilized public parking. Rather, it will increase the amount of public parking available on Lot 731.¹⁴ The Project will include 223 public parking spaces, an increase of 27 spaces, including 46 public parking spaces in the West parking structure and 177 public parking spaces in the East parking structure.¹⁵ In addition, the Project will provide 55 separate parking spaces for residents free of charge.

Moreover, the Project provides substantial visitor-serving amenities, including increased parking, boat launch improvements, small-scale retail space, and improvements to public open space along the Canal—all of which encourage robust public use.¹⁶ The Project will enhance the existing on-site sidewalks, convert the existing Grand Canal Bridge from a vehicular bridge to pedestrian accessway, and remove existing gates installed beneath the bridge which prevent pedestrian access. In addition, integration of residential units and parking structures can contribute to a vibrant, mixed-use environment that enhances the overall safety and appeal of the area. Thus, the Project will increase affordable housing, provide important supportive services, provide additional public parking, and revitalize an asphalt parking lot into a vibrant community space.

The BOTC Abused its Discretion When it Acted Without Substantial Evidence

The BOTC acted without substantial evidence, and thus committed an abuse of discretion. First, the BOTC considered aspects of the Project that are outside the scope of its authority established by the LAAC. Second, in denying the Project under the false assumption it will reduce public access, the BOTC made a decision that is counter to the evidence presented. The BOTC premised their decision on an inaccurate trade-off between public parking and housing, when in reality, the Project provides both housing and public parking in greater supply than what currently exists on-site.¹⁷

The BOTC acted outside the scope of its authority as provided in the LAAC. During its deliberations, the BOTC discussed and weighed the Project's potential impact on parking, affordable housing, and public access. This goes beyond the BOTC's delineated powers and

¹⁴ Tierra West Advisors, Inc., *Venice Parking Study* (June 2020), pp. 14-19.

¹⁵ Lot 731 already divides public parking between the East and West sides of the Project site, with more parking on the East side than the West side today. And studies demonstrate that there is generally sufficient parking on the West side of the Project site to meet demand outside of peak demand periods on weekends and holidays. (Tierra West Advisors, Inc., *Venice Parking Study* (June 2020).)

¹⁶ See CPC LOD, p. F-42; Updated Project Plans, Sheet X1.02.

¹⁷ For example, Commissioner Selika Talbott stated that the 120 units provided does not “balance out with the tens of thousands of people impacted by mobility.” However, Commissioner Talbott failed to acknowledge that the Project will actually increase available public parking on-site and that the BOTC's recommended alternative—moving the Project to Lot 701—would eliminate existing public parking without requiring any replacement parking.

duties.¹⁸ The BOTC is limited to the specific powers and duties specified in the LAAC and those conferred by ordinance.¹⁹ In addition to its advisory role to the General Manager of the Transportation Department, the BOTC may regulate the use of public streets, parking, public utilities related to transportation, and school crossings.²⁰ However, the BOTC is not charged with protecting—or even analyzing—public access, nor is it charged with regulating affordable housing. Any attempt to regulate such goes beyond the scope of its authority.

Moreover, even if it were permitted to weigh these considerations—which it is not—the BOTC’s decision clearly flies in the face of the evidence before it. The BOTC argued that the Project will reduce public access to the coast; however, substantial evidence demonstrates the opposite. Namely, under current conditions, Lot 731 provides less parking than the Project proposes to provide. Today, Lot 731 includes a total of 196 public parking spaces. The Project will provide 223 public parking spaces—an increase from current conditions—in addition to 120 residential units. The Project will also add an additional public boat launch parking space, bringing the total up to 8, and will provide an additional 55 spaces reserved for residents.²¹

Not only will the project provide more parking, but it will provide better parking and access. The Project will significantly improve vehicular ingress and egress to the Project site. Currently, the site provides just one joint entrance/exit from North Venice Blvd. to the West lot and three dedicated exit-only areas. The joint entrance/exit is sometimes restricted to an entrance-only configuration using cones and all vehicles must travel over the bridge to access the East lot. The Project will add three additional entrances to the public parking area to improve vehicular access. Additionally, the Project will replace the manual, advance-pay entry point near the curb that results in queuing on the street. The Project will instead use automated entry gates, located 50 feet from the curb, which will provide additional queuing space on-site and reduce queuing times more generally. The Project will also improve the boat launch parking area by adding an ADA accessible parking space and creating a 24 ft. two-way drive aisle for all vehicles to enter and exit the boat launch parking area from North Venice Blvd. Altogether, there will 27 more parking vehicle spots and one additional boat launch spot for coastal visitors, with improved parking facilities. There is no evidence to show that the Project will reduce public access. To the contrary, it will increase it.

The Coastal Commission is charged with safeguarding public access, and the Coastal Commission correctly found that the Project promotes public access based on substantial evidence.²² Based on the findings in its staff reports and the deliberations during its hearing on December 11, 2024, the Coastal Commission determined that the Project promotes public access

¹⁸ LAAC, § 22.484(g).

¹⁹ *Id.*, § 22.484(g)(2).

²⁰ *Id.*, § 22.484(g)(2)(A)-(C).

²¹ Parking for residents will be separated from the public parking areas by gates requiring key fob access. Residential parking spaces will be provided to tenants free of charge, meaning they would not opt into paying to park in the public parking spaces. Vehicles of all residential tenants will also be required to be registered with building management.

²² Public Res. Code, §§ 30001 *et seq.*

by simultaneously increasing available parking and providing low income housing opportunities.²³ In stark contrast to the decision made by the BOTC, substantial evidence supports the Coastal Commission’s determination that the Project supports public access, parking, and housing.

The BOTC clearly acted outside the scope of its authority and failed to support its decision with substantial evidence. Not only is the BOTC not permitted to regulate public access or affordable housing, but its decision on December 10, 2024 was clearly contrary to the evidence that the Project is providing vital affordable housing and increasing public parking and access. Thus, its decision was an abuse of discretion and should be vacated.

The Administrative Code Does Not Grant the BOTC the Authority to Deny the Project or Make Recommendations to LAHD

The BOTC’s authority related to this Project is limited. LAAC Section 22.484(g)(2)(A)(7) states that “[t]he Transportation Commission shall have the power, duty and responsibility of coordinating, directing, and managing all matters respecting the acquisition, and thereafter the management, of all public off-street parking places by the City except for those parking facilities which are under jurisdiction or control of departments controlling their own funds.”²⁴ Further, “the [Board] is authorized to conduct hearings on all matters within the purview of [Los Angeles Department of Transportation (“LADOT”)] and to advise the General Manager as to its findings and recommendations.”²⁵ Neither of these provisions provide the BOTC with authority to deny the Project or its use of Lot 731, which were previously approved by the City Council.

First, the City owns Lot 731, so the Project involves no acquisition activities. Thus, under LAAC Section 22.484(g)(2)(A)(7), the BOTC is limited to reviewing the management aspects of the Project’s public parking component. The operation and management aspects of the Project’s public parking component are not currently pending before the City. Therefore, LAAC Section 22.484(g)(2)(A)(7) does not authorize the BOTC to take any action in relation to the Project at this time.

Second, LAAC Section 22.484(g)(2)(A)(4) only permits the BOTC to make non-binding recommendations concerning public parking operation and management to the General Manager of LADOT. Attempting to deny the Project’s use of Lot 731 clearly goes beyond the scope of making non-binding recommendations related to parking management. As such, the BOTC’s action on December 10, 2024, grossly exceeded its authority. Moreover, as noted above, the Project’s public parking component is not currently under consideration. Even if the BOTC was making non-binding recommendations as permitted, such action would be premature.

²³ See Coastal Commission Staff Report, Appeal No. A-5-VEN-22-0042 and CDP App. No. 5-22-0522 (Nov. 27, 2024), pp. 22-26.

²⁴ LAAC § 22.484(g)(2)(A)(7) (emphasis added).

²⁵ *Id.*, § 22.484(g)(2)(A)(4).

The Los Angeles County Superior Court clarified the Board's role related to the Project.²⁶ As described by the Court, LAAC Section 22.484(g)(2)(A)(7) only delegates the "acquisition and management of the City's public off-street parking to the [BOTC]." The Court confirmed that the Board does not possess any authority under LAAC Section 22.484(g)(2)(A)(7) with respect to the Project because the City already owns the Project site, meaning "[t]here is no 'acquisition' at issue in this case." On the other hand, the "disposition of the City's real property, including parking places, intended to be for affordable housing development purposes is delegated to [the Los Angeles Housing Department] by [LAAC] [S]ection 22.606.1."

The Court's decision was consistent with the sworn testimony of the Assistant General Manager for the Los Angeles Housing Department and the head of LADOT's Bureau of Parking Management. According to their sworn testimony, "the Project (or some agreement related to the Project's parking component) will be put before the [BOTC] prior to seeking approval for the ground lease." The Affordable Housing Developers and the City entered into a Disposition and Development Agreement ("DDA"), a binding contract that outlines the development of the Project site.²⁷ The DDA mandates the execution of the ground lease and Public Parking Agreement for the construction and management of the Project, and it requires the City and Developers to enter into a separate Public Parking Agreement *at a later date*.²⁸ Public Parking Agreement is not before the City currently. Thus, while the BOTC may review and advise as to the Public Parking Agreement, the BOTC does not have authority to approve or reject the Project or its use of Lot 731. Therefore, both the plain reading of LAAC Section 22.484(g)(2)(A)(7) and the Superior Court's holding make it clear that the BOTC's only role in this Project is to make non-binding recommendations to the General Manager of the LADOT related to the operational and management aspects of the Project's public parking component. The BOTC has no authority to deny the use of Lot 731.

The BOTC also exceeded its authority by voting to recommend that LAHD determine the feasibility of relocating the Project to Lot 701. As a threshold matter, the BOTC reports to the General Manager of LADOT, not LAHD, and it has no authority to advise or make recommendations to LAHD. Its recommendation thus has no legal weight. Even if the BOTC decided to make its recommendation to relocate the Project to LADOT, such a recommendation would also carry no weight. LADOT has no authority to control the disposition of real property in this case. Indeed, the Los Angeles County Superior Court held that the "disposition of the City's real property, including parking places, intended to be for affordable housing development purposes is delegated to [LAHD]."²⁹ Neither the LAHD nor the City Council has delegated its power to the BOTC concerning the conveyance of an interest in City-owned property or the transfer of jurisdiction of City-owned property between City departments. Nothing in the

²⁶ *Coalition for Safe Coastal Development v. City of Los Angeles* (Case No. 22STCP03359) (July 11, 2024).

²⁷ The City and the Applicants executed a DDA Side Letter in July 2024, setting out the anticipated schedule of performance for these documents.

²⁸ DDA Section 1.1.d.

²⁹ *Coalition for Safe Coastal Development v. City of Los Angeles*, p. 19.

Administrative Code grants the initial or ultimate decision-making authority to the BOTC to dispose or transfer jurisdiction of City-owned parking lots—or even to make recommendations regarding such—regardless of whether they are operated by LADOT.

Even if the BOTC had such authority—which it does not—it has no grounds to claim that Lot 701 would be a better site for the Project. The City properly determined that Lot 731 was a site suitable for the Project. The City undertook an extensive review process, discussed above, to identify underutilized City properties suitable for redevelopment as affordable housing. Lot 701 existed at the time that the City conducted its review, yet the City identified Lot 731, not Lot 701. In fact, evidence demonstrates that Lot 701 is unsuitable for a housing project. Lot 701 is smaller than Lot 731 by approximately one acre. Lot 701 is also an unusual shape, with a stretch of 100-ft. wide lots transitioning into a narrower, roughly 60-ft. wide set of lots resembling a rectangle with a large wedge carved out.³⁰ The smaller overall size, narrow width, and sharp corner in the middle of the wider lot portion would render development of a single multi-unit structure, or even two multi-unit structures, infeasible without a drastic reduction in the number of units. Moreover, the BOTC argues that relocating the Project to Lot 701 means that there would be no need for replacement parking. Not only is this recommendation outside the BOTC’s authority, it is antithetical to the City’s goals for providing public beach parking for the BOTC, which is tasked with “management of off-street parking places,” to recommend a project alternative that would provide zero replacement public parking spaces on an existing public parking lot.

Nothing in the Administrative Code grants the BOTC the authority to deny the Project or to make recommendations to LAHD. Thus, the BOTC decisions on December 10, 2024, were in excess of its authority and must be vacated.

The Project Has Been Properly Approved by the City Council and Coastal Commission

As described above, both the City and the Coastal Commission have already approved the Project. The City identified Lot 731 for affordable housing and chose the Affordable Housing Providers to develop the Project. Three years ago, on December 1, 2021, the City Council unanimously approved a Coastal Development Permit for the Project, along with other entitlements.³¹ The City Council’s approvals were then challenged in litigation, and the City and the Affordable Housing Providers successfully defended the City’s approvals in court. On May 21, 2024, the Superior Court for the County of Los Angeles upheld each of the Project’s approvals.³² This decision is final. In addition, during the hearing for the Project on December 11, 2024, the Coastal Commission unanimously voted to certify the LUP Amendment as

³⁰ See Coastal Commission Staff Report, Appeal No. A-5-VEN-22-0042 and CDP App. No. 5-22-0522 (Nov. 27, 2024), p. 72.

³¹ Council File No. 21-0829-S1. Further action was taken by City Council on the Project in June 2022, including to correct map exhibits contained in the prior City Council approvals.

³² *Coalition for Safe Coastal Development v. City of Los Angeles* (Case No. 22STCV00162) (May 21, 2024).

LATHAM & WATKINS LLP

modified and to approve the CDP. The BOTC's ultra vires action on December 10, 2024, has no power to reverse these approvals.

The BOTC's consideration of the Project at the special meeting was beyond the BOTC's legal power and authority and, therefore, their action is not binding. Accordingly, on behalf of Affordable Housing Providers, we appeal the decision of BOTC to City Council and respectfully request that you vacate the BOTC's action.

Best regards,



Duncan Joseph Moore
of LATHAM & WATKINS LLP

cc: Becky Dennison, Venice Community Housing Corporation
Sarah Letts, Hollywood Community Housing Corporation
Laura Rubio-Cornejo, General Manager, Los Angeles Department of Transportation
Jay Kim, Assistant General Manager, Los Angeles Department of Transportation
Ken Husting, Los Angeles Department of Transportation
Michelle Cayton, Los Angeles Department of Transportation
Hydee Feldstein Soto, City Attorney, Los Angeles City Attorney's Office
John Heath, Los Angeles City Attorney's Office
Michael Nagle, Los Angeles City Attorney's Office
Kevin Dufner, Los Angeles City Attorney's Office
Yolanda Chavez, Los Angeles City Attorney's Office
Kevin Keller, Interim Deputy Mayor of Housing, Office of Mayor Karen Bass
Star Parsamyan, Chief of Staff, Council District 11 Councilmember Traci Park
Arsen Voskerchyan, Los Angeles Bureau of Engineering
Tricia Keane, Executive Officer, Los Angeles Housing Department
Eric Claros, Director of Housing, Los Angeles Housing Department
Lisa Webber, Deputy Director of Planning, Los Angeles City Planning
Juliet Oh, Senior City Planner, Los Angeles City Planning
Beth Gordie, Latham & Watkins LLP
Benjamin Hanelin, Latham & Watkins LLP
Lucas Quass, Latham & Watkins LLP

Exhibit 9

FIRM / AFFILIATE OFFICES

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Beijing	Munich
Boston	New York
Brussels	Orange County
Century City	Paris
Chicago	Riyadh
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VIA EMAIL

February 19, 2025

Los Angeles City Council
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Re: Venice Dell: Appeal of Board of Transportation Commissioners' Denial of December 10, 2024 Special Meeting, Agenda Item 3: Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing

Dear Council President Harris-Dawson and Honorable Councilmembers:

We are writing on behalf of our pro bono clients, the Venice Community Housing Corporation and Hollywood Community Housing Corporation (“Affordable Housing Providers”), to confirm that their appeal from the Board of Transportation Commissioners’ (“BOTC”) December 10, 2024 Special Meeting determination regarding the use of Lot 731 for the Venice Dell Community Affordable Housing Project (the “Project”) has been accepted and will be heard by the Los Angeles City Council.¹ We submitted the appeal via a letter to the City Council on December 19, 2024, entitled Justification for the Appeal of Board of Transportation Commissioners’ Denial of December 10, 2024 Special Meeting, Agenda Item 3: Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing. (See Attachment 1.) Our appeal was sent to the City two months ago, and we have not received a response from the City.

In the wake of the tragic firestorm and loss of housing in the City, the supportive and affordable housing provided by the Project is even more vital for the most at risk members of the community. It is widely anticipated that it will take years to rebuild and restore the housing and communities damaged by the fires. And while the Project will likely not provide replacement

¹ City of Los Angeles, Special Board of Transportation Commissioners Meeting Agenda, December 10, 2024), Action Item 3: “Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing.”

homes for families that so tragically lost their apartment homes in the Pacific Palisades, the Project is well suited to provide immediate help to the greater Los Angeles community through the construction of 120 affordable housing units on an underutilized City-owned parking lot, while also increasing the public parking supply with two new parking garages. Although the Project may not directly address the tragic losses from the fires, the Project still offers a unique opportunity for the City to expand supportive and affordable housing, increase public access to the coast, and provide visitor-serving amenities in a high demand area. The City needs this housing more than ever.

As described in our December 19, 2024 appeal letter, the BOTC's consideration of the Project at the Special Meeting was both an abuse of discretion and beyond the BOTC's legal power and authority. First, the BOTC abused its discretion when it acted without substantial evidence when making determinations related to public access and affordable housing. Second, while the BOTC asserted that its decision-making authority stemmed from Section 22.484(g)(2)(A)(7) of the Los Angeles Administrative Code ("LAAC"), LAAC Section 22.484(g)(2)(A)(7) provides the BOTC no such authority. Rather, the approvals by the City Council—as upheld by the Los Angeles Superior Court—and by the Coastal Commission provide full authorization for the Project.² City Council should hear our appeal promptly, and the BOTC decision must be vacated.

Under the Los Angeles City Charter, actions of boards of commissioners become final after five City Council meeting days during which the City Council has convened in regular session.³ The fifth City Council meeting after the BOTC's December 10, 2024 Special Meeting was on January 15, 2025. Thus, the BOTC's action became final on January 15, 2025. However, because the BOTC's consideration of the Project at the Special Meeting was beyond the BOTC's legal power and authority, their action is not binding. Accordingly, on behalf of Affordable Housing Providers, on December 19, 2024, we appealed the BOTC decision to City Council. Accordingly, we request that the Los Angeles City Council confirm receipt of this letter and our appeal letter sent on December 19, 2024. We also request that the Los Angeles City Council provide guidance as to the appeals process for the decision made by the BOTC or confirm that BOTC's action was final and not subject to further appeal.

² The City Council unanimously approved the Project's approvals and entitlements on December 1, 2021. Council File No. 21-0829-S1. Further action was taken by City Council on the Project in June 2022, including to correct map exhibits contained in the prior City Council approvals. These approvals were upheld in litigation. *Coalition for Safe Coastal Development v. City of Los Angeles* (Case No. 22STCP03359) (July 11, 2024).

³ Los Angeles City Charter, § 245.

LATHAM & WATKINS LLP

Thank you for your consideration of this matter. Please do not hesitate to contact me if you wish to discuss this matter further.

Very truly yours,



Duncan Joseph Moore
of LATHAM & WATKINS LLP

cc: Becky Dennison, Venice Community Housing Corporation
Sarah Letts, Hollywood Community Housing Corporation
Laura Rubio-Cornejo, General Manager, Los Angeles Department of Transportation
Jay Kim, Assistant General Manager, Los Angeles Department of Transportation
Ken Husting, Los Angeles Department of Transportation
Michelle Cayton, Los Angeles Department of Transportation
Hydee Feldstein Soto, City Attorney, Los Angeles City Attorney's Office
John Heath, Los Angeles City Attorney's Office
Michael Nagle, Los Angeles City Attorney's Office
Kevin Dufner, Los Angeles City Attorney's Office
Yolanda Chavez, Los Angeles City Attorney's Office
Kevin Keller, Planning Department
Star Parsamyan, Chief of Staff, Council District 11 Councilmember Traci Park
Arsen Voskerchyan, Los Angeles Bureau of Engineering
Tricia Keane, Executive Officer, Los Angeles Housing Department
Eric Claros, Director of Housing, Los Angeles Housing Department
Lisa Webber, Deputy Director of Planning, Los Angeles City Planning
Juliet Oh, Senior City Planner, Los Angeles City Planning
Beth Gordie, Latham & Watkins LLP
Benjamin Hanelin, Latham & Watkins LLP
Lucas Quass, Latham & Watkins LLP

Attachment 1

From: Gordie, Beth (LA)
Sent: Thursday, December 19, 2024 4:29 PM
To: clerk.cps@lacity.org
Cc: 'Becky Dennison'; 'Sarah Letts'; 'laura.cornejo@lacity.org'; 'jay.kim@lacity.org'; 'ken.husting@lacity.org'; 'michelle.cayton@lacity.org'; ladot@lacity.org; 'Hydee.FeldsteinSoto@lacity.org'; 'John.Heath@lacity.org'; 'michael.nagle@lacity.org'; 'kevin.dufner@lacity.org'; 'yolanda.chavez@lacity.org'; 'kevin.keller@lacity.org'; 'star.parsamyan@lacity.org'; 'arsen.voskerchyan@lacity.org'; 'tricia.keane@lacity.org'; 'eric.claros@lacity.org'; 'lisa.webber@lacity.org'; 'Juliet.Oh@lacity.org'; Moore, DJ (LA); Hanelin, Benjamin (LA); Quass, Lucas (OC)
Subject: Appeal of Board of Transportation Commissioners' Denial of December 10, 2024 Special Meeting, Agenda Item 3: Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing
Attachments: Appeal of BOTC Action at 12.10.24 Special Meeting on Lot 731 in Venice for Affordable Housing.pdf

Dear Holly L. Wolcott, City Clerk.

On behalf of our clients Venice Community Housing Corporation and Hollywood Community Housing Corporation, we submit the attached appeal to the City Council of the Board of Transportation Commissioners' Denial of December 10, 2024 Special Meeting, Agenda Item 3: Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing.

If there is an appeal fee due for this appeal, please let us know what it is so we can pay the fee.

Please do not hesitate to contact us with any questions.

Thanks so much.

Beth

Beth Gordie
She/Her/Hers

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December 19, 2024

Los Angeles City Council
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Re: Justification for the Appeal of Board of Transportation Commissioners' Denial of December 10, 2024 Special Meeting, Agenda Item 3: Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing

Dear Council President Harris-Dawson and Honorable Councilmembers:

On December 10, 2024, the City of Los Angeles Board of Transportation Commissioners (“BOTC”) held a special meeting to consider the Venice Dell Community Affordable Housing Project (the “Project”).¹ The BOTC Commissioners voted to not authorize the use of the City-owned Lot 731 for the affordable housing project as proposed by the Venice Community Housing Corporation and Hollywood Community Housing Corporation (“Affordable Housing Providers”). However, the BOTC has no authority to decide whether the Project goes forward. Because the action by the BOTC was ultra vires and outside the BOTC’s scope of authority, on behalf of our pro bono clients, Affordable Housing Providers, we appeal the BOTC decision to City Council.

The Project is a vital supportive housing project that has been in development for nearly a decade, and which was previously approved by the City Council. The Project will provide affordable housing for homeless and low income individuals in Venice, a community in the City of Los Angeles that contains substantially fewer affordable housing units than other areas of the City. In line with the City’s affordable housing policies, the Project will be built on an underutilized City-owned parking lot, adding 120 affordable homes to Venice while also increasing the public parking supply in Venice. The Project offers a unique opportunity to expand supportive and low income housing, increase public access, and provide low-cost, visitor-serving amenities in a high demand area.

¹ City of Los Angeles, Special Board of Transportation Commissioners Meeting Agenda (December 10, 2024), Action Item 3: “Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing.”

The BOTC voted to not authorize the use of Lot 731 for the Project. The BOTC also voted to recommend that the Los Angeles Housing Department (“LAHD”) determine the feasibility of relocating the proposed affordable housing project to Lot 701. First, the BOTC acted without substantial evidence when making determinations related to public access and affordable housing, and thus it abused its discretion. Second, the BOTC asserted that its decision-making authority stemmed from Section 22.484(g)(2)(A)(7) of the Los Angeles Administrative Code (“LAAC”). The BOTC is incorrect. LAAC Section 22.484(g)(2)(A)(7) provides the BOTC no such authority, and thus its decision has no legally binding impact on the Project. Rather, the approvals by the City Council—as upheld by the Los Angeles Superior Court—and by the Coastal Commission provide full authorization for the Project. The BOTC decision must be vacated.²

Project Background and Overview

City Council Approval of the Project

The City of Los Angeles is facing a critical housing shortage, and its homelessness crisis has reached a state of emergency.³ In response to the multi-decade homelessness crisis, the City adopted the Comprehensive Homeless Strategy in February 2016.⁴ The CHS includes Strategy 7D, which states that it is “necessary to consider use of existing City properties, including unimproved lots and those with facilities that are either surplus or underused that could be developed for affordable housing and/or housing for the homeless.”⁵ Strategy 7D recommends that the City Administrative Officer (“CAO”) identify City-owned property that can be used for the development of affordable housing and housing for the homeless.

Shortly after the CHS was adopted, the CAO launched the Affordable Housing Opportunity Sites (“AHOS”) initiative and conducted initial reviews of City-owned properties, including unimproved or underused lots, to determine which could be utilized for supportive

² The BOTC’s Special Meeting was also held in violation of the Brown Act, as the BOTC’s Notice of the Special December 10, 2024, did not comply with the Brown Act. The California Government Code requires that a special meeting notice state “all business to be transacted or discussed.” (Cal. Gov. Code, § 54956(a).) The Board’s notice merely stated as an action item: “Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing.” There is no statement or explanation of the action to be taken by the Board. Because the Notice did not detail the “business to be transacted,” the Board had no authority under the Brown Act to take any action on the Project. (See *Moreno v. City of King* (2005) 127 Cal.App.4th 17.)

³ Mayor Karen Bass declared a State of Emergency on Homelessness on December 12, 2022.

⁴ City of Los Angeles, Comprehensive Homeless Strategy (Feb. 9, 2016) (“CHS”), Available at: http://clkrep.lacity.org/online/docs/2015/15-1138-s1_misc_03-21-2016.pdf.

⁵ CHS, Strategy 7D, p. 145.

housing developments. The City specifically identified Lot 731 as an underutilized site appropriate for an affordable housing project.⁶

The City subsequently sought proposals to develop an affordable housing project on Lot 731.⁷ The City issued a “Request for Qualifications/Proposals (“RFP/Q”) for the Affordable Housing Opportunity Sites.” The RFP/Q required any proposal for Lot 731 to provide replacement parking at a 1:1 ratio and encouraged “[i]nnovative solutions for parking management and capacity.” Selection criteria included “maximiz[ing] each site’s potential for supportive and affordable housing units.” After evaluating and scoring proposals in response to the RFQ/P, LAHD recommended the selection of the Affordable Housing Providers to construct the Project on Lot 731.

The City Council unanimously approved the Project’s approvals and entitlements on December 1, 2021.⁸ On June 15, 2022, the City Council approved a Disposition and Development Agreement (DDA) for the Project. These approvals were upheld in litigation.⁹

California Coastal Commission Unanimously Approved of the Project

Affordable Housing Providers subsequently worked with California Coastal Commission (“Coastal Commission”) staff for over two years to refine the Project to ensure the Project is consistent with the Coastal Act. On November 25, 2024, Coastal Commission staff issued a report recommending approval of the Project’s CDP and the City’s LUP Amendment.¹⁰ At its December 11, 2024 meeting, after extensive public comment and deliberation, the Coastal Commission unanimously voted to approve both the CDP and the LUP Amendment.

The Coastal Commission is charged with safeguarding public access and correctly found that, in accordance with the Coastal Act, the Project promotes public access.¹¹ Based on the findings in the two comprehensive staff reports and the extensive deliberations during its hearing on December 11, 2024, the Coastal Commission determined that the Project promotes public

⁶ See Miguel A. Santana, City Administrative Officer, *Report from Office of the City Administrative Office, Request for Authority for Various Actions Related to the Evaluation, Disposition, and Development of Affordable Housing Opportunity Sites* (May 31, 2016) (“Request for Authority”), p. 3, available at: https://clkrep.lacity.org/onlinedocs/2016/16-0600-S145_rpt_CAO_06-03-2016.pdf. In addition, in 2014, City Council District 11 released a Request for Information (“RFI”) to develop additional parking capacity on City-owned lots in Venice. The RFI identified Lot 731 as the “best option for the development of public parking along with affordable housing.”

⁷ See City Administrative Office (CAO), *City of Los Angeles Request for Qualifications/Proposals for the Affordable Housing Opportunity Sites* (“RFQ/P”) (Jul. 25, 2016), p. 37, available at: <https://cao.lacity.org/ahosrfq.pdf>.

⁸ Further action was taken by City Council on the Project in June 2022, including to correct map exhibits contained in the prior City Council approvals.

⁹ See *Coalition for Safe Coastal Development, supra* (Case No. 22STCP03359).

¹⁰ Available at: <https://www.coastal.ca.gov/meetings/agenda/#/2024/12>.

¹¹ Public Res. Code, §§ 30001 *et seq.*

access by both increasing the amount of available parking and providing housing opportunities for low income residents who are otherwise often excluded from living near the coast.¹²

The Project Provides Affordable Housing and Increases Public Parking at Lot 731

The Project will help meet two of the City’s major goals—increased affordable housing and increased public parking—while also revitalizing the area around the Venice Canals by providing open space improvements and visitor-serving uses. As approved and conditioned, the Project will provide 120 affordable and supportive housing units on an underutilized parking lot in a high demand area of the City, all while creating more public parking than what currently exists on-site.

Venice is in dire need of affordable housing. Homelessness in Venice has increased 11 percent from 2021 to 2024, and the community’s median rent in November 2024 was \$6,027—63 percent higher than the City median. However, little affordable housing has been permitted in Venice for more than a decade. From 2009 to 2020, only 70 affordable housing units were permitted in Venice. As of December 2023, after the first year of Mayor Bass’s signature Executive Directive 1 (“ED1”) to streamline affordable housing, Council District 11 had just 82 proposed units, none of which are in Venice, which is just 0.88 percent of ED1 proposed units Citywide. In 2023, the LA City Controller released two sets of data regarding projects that were 95 percent affordable or greater: 1) affordable housing covenanted properties from 1985–2022, and 2) affordable housing approvals from 2018 and 2024. For covenanted properties from 1985 to 2022, Council District 11 holds just 2.86 percent of total units Citywide. For approvals by City planning area from 2018 to 2024, only 0.84% of the total approved in the City were in Venice planning area. In contrast, South and Southeast Los Angeles contain 34 percent of the units approved.

The Project will help address this critical shortfall of affordable housing in Venice. The Project will provide 68 supportive housing units, 45 low income units, 4 Ellis Act low income units, and 3 on-site manager units. Supportive housing units will be reserved for people experiencing homelessness¹³ and earning 30 percent or less than the Area Median Income. Importantly, the Project will provide the necessary supportive services for its tenants, utilizing all best practices and exceeding the Los Angeles County requirements for supportive services in affordable and supportive housing developments. All services are individually tailored, voluntary, and free of charge. Services will take place on-site, in private case management/counseling offices and in community rooms, and off-site at partner locations and/or other Venice Community Housing locations. The Project will also work with multiple off-site service partners to supplement on-site staff including Venice Family Clinic, Safe Place for Youth, CLARE Foundation, Meals on Wheels, Chrysalis, Helper Foundation and others.

The Project will create these community benefits on what is today an underutilized asphalt parking lot. The City determined that the Project site is underutilized in its current use as

¹² See Coastal Commission Staff Report, Appeal No. A-5-VEN-22-0042 and CDP App. No. 5-22-0522 (Nov. 27, 2024), pp. 22-26.

¹³ As defined by Health and Safety Code Section 50675.14.

Lot 731. This is supported by a study of public parking demand in Venice commissioned by the City. While there are 196 parking spots today, the parking study confirmed that Lot 731 operates at less than 25% capacity a majority of the time. Nevertheless, the Project will not eliminate or reduce this underutilized public parking. Rather, it will increase the amount of public parking available on Lot 731.¹⁴ The Project will include 223 public parking spaces, an increase of 27 spaces, including 46 public parking spaces in the West parking structure and 177 public parking spaces in the East parking structure.¹⁵ In addition, the Project will provide 55 separate parking spaces for residents free of charge.

Moreover, the Project provides substantial visitor-serving amenities, including increased parking, boat launch improvements, small-scale retail space, and improvements to public open space along the Canal—all of which encourage robust public use.¹⁶ The Project will enhance the existing on-site sidewalks, convert the existing Grand Canal Bridge from a vehicular bridge to pedestrian accessway, and remove existing gates installed beneath the bridge which prevent pedestrian access. In addition, integration of residential units and parking structures can contribute to a vibrant, mixed-use environment that enhances the overall safety and appeal of the area. Thus, the Project will increase affordable housing, provide important supportive services, provide additional public parking, and revitalize an asphalt parking lot into a vibrant community space.

The BOTC Abused its Discretion When it Acted Without Substantial Evidence

The BOTC acted without substantial evidence, and thus committed an abuse of discretion. First, the BOTC considered aspects of the Project that are outside the scope of its authority established by the LAAC. Second, in denying the Project under the false assumption it will reduce public access, the BOTC made a decision that is counter to the evidence presented. The BOTC premised their decision on an inaccurate trade-off between public parking and housing, when in reality, the Project provides both housing and public parking in greater supply than what currently exists on-site.¹⁷

The BOTC acted outside the scope of its authority as provided in the LAAC. During its deliberations, the BOTC discussed and weighed the Project's potential impact on parking, affordable housing, and public access. This goes beyond the BOTC's delineated powers and

¹⁴ Tierra West Advisors, Inc., *Venice Parking Study* (June 2020), pp. 14-19.

¹⁵ Lot 731 already divides public parking between the East and West sides of the Project site, with more parking on the East side than the West side today. And studies demonstrate that there is generally sufficient parking on the West side of the Project site to meet demand outside of peak demand periods on weekends and holidays. (Tierra West Advisors, Inc., *Venice Parking Study* (June 2020).)

¹⁶ See CPC LOD, p. F-42; Updated Project Plans, Sheet X1.02.

¹⁷ For example, Commissioner Selika Talbott stated that the 120 units provided does not “balance out with the tens of thousands of people impacted by mobility.” However, Commissioner Talbott failed to acknowledge that the Project will actually increase available public parking on-site and that the BOTC's recommended alternative—moving the Project to Lot 701—would eliminate existing public parking without requiring any replacement parking.

duties.¹⁸ The BOTC is limited to the specific powers and duties specified in the LAAC and those conferred by ordinance.¹⁹ In addition to its advisory role to the General Manager of the Transportation Department, the BOTC may regulate the use of public streets, parking, public utilities related to transportation, and school crossings.²⁰ However, the BOTC is not charged with protecting—or even analyzing—public access, nor is it charged with regulating affordable housing. Any attempt to regulate such goes beyond the scope of its authority.

Moreover, even if it were permitted to weigh these considerations—which it is not—the BOTC’s decision clearly flies in the face of the evidence before it. The BOTC argued that the Project will reduce public access to the coast; however, substantial evidence demonstrates the opposite. Namely, under current conditions, Lot 731 provides less parking than the Project proposes to provide. Today, Lot 731 includes a total of 196 public parking spaces. The Project will provide 223 public parking spaces—an increase from current conditions—in addition to 120 residential units. The Project will also add an additional public boat launch parking space, bringing the total up to 8, and will provide an additional 55 spaces reserved for residents.²¹

Not only will the project provide more parking, but it will provide better parking and access. The Project will significantly improve vehicular ingress and egress to the Project site. Currently, the site provides just one joint entrance/exit from North Venice Blvd. to the West lot and three dedicated exit-only areas. The joint entrance/exit is sometimes restricted to an entrance-only configuration using cones and all vehicles must travel over the bridge to access the East lot. The Project will add three additional entrances to the public parking area to improve vehicular access. Additionally, the Project will replace the manual, advance-pay entry point near the curb that results in queuing on the street. The Project will instead use automated entry gates, located 50 feet from the curb, which will provide additional queuing space on-site and reduce queuing times more generally. The Project will also improve the boat launch parking area by adding an ADA accessible parking space and creating a 24 ft. two-way drive aisle for all vehicles to enter and exit the boat launch parking area from North Venice Blvd. Altogether, there will 27 more parking vehicle spots and one additional boat launch spot for coastal visitors, with improved parking facilities. There is no evidence to show that the Project will reduce public access. To the contrary, it will increase it.

The Coastal Commission is charged with safeguarding public access, and the Coastal Commission correctly found that the Project promotes public access based on substantial evidence.²² Based on the findings in its staff reports and the deliberations during its hearing on December 11, 2024, the Coastal Commission determined that the Project promotes public access

¹⁸ LAAC, § 22.484(g).

¹⁹ *Id.*, § 22.484(g)(2).

²⁰ *Id.*, § 22.484(g)(2)(A)-(C).

²¹ Parking for residents will be separated from the public parking areas by gates requiring key fob access. Residential parking spaces will be provided to tenants free of charge, meaning they would not opt into paying to park in the public parking spaces. Vehicles of all residential tenants will also be required to be registered with building management.

²² Public Res. Code, §§ 30001 *et seq.*

by simultaneously increasing available parking and providing low income housing opportunities.²³ In stark contrast to the decision made by the BOTC, substantial evidence supports the Coastal Commission’s determination that the Project supports public access, parking, and housing.

The BOTC clearly acted outside the scope of its authority and failed to support its decision with substantial evidence. Not only is the BOTC not permitted to regulate public access or affordable housing, but its decision on December 10, 2024 was clearly contrary to the evidence that the Project is providing vital affordable housing and increasing public parking and access. Thus, its decision was an abuse of discretion and should be vacated.

The Administrative Code Does Not Grant the BOTC the Authority to Deny the Project or Make Recommendations to LAHD

The BOTC’s authority related to this Project is limited. LAAC Section 22.484(g)(2)(A)(7) states that “[t]he Transportation Commission shall have the power, duty and responsibility of coordinating, directing, and managing all matters respecting the acquisition, and thereafter the management, of all public off-street parking places by the City except for those parking facilities which are under jurisdiction or control of departments controlling their own funds.”²⁴ Further, “the [Board] is authorized to conduct hearings on all matters within the purview of [Los Angeles Department of Transportation (“LADOT”)] and to advise the General Manager as to its findings and recommendations.”²⁵ Neither of these provisions provide the BOTC with authority to deny the Project or its use of Lot 731, which were previously approved by the City Council.

First, the City owns Lot 731, so the Project involves no acquisition activities. Thus, under LAAC Section 22.484(g)(2)(A)(7), the BOTC is limited to reviewing the management aspects of the Project’s public parking component. The operation and management aspects of the Project’s public parking component are not currently pending before the City. Therefore, LAAC Section 22.484(g)(2)(A)(7) does not authorize the BOTC to take any action in relation to the Project at this time.

Second, LAAC Section 22.484(g)(2)(A)(4) only permits the BOTC to make non-binding recommendations concerning public parking operation and management to the General Manager of LADOT. Attempting to deny the Project’s use of Lot 731 clearly goes beyond the scope of making non-binding recommendations related to parking management. As such, the BOTC’s action on December 10, 2024, grossly exceeded its authority. Moreover, as noted above, the Project’s public parking component is not currently under consideration. Even if the BOTC was making non-binding recommendations as permitted, such action would be premature.

²³ See Coastal Commission Staff Report, Appeal No. A-5-VEN-22-0042 and CDP App. No. 5-22-0522 (Nov. 27, 2024), pp. 22-26.

²⁴ LAAC § 22.484(g)(2)(A)(7) (emphasis added).

²⁵ *Id.*, § 22.484(g)(2)(A)(4).

The Los Angeles County Superior Court clarified the Board's role related to the Project.²⁶ As described by the Court, LAAC Section 22.484(g)(2)(A)(7) only delegates the "acquisition and management of the City's public off-street parking to the [BOTC]." The Court confirmed that the Board does not possess any authority under LAAC Section 22.484(g)(2)(A)(7) with respect to the Project because the City already owns the Project site, meaning "[t]here is no 'acquisition' at issue in this case." On the other hand, the "disposition of the City's real property, including parking places, intended to be for affordable housing development purposes is delegated to [the Los Angeles Housing Department] by [LAAC] [S]ection 22.606.1."

The Court's decision was consistent with the sworn testimony of the Assistant General Manager for the Los Angeles Housing Department and the head of LADOT's Bureau of Parking Management. According to their sworn testimony, "the Project (or some agreement related to the Project's parking component) will be put before the [BOTC] prior to seeking approval for the ground lease." The Affordable Housing Developers and the City entered into a Disposition and Development Agreement ("DDA"), a binding contract that outlines the development of the Project site.²⁷ The DDA mandates the execution of the ground lease and Public Parking Agreement for the construction and management of the Project, and it requires the City and Developers to enter into a separate Public Parking Agreement *at a later date*.²⁸ Public Parking Agreement is not before the City currently. Thus, while the BOTC may review and advise as to the Public Parking Agreement, the BOTC does not have authority to approve or reject the Project or its use of Lot 731. Therefore, both the plain reading of LAAC Section 22.484(g)(2)(A)(7) and the Superior Court's holding make it clear that the BOTC's only role in this Project is to make non-binding recommendations to the General Manager of the LADOT related to the operational and management aspects of the Project's public parking component. The BOTC has no authority to deny the use of Lot 731.

The BOTC also exceeded its authority by voting to recommend that LAHD determine the feasibility of relocating the Project to Lot 701. As a threshold matter, the BOTC reports to the General Manager of LADOT, not LAHD, and it has no authority to advise or make recommendations to LAHD. Its recommendation thus has no legal weight. Even if the BOTC decided to make its recommendation to relocate the Project to LADOT, such a recommendation would also carry no weight. LADOT has no authority to control the disposition of real property in this case. Indeed, the Los Angeles County Superior Court held that the "disposition of the City's real property, including parking places, intended to be for affordable housing development purposes is delegated to [LAHD]."²⁹ Neither the LAHD nor the City Council has delegated its power to the BOTC concerning the conveyance of an interest in City-owned property or the transfer of jurisdiction of City-owned property between City departments. Nothing in the

²⁶ *Coalition for Safe Coastal Development v. City of Los Angeles* (Case No. 22STCP03359) (July 11, 2024).

²⁷ The City and the Applicants executed a DDA Side Letter in July 2024, setting out the anticipated schedule of performance for these documents.

²⁸ DDA Section 1.1.d.

²⁹ *Coalition for Safe Coastal Development v. City of Los Angeles*, p. 19.

Administrative Code grants the initial or ultimate decision-making authority to the BOTC to dispose or transfer jurisdiction of City-owned parking lots—or even to make recommendations regarding such—regardless of whether they are operated by LADOT.

Even if the BOTC had such authority—which it does not—it has no grounds to claim that Lot 701 would be a better site for the Project. The City properly determined that Lot 731 was a site suitable for the Project. The City undertook an extensive review process, discussed above, to identify underutilized City properties suitable for redevelopment as affordable housing. Lot 701 existed at the time that the City conducted its review, yet the City identified Lot 731, not Lot 701. In fact, evidence demonstrates that Lot 701 is unsuitable for a housing project. Lot 701 is smaller than Lot 731 by approximately one acre. Lot 701 is also an unusual shape, with a stretch of 100-ft. wide lots transitioning into a narrower, roughly 60-ft. wide set of lots resembling a rectangle with a large wedge carved out.³⁰ The smaller overall size, narrow width, and sharp corner in the middle of the wider lot portion would render development of a single multi-unit structure, or even two multi-unit structures, infeasible without a drastic reduction in the number of units. Moreover, the BOTC argues that relocating the Project to Lot 701 means that there would be no need for replacement parking. Not only is this recommendation outside the BOTC’s authority, it is antithetical to the City’s goals for providing public beach parking for the BOTC, which is tasked with “management of off-street parking places,” to recommend a project alternative that would provide zero replacement public parking spaces on an existing public parking lot.

Nothing in the Administrative Code grants the BOTC the authority to deny the Project or to make recommendations to LAHD. Thus, the BOTC decisions on December 10, 2024, were in excess of its authority and must be vacated.

The Project Has Been Properly Approved by the City Council and Coastal Commission

As described above, both the City and the Coastal Commission have already approved the Project. The City identified Lot 731 for affordable housing and chose the Affordable Housing Providers to develop the Project. Three years ago, on December 1, 2021, the City Council unanimously approved a Coastal Development Permit for the Project, along with other entitlements.³¹ The City Council’s approvals were then challenged in litigation, and the City and the Affordable Housing Providers successfully defended the City’s approvals in court. On May 21, 2024, the Superior Court for the County of Los Angeles upheld each of the Project’s approvals.³² This decision is final. In addition, during the hearing for the Project on December 11, 2024, the Coastal Commission unanimously voted to certify the LUP Amendment as

³⁰ See Coastal Commission Staff Report, Appeal No. A-5-VEN-22-0042 and CDP App. No. 5-22-0522 (Nov. 27, 2024), p. 72.

³¹ Council File No. 21-0829-S1. Further action was taken by City Council on the Project in June 2022, including to correct map exhibits contained in the prior City Council approvals.

³² *Coalition for Safe Coastal Development v. City of Los Angeles* (Case No. 22STCV00162) (May 21, 2024).

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modified and to approve the CDP. The BOTC's ultra vires action on December 10, 2024, has no power to reverse these approvals.

The BOTC's consideration of the Project at the special meeting was beyond the BOTC's legal power and authority and, therefore, their action is not binding. Accordingly, on behalf of Affordable Housing Providers, we appeal the decision of BOTC to City Council and respectfully request that you vacate the BOTC's action.

Best regards,



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