Communication from Public

Name:	Jamie T. Hall
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Council File No:	21-0829
Comments for Public Posting:	Please see the attached letter (without exhibits) in support of the appeal filed by Venice Vision.

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November 2, 2021

VIA ELECTRONIC MAIL

Members of the Planning Land Use Management (PLUM) Committee
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

Re: Response to Applicant's Rebuttal (VTT-82288; ENV-2018-6667-SE; CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP-1A; Council File Nos. 21-0829 and 21-0829-S1)

Dear Members of the Planning Land Use Management (PLUM) Committee:

This firm represents Venice Vision ("Appellant") with regard to the proposed development project known as the "Reese Davidson Community Project" ("Project") in the coastal community of Venice. The Project is proposed by Venice Community Corporation and Hollywood Community Housing Corporation ("Applicant") We are in receipt of the 295-page submission by the Applicant's attorneys which was uploaded to the Council File Management System after business hours on October 29, 2021 ("Response Letter"). As explained below, the Response Letter fails to demonstrate that the Project is consistent with the applicable state and local laws and therefore the appeals filed by Venice Vision should be granted.

I. The City Failed to Provide the Notice Required by Law

The City has failed to provide the notice required by law for the appeal hearing scheduled for November 2, 2021 before the Planning and Land Use Management Committee ("PLUM"). Los Angeles Municipal Code Section 12.24D3 requires a physical notice of the public hearing be posted at the site. This section of the Code states as follows:

> The Department shall give notice in all of the following manners: 3. Site Posting. *By the applicant posting notice of the public hearing in a conspicuous place on the property involved at least ten days prior to the date of the public hearing.* If a hearing examiner is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, shall also post notice of the initial meeting of the decision-making body on the matter. This notice shall be posted in a conspicuous place on the property involved at least ten days prior to the date of the meeting. The Director of Planning may adopt guidelines consistent with this section for the posting of notices if the Director determines that those guidelines are necessary and appropriate.

Upon appeal, the same notice procedures required for the initial decision maker shall apply. This section of the Code states as follows:

> 3. Appellate Decision - Public Hearing and Notice. Before acting on any appeal, the appellate body shall set the matter for hearing, *giving the same notice as provided for the original hearing.* When considering an appeal from the decision of an initial decision-maker, the appellate body shall make its decision, based on the record, as to whether the initial decision-maker erred or abused his or her discretion.

The site posting required by Los Angeles Municipal Code Section 12.24D3 has NOT occurred. A picture was sent to the City on or about October 27, 2021 demonstrating this fact. This picture was taken on Sunday, October 25, 2021 in the location where the original notice for the City Planning Commission hearing was posted. My client has additional pictures taken within the 10-day period showing that there has been no posting at any time for the upcoming appeal hearing. The City must provide the legal notice required by law. The hearing cannot move forward with the hearing on November 2, 2021 as a result of this deficiency.

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II. The City Has Failed to Provide a Fair Hearing

A. Belated Publication of Staff Report Violates CCP Section 1094.5 and Fundamental Constitutional Due Process Principles

The City has also failed to provide Appellant with a meaningful opportunity to review new evidence that was presented by staff the morning of November 1, 2021 at approximately 9:00 am.

The law is clear. Appellants challenging adjudicative land use entitlements are entitled to a "fair hearing." CCP §1094.5. The procedural due process right to an opportunity to be heard has been interpreted to encompass not only the right to a public hearing, but also the right to a fair hearing. See, e.g., *Nightlife Partners, Ltd. v City of Beverly Hills* (2003) 108 Cal.App.4th 81, 90 ("the broad applicability of administrative hearings to the various rights and responsibilities of citizens and businesses, and the undeniable public interest in fair hearings in the administrative adjudication arena, militate in favor of assuring that such hearings are fair."). Fair hearing requirements include unbiased reviewers and an *opportunity to review the evidence* considered by the agency and to be heard.

Further, due process requires an opportunity to be heard "at a ***meaningful*** time and in a ***meaningful*** manner." *Natural Resources Defense Council v. Fish & Game Com.* (1994) 28 Cal.App.4th 1104, 1126, citing *Mathews v. Eldridge* (1976) 424 U.S. 319, 333. Moreover, as stated in *Natural Resources Defense Council*, **due process "contemplates a meaningful opportunity to present evidence contrary [to an appeal] and a meaningful consideration of that evidence."**

The assigned planner for the Project confirmed to counsel for Appellant that the Appeal Recommendations Report ("Staff Report") would be published last week – either on October 28 or October 29th. On October 27, 2021, Mr. Brown stated the following in an e-mail: "The Appeal Recommendation Report should be uploaded to the Council File today or tomorrow depending on the Office of the City Clerk." Yet, the 310-page Staff Report was not published until approximately 9:00 am on Monday, November 1, 2021 – just 29 hours before the public hearing before PLUM. While the Staff Report is dated October and shows a "document date" of October 28, 2021, the Staff Report was not uploaded until approximately 9 am on Monday November 1, 2021, as confirmed by Deputy City Clerk Armando Bencomo.. The Staff Report contains no less than three new technical reports relied upon by staff to recommend denial for the appeal. The City also uploaded a Justifications for Exemption, which is 30 pages in length on November 1, 2021.

The City will deprive Appellant of a "fair hearing" if the public hearing is allowed to proceed. It is patently unreasonable to expect that a mere 29 hours is adequate time for Appellant to review the new evidence presented by staff.

B. Appellant was Denied a Fair Hearing Before the Advisory Agency and the Planning Commission

The Response Letter ignores the fact that the City failed to timely respond to Appellant's Public Records Act requests - which sought critically important information pertaining to the environmental impacts of the Project. Further, the Response Letter argues that "any preliminary CEQA analysis the City may or may not have conducted is irrelevant to whether the Project complies with AB 1197's requirements." RL at p. 6. However, Appellant was indeed prejudiced and denied a fair hearing before the Advisory Agency and the City Planning Commission because, as explained below, the Subdivision Map Act has an independent environmental review requirement and the preliminary analysis that was conducted by the City provides highly important and relevant information. The applicant has conflated the environmental analysis that may be required under CEQA and the environmental analysis that is required under the Subdivision Map Act. The City deliberately attempted to hide the ball in this case and that prejudiced Appellant and resulted in an unfair hearing. Additionally, the City has continued to refuse to provide clarity about the parking system that will replace the existing surface lot. This greatly prejudices Appellant's ability to evaluate the plan and assess its impacts.

Moreover, the Response Letter's contention that the City complied with the Brown Act is not credible. Appellant has filed an action in Los Angeles County Superior Court challenging the City's actions. A true and correct copy of the Petition for Writ of Mandate filed on August 3, 2021 is attached hereto as Exhibit 38. The case name is *Venice Vision v. City of Los Angeles* (Case No. 21STCP02522).

III. The City Has Failed to Conduct the Required Environmental Analysis Mandated by the Subdivision Map Act

Venice Community Corporation and Hollywood Community Housing Corporation ("Applicant") continue to conflate the environmental analysis that might be mandated under CEQA with that required under the Subdivision Map Act. They are separate and distinct.

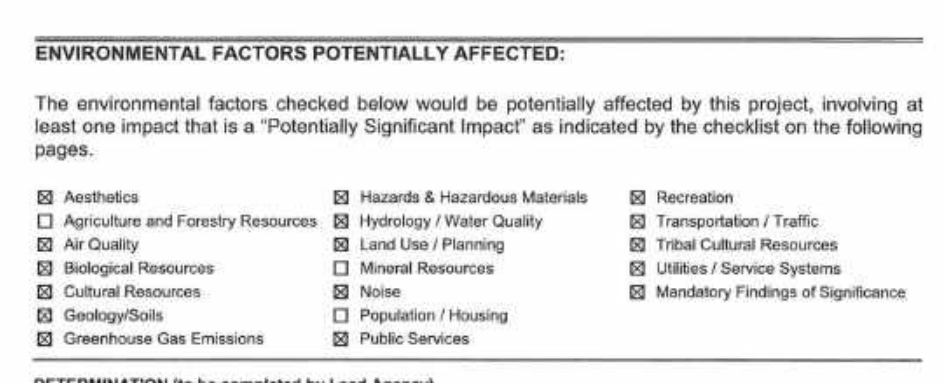
In *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1989) 214 Cal.App.3d 1348, the court ruled that Government Code Section 66474(e), which requires a governmental agency to deny a map application if the agency finds that subdivision design or improvements are likely to cause substantial environmental damage, provides for an **environmental review *separate from and independent of CEQA***. The court stated as follows:

"Appellants argue that elimination of their CEQA causes of action does not foreclose an environmental challenge to the approval of the project because the Subdivision Map Act, in Government Code section 66474, subdivision (e), provides for environmental impact review separate from and independent of the requirements [of the CEQA. We agree. "[T]he finding required by section 66474, subdivision (e) is in addition to the requirements for the preparation of an environmental impact report" or a negative declaration pursuant to the CEQA. (59 Ops.Cal.Atty.Gen. 129, 130 (1976).) *Topanga Ass'n for a Scenic Cmty. v. County of L.A.* (1989) 214 Cal.App.3d 1348, 1355-1356.

The Response Letter cites *Muzzy Ranch Co. v. Solano County Airport Land Use Com. (2007) 41 Cal.4th 372, 380* for the proposition that environmental review is not required for the Project. However, *Muzzy Ranch* was a CEQA case and did not involve a project subject to the Subdivision Map Act. The case is therefore completely inapplicable.

The Response Letter also conflates the findings that were adopted pursuant to Government Code Section 66474(e) with an environmental review. They are clearly not the same thing. The City cannot possibly make a finding that the Project will not cause substantial environmental damage and/or serious public health problems when it has not conducted a complete environmental review. Findings are "legally relevant subconclusions" that support an agency's ultimate conclusion and are the application of relevant evidence to applicable legal standards. *Topanga*, supra, 11 Cal.3d at p. 516.

It is undisputed that the City did conduct a preliminary environmental review for the Project in the form of an Initial Study.[1] The City concluded that the project would indeed have potentially significant environmental impacts to the the environmental resources categories shown below



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☒ Aesthetics	☒ Hazards & Hazardous Materials	☒ Recreation
☐ Agriculture and Forestry Resources	☒ Hydrology / Water Quality	☒ Transportation / Traffic
☒ Air Quality	☒ Land Use / Planning	☒ Tribal Cultural Resources
☒ Biological Resources	☐ Mineral Resources	☒ Utilities / Service Systems
☒ Cultural Resources	☒ Noise	☒ Mandatory Findings of Significance
☒ Geology/Soils	☐ Population / Housing	
☒ Greenhouse Gas Emissions	☒ Public Services	

[1] The Initial Study is available at https://planning.lacity.org/eir/nops/ReeseDavidson/InitialStudy.pdf. The City also submitted a Notice of Completion to the State Clearinghouse (2018121045) and at least three reviewing agencies submitted comment letters regarding the environmental impacts of the Project. See https://ceqanet.opr.ca.gov/2018121045.

Additionally, Appellant commissioned two expert reports detailing the Project's environmental impacts which were submitted to the Advisory Agency and the City Planning Commision. Appellant has also commissioned an expert report that demonstrates that the Project will have noise impacts that will result in substantial environmental damage. See Exhibit 39. Additionally, Appellant has commissioned two transportation reviews that outline various deficiencies with the Project, including environmental impacts. Again, these issues remain relevant because the Subdivision Map Act contains its own independent environmental review component. See Exhibits 40 and 41.

Moreover, according to both the Historical Resource Technical Report (Historical Report)[2] and the Biological Technical Report (Biological Report)[3] for the project, impacts to the historic Grand Canal and Short Line Bridge would be less than significant, because the proposed project does not alter the existing sidewalks along the Canal. As stated on page 34 – 35 of the Historic Report:

> The proposed changes to the segment of the Grand Canal and Short Line Bridge would be in compliance with the Standards, and character-defining features would be retained and preserved. For the segment of the Grand Canal, these character-defining features include the length, depth, and width of the segment as well as its trapezoidal cross section, earthen bottom, concrete banks, and integral sidewalks. For the Short Line Bridge, these include the length and height of the bridge span as well as its reinforced concrete piers, abutments, arches, parapets, and wing walls. . .
>
> The Grand Canal's overall configuration, its width, length, and depth, would not be altered by the Project. It would retain its earthen bottom, slopped concrete embankments, and integral concrete sidewalks. Only the Grand Canal's non-character-defining features would be replaced or altered, including the metal pipe railing and boat launch. The Short Line Bridge would also be minimally altered by the Project, and only its non-original approach slabs and metal guardrail would be removed, while its existing wing wall would remain. The segment of the Grand Canal and Short Line Bridge would continue to retain their character-defining features as described above. New hardscaping and landscaping would only be added outside the boundary of the Venice Canal Historic District.

[2] Historic Resource Technical Report Reese Davidson Community Project, GPA Consulting, May 2019. This document was obtained through a public records act request filed by Appellant. This report is attached as Exhibit 42.

[3] Biological Technical Report for the Reese Davidson Community Development Project, Glenn Lukos Associates, Inc., March 2021. This document was attached to the Staff Report that was published on November 1, 2021. Appellant has not had an opportunity to fully review and/or digest this document.

> Therefore, the segment of the Grand Canal and the Short Line Bridge would continue to retain integrity and contribute to the significance of the Venice Canal Historic District.

Page 36 of the Biological Report notes:

> The onsite portion of the Grand Canal differs in character from the rest of the canal system, and does not feature a landscape buffer. Rather, the onsite segment consists of concrete embankments directly adjacent to concrete sidewalks that run along either side of the canal. The Venice Canal system is a historic resource listed on the National Register of Historic Places. The current configuration must remain in order to comply with the Secretary of the Interior's Standards, and therefore a new landscaped buffer strip cannot be provided between the canal banks and sidewalk. Beyond the boundary of the historic zone, a combination of landscaping and grade change are used to provide a buffer between the Canal Walk and the Project.

The Biological Resources report then concludes on page 35, that because the proposed Project will not result in impacts to the onsite segment of the Grand Canal is will not impact Jurisdictional Waters:

> **5.7 Impacts to Jurisdictional Waters**
>
> The Project will result not result impacts to the onsite segment of the Grand Canal. Therefore, the Project will not require authorizations from the Corps pursuant to Section 404 of the CWA or pursuant to Section 10 of the 1899 Rivers and Harbors Act, notification and authorization from CDFW pursuant to Section 1602 of the Fish and Game Code, or Certification from the Regional Board pursuant to Section 401 of the CWA.

However, according to project renderings, the proposed Project ***will*** result in alteration of the existing sidewalks along the Canal on the project site, and thus construction in close proximity to the waterway, as shown in the following graphic from the applicant's website[4]:

[4] https://www.vchcorp.org/reese-davidson-community/
https://www.vchcorp.org/wp-content/uploads/2018/02/Reese-Davidson-Community-flyer-3.16.pdf

FIGURE 1 – Graphic from https://www.vchcorp.org/reese-davidson-community/
Showing Proposed Sidewalk Modifications

In the absence of more detail on the treatment of the existing sidewalks, and prohibition on their modification, the potential for both Biological Resource and Historical Resource impacts remains.

The City's findings that the project will not result in substantial environmental damage adopted pursuant Government Code Section 66474(e) are supported by substantial evidence. Further, the fact that the City is asserted that the Project is statutorily exempt from AB 1197 is legally ***irrelevant*** as held in *Topanga Ass'n for a Scenic Cmty. v. County of L.A.* (1989) 214 Cal.App.3d 1348, 1355-1356.

IV. Approval of the Project Will Result in Impermissible Spot Zoning

The Response Letter appears to admit that the Project amounts to "spot zoning," but contests that the City is engaged in *impermissible* spot zoning. Indeed, there should be no doubt that the City is engaged in spot zoning in this case. It is settled law that an amendment to a zoning ordinance that singles out a small parcel of land for a use different from that of the surrounding properties and for the benefit of the owner of the small parcel and to the detriment of other owners is spot zoning. (See, e.g., *Yellow Lantern Kampground v. Town of Cortlandville* (N.Y.App.Div. 2000) 279 A.D.2d 6, 9 [716 N.Y.S.2d 786, 788-789]; *Schubach v. Zoning Board of Adjustment* (1970) 440 Pa. 249, 253-254 [270 A.2d 397, 399]; *Balough v. Fairbanks North*

Star Borough (Alaska 2000) 995 P.2d 245, 264; *Pharr v. Tippitt* (Tex. 1981) 616 S.W.2d 173, 177 [24 Tex. Sup. Ct. J. 392]; *Palisades Properties, Inc. v. Brunetti* (1965) 44 N.J. 117, 134 [207 A.2d 522, 533-534].) The record clearly demonstrates that the City is poised to give greater rights than the surrounding properties in this instance.

Examples of this preferential treatment include, without limitation:

- The 59-foot "architectural" tower (which extends to 71 feet including railings and roof access structures);
- The failure to observe setback requirements with respect to frontage on Grand Canal;
- The lack of any setbacks above the ground floor;
- The lack of any setbacks surrounding the 59-foot "architectural" tower;
- The protrusion of the 59-foot "architectural" tower over the sidewalks along Pacific Avenue and N. Venice Boulevard;
- The parking tower in the east campus, which will extend to 45 feet in height with double-stacker parking and solar panels on top;
- Oversized rooftop features, including roof access structures, turrets, canopies, decks and railings;
- The permanent elimination of any opportunity to expand sidewalks and create designated bike lanes on Venice Boulevard, as called for under the City General Plan, the City's Mobility Plan 2035 and the Coastal Transportation Corridor Specific Plan;
- The experimental use of robotic or mechanical lift parking and a tiered-pricing scheme for parking; and
- The lack of required mitigation measures in connection with sea-level rise, flooding and elevated groundwater tables.

The City has engaged in impermissible spot zoning as well because rational reason in the public benefit does not exist for such a classification. As explained in the Venice Vision's Justifications for Appeal, the City's creation of the new zoning district and its application to the project site is not in the public interest. Further, the CPC and Advisory Agencies's decisions were arbitrary, capricious and devoid of evidentiary support. As explained below, the City's consistency findings are fundamentally flawed.

V. The Findings for the Project Are Inadequate

Findings are "legally relevant subconclusions" that support an agency's ultimate conclusion and are the application of relevant evidence to applicable legal standards. *Topanga*, supra, 11 Cal.3d at p. 516. The *Topanga* court explained that the intended effect of findings is "to

facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusion." 11 Cal.3d at 515.

In *Topanga*, supra, 11 Cal.3d 506, the court articulated the purposes and reasons for findings. Findings:

- "[B]ridge the analytical gap between raw evidence" and an agency's ultimate decision. *Topanga*, supra, 11 Cal.3d at p. 515.
- Enhance the efficiency and effectiveness of judicial review by explaining to the court what a decision means and how it was reached. *Topanga*, supra, 11 Cal.3d at p. 516.
- Allow interested parties to understand the relevant issues and information so that they can decide whether and on what basis to seek judicial review. *Topanga*, supra, 11 Cal.3d at p. 516.
- Diminish the importance of judicial review by enhancing the integrity and rigor of administrative decision making by cities. *Topanga*, supra, 11 Cal.3d at p. 516.
- Serve "a public relations function" by showing the parties and the interested public that the city made its decision in a careful, reasoned, and equitable manner. *Topanga*, supra, 11 Cal.3d at p. 517.

The *Topanga* court explained that a reasonable requirement for findings and a clear standard for judicial review facilitate the proper division of legislative functions from quasi-judicial functions. *Topanga*, supra, 11 Cal.3d at p. 517. In the "absen[ce of] such road signs, a reviewing court would be forced into unguided and resource-consuming explorations" and would have "to grope through the record to determine whether some combination of credible evidentiary items which supported some line of factual and legal conclusions supported the ultimate order or decision of the agency." Id. at p. 516.

Topanga, supra, 11 Cal.3d 506 and the decisions that follow it require findings to be adopted whenever a city acts in a quasi-judicial capacity (also known as an adjudicative or administrative capacity). Adjudicative decisions generally involve the application of established standards to individual parcels. *Arnel Dev. Co. v. City of Costa Mesa* (1980) 28 Cal.3d 511, 519; *20th Century Ins. Co. v. Garamendi* (1994) 8 Cal.4th 216, 275. Such decisions also involve the determination of specific rights under existing law with regard to a specific fact situation. *Mountain Def. League v. Bd. of Supervisors* (1977) 65 Cal.App.3d 723, 729. Findings are required for adjudicative decisions. *Arnel Dev. Co. v. City of Costa Mesa*, supra, at p. 519. There is no question that the City Planning Commission made an adjudicative decision when it acted on Petitioner's VTT appeal. There is also no question that the City Planning Commission was acting in a quasi-judicial capacity when it acted on many of the necessary entitlements for the Project (e.g. Project Permit Compliance Review, Site Plan Review, etc.) The Commission's decision involved the determination of specific rights under existing law as to a specific situation.

Here, the City's environmental findings adopted pursuant to Government Code section 66474(e) were entirely inadequate. The City's finding consists of a single paragraph. The finding states, in part, as follows: "Although located adjacent to the Grand Canal, which is part of the larger, man-made Venice Canal system, the Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with any protected tree ordinance, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value." These findings are contradicted by the Initial Study prepared by the City as well as an expert report prepared by a qualified biologist, Scott Cashen. Additionally, the City ignores other environmental resources - focusing exclusively on the Project's biological resource impacts. The question under Govt. Code section 66474(e) is whether the Project is likely to cause "substantial environmental damage" - nothing in law limits the inquiry to mere biological issues. It is undisputed that the Initial Study concluded that the Project may cause potentially significant impacts on a wide range of environmental resources, including aesthetics, air quality, cultural resources, recreation, public service, etc. Moreover, the remainder of the finding recites the Project's alleged statutory exemption from CEQA - which is irrelevant as explained above. The City's findings are not supported by substantial evidence because the City failed to demonstrate the analytical route between the evidence and the action. *West Chandler Blvd. Neighborhood Ass'n v. City of Los Angeles* (2011) 198 Cal.App.4th 1506.

VI. The Project Violates the Terms of the Exclusive Negotiating Agreement

The Response Letter argues that the Project complies with the land use consistency requirement in the Exclusive Negotiating Agreement ("ENA") because the requested entitlements amend the General and Specific Plan. Therefore, according to the Applicant, the project will comply with the Specific Plan and Venice Land Use Plan. This is circular logic that defies common sense.

VII. The Design and IMprovements of the Project are Not Consistent with the Applicable General and Specific Plan and the Coastal Act

Contrary to the Response Letter's conclusions, the proposed Project does not meet design consistency. The project fails to address issues related to public access to the boat launch and protection and safety of an Environmentally Sensitive Area Habitat as required by the Certified Venice Local Coastal Program (LUP Policy III.A.1) and the California Coastal Act.

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The project violates the following provisions of the Coastal Act:

Coastal Act Section 30213:

> "Lower cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. Development providing public recreational opportunities is preferred;"

Coastal Act Section 30220:

> Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses;"

Coastal Act Section 30224:

> "increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land;"

The project also violates the Certified Venice Local Coastal Program Land Use Plan ("LUP).

The LUP Recreational Opportunities Policy III.A.1. General states:

> "New recreational opportunities should be provided, and existing recreational areas shall be protected, maintained and enhanced for a variety of recreational opportunities for both residents and visitors…"

The LUP Policy Coastal Waterways Policy III.D.2 Boating Use of Canals state:

> "…A public boat launch facility was built as part of the Venice Canals Rehabilitation Project at the Grand Canal And North Venice Blvd. 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. 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;"

The project will **decrease** recreational opportunities currently provided by being able to access the Venice Canals by boat.

The project claims to maintain boat launch access to the Venice Canals which is not the case. The Coastal Commission has mandated 7 parking spots be available to the public for access to the public launch. Current developer plans call for only 3 reserved launch spots and all at questionable locations in the interior of a parking structure and further away from the launch. From a practical standpoint, there is no way to back a larger boat down the ramp on a trailer attached to an automobile as for which the boat launch was designed.

Historically, Canal residents were able to build permitted, private docks on a public right of way, with the condition by Coastal Commission that access to launch a boat be given to the public through an accessible boat ramp at Grand Canal and S. Venice Blvd. Private Residents were only permitted to obtain private doc permits once this stipulation of public access had been met.

The public boat launch allows a trailer to bring a boat to the ramp, allowing the boat to be backed into the canal by automobile. The launch also allows for smaller boats to be unloaded at the site and carried down the ramp without harming surrounding Salt Bush planted around the canals for environmental protection.

On October 14,1993 the Coastal Commission, upon allowing up to 175 private docs to be permitted in the Venice Canals, mandated that the general public will have adequate access to a public boat launch with 7 parking spaces reserved for public access.[5] These spots are currently used by the Mariposa Landscape Inc. as negotiated through the City to maintain the healthy environment of the canals. After hours the parking is chained off, as the City did not do it's due diligence in keeping these spots open and available to the public. This is an issue to be corrected by the City, not a situation where developers should reduce access from the required 7 spots to the 3 they are offering within the structure.

The Staff Report from the 1993 Coastal Commission action states as follows:

> *"As conditioned, the dock plan will not restrict the public from using the Venice Canals for recreational boating and public boating access in the Venice Canals will be protected as required by the Coastal Act. The public will continue to be able to access the canals with non-motorized boats at the public boat launching ramp approved under Coastal Development Permit 5-91-584 (City of Los*

[5] The Staff Report for the 1993 Coastal Commission action can be found at https://documents.coastal.ca.gov/reports/2001/6/Th20b-6-2001.pdf . The Staff Report is attached as Exhibit 44

Angeles). The public boat launching ramp is located on the northern end of the Grand Canal (Exhibit #1) A seven-space parking area at the public boat ramp provides parking for people using boats while visiting the Venice Canals."

According to the Venice Local Coastal Program IV-7"

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. 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.

In addition to creating a barrier to public access, the project does not properly allow for the contracted maintenance service to adequately care for the Environmentally Sensitive Habitat Areas of the Canals. The City has contracted the Mariposa Landscape Inc. maintenance crew to care for the environmental well being of the canals.

The STATEMENT OF WORK for the Venice Canals, Grand Canal and Ballona Lagoon Maintenance[6] reads as follows.

The purpose of the Venice Canals maintenance work is to keep the rehabilitated canals clean, control algae growth, maintain the landscaping, and operate the tide gates.

…The City is responsible for preserving wetland vegetation in the maintenance area.

The purpose of maintaining the Ballona Lagoon is to keep the rehabilitated lagoon and it's banks free of any trash and loose debris from the banks and within the lagoon waters and to provide a natural environment. Also, to protect marine and coastal resources within the Environmentally Sensitive Habitat Areas (ESHA) in compliance with the California Coastal Act and existing Coastal Development permits (CDP) as listed in Attachment 4. This also applies to the Venice Canals and Grand Canal The CONTRACTOR shall perform the work as detailed under Subsection 2.1.

[6] The Statement of Work is attached as Exhibit 43.

The city has designated the parking area by the boat launch for use by the Mariposa Maintenance crew. The site requires a porta potty and space for containers to maintain the cleanliness and health of the canals. The ramp is required to remove algae and debris and abandoned boats and other floating objects from the canals.

As part of maintenance responsibilities 2.1.2 Control of Algae Growth:

> *Algae grow at the bottom of the canals The growth is prevalent and may be problematic in the summer months when the weather is warm. The algae should be removed and disposed of at a suitable disposable site.*

Large containers of algae are pulled from the canals, at a rate of 15-20 loads per year. A sanitation truck is required to bring in the container and remove it once full of algae. On a weekly basis, there is a 3 yard container (seen behind the algae) that is emptied 2-3 times a week and is used for garbage collection throughout the canals. The Mariposa crew also gathers abandoned watercraft at this site which is removed monthly by sanitation.

Pictures of the algae and removal activity are shown below.

According to the developers' plans, the area for maintenance will not be practical if available at all. Algae can not be moved and temporarily stored inside a parking structure (due to practicality and odor).

The ability for large vehicles to access the containers and the boat ramp will be jeopardized. The project clearly interferes with the ability to haul the Algae in and out. Trucks will be unable to remove garbage from Canals to preserve Environmentally Sensitive Area. Additionally, moving the boat launch parking further away inside the parking structure is discriminatory to those with disabilities, as is moving public parking access further from the beach in the East tower. Additionally, making a parking lot used by minorities, lower income,

and making it more limited in access also discriminates under the environmental justice section of the California Coastal Act.

Also, removing access to the Vehicle Boat Launching ramp by a trailer attached to a vehicle to unload the boat, and placing designated parking in an internal structure, requiring the public to hand carry the boat is a violation of the Coastal Act Section 30013 (Environmental justice).

In addition to the foregoing, the architects in the City's own Professional Volunteer Program have expressly found that the design "rejects" the surrounding community, and, at a minimum, the following project characteristics are inconsistent with the surrounding community and applicable plans:

- The 59-foot "architectural" tower (which extends to 71 feet including railings and roof access structures);
- The failure to observe setback requirements with respect to frontage on Grand Canal;
- The lack of any setbacks above the ground floor;
- The lack of any setbacks surrounding the 59-foot "architectural" tower;
- The protrusion of the 59-foot "architectural" tower over the sidewalks along Pacific Avenue and N. Venice Boulevard;
- The parking tower in the east campus, which will extend to 45 feet in height with double-stacker parking and solar panels on top;
- Oversized rooftop features, including roof access structures, turrets, canopies, decks and railings;
- The permanent elimination of any opportunity to expand sidewalks and create designated bike lanes on Venice Boulevard, as called for under the City General Plan, the City's Mobility Plan 2035 and the Coastal Transportation Corridor Specific Plan;
- The experimental use of robotic or mechanical lift parking and a tiered-pricing scheme for parking; and
- The lack of required mitigation measures in connection with sea-level rise, flooding and elevated groundwater tables.

VIII. The Project Does Not Qualify for a CEQA Exemption Under AB 1197

The Applicant again fails to show that the Project is exempt under California A.B. 1197, codified at Public Resources Code Section 21080.27. Venice Vision and others have addressed this issue in previous comment letters, all of which are incorporated here by reference.

Certain points raised in the Attachment A-13 of the letter submitted by Applicant's counsel, Latham & Watkins, on October 29, 2021 (the "October 29, 2021 Latham Letter") are addressed here.

A. Applicant Has Failed to Show that 3% of the Nonresidential Space Is Dedicated to Supportive Services Limited to Tenant Use as Required Under Section 65651, Subd. (a)(5)(B)

1. *Applicant's assertion that "exterior walkways … covered alcoves, and areas under building overhangs" should be categorically excluded from calculations of "nonresidential floor area" is incorrect.*

LADBS Information Bulletin / Public-Building Code on Calculating Floor Area (Doc. No. P/BC 2002-021)[7] states:

> When applying either Sec. 12.03[8] or 12.21.1 A 5, architectural projections not intended for regular use or occupancy shall not be counted as floor area. ***Areas under projections intended for use and occupancy shall be included as floor area in accordance with the guidelines below.*** For all Building Code applications, the area under architectural projections exceeding 5 feet (1524 mm) in width, as defined in Sec. 91.3204.1, shall be included in the floor area calculation.

Further, the California Building Code[9] defines "[f]loor area" as "the area within the inside perimeter of the exterior walls of the building" or, if surrounding exterior walls do not exist, ***"the usable area under the horizontal projection of the roof or floor above."*** California Building Code 2019, Chapter 2, Section 202;[10] see California Oak Found. v. Regents of Univ. of California, 188 Cal. App. 4th 227, 253, 115 Cal. Rptr. 3d 631, 650 (2010), as modified (Oct. 1, 2010) (citing Cal.Code Regs., tit. 24, § 1002.1).

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[7] Ex. 1 (LADBS Information Bulletin / Public – Building Code, Doc. No. P/BC 2002-021).

[8] Ex 2 (Section 12.03 Los Angeles Municipal Code)

[9] In 1978, state legislation (SB 331, Robbins) mandated that building standards be unified in a single code within the California Code of Regulations and designated as Title 24, the California Building Standards Code (Title 24).

[10] Ex. 3 (Section 202, California Building Code (also known as Title 24, part 2 of the California Code of Regulations) / (Tile 24, Section 1002.1 Cal. Code Regs.). The 2019 California Building Code adopted the International Building Code 2018 with amendments.

And the Uniform Building Code—which once provided the basis for the California Building Code, see Coll. Area Renters & Landlord Assn. v. City of San Diego, 43 Cal. App. 4th 677, 684 (1996) (citing the Uniform Building Code), —similarly states that: "the floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above." SECTION 202 DEFINITIONS, IBLDG15CD § 202[11].

Similarly, the Applicant provides no support for its naked assertion that "With respect to overhangs and alcoves, Appellant includes all overhang and covered alcove space in its nonresidential floor area calculations, including the "overhang and covered alcove space … located on the upper levels of the Project" should be excluded from nonresidential space because it is "adjacent to residential spaces."

Thus, Applicant cannot justify its proposed exclusions from floor area for ""exterior walkways … covered alcoves, and areas under building overhangs." All argument in that vein must be disregarded.

2. *Applicants' Assertion that "Common Area" Constitutes Residential Space Is Incorrect*

Applicant states (again, without citation to any authority) that "[t]he Project's 'common area' [] refers to areas that are for use by the Project's residential tenants, and are therefore properly categorized as residential space." Oct. 29, 2021 Latham Letter at 18-19.

That assertion, however, is directly and decisively contradicted by the Project Plans dated March 31, 2021 (Revision 5),[12] which state at Sheet No. G0.01(emphasis added): ***"Common area includes lobbies, enclosed bike storage, laundry facilities, and community rooms."***

Moreover, Section 12.03 of the LAMC, however, defines "residential" as the "**portion [of a building] designed or used for human habitation**." LAMC Section 12.03 (Definitions) (Added by Ord. No. 107,884, Eff. 9/23/56).

Mere "use" by residents is not sufficient to make floor area "residential," and thus there is no conceivable justification for categorizing "common area" as "residential space."

[11] Ex. 4 (2015 International Building Code, Chapter 2, Definitions).

[12] Ex. 5 (March 31, 2021 Project Plans)

3. *Applicant Fails to Account for the Nonresidential Portion of Live/Work Quarters*

Section 202 of the International Building Code (which was long the model for the California Building Code) defines a "Live/Work Unit" as:

> "A dwelling unit or sleeping unit in which a significant portion of the space includes a ***nonresidential use*** that is operated by the tenant."

SECTION 202 DEFINITIONS, IBLDG15CD § 202 (emphasis added).

Section 12.03 of the Los Angeles Municipal Code, similarly, defines (emphasis added) "Joint Living and Work Quarters" as follows:

> "A residential occupancy of one or more rooms or floors used as a dwelling unit with ***adequate work space*** reserved for, and regularly used by, one or more persons residing there." (Amended by Ord. No. 181,133, Eff. 5/11/10.)
>
> LAMC 12.03.

Further, Los Angeles Ordinance No. 181,133[13] states:

> 9. Work Space for Joint Living and Work Quarters. The total floor area in a joint living and work quarters shall be arranged to comply with one of the following standards:
>
> (a) Tier 1 Standard - Low Percentage of Work Space. At least ten percent but no more than 25 percent of the total floor area in a joint living and work quarters shall be work space; or
>
> (b) Tier 2 Standard - Medium Percentage of Work Space. At least 25 percent but no more than 50 percent of the total floor area in a joint living and work quarters shall be work space.

As set forth in the Project Plans dated March 31, 2021 (Revision 5) at Sheet No. G0.01(emphasis added), the average size of a studio in the project is 301 sq. ft. and the average size of joint living and work quarters in the project is 400 sq. ft.

The difference in size between a strictly residential studio and live/work quarters—99 sq. ft.—is logically the "adequate work space reserved for, and regularly used by, one or more persons residing there" expressly required for "Joint Living and Work Quarters" under Section

[13] Ex. 6 (Los Angeles Ordinance No. 181,133).

12.03 of the Los Angeles Municipal Code. This calculation is conservative in that: (i) these units are supposedly for "artists," requiring allowances for sculptures, painters and such who need perspective on their work and, in many cases, make us of bulky equipment such as easels and (ii) it places the project in the "Tier 1 Standard – Lower Percentage of Work Space" category.[14]

There are 34 live/work units in the project, so at least 3,366 sq. ft. of the total 13,600 sq. ft. allocated to live/work units is necessarily nonresidential.

4. *Applicant Admits That the Project Has 104,159 Square Feet of Floor Area*

Applicant conducted floor area calculations for the project consistent with the forgoing authority. In their submission, the Applicant states that there is a "Buildable Area" of 90,573 sq. ft. and a floor area ratio of –"[b]ased on Build Area"—1.15. That yields (using the developers own figures) a floor area of 104,159 sq. ft. 104,159 sq. ft. is the floor area that should be used.

5. *Applicant Fails to Show the Amount of Square Footage Dedicated to Supportive Services*

The October 29, 2021 Latham Letter states that "685 square feet[] is dedicated to onsite supportive services."

The Project Plans dated March 31, 2021 (Revision 5), however, state (emphasis added) at Sheet No. G0.01 that this 685 square feet—referred to in the aggregate as "[s]upporting office areas" includes "office space for tenant supportive services ***and on-site storage***." Thus, it is impossible to know from the materials submitted by the Applicant how much square footage is dedicated so supportive services. The Applicant fails, for that reason alone, to show compliance with the requirement that 3% of total nonresidential space be dedicated to supportive services exclusively for tenants. Moreover—and similarly—Applicant fails to show that the services provides through these offices will be reserved exclusively for tenants.

Even assuming there is 685 square feet of space dedicated to supportive services, however, the Project fails to satisfy the 3% threshold. The March 31, 2021 Project Plans, Revision 5, indicates at Sheet No. G0.01 that the Project has 104,149 square feet of floor area. Residential units, in gross, account for 64,280 square feet. 104,149 sq. ft. minus 64,280 sq. ft. is 39,869 sq. ft. of nonresidential floor area, before adjusting for the nonresidential portion of the live/work quarters. Making the adjustment described above for joint live/work quarters adds 3,366 square feet of nonresidential floor area, increasing total nonresidential floor area to 43,235 square feet.

[14] See also Ordinance No. 186488 (calling for a minimum 150 sq. ft. of dedicated workspace in a live/work unit) (Ex. 7); Ex. 16 (Los Angeles Ordinance No. 184,099).

685 square feet is 1.58% of 43,235 square feet (and 1.7% of 39,869 sq. ft., excluding the adjustment for the nonresidential portion of the live/work quarters).

B. Applicant Has Failed to Show the Project Satisfies AB 1197's Funding Requirement

Applicant argues as follows:

> "These specified funding sources include Measure H funding, and on February 16, 2018, the Project obtained a Measure H funding commitment letter from the Los Angeles County Department of Health Services Housing for Health Division. In general, affordable housing projects are built with a variety of funding sources, and the fact that the Project will be funded by sources in addition to Measure H does not render it ineligible for the AB 1197 Exemption."

This argument overlooks the distinction between "supportive ***housing***" and "supportive ***services***."

Public Resources Code Section 21080.27(a)(3)[15] states:

> (3) "Supportive housing" means supportive ***housing***, as defined in Section 50675.14 of the Health and Safety Code, that meets the eligibility requirements of Article 11 (commencing with Section 65650) of Chapter 3 of Division 1 of Title 7 of the Government Code or the eligibility requirements for qualified supportive ***housing*** or qualified permanent supportive ***housing*** set forth in Ordinance No. 185,489 or 185,492, and is funded, in whole or in part, by any of the following:
>
> (A) The No Place Like Home Program (Part 3.9 (commencing with Section 5849.1) of Division 5 of the Welfare and Institutions Code).
>
> (B) The Building Homes and Jobs Trust Fund established pursuant to Section 50470 of the Health and Safety Code.
>
> (C) Measure H sales tax proceeds approved by the voters on the March 7, 2017, special election in the County of Los Angeles.

[15] Ex. 8 (Public Resources Code 21080 et seq.); For context, the legislative history for A.B. 1197 is provided as Ex. 9.

(D) General bond obligations issued pursuant to Proposition HHH, approved by the voters of the City of Los Angeles at the November 8, 2016, statewide general election.

(E) The City of Los Angeles Housing Impact Trust Fund.

Section 65650 of the Government Code[16] states:

> For purposes of this article, the following definitions shall apply:
>
> (a) ***"Supportive housing"*** shall have the same meaning as defined in Section 50675.14 of the Health and Safety Code.
>
> (b) ***"Supportive services"*** shall have the same meaning as defined in Section 65582.
>
> (c) "Target population" shall have the same meaning as defined in Section 50675.14 of the Health and Safety Code .
>
> (d) "Use by right" shall have the same meaning as defined in subdivision (i) of Section 65583.2 .

Section 50675.14 of the Health and Safety Code[17] states, in pertinent part:

> (2) "Supportive housing" means ***housing*** with no limit on length of stay, that is occupied by the target population, and that is ***linked to onsite or offsite services*** that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Thus, on its face, Public Resources Code Section 21080.27(a)(3) distinguishes between housing and services.

The same is true of Measure H.

As set forth, in the County of Los Angeles Measure H Audit for the fiscal year ended June 30, 2020,[18] Measure H has 6 types of expenditures: "Prevent Homelessness," "Subsidize

[16] Ex. 10 (Section 65650 Cal. Gov. Code)

[17] Ex. 11 (Section 50675.14 Cal. Health & Safety Code)

[18] Ex. 12 (Measure H Audit, Fiscal Year Ended June 30, 2020)

Housing," "Increase Income," "Provide Case Management and Services," "Create a Coordinated System," and "Increase Affordable/Homeless Housing."

These bodies of work are defined as follows:

Strategy A - Preventing Homelessness - Combating homelessness requires reducing the number of families and individuals who have become homeless and helping currently homeless families and individuals move into permanent housing.

Strategy B - Subsidize Housing - Homeless families and individuals lack sufficient income to pay rent on an ongoing basis due to the high cost of housing in Los Angeles County. Subsidizing rent and related housing costs is key to enabling homeless families and individuals to secure and retain permanent housing and to prevent families and individuals from becoming homeless.

Strategy C - Increase Income - A high percentage of homeless adults can increase their income through employment and qualified disabled homeless individuals can increase their income through federal disability benefits. This increase in income can assist homeless families and individuals pay for their own housing in the future

Strategy D - Provide Case Management and Services - The availability of appropriate case management and supportive services is critical to enable homeless families and individuals to take advantage of an available rental subsidy, increase their income, and access/utilize available services and benefits. Since the specific needs of homeless families and individuals vary depending on their circumstances, they need case management and supportive servicesto secure and maintain permanent housing.

Strategy E - Create a Coordinated System - Homeless individuals, families and youth often encounter multiple County departments, city agencies and community-based providers based on their complex individual needs. This fragmentation is often exacerbated by lack of coordination of services, disparate eligibility requirements, funding streams, and bureaucratic processes. A coordinated system brings together homeless and mainstream services to maximize the efficiency of current programs and expenditures.

Strategy F - Increase Affordable Homeless Housing - The lack of affordable housing for the homeless contributes substantially to the current crisis of homelessness. The County and cities throughout the region can increase the

availability of both affordable and homeless housing though a combination of land use policy and ***subsidies for housing development***.

Additional detail regarding each of these strategies is set forth on document pages 11-12 (pdf file pages 15-16).

The Audit for the year ended 2019,[19] for example, shows at pdf file pages 12 and 45 that the County of Los Angeles disbursed "$15 million to finance the development and preservation $15 million to finance the development and preservation of homeless housing through [the Community Development Commission ("CDC") and the Los Angeles Community Development Authority ("LACDA") Notice of Funding Availability (NOFA) process." Those funds were "used to support the development and preservation of homeless housing in areas of the County where there is an urgent need for housing under Measure H eligible Homeless Initiative Strategy F7 – Preserve Current Affordable Housing and Promote the Development of Affordable Housing for Homeless Families and Individuals." Id.

A table in the audit shows how "Strategy F7" funds were allocated in that period.[20]

The $11,627,000 amount allocated for strategy B4 was fully spent during fiscal year 2018-19. While the $15,000,000 disbursed to the LACDA in FY 2018-19 for strategy F7, $1,200,000 was allocated for administrative costs and $13,800,000 was allocated for capital funding through the LACDA's NOFA process for Strategy F7.

For the year ended June 30, 2019, LACDA's Measure H Strategy F7 actual expenditures totaled $6,098,250 comprised of $5,656,191 in capital funding and $442,059 in administrative costs. As of June 30, 2019, the capital funding allocated through the NOFA process for Strategy F7, including funds received from prior fiscal year were as follows:

Housing Projects	Measure H Funds Committed	Expected Construction Starts/Completion Date
From FY 2017-18 allocation		
PATH Villas at South Gate	$ 1,700,000	Construction to start in March 2020
Kensington Campus	2,000,000	Expected completion, December 2019
Florence Apartments	2,000,000	Expected completion, August 2021
The Spark at Midtown	2,000,000	Expected completion, November 2020
Sun Commons	1,500,000	Construction to start in February/March 2020
Sub-total	$ 9,200,000	
From FY 2018-19 allocation		
Veterans Parks Apartments	$ 2,000,000	Construction not yet started
Fairview Heights	2,800,000	Construction not yet started
Vermont/Manchester	2,000,000	Construction not yet started
PCH and Magnolia	2,000,000	Construction not yet started
The Pointe on La Brea	2,000,000	Construction not yet started
Juniper Grove	3,000,000	Construction not yet started
Sub-total	$ 13,800,000	
Grand total	$ 23,000,000	

[19] Ex. 13 (Measure H Audit, Fiscal Year Ended June 30, 2019).

[20] See also Measure H Quarterly Report #18, Exhibit I, pdf file page 37 (Ex. 14); Measure H Audit, Fiscal Year Ended June 30, 2018 (Ex. 15).

The February 16, 2018 letter the Applicant uses to show (putatively) Measure H funding states (emphasis added):[21]

> It is DHS' intention to assist VCHC with all 68 PSH units in the Reese-Davidson Community project with ***Intensive Case Management Services (ICMS)*** support," with no reference of any kind for funding for housing.
>
> …
>
> The County intends to provide ***supportive services*** for up to 68 homeless DHS patients at the Reese-Davidson Community project. The County shall enter into contract with an approved Intensive Case Management Services (ICMS) provider at an estimated funding amount of up to $367,200 per year. The County, the ICMS provider, and VCHC will collaborate to ensure tenants receive the support they need to remain housed and stable, including attending and/or convening periodic meetings with partners to problem-solve around tenant, building, and community issues. DHS will also provide ***in-kind clinical services*** on-site and through referral to primary care homes to ensure that each tenant receives high quality medical care.

In addition to being outdated and falling well short of a funding commitment, this letter plainly pertains strictly to services—with no reference to funding for housing—and therefore does not satisfy Public Resources Code Section 21080.27(a)(3). Indeed, Latham & Watkins admits as much in a draft letter, striking language that Measure H would provide "support for 68 formerly homeless households in the Project."[22]

C. <u>The Applicant Fails to Show that the Project Serves the Target Population Required for the A.B. 1197 Exemption</u>

The Applicant claim the Project meets the definition for "supportive housing" under Health and Safety Code Section 50675.14 and Government Code Section 65650 because the Project does not limit the length of stay for its residents, will reserve more than 25 percent of the units for low-income formerly homeless members of the target population, and is linked to onsite supportive services. (Oct. 29, 2021 Latham Letter)

Section 50675.14 of the Health and Safety Code states in pertinent part:

> (2) "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving

[21] Ex. 17 (Measure H Services Letter).
[22] Ex. 25 (February 2020 Draft Latham & Watkins Letter).

his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

(3)(A) "Target population" means persons, including persons with disabilities, and families who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code , or who are "homeless youth," as that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code .

(B) Individuals and families currently residing in supportive housing meet the definition of "target population" if the individual or family was "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code , when approved for tenancy in the supportive housing project in which they currently reside.

Section 65651 of the California Government Code[23] provides, in pertinent part:

(a) Supportive housing shall be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development satisfies all of the following requirements:

…

(2) One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

(3) At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.

….

[23] Ex. 18 (Section 65651 California Government Code).

Section 50079.5 of the California Health and Safety Code[24] provides:

> (a) "Lower income households" means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. The limits shall be published by the department in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. In the event the federal standards are discontinued, the department shall, by regulation, **establish income limits for lower income households for all geographic areas of the state at 80 percent of area median income**, adjusted for family size and revised annually.
>
> (b) "Lower income households" includes very low income households, as defined in Section 50105, and extremely low income households, as defined in Section 50106. The addition of this subdivision does not constitute a change in, but is declaratory of, existing law.
>
> (c) As used in this section, "area median income" means the median family income of a geographic area of the state.

Section 50105 of the California Health and Safety Code[25] provides:

> (a) "Very low income households" means persons and families whose incomes do not exceed the qualifying limits for very low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. These qualifying limits shall be published by the department in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. In the event the federal standards are discontinued, the department shall, by regulation, **establish income limits for very low income households for all geographic areas of the state at 50 percent of area median income, adjusted for family size and revised annually.**
>
> (b) "Very low income households" includes extremely low income households, as defined in Section 50106. The addition of this subdivision does not constitute a change in, but is declaratory of, existing law.

[24] Ex. 19 (Section 50079.5 of the California Health and Safety Code).

[25] Ex. 20 (California Health and Safety Code Section 50105).

(c) As used in this section, "area median income" means the median family income of a geographic area of the state.

Section 50106 of the California Health and Safety Code[26] provides:

> "Extremely low income households" means persons and families whose incomes do not exceed the qualifying limits for extremely low income families as established and amended from time to time by the Secretary of Housing and Urban Development and defined in Section 5.603(b) of Title 24 of the Code of Federal Regulations. These limits shall be published by the department in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for extremely low income households for all geographic areas of the state at 30 percent of area median income, adjusted for family size and revised annually. As used in this section, "area median income" means the median family income of a geographic area of the state.

24 C.F.R. § 5.603[27] provides in pertinent part as follows:

Extremely low-income family. A very low-income family whose annual income does not exceed the higher of:

(1) The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States); or

(2) Thirty (30) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Further, 24 C.F.R § 5.603 states:

Low income family. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and

[26] Ex. 21 (California Health and Safety Code Section 50106).

[27] Ex. 22 (24 C.F.R. § 5.603)

larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median income for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low family incomes.

The Affordable Housing Referral Form in the Applicant's application calls for 4 market rate manager units, 7 "extremely low income" units, and 129 "low income" units, with 28 such units under HDC (State) and 101 under HUD (TCAC).[28] In May 2021, the Los Angeles Planning Department published a newsletter stating that the project would have "140 units, including seven for Extremely Low Income households (those earning $33,800 or less, for a family of four), 129 Low Income households (those earning $90,100 or less, for a family of four) and four management units," (pdf file page 12),[29] as well as a tweet stating that the Project would accommodate families making up to $90,100 per year.[30]

Thus, there is no evidence on the record showing compliance with the target population requirement. That alone precludes a finding that the Project qualifies for the AB 1197 CEQA exemption.

D. East Parking Tower Is a Separate Project That Does Not Qualify for a CEQA Exemption Under AB 1197

Over the course of a period of several years, Venice Vision has served several requests for information under the California Public Records Act ("CPRA") for records relating to the replace of surface parking currently available at Los Angeles Department of Transportation (LADOT) No. 731.[31]

These records incontrovertibly show that the plans submitted by the Applicant are not even remotely accurate with respect to replacement parking for LADOT No. 731, and the plans show conventional parking, LADOT No. 731 will, in fact, be replaced by some combination of robotic parking and mechanical lift parking.

Because no coherent plans for the parking have been released to the public—even in draft form—it has been impossible to conduct an accurate assessment of the impacts the elimination of

[28] Ex. 26 (Affordable Housing Referral Form).

[29] Ex. 23 (May 2021 Newsletter).

[30] Ex. 24 (Project Tweet).

[31] Ex. 27 (August 17, 2020 LADOT Production); Ex. 28 (Dec. 10, 2020 LADOT Production); Ex. 29 (May 14, 2021 LADOT Production); Ex. 30 (June 15, 2021 Planning Department Production); Ex. 31 (August 17, 2021 Coastal Commission Production); Ex. 32 (September 15, 2021 LADOT Production); Ex. 33 (September 22, 2021 LADOT Production).

LADOT No. 731 will have on parking, traffic and beach access at the Venice Boulevard gateway to Venice Beach.

Moreover, there are deeply troubling indications—that we have been unable to fully explore—that the City will apply a tiered pricing scheme—at price points above those charged for beachfront surface lots in Santa Monica—that will favor the wealthy and further impede beach access for communities (including especially, communities of color and lower income communities) east of Venice.

These records also show, in the plainest possible terms, that the replacement of LADOT No. 731 is separate from the so-called "Reese-Davidson Community" in all respects. Specifically, the replacement parking tower is being developed and financed by the City and will be owned and operated by the City going forward. It does not constitute supportive housing, cannot be said to further supportive housing since it contains no residential parking units. In fact, it encroaches on space that would otherwise be available for the development of additional supportive housing and will apparently make use of robotic or automated lift parking directly against the walls of residential units, necessarily diminishing the quality of life for residents of supportive housing. Finally, it does not draw financing from any of five specified sources of funding under AB 1197.

Replacement of the existing beach parking is a condition precedent for the development of the Project, as set forth in the Affordable Housing Opportunity Site ("AHOS") program and in the RFP/Q for the Project. Until the City's plan for replacing existing beach parking at LADOT No. 731 has been fully vetted (including a comprehensive Environmental Impact Report ("EIR")) the Project cannot be permitted to move forward.

For the foregoing reasons, neither the Project nor the replacement for LADOT No. 731 is eligible for a CEQA exemption under A.B. 1197.

IX. The City's Mello Act Review Was Faulty

It is unfortunate that the CPC has allowed the applicant to violate the Mello Act, the Settlement Agreement, and the IAP. We write to inform the Los Angeles Planning Land Use & Management Committee ("PLUM") that the CPC erred and abused its discretion in approving the Mello Act-related findings for the Project because:

A. it omitted the threshold finding that the Project cannot demolish a residential structure for purposes of a non-residential use.

B. it exceeded its jurisdiction by approving the Project because the Project conflicts with the Mello Act state law.

C. it piecemealed the Project for purposes of the various Mello Act-related findings.

D. the clear language of the Mello Act, the Settlement Agreement and the IAP does not allow for a project with partial non-residential use.

E. the Project's Mello Act violations would cause a significant adverse cumulative effect on Coastal Zone affordable housing, displacement of existing residents, and community character.

F. the Project's Mello Act violations would prejudice the City's ability to approve a Local Coastal Program that conforms with Chapter 3 of the Coastal Act.

G. the Project's violations of the Mello Act would adversely impact the social and economic needs of the residents who would be displaced by the Project as well as all low-income residents and families of color in the Coastal Zone.

H. the existing tenants and prospective future tenants of the Project could be harmed with respect to right to return, level of affordability, and equivalency of size related to the replacement affordable units because HCID erred in following the IAP Section 4.4 procedures in its Mello Act determination of affordable units.

I. it determined in error that the Project should replace only three affordable units to comply with LAMC 11.5.11(a) and the Mello Act regulations.

J. the Project does not comply with the affordability level for the restricted affordable units that is required by LAMC 11.5.11(a).

K. a zone change for the Project must be to residential and not commercial.

The Project must be approved within the confines of the law and not by allowing a demolition of the multi-family residential apartment building at 204-208 N. Venice Blvd. for purposes of the proposed 40-lot mixed-use residential-commercial development, in violation of the Mello Act.

The City must not exceed its jurisdiction by violating the state Mello Act, and it must not violate the Settlement Agreement and the IAP.

A. <u>The City erred and abused its discretion in approving the Project as it omitted the threshold finding that the Project cannot demolish a residential structure for purposes of a non-residential use.</u>

The purpose of the Mello Act is to preserve residential structures in the Coastal Zone, as well as to protect existing affordable housing and new affordable housing.

The Mello Act specifically references the housing elements state law, making it clear that the Mello Act is a law that protects housing for all income levels and certainly not one that would allow non-residential uses to replace residential structures. California courts also have made clear that the Mello Act's purpose is to preserve housing in the Coastal Zone. One of the main avenues the Mello Act prescribes for protecting residential housing is to limit the ability to demolish or convert existing residential structures for purposes of non-residential uses. To allow this would not only violate both the letter and the spirit of the Mello Act, but it would plainly threaten housing by allowing its destruction for purposes of more lucrative office, retail, or restaurant commercial mixed-use projects.

IAP Section 1.3 Overview of the Mello Act states:

> "The Mello Act was adopted by the State Legislature in 1982. The Act sets forth requirements concerning the demolition, conversion and construction of housing within California's Coastal Zone. Each local jurisdiction shall enforce three basic rules:
>
> Rule 1. Existing residential structures shall be maintained, unless the local jurisdiction finds that residential uses are no longer feasible. A local jurisdiction may not approve the Demolition or Conversion of residential structures for purposes of a non-Coastal-Dependent, non-residential use unless it first finds that a residential use is no longer feasible at that location. (Emphasis added.)
>
> Rule 2. Converted or demolished Residential Units occupied by Very Low, Low or Moderate Income persons or families shall be replaced. Converted or demolished Residential Units occupied by Very Low, Low or Moderate Income persons or families shall be replaced on a one-for-one basis.
>
> Rule 3. New Housing Developments shall provide Inclusionary Residential Units. If feasible, New Housing Developments shall provide inclusionary Residential Units affordable to Very Low, Low or Moderate Income persons or families."

Rule 1. makes it clear that a residential structure can only be replaced by a residential use and not by a non-residential, non-coastal-dependent, mixed-use residential-commercial project.

However, the City ignores this requirement and incorrectly treats the Mello Act as only an affordable housing law. The City's Mello Act Compliance Review determination findings only address Rules 2 and 3 and not Rule 1. By allowing demolition of the 4-unit multi-family housing structure at 204-208 N. Venice Blvd., the City is not in compliance with the first

rule, to maintain the existing residential structure unless the project is for a coastal-dependent use or the local jurisdiction finds that residential use is no longer feasible.

Before determining compliance with the Mello requirements for replacement affordable units and inclusionary units, the Project must first meet the threshold requirement in Government Code Section 65590(c), which states:

> "The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent," as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location. IF a local government makes this determination and authorizes the conversion or demolition of the residential structure, it shall require replacement of any dwelling units occupied by persons and families of low or moderate income pursuant to the applicable provisions of subdivision (b)." (Emphasis added.)

This provision is repeated in IAP Section 4.1 and in Settlement Agreement Section VI.C.1. and is a condition precedent in order for HCID to conduct its determination of whether there are any existing affordable units:

> "The Mello Act states that the Demolition or Conversion of residential structures for the purposes of a non-Coastal-Dependent, non-residential use is prohibited, unless the local jurisdiction first finds that a residential use is no longer feasible at that location."

This required finding has not been made for the Project.

Also, IAP Section 4.0 specifically states that one of the purposes of completing a Mello Act Compliance Review is to identify applications to demolish or convert residential structures for purposes of a non-Coastal-Dependent, non-residential use and that these applications shall be denied unless the applicant proves with substantial evidence that a residential use is not feasible at that location.

Given that the proposed use is non-residential and not coastal dependent, the question at IAP Section 4.3, which requires feasibility to be assumed, must be answered. If the applicant has not proven with substantial evidence that a residential use is infeasible, the Mello Act Compliance Review stops, and the application shall be denied. The Project is clearly not coastal dependent and, as per the requirements of IAP Section 4.3, continuation of the residential use is feasible because it is adjacent to other existing, viable residential uses and the use has non-conforming rights that permit a continued residential use.

It is an act of deception to not include this finding in the Mello Act Compliance Review determination. Only if a local government makes this threshold finding may it proceed to compliance with the replacement and inclusionary requirements for low- and moderate-income dwelling units.

Omitting any mention of Government Code Section 65590(c) regarding maintaining residential structures is to omit a significant part of the Mello Act law, one of its three main "rules," and thus is a significant error and abuse of discretion.

In addition to being a finding required for compliance with the Mello Act, the Settlement Agreement and the IAP, the City is also required to make this finding for purposes of the CDP. The certified Venice Land Use Plan ("LUP") is the state policy guidance document that is used to determine conformance of a project with the standard of review for a City CDP, Chapter 3 of the Coastal Act. LUP Policy I. A. 9. requires compliance with the Mello Act's affordable housing provisions. Although the policy specifically addresses compliance with the requirements for the replacement of units occupied by persons and families of low and moderate income, by implication, that compliance must extend to the threshold requirement that a demolition or conversion of residential structures for the purposes of a non-coastal-dependent, non-residential use is prohibited, unless the local jurisdiction first finds that a residential use is no longer feasible at that location. This finding was also omitted in LOD Finding 9. for the CDP.

The City is also required to make this finding with respect to the Specific Plan Project Compliance permit ("SPP") and it did not. In addition, LOD Finding 8. iii. For the SPP states that only three affordable units must be replaced as no tenant income documents were provided for the four dwelling units. However, this conclusion is in error as the HCID letter dated May 4, 2021 (see EXHIBIT 35) requesting income information from the tenants was not received by them. Even if it had been received, the deadline for their response was two weeks from the date of the letter. The letter is dated May 4, 2021, which means the response was due on May 18, 2021. However, HCID issued a letter on May 17, 2021 (see EXHIBIT 34), stating that no tenant income documents had been received. The tenants were not even given the opportunity to respond by the deadline. In addition, even if the letter had been received, the letter was so confusing that the tenants could not have understood the importance of the letter with respect to either the protection of affordable housing in Venice or with respect to their own rights. See also Section H. below. If the tenant income information had been provided, all four existing units, not three units, would have been determined to be affordable.

The City failed to make the required findings as it failed to consider the Mello Act's threshold requirement contained in Government Code Section 65590(c), the Settlement Agreement and the IAP. PLUM must deny the Mello Act Compliance Review, CDP, and SPP determinations for the demolition of the 4-unit apartment building.

B. <u>The City erred and abused its discretion in approving the Project as it exceeded its jurisdiction because the Project conflicts with the Mello Act state law.</u>

Under article XI, section 7 of the California Constitution:

> "[a] county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws."[32]

The Mello Act is a state statute; therefore, any attempt to violate it or change its meaning is in excess of the City's authority and exceeds its jurisdiction.

C. <u>The City erred and abused its discretion in approving the Project as it piecemealed the Project for purposes of the various Mello Act-related findings.</u>

On page 1 of the LOD, the City describes the Project as demolition of an existing surface parking lot and a four-unit residential structure and the merger and re-subdivision of a 115,674 square foot site, for purposes of the construction, use and maintenance of a <u>mixed-use project</u> consisting of 136 dwelling units and four unrestricted manager units, <u>supportive services, retail uses, a restaurant use and art studios</u>.

However, for purposes of the Mello Act Compliance Review determination, on page 2 of the LOD the City specifically removes the four commercial uses from the project description and erroneously describes the Project as "…a Mello Act Compliance Review for the demolition of four Residential Units and the construction of 140 new Residential Units within the Coastal Zone."

Also, in the Mello Act Compliance Review determination, Finding 10 of the LOD, paragraphs c. and d., the project is erroneously described as 1) a demolition of a multi-family structure for purposes of "the development of 10 or more residential dwelling units," 2) "the development of 140 Residential Units," and 3) "a 100% affordable housing project," all omitting the commercial uses included in the Project description.

In the SPP, Finding 8., the City again purposely misleads with respect to the Project's description by saying "the project *includes* the construction of a 100% affordable housing development…." when the fact is that the project includes the construction of a mixed-use residential-commercial development with four separate commercial uses.

In the May 17, 2021 Mello Act determination of affordable units letter from the Los Angeles Housing Department ("HCID") to DCP (see EXHIBIT 34), the Project was erroneously

[32] *Sherwin-Williams Co. v. City of L.A.*, 4 Cal. 4th 893, 897 (1993).

described as the demolition of four existing residential units and construction of a new 140-unit apartment building. If HCID had considered the Project correctly, as a mixed-use residential-commercial development, it would not have been able to move to the next step of determining affordable units because the threshold requirement of Government Code Section 65590(c) would not have been met. In the past, when a project has entailed a demolition of a residential structure for purposes of a mixed-use residential-commercial project, HCID has indicated that they are unable to issue a Mello Act determination of affordable units because the project is non-residential, referencing IAP Sections 4.0 and 4.3, which require that applications where demolition or conversion of residential structures occur for purposes of non-residential use are denied unless the applicant proves with substantial evidence that a residential use is not feasible at that location. It appears that the applicant misinformed HCID about the project description by leaving out the commercial portions of the Project. HCID should not have issued their Mello Act affordable unit determination because the demolition of the existing apartment building is for purposes of a mixed-use residential-commercial development, which is not allowed by the Mello Act, Settlement Agreement and the IAP.

As described above, for the Mello Act Compliance Review, the CDP, the SPP, and HCID's letter to the City for determination of affordable units, the City has evaded the Mello Act requirements by piecemealing the project description and preparing the findings based on a project description that only reflects a portion of the Project, the residential portion. Using a piecemealed, partial project description the City claims that the Project meets the Mello threshold requirement because a residential-only use is being replaced with a residential-only use. This piecemealing of the Project is clearly a act of subterfuge and is an error and abuse of discretion.

IAP Section 1.2.3 states:

> "Every Discretionary and Non-Discretionary Application for a Demolition, Conversion or a New Housing Development in the Coastal Zone shall be reviewed pursuant to these Interim Administrative Procedures…" (Emphasis added.)

This means the entire application must be reviewed and not just a part of the application.

IAP Section 6.0 states:

> "For Discretionary applications, the decision-maker shall issue the determination as written conditions attached to the determination made with respect to the underlying case…" (Emphasis added.)

This means the entire case is covered by the determination and not just a part of the case.

A Mello Act Compliance Review determination must be based on the same project application that is covered by the related discretionary permits and cannot be based only on the residential portion of the project.

LOD Findings 8. a. (iii) and (iv) for the SPP, Finding 9. For the CDP, and Findings 10 c. and d. for the Mello Act Compliance Review determination, as well as the HCID determination of affordable units, are all in error because they fail to evaluate the Mello Act-related findings with respect to the entire project. It is curious why for Finding 10 paragraphs a. and b. have been omitted. Perhaps the City omitted them as they were the required findings for the prohibition of the demolition of residential structures for purposes of non-residential uses and for feasibility of the residential use.

D. <u>The City erred and abused its discretion in approving the Project as the clear language of the Mello Act, the Settlement Agreement and the IAP does not allow for a project with a partial non-residential use.</u>

Words have meaning and terminology in land use law is specific. The Project is in direct violation of the Mello Act, the Settlement Agreement, and the IAP, all of which explicitly prohibit, in clear language, the conversion of a residential structure to a non-residential use. Allowing the demolition of the multi-family residential structure at 204-208 N. Venice Blvd. violates the clear meaning, spirit, and purpose of the Mello Act.

Besides violating the Mello Act, the City's approval of this demolition of a housing structure for purposes of a project that has non-residential uses is nonsensical because this would allow a 100% residential structure to be replaced with the smallest possible residential use allowed in the zoning code, with the remainder and much greater portion of the development being non-residential use. This is clearly not the intent of the Mello Act, and the language of the Mello Act, Settlement Agreement, and IAP does not allow for a partial non-residential use, such as the Project. Government Code Section 65590(c) is a very clear provision of the Mello Act that does not allow demolition or conversion of residential structures for purposes of nonresidential uses unless the use is coastal dependent, <u>a very specific and narrow exception</u>.

Furthermore, a mixed-use residential-commercial project is considered a commercial use and is restricted to commercial zones. A "residential use," on the other hand, is permitted in both residential and commercial zones.

In addition, municipalities are permitted to take actions that strengthen the local implementation of the Mello Act statute, but not to weaken it. As per Government Code Section 65590(k):

> "…This section establishes minimum requirements for housing within the coastal zone for persons and families of low or moderate income. It is not intended and shall not be

construed as a limitation or constraint on the authority or ability of a local government, as may otherwise be provided by law, to require or provide low- or moderate-income housing within the coastal zone which is in addition to the requirements of this section."

Allowing the demolition of a residential structure for purposes of a mixed-use residential-commercial project does not strengthen the Mello Act's requirements, but rather it weakens the effects of the Mello Act.

It is not the intent of the clear and carefully chosen language of the Mello Act, the Settlement Agreement and the IAP to allow residential structures to be commercialized and replaced by mixed-use residential-commercial developments.

E. <u>The City erred and abused its discretion in approving the Project as the Project's Mello Act violations would cause a significant adverse cumulative effect on Coastal Zone affordable housing, displacement of existing residents, access for lower-income families, and community character.</u>

Coastal Act Section 30105.5 defines cumulative effect as:

"… the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The Project would not only eliminate Coastal Zone affordable housing for the existing residents of 204-208 N. Venice Blvd., who are <u>low-income</u> and include <u>people of color</u>, causing them to be displaced from the Coastal Zone, but together with similar past, current and probable future projects, the Project would cause a severe and significant adverse cumulative effect on affordable housing and on tenant displacement in the Los Angeles Coastal Zones.

With respect to probable similar future projects, the Project is just one of many illegal demolitions or conversions of residential structures for purposes of mixed-use projects being proposed in Venice. There is a fast-growing movement to commercialize housing in Venice, which continues to cause displacement of existing residents and a change in the residential character and social diversity of Venice. The Project's demolition of a residential structure for purposes of a mixed-use residential-commercial project is part of a larger phenomenon that will degrade and cumulatively change Venice's unique character-defining residential neighborhoods and social diversity by displacing existing <u>low income and racially diverse</u> residents.

This effort to commercialize housing is being pursued via several avenues: 1) a rash of applications for demolition or conversion of legal non-conforming 100% residential structures in commercial zones, for purposes of mixed use projects, 2) an effort by DCP in its draft Mello Act

Ordinance to allow demolitions and conversions of 100% residential structures for purposes of non-residential mixed-use projects, and 3) an aggressive effort to change several residential zones in Venice to commercial zones so that the 100% residential structures in the previously residential zones can be replaced by more lucrative mixed-use projects in the new commercial zone. Not only do these property owners want to commercialize existing residential structures in existing coastal commercial zones, but they want to change several existing residential zones into commercial zones so that they can commercialize those residential structures as well.

Developers and speculators intend to commercialize and commodify Venice Coastal Zone housing, and the City appears to be an ally in this effort. For the City to allow demolition or conversion of residential structures for purposes of mixed-use projects would provide an incentive for owners to demolish or convert existing residential structures, which typically contain lower cost affordable units, for mixed-used projects. That is because the ability to commercialize these residential structures would significantly increase the value of the properties. The ongoing and cumulative effect of this will only serve to cause significant displacement of our lower income and most diverse and vulnerable residents, such as the residents of 204-208 N. Venice Blvd. who would be displaced by the Project, thus harming Venice's social diversity that is a key part of its Special Coastal Community character.

Coastal Act Section 30253(e) states:

> "New development shall…where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses."

LUP Policy I. E. 1. Preservation of Venice as a Special Coastal Community states:

> "Venice's unique social and architectural diversity should be protected as a Special Coastal Community pursuant to Chapter 3 of the California Coastal Act of 1976."

Moreover, the first three bullets in the LUP's Summary of Venice Coastal Issues related to "Residential Land Use and Development," page I-3, make clear that preservation of the diversity of Venice's residential community is essential in protecting it as a Special Coastal Community pursuant to the Chapter 3 Policies of the Coastal Act. These issues include preservation of existing housing stock and discouragement of conversion of residential uses to commercial use, provision of low-income housing, and illegal conversion of residential uses to commercial uses.

Not only will the residents at 204-208 N. Venice Blvd. be displaced from their current homes, but they will also be displaced from the Venice Coastal Zone because there is no opportunity for lateral movement to similar low-cost housing available in the Venice Coastal

Zone. Allowing the demolition or conversion of the residential structure at 204-208 N. Venice Blvd. for purposes of this mixed-use residential-commercial development would cause a significant adverse cumulative effect on affordable housing and on lower-income residents in commercial zones in the Los Angeles coastal zones by causing displacement of existing tenants. The California Women's Law Center collected and summarized data on 100% residential structures in Los Angeles coastal commercial zones, and there are over 200 properties in Venice alone, with well over 1,800 units that would be put at risk by a precedent such as the Project, approximately 700 of which are units subject to the Rent Stabilization Ordinance ("RSO"). For the Venice, San Pedro and Playa del Rey Coastal Zones combined, there are almost 300 properties with 100% residential structures in commercial zones, with over 2,200 units that would be subject to displacement, almost 1,000 of which are RSO units.

Displacement of lower income and the most economically and racially diverse residents from the Coastal Zone, such as the tenants at 204-208 N. Venice Blvd. who would be displaced by the Project, harms the social diversity and community character of Venice, which are required to be protected by Coastal Act Section 30253(e) and LUP Policy I. E. 1., and would cause a significant adverse effect on access to the Coastal Zone due to the cumulative effect of displacement from the Coastal Zone.

F. The City erred and abused its discretion in approving the Project as the Project's Mello Act violations would prejudice the City's ability to approve a Local Coastal Program that conforms with Chapter 3 of the Coastal Act.

As the facts demonstrated herein make clear, the rampant illegal conversion of residential dwelling units for purposes of mixed-use residential-commercial developments is changing the fabric of Venice's unique coastal community and is doing so at a scale and rate that requires the attention of PLUM in order to prevent prejudice of the City's ability to prepare a Local Coastal Program ("LCP") that implements the LUP's policies and that reflects the City's commitment to preserve and protect Venice's unique, mainly residential, community character, in conformance with Chapter 3 of the Coastal Act.

The "no prejudice to the LCP" CDP Finding 9. b. cannot be made here once the Project is placed in context. **To mechanically approve the conversion of yet another neighborhood multi-family residential building for purposes of a mixed-use residential-commercial project goes way too far down the proverbial slippery slope.** If our lower-income and racially diverse residents continue to be driven towards extinction due to replacement of housing with non-residential projects, whether 100% commercial or mixed use and partial commercial, the goal of Coastal Act Section 30253(e) and its LUP Policy I. E. 1. counterpart will be forever undermined – the very prejudice to the LCP planning process that the Coastal Act mandates be avoided.

G. The City erred and abused its discretion in approving the Project as the Project's violations of the Mello Act would adversely impact the social and economic needs of the residents who would be displaced by the Project as well as all low-income residents and families of color in the Coastal Zone.

Coastal Act Section 30001 Legislative findings and declarations; ecological balance intends that the balance of existing uses with respect to the economic and social well-being of working-class persons is essential:

> "The Legislature hereby finds and declares…That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone." (Emphasis added.)

Coastal Act Section 30001.5 states:

> "The Legislature further finds and declares that the basic goals of the state for the coastal zone are to assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state." (Emphasis added.)

The Project is part of a larger onslaught causing displacement of community residents due to illegal replacement of residential structures with commercial mixed uses. The impact of the destruction of housing for purposes of mixed-use projects disproportionately harms communities of color. In 2017, California had nearly two million rent burdened households of color that spent more than thirty percent of household income on rent and utilities.[33] There were also 1.6 million extremely low-income renter households, two-thirds of which were households of color.[34] During the COVID-19 pandemic, there has been a disproportionate financial impact on populations of color, which has created even greater disparities.[35] All housing will be put in jeopardy in the Coastal Zone if projects such as this violate the Mello Act's clear language that prohibits demolition or conversion of residential structures for purposes of non-residential developments; and those who will be impacted most are low-income people and communities of

[33] Amee Chew & Chione Lucina Muñoz Flegal, Policy Link, Facing History, Uprooting Inequality: A Path to Housing Justice in California 14 (2020), https://www.policylink.org/sites/default/files/pl_report_calif-housing_101420a.pdf.

[34] *Id.*

[35] *See* Kelly Anne Smith, *Covid and Race: Households of Color Suffer Most From Pandemic's Financial Consequences Despite Trillions in Aid*, Forbes (Sept. 17, 2020), https://www.forbes.com/advisor/personal-finance/covid-and-race-households-of-color-suffer-biggest-pandemic-consequences/.

color, such as the tenants at 204-208 N. Venice Blvd, who will be displaced from the Coastal Zone.

Damage to coastal communities by displacement of lower income and working-class families, such as the four families that would be displaced because of the Project, who are already holding on by a thread, is exactly what the Mello Act as well as Coastal Act Sections 30001 and 30001.5 are intended to prevent.

The City's approval of this demolition of a residential structure at 204-208 N. Venice Blvd. and displacement of lower-income tenants and families of color for purposes of building this 40-lot mixed-use residential-commercial project seems to be an **unfortunate continuance of the City's practices of institutional racism**.

H. The City erred and abused its discretion in approving the Project as the existing tenants and prospective future tenants of the Project could be harmed with respect to right to return, level of affordability, and equivalency of size related to the replacement affordable units because HCID erred in following the IAP Section 4.4 procedures in its Mello Act determination of affordable units.

IAP Section 4.4.3 requires that occupant income data be obtained to determine whether and at what affordability level tenants qualify their units as "replacement affordable." The tenants continue to reside on the property, yet HCID and the applicant did not make a reasonable effort to obtain the income information from those tenants. HCID states in its May 17, 2021 letter (see EXHIBIT 34) that on May 4, 2021 it mailed a certified letter to the property and as of May 13, 2021 they had not received a response. As stated in our August 2, 2021 letter, merely giving a resident less than two weeks to respond to a certified letter is entirely inadequate – especially under the present circumstances.

The May 4, 2021 letters from HCID were allegedly mailed to the four families residing at 204-208 N. Venice Blvd., but there is no proof that the letters were received or even that they were sent. See one example of the May 4, 2021 letters at EXHIBIT 35. In addition, they were sent to the wrong address, 204 E. North Venice Blvd, whereas the mailing address for the four families is 206 N. Venice Blvd. The tenants told the Appellant that they did not receive the letters. This is likely because the letters were sent to the wrong address.

Neither was the current monthly housing cost obtained by HCID, even though the City itself is the landlord for this multi-family apartment building and has that information. All four of the tenants continue to live in the units, and because the City is their landlord, both the rent amounts and the income amounts should have been easily verified by HCID. Especially given the fact that the units are protected under the RSO, more care should have been taken in determining the affordability levels of the units.

This is a violation of IAP Section 4.4.3, which requires determination of Occupant Income. The IAP states that actual income may be obtained by a review of monthly housing cost as a substitute for actual income or by verifying actual income. In addition, IAP Section 4.4.4 states that HCID shall provide occupants with the opportunity to verify the accuracy of occupant income determinations. **HCID was required to do so and yet it does not appear that the tenants were provided this opportunity.**

IAP Section 4.0 states that the applicant is liable and responsible for all postage and other costs necessary to complete the occupant income determination process. This section is also violated because the instructions given to the tenant assume that the tenants are responsible for paying the postage for the various mailings required.

As noted above, it appears that the tenants did not receive the May 4, 2021 HCID letters, but even if the letters were received it would be extremely difficult for the tenants to understand the letters because the purpose, importance and confidentiality of the information requested are not clear. The following is a list of why the May 4, 2021 HCID letters are erroneous, confusing and misleading:

1. A response is voluntary, but it is not explained why it is voluntary or the consequences of not responding. The letter appears to say that it is fine if the tenant does not want to submit the information, but it is not clear what it means to the tenant or to the applicant or to future tenants of the Project if the tenant does not provide the information. The letter is not clear with respect to why the tenant would not want to submit the information, although it is implied that the tenant probably would not want to do so.

2. It is a great deal of work for each tenant to fill out all the forms and coordinate the income verification by mailing forms to the IRS, requesting that the IRS send them tax transcripts, and then once the transcripts are received to mail them to HCID without opening them, at their own expense. This is confusing and seems too burdensome to expect, especially when it's not clear why a tenant would want to do so and why it is voluntary.

3. The Tenant's Statement (see EXHIBIT 35) is not required and yet it uses the word "required" on the statement. In addition, the tenant should not be asked to confirm or declare that "under the penalty of perjury under the State of California" that he/she has provided "the full and complete information required to establish if there are any existing residential units at the property affordable to low and moderate income tenants for the Mello Act determination," as they do not know the law and cannot confirm if they are providing what is required.

4. It is not clear why a witness needs to sign the Tenant's Statement and why a notary is required, as the income will be verified by the IRS. Again, this is too exacting on the tenants,

and combined with the lack of clarity of the letter would serve to reduce the likelihood of a response.

5. Number in household and projected income for the current year are not needed by HCID to determine the affordability of units. This is an invasion of privacy, and should not be requested.

6. It is not clear why the City did not send the letter to the tenants by name but rather sent them to "occupant." The City's procedure says to send the letter to any existing tenants residing at the project location. The City is the landlord and has the residents' names. If a letter is addressed to a tenant by name, they would be much more likely to read it and be aware that it is important for them to respond. Some people do not read mail addressed to "occupant." Also, if the actual tenant's name is used, the letter will likely be forwarded to the tenant at their correct or new address if they have moved. Only indicating "occupant" reduces the opportunity for the letter to be delivered to the tenant.

7. It is confusing that the letters state that the owner "has or will file for an application…" The application was filed years ago, and this letter should reflect that fact accurately so as not to confuse the tenants. Also, the special note at the end of the first paragraph to the owner, which is the City itself, adds even more confusion for the tenants.

8. It is not clear what "the unit will be designated" means and whether or why this is important to the tenant.

9. It is not clear where the tenant mailings should go. Each form says something different: "Planning and Land Use Unit, Attn: Land Use/Mello" or "Attn: Land Use/Mello" or "Planning and Land Use Services Section, Attn: Mello Act."

10. The confidentiality of each tenant's personal and financial information is not addressed.

11. The letter states that the purpose of the exercise is to establish whether there are any units at the property that are affordable to low- and moderate-income tenants, but it does not make it clear how the affordability of the unit relates to the tenant's income or whether it benefits them to provide the information.

12. The letter says in bold caps that it is not an eviction notice but it does not say clearly what the letter <u>is</u> or give any information on termination of the tenancy but rather leaves the tenants to wonder and worry.

13. The letter states that this is the tenant's opportunity to demonstrate that his household qualifies as "low or moderate income," but it's not clear what that means, or why this is an opportunity for the tenant. It is implied that this is something that the tenant has been waiting for or that the tenant is lucky to have this opportunity.

14. One of the forms provided to the tenant is called "Request for Determination as Eligible Household Under Mello Act Regulations" (see EXHIBIT 35), but it is not clear if this is a required or a mandatory request or why this would even be a request coming from the tenant. In addition, there is an Option II on the form for the tenant to sign indicating that they do not want to provide their financial information. But it is not clear why this would need to be signed vs. the tenant not responding at all, the consequences of not signing, or why they would choose this option.

15. The letter appears to say that the applicant already provided the tenant's income information as HCID states they are "verifying" it. The term "verifiable income" is not clear or defined, which is confusing.

16. It is not clear whether HCID's consideration of only the rental information and not the income information is a good thing or a bad thing for the tenant or for the applicant--whether it would be good for both or bad for both, or if it would be good for one and bad for the other.

17. The last paragraph regarding what happens at the time of construction, how a settlement agreement is involved or why an organization centering on law and poverty (Western Center on Law and Poverty, Inc.) needs to be called if there are any questions about the Mello Act, is confusing and not adequately explained.

Also, the deadline is buried in the middle of the letter, and there apparently is no reminder or second request provided by the City. It almost seems as if the City doesn't want the tenants to reply. The deadline for responses was two weeks from the date of the letter. The letter is dated May 4, 2021, which means the response was due on May 18, 2021. However, HCID issued a letter on May 17, 2021 (see EXHIBIT 34), stating that HCID had been unable to verify the affordability and that they determined the four units to be affordable only because the applicant agreed to an affordable determination. The tenants were not even given the opportunity to respond.

The City's violation of the IAP procedure for collecting income information from the tenants could have an impact on the tenants' rights of first refusal for a new replacement unit. Per LUP Policy I. A. 12., the current tenants shall be given right of first refusal on the new replacement units. This is mentioned in the May 4, 2021 letter from HCID, but it is not clear what that means in terms of each tenant's displacement from their existing unit and their return to a new unit, nor is it clear whether any of the new units will be equivalent in size to the existing units, in order to accommodate the household sizes of the existing tenants.

It is not clear that the May 4, 2021 letter is valid as it is erroneous, confusing and misleading. It is unacceptable for the critical purpose of identifying and preserving replacement affordable units in the Coastal Zone to use such a cryptic and wholly ineffective letter, where the

City's own tenants' names are not even used, where a response is not required but only requested, where the tenants' rights are not specified and where none of the reasons for asking for the tenants' confidential personal and financial information is clearly explained.

Although the applicant agreed to an affordable Mello determination for all 4 units, the level of affordability, size of units and tenants' right to return are not confirmed. The actual level of affordability of the tenants' units would impact the level of affordability of the replacement units required and the City did not make a reasonable effort to obtain that information even though it was readily available as the City is the landlord. To further confuse the issue, the Mello Act Compliance Review is erroneous as it states that HCID reviewed data from December 2015 to December 2018, whereas HCID said in its May 17, 2021 letter that there was insufficient verifiable documentation.

The potential impact of the mismanagement of the determination of affordable units process on the existing tenants as well as on prospective future tenants is considerable and the process must be redone.

To make matters worse, the City, who is the landlord, has not been adequately maintaining the apartment building on the site for the last several years. The tenants have expressed concerns to the City landlord over the past several years regarding many maintenance problems at the premises, including but not limited to termites in the building eating the doorframe and other areas, problems with the heaters, bars on the windows that do not open for purposes of fire exit, and leaks in several places causing mold and issues with roaches. To this date, the City has not corrected these habitability issues.

IAP Section 4.3 states:

> "An applicant may not claim infeasibility because the current premises are dilapidated or are in a state of disrepair due to the Applicant's failure to make reasonable repairs or to adequately maintain the site. The City may require the Applicant to correct substandard conditions before it will further consider an Applicant's challenge of the City's presumption."

The City may not use the existing substandard conditions to claim infeasibility of the continued residential use.

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I. The City erred and abused its discretion in approving the Project as it determined in error that the Project should replace only three affordable units to comply with LAMC 11.5.11(a) and the Mello Act regulations.

In Finding 10. c. the City erroneously concluded that the so-called AB 2556 (TOC/JJJ) Determination of affordable units, which is for purposes of compliance with LAMC 11.5.11(a), results in more affordable units than the Mello Act determination of affordable units. (Regulations discussed herein are attached as EXHIBIT 37).

The May 17, 2021 HCID Mello Act affordable units determination (see EXHIBIT 34) states that four replacement affordable units are required. The August 13, 2019 HCID AB 2556 (TOC/JJJ) affordable units determination (see EXHIBIT 36) states that four units are subject to replacement but only three affordable units are required.

As per IAP Section 1.2.3, in the case of a conflict between the IAP and any other regulation, the requirement which results in the provision of the largest number of Affordable Replacement Units shall apply. **The City erred because it should have determined that four affordable units are required to be provided** as per the Mello determination of affordable units and not three affordable units as per the AB 2556 (TOC/JJJ) determination of affordable units.

In addition, the August 13, 2019 HCID AB 2556 (TOC/JJJ) affordable units determination is confusing. In the second paragraph it states that "HCIDLA received the Affordable Unit Determination on August 13, 2018." It is unclear what that means and what Affordable Unit Determination that HCID received or from whom. This appears to be an error. Another error is that the Project is described in HCID's letter as construction of a new apartment building containing 140 units, which is incorrect because the Project is for construction of a mixed-use residential-commercial development. The subject of the letter states "AB 2556 (TOC/JJJ) determination." However, the requirement appears to come from LAMC 11.5.11., which indicates that discretionary General Plan amendments, zone changes, and height district changes shall be required to meet applicable replacement requirements of Government Code Section 65915(c)(3). The letter also states that the units are being constructed pursuant to Transit Oriented Communities (TOC) guidelines, yet this is not a TOC project. The letter indicates that if the project is changed from TOC to Density Bonus, an AB 2556 amendment will be required. It is not clear whether an amendment is required, as the project is neither a TOC nor a Density Bonus project. **The language does not appear to apply but rather serves only to confuse**.

The August 13, 2019 HCID letter also states that data from August 2013 to August 2018 was needed but later in the letter stated that no data was provided for the units. This conflicts with LOD Finding 10. c., which states that HCID reviewed data from August 2013 to August 2018. It is not clear whether HCID obtained income or rental documents for the units or not. However, HCID's letter states that because no income documents were provided, they were

unable to verify the affordability of the four residential units on the property and so they used the HUD Comprehensive Housing Affordability Strategy database to determine the number and affordability level of the units, which resulted in only 3 affordable units and 1 market rate unit. Thus, HCID's conclusion resulting in only three affordable units is based on erroneous or at least conflicting information. Also, especially considering that the City is the landlord for the four existing rental units, the rental information should have been easily obtained and evaluated for affordability levels. The HUD Comprehensive Housing Affordability Strategy database, which resulted in one market rate unit and three affordable units, should not have been used if five years of rental data was in fact reviewed, as the actual affordability levels would have been known. Lastly, if the applicant agreed to an affordable determination for all four units in the Mello determination of affordable units, they should have also agreed to that for purposes of the AB 2556 (TOC/JJJ) determination of affordable units. This inconsistency is not acceptable.

The AB 2556 regulation, Government Code Section 65915(c)(3), referred to in LAMC 11.5.11(a) requires that replacement unis are of equivalent size. That requirement is not reflected in the determination. As mentioned in our August 2, 2021 letter, if the proposed "replacement" units are inferior to the existing units on objective dimensions such as size, accessibility, noise levels, safety and livability, this will constitute a violation.

The City must make a reasonable effort to obtain actual rent or income information from the existing tenants so that the tenants' right to return to a comparable unit is assured and so that the correct levels of affordability are required. As mentioned in our August 2, 2021 letter, the City has a duty to verify this information. The errors and conflicts with respect to the Mello Act Compliance Determination, Finding 10. c., must be corrected. The two HCID determinations must be redone.

J. <u>The City erred and abused its discretion in approving the Project because the Project does not comply with the affordability level for the restricted affordable units that is required by LAMC 11.5.11(a).</u>

IAP Section 5.0 requires that for projects with ten or more units applicants shall implement one of the following two required inclusionary options: 1) Reserve at least twenty percent of all Residential Units for Inclusionary Residential Units for Very Low or Low Income Households, or 2) Reserve at least ten percent of all Residential Units for Inclusionary Residential Units for Very Low Income Households. This results in a requirement of 1) 28 Residential Units for Very Low or Low Income Households, or 2) 14 Residential Units for Very Low Income Households.

LAMC 11.5.11(a)3. requires that for 100% affordable projects each residential unit, exclusive of a manager's unit or units, is affordable to, and occupied by, either a Lower or Very Low Income household. LAMC 11.5.11(j) refers to Section 50079.5 of the Health and Safety Code for the definition of "Lower Income Households," which is:

"includes very low income households, as defined in Section 50105, and extremely low income households, as defined in Section 50106."

As per IAP Section 1.2.3, in the case of a conflict between the IAP and any other regulation, the requirement which results in the provision of the largest number of Inclusionary Residential Units shall apply. The LAMC 11.5.11(a) requirement results in the largest number of Inclusionary Residential Units.

The LAMC 11.5.11(a) requirement is for all units, exclusive of the managers' units, to be Very Low Income Households and Extremely Low Income Households. However, the project consists of 129 units of Low-Income households and 7 Extremely Low Income Households. Thus, the project does not comply with LAMC 11.5.11(a) and Finding 10. d. of the Mello Act Compliance Review is in error.

K. <u>The City erred and abused its discretion in approving the Project because a zone change for the Project must be to residential and not commercial.</u>

Even though, as the Appellants contend, eliminating Open Space for purposes of the Project violates the L.A. General Plan, Venice Community Plan and LUP and should not be approved, if there is a zone change, in order to comply with the Mello Act it must be a change to a residential zone and not a commercial zone. As per the Mello Act, because a coastal-dependent use is the only allowable non-residential use for a project that demolishes a residential structure, the zone may be changed to commercial only for purposes of a coastal-dependent use and not for any other non-residential use.

The Mello Act specifically protects housing <u>regardless of zoning</u>. Thus, even though changing the zone to commercial for purposes of the Project violates the Mello Act, Settlement Agreement and IAP and should not be approved, if the zone is changed to commercial, a demolition of a residential structure for purposes of a mixed-use residential-commercial development is still not allowed.

The original approval of the Project site was based on designation of the site for a 100% residential use. Thus, the zone should be residential. After approval of the site for a 100% housing project, the applicant later decided that adding commercial uses could result in a more profitable project and requested a zone change to commercial. Even though a zone change to commercial should not be allowed, if the zone is changed to commercial the applicant cannot claim that a mixed-use project must be required.

Mixed-use residential-commercial development is <u>not</u> <u>required</u> in Venice's commercial land use areas.

LUP Policy Mixed-Use Development I. B. 2. States:

> "Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use." (Emphasis added.)

LUP Policy I. B. 6. Community Commercial Land Use states:

> "The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses." (Emphasis added.)

Mixed-use residential-commercial developments shall be encouraged in the areas designated for commercial use, but they are not required. Again, terminology in land use law is specific, and use of the word "encourage" makes it clear that there will be situations where it is not required. In fact, LUP Policy III. A. 1. a. states:

> "Recreation and visitor-serving facilities shall be encouraged, provided they retain the existing character and housing opportunities of the area..." (Emphasis added.)

Although it would be preferable for a project in a commercial zone to be a commercial project and conform with the zone, it is not required. In addition, there is a housing crisis and a crisis of displacement of existing residents, as recognized in the City's pending Housing Element's top priorities.

The Project is required to conform with both the Mello Act and the Coastal Act. Thus, maintaining the residential use with a 100% residential project is the only option available to the applicant.

Lastly, there is a potential conflict of interest regarding enforcement of the Settlement Agreement for the Project's Mello violations. The Venice Community Housing Corporation (VCHC) is an entity designated to enforce the Settlement Agreement. Linda Lucks, a long-time employee of VCHC, is also designated to enforce the Settlement Agreement. A second individual authorized to enforce the Settlement Agreement, Dan Tokaji is believed to be deceased. The Settlement Agreement Section V.O. states:

> "Enforcement of Agreement
>
> If any party allegedly breaches this Agreement, then the party alleging the breach shall notify the breaching party in writing. The notice shall set forth, with reasonable particularity, the alleged breach. The party alleged to have breached this Agreement shall meet with the party giving notice and attempt to resolve the alleged breach within 30 days of the mailing of the notice of alleged breach. If the parties cannot resolve the alleged breach, either party may seek judicial relief by filing a new action in Los Angeles

Superior Court to enforce the terms of this Agreement. The aggrieved party may seek judicial relief prior to the expiration of 30 days if necessary to prevent the expiration of any rights, claims, or causes of action or to prevent irreparable harm. The following individuals or entities shall be entitled to enforce this Agreement as assignees of the Plaintiffs specified in Section VIII P: Venice Community Housing Corporation; Dan Tokaji; and Linda Lucks."

If it is required to litigate the project with respect to the City's violations of the Mello Act, this would present a conflict of interest because the designated entity and the person who would enforce the Settlement Agreement are the applicant and one of the applicant's senior employees.

X. Conclusion

For the foregoing reasons, the public hearing should not move forward. To do so would deprive Appellant of a fair hearing and violate the City's own public noticing procedures. Further, on the merits, the Appeals should be granted. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

Jamie T. Hall

Communication from Public

Name: Gene Cunningham
Date Submitted: 11/02/2021 01:14 PM
Council File No: 21-0829
Comments for Public Posting: Dear City Council Persons, I am opposed to this project! It violates all the provisions of sound planning in an extremely sensitive environmental and public area. It smacks of corruption between an extremist council person and the non-profit homeless industry who will make millions and squander 140 million dollars of tax payer money. All the while not requiring that anyone from Venice be housed there. It destroys the public's access to beach parking both by removing parking spaces, exorbitantly charging for a mechanical lift system and squeezing roadway access to the remaining beach parking. Not to mention making emergency vehicle access to the beach more difficult. It is clear that such a debacle can only occur if all of the planning and environmental regulations that have been put in place over the past decades to guarantee the public's access to the beach are thrown out. Why are the "commons" (the public's spaces, sidewalks, roadways, beaches etc.) being allowed to be forever destroyed? Please do not approve this project.

Communication from Public

Name: CLARK BROWN

Date Submitted: 11/02/2021 01:12 PM

Council File No: 21-0829

Comments for Public Posting: COMMENTS IN SUPPORT OF VENICE HOMELESS AND LOW INCOME PROJECT (REESE DAVIDSON) CASE No. VTT-82288-2A ENV-2018-6667-SE ## 2.3 REGULAR MEETING AGENDA NOVEMBER 2, 2021 2:00 p.m.

---------- I support the Project. I have lived in Venice since 1969 within a mile of the Project. Venice needs housing for its exploding homeless population, which is not going away. It also needs housing for low income people who work here. They are vital to our tourist economy, and cannot afford Venice market housing. Venice needs housing for these populations to be the socially, economically and racially equitable community Venice says it wants to be. Also, Venice needs to build low income housing to meet its fair share of the 10,000 units of low income housing the City plans to build within the next 3 years. Here, the City has the land and the money to provide this housing, and it should do so. The Objections to the Project are without merit because they fail to : 1. Address Venice's need to provide housing for its homeless and low income population. 2. Show why the Project is not exempt from CEQA. Further review and analysis pursuant to CEQA is unnecessary because the Project has already been thoroughly studied, analyzed and debated. Everyone knows what the Project will entail. 3. Explain why the Planning Commission and the Council d not have the legal authority and the discretion to determine it is appropriate to amend the Venice Community Plan and the Coastal Plan to accommodate the Project. This is particularly so since the Coastal Act (30221) requires that the coast be available to all Californians regardless of income level. The "Sea Level Rise" objection is without merit because the maps show that large areas of Venice west of Abbot Kinney Boulevard, including all the canals, are potentially subject to sea water inundation and flooding. (Google Venice, California Flood maps). No one suggests development and construction should stop in this area. P. 2 of 2 The Objectors assert without supporting evidence the Project will cost $750,000 per unit. Venice Community Housing Corporation's analysis shows it will cost $500,000 per unit which is average for Prop HHH funded projects. While this is a lot of money it is a reasonable investment since the cost will be amortized over the life of the project in excess of 60 years. More importantly, the City has the funds and the land to build the Project and should do so. The Objectors assert the size and scale of the Project does not comply with the Venice Specific Plan. But they do not explain why the Commission and the Council do not have the legal authority and discretion to amend the Plan to accommodate the Project. Amendment is appropriate because the Project is in character with surrounding uses which are predominantly multi-family/commercial. (See Pp. A-1 and A-4 of Staff Report.) Respectfully submitted, Clark Brown

Communication from Public

Name: Jeffrey Kavin
Date Submitted: 11/02/2021 01:48 PM
Council File No: 21-0829
Comments for Public Posting: This is a supplemental response to the letter Submitted by Latham & Watkins: 1. The attempt to characterize the property as "an underutilized parking lot" with "very minimal publicly accessible open space" is pure fiction. In spite of the attempts by the City to prevent people from parking on it, the property generates 5% of the revenue received from all of the City owned parking lots throughout the City. Traffic in the parking lot would double again if the City stopped trying to prevent people from parking there as discussed in my prior submission to the PLUM Committee. The property is an essential element for beach access in Venice, which has only 1200 publicly owned parking spaces to accommodate up to 200,000++ visitors a day during the summer season. As there is no general purpose park large enough for sports activities in any of the nearby neighborhoods where people can get away from the crowds at the beach, the Venice Median Open space is used for those purposes. The Venice Median is my public park where I go to exercise. The property and nearby lot #701 are used for recreation by many adults and children in the neighborhood for bike riding, skate boarding, sports, games, dog walking, just hanging out surrounded by the trees and other activities. 2. The statement that the project "will enhance public parking for coastal access" is pure fiction. As discussed in my prior submission for this hearing, the proposed parking structure is unworkable for beach parking and will be inferior to the existing parking lot in every manner. Latham and Watkins would be wise to correct this false statement as it could make them and their clients liable for the costs incurred by the City trying to fix the fatal flaws in the parking structure design and mitigate damage to beach access caused by this project. Four generations of my family have used the property for beach access via the Short Line Bridge. The Reese Davidson Development would block my access to the property and the bridge, eliminating the only safe bike path to the beach on Venice Blvd. This is the only safe bike path to the beach for me and others. 3. The statement that "Evidence in the City's record confirms that parking lots in the area have enough excess capacity to compensate for temporary parking losses during construction" is also blatantly false and misleading. As documented in my prior submission, the parking lot at Venice Beach turned people away at least 14 out of 15 consecutive weekends in this past summer

season and the shortage of beach parking in Venice is well documented. 4. The Statement that the project provides "plentiful open space-substantially more than exists on the site today" is pure fiction. The existing property is has over 2.5 acres totally completely open to everyone in the City and local community and totally accessible to people walking and on bikes from all sides. The Reese Davidson Development would cover almost every inch of the property except for the Canal, the small area surrounding the canal, the Shortline bridge and the substandard 5 feet wide sidewalks.Views and access to all of these, which are part of the Historical Canal System listed on the National Register of Historical Places, would be blocked by this development. In other words, almost all of the 2.7 acre property would be totally inaccessible to the public. 5. The letter contends that there is no evidence that automated parking would slow, discourage or otherwise impact parking on the site. There is overwhelming evidence that the automated parking would severely impede beach access. My prior submission to this hearing includes overwhelming evidence that the automated parking would slow, limit, impede and discourage beach access in part because the capacity for cars to enter and leave is totally insufficient to meet the needs for beach access in this location and the use of the lot would be dominated by onsite visitors.

Communication from Public

Name: Jeffrey Kavin
Date Submitted: 11/02/2021 02:27 AM
Council File No: 21-0829
Comments for Public Posting: I am strongly opposed to the Reese Davidson Project. To justify its plans to replace the beach parking lots in the Venice Median with housing, the City of Los of Los Angeles has adapted tactics on beach access normally used by wealthy beach towns to keep non-residents out, especially minorities. Any vote to approve the Reese Davidson Development is a vote to approve and continue these exclusionary practices restricting beach access at Venice Beach for the next 50+ years. These exclusionary practices include prices for parking that are two to four times the market price and more than five times as much as many residents can afford, turning cars away from the public beach parking lots every weekend during the summer season, signs on Venice Blvd directing visitors away from the beach and parking, lengthy unnecessary 20++ minute waits in artificially created lines for parking, making it impossible for visitors to know about the pricing and availability of parking until they get to the front of those lines, the prominent display of an exclusionary price for parking on one of the main streets and the near total absence of effective signing directing people to the Venice Median and other beach parking lots. At Lot #731, site of the proposed Reese Davidson Project, the City has even made changes to the entrance and entrance procedures to prevent people from getting into the lot. Equitable Beach access is an essential element for racial, social, and economic justice in the City of Los Angeles. Regular Visits to the Beach must be part of growing up for every child in our City and an affordable option for everyone. The Reese Davidson Development would permanently cap and reduce the number of beach parking spaces at a level that would make it impossible for the City to provide beach access for all. If the Reese Davidson is built, future generations of children in Los Angeles will grow up without ever spending a summer day at the City's beach in Venice because there will never be enough parking spaces to accommodate them. If nobody else was allowed to use the beach, the City would have 1 parking space for every 500 kids in the LAUSD. A PDF with information and pictures documenting these exclusionary practices and some of the other the fatal flaws in the Reese Davidson Project is submitted with this comment to be included in the public record. Respectfully, Jeffrey Kavin

The Reese Davidson Development

A Plan to permanently eliminate equitable beach access at Venice beach, destroy the Open Space in the Historical Canal District and evict tenants out of low-cost housing units that they have lived in for 17 to 39 Years.

1.The City of Los Angeles is charging 2 to 4 times the market rate and more than 5 times as much as low-income residents might be able to afford for beach parking in the Venice Median. These prices exclude about 50% or more of the people living in Los Angeles from their own City's beach parking lots.

Above: $20.000 Winter rate in City Owned Median Beach Parking Lot #731, proposed location for Reese Davidson Development, one block from Venice Beach.

Anyone parking in the Venice Median will walk by these signs at the beach telling them that they had paid more than twice as much as they should have. Left Picture shows rate at privately owned lot right next to the beach & picture at right shows price at the beach on the same day. Any market or equitable rate for parking in Lot #731 would be much less than the price of the lots closer to the beach, instead of twice as much.

2. The Weekend Summer Rate for Beach Parking in the Venice Median is more than double the price in Santa Monica.

The price to park a block from the beach in the Venice Median is $25.00, more than twice as much as the $12.00 charge to park on the beach in Santa Monica. On most days, the City's price to park in the Venice Median is the highest posted price for beach parking in Venice.

Above: $20.00 charge for parking in Venice Median Lot #701. Why is parking more expensive 2 blocks from the beach than at the beach? In a 2016 Statewide survey of California Voters by UCLA, limited affordable options for parking were seen as a problem by 78% of Voters. Only 4% of the people in the survey used public transportation to get to the beach. Most people surveyed said that nearby parking is essential. Half the people surveyed would not pay more than $8.75 for parking. Given the extreme poverty found in the City of Los Angeles, the number excluded from beach access in Venice would be much larger.

3. Any equitable system of pricing for a publicly owned beach parking lot would set the price at the lowest level possible that does not cause the lot to exceed capacity.

In this case, the City of Los Angeles has been doing the opposite of this by systematically setting parking rates in the Median lots to levels designed to keep people out. Financial projections and other documents show that the Reese Davidson project would lock in even higher prices for the benefit of private developers that would continue to increase substantially without limits over a period of 60++ years

4. After adjusting for inflation, parking at the publicly owned beach parking lots in Venice costs 5 times as much as it did when the Coastal Act was passed in 1976.

Parking cost 50 cents on Weekends and Holidays at Venice Beach in 1952, which would be $5.16 today after adjusting for inflation. When the Coastal Act was passed in 1976, it cost $1.00, which would be $4.82 today. In 1980, it cost $2.00 to park at Venice Beach, which would be $5.67 today. Today it costs $25.00 to park a block from Venice beach and $20.00 to park 2 blocks from the beach.

In the past, the price of Parking did not increase on Holidays in Venice. Today, the City charges as much as $45.00 to park on Holidays which is more than nine times the price in effect when the Coastal Act was passed. Santa Monica charges $12.00 on Holidays. The County of Los Angeles does not charge extra on Holidays. The $45.00 price excludes a majority of the City's population on Holidays.

5. The City's current pricing and plans to increase rates further at the Reese Davidson development are in direct conflict with the goals of the Coastal Commission.

"Understanding that **even nominal costs can be barriers to access** preserving and providing for lower-cost-recreational opportunities such as parks, trails, surf spots, beach barbeque and fire pits, safe swimming beaches, fishing piers, campgrounds and associated free or low-cost parking areas. The conversion of lower-cost visitor serving facilities to high-cost facilities is also a barrier to access for those with limited income and contributes to increased coastal inequality**. The commission will strive for a no-net-loss of lower-cost facilities in the coastal zone, while implementing a longer-term strategy to increase the number and variety of new lower-cost opportunities."** (Emphasis added) California Coastal Commission

As a measure of progress on economic justice and the success of the Coastal act in improving beach access in the State's largest Metropolitan area, the current beach pricing level and plans to increase the even more are a massive failure for the City and the Coastal Commission.

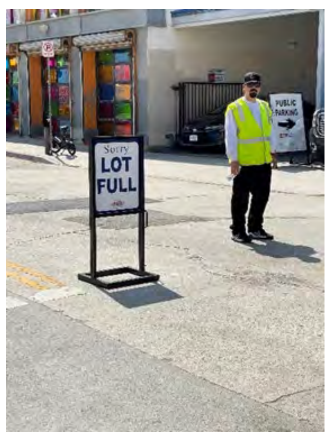
6. The City has no beach parking pass program to improve access for seniors, frequent beach visitors, low-income families minorities and others.

Discount beach parking pass programs are used by other cities to improve beach access. The City of Los Angeles does not have sell discount parking passes for beach parking. While the City does not currently have enough beach parking in Venice to support such a program during peak hours, it should sell them for some off peak time periods where there is enough parking available. Long standing plans to expand beach parking in the Median would make it possible to expand the number of passes and days available, but only if the Reese Davis Development is not built.

Many Low-income and minority residents in Los Angeles are more likely to live farther from the ocean. Free Parking and discount passes could be used to improve beach access for these groups, especially for children who have never been to the City's beach. The Cities plans to replace the Venice Median Parking lots with development would make eliminate the parking spaces needed to offer beach parking permits.

7. All three of the City owned parking lots on Venice beach consistently turned people away on Weekends during the 2021 Summer Beach Season, even though they were charging 30% more than the price in Santa Monica.

I visited the Beach Parking lot at the end of Venice Blvd every weekend from May 30 to September 11, 2021 to observe the parking situation. I took pictures showing that cars were turned away from the City's Venice Blvd beach parking lot 14 out of 15 of those Weekends, except for one weekend where I had to leave because I did not feel well.



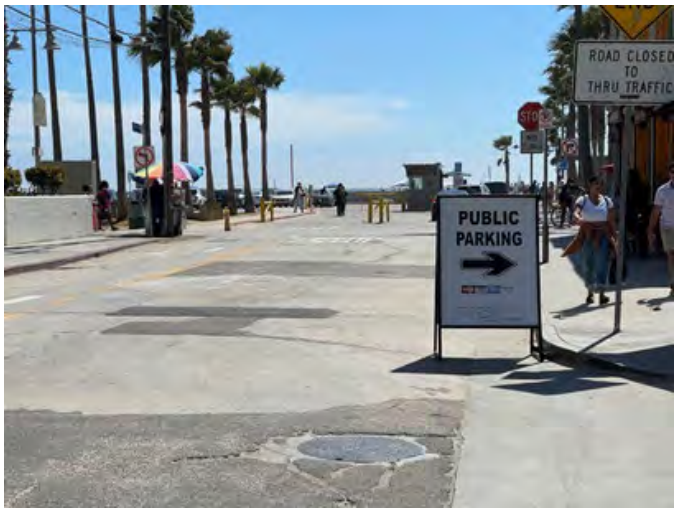
The Washington Blvd and Rose Ave beach parking lots turn cars away with a similar frequency, probably more.

8. Long lines of Cars at City owned lots at Venice Beach form as the lots fill up on summer weekends. Most of the cars in these pictures will be sent away. They are never told that parking is available in the Venice Median.

According to the Venice Chamber of Commerce, 43.8% of Venice Beach Visitors come from outside of Los Angeles County and Southern California. Most of these people were not around when the cars were being turned away from all three of the City owned parking lots on Venice Beach this summer. The lines will be much longer and a lot more cars will be turned away from the beach when these visitors return.

9. Visitors waiting in lines at City owned parking lots are diverted to private lots charging even higher rates, resulting in financial hardship for many and creating another deterrent to beach access at Venice Beach for low-income residents.

Cars trying to park for $18.00 in the City Owned Parking lot at Rose Ave are openly diverted all day long by workers for private lots standing in the street directing traffic. This person is directing traffic to a lot that charges as much as $40.00 a day. This is results in a severe hardship for many low-income beach Visitors. The City could stop this easily by enforcing laws to require prices on signs for Parking and posting signs with directions, prices and the number of spaces available on Venice Blvd, Washington Blvd and Pacific Ave.

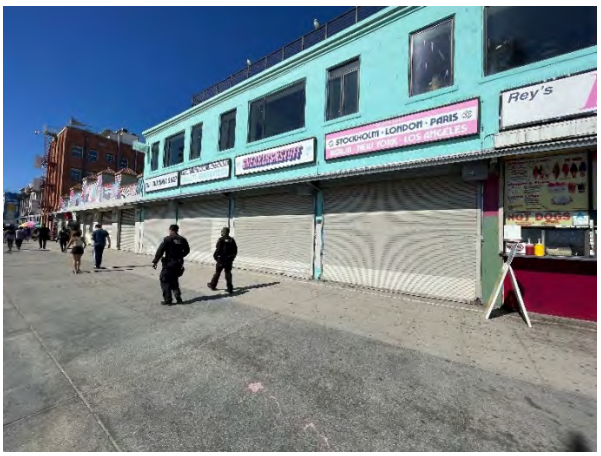


Above, Left: The Rose Ave Lot fills up even with cars being diverted continuously all day long.

Above, Right: Cars are also diverted away from the $18.00 Venice Blvd Lot to private lots charging as much as $35.00.

10. While the Parking Lots at Venice Beach were full, the Beaches were empty when these pictures were taken this summer with travel bans and visitors scared away by local, National and international news stories about homeless camps, assaults, drug use and murders at Venice Beach.

July 4th, 2021 4:15 PM-Picture of Venice Beach almost empty with Pier in the Background. The Parking Lots will be overwhelmed when the tourists and locals return.



11. Median Parking Lot #731 has been re-enginered to make it is almost impossible to fill all of the spaces, even with cars lined up at the entrance continously for hours.

The City has artificially restricted the maximum number of cars that can get through the entrance to the 196+ space lot to about 45-65 cars per hour, a small fraction of what is needed.

A survey prepared by the City on July 20, 2019 showed an average of 43.5 cars per hour leaving the lot via the 3 exits throughout the afternoon, which is close to the maximum capacity of the entrance. This explains why the lot still has plenty of empty spaces after there has been a continious line of cars trying to enter running for most of the afternoon and into the evening.

Because Lot #731 is charging twice as much as lots closer to the beach, most cars show up around the same time in the afternoon after the other lots fill up. This leaves a relatively narrow time window for Lot #731 to fill up before the end of the day.

The City has added the following unnecesseary steps for the attendant to make sure that no more than about 65 cars an get into the lot per hour.

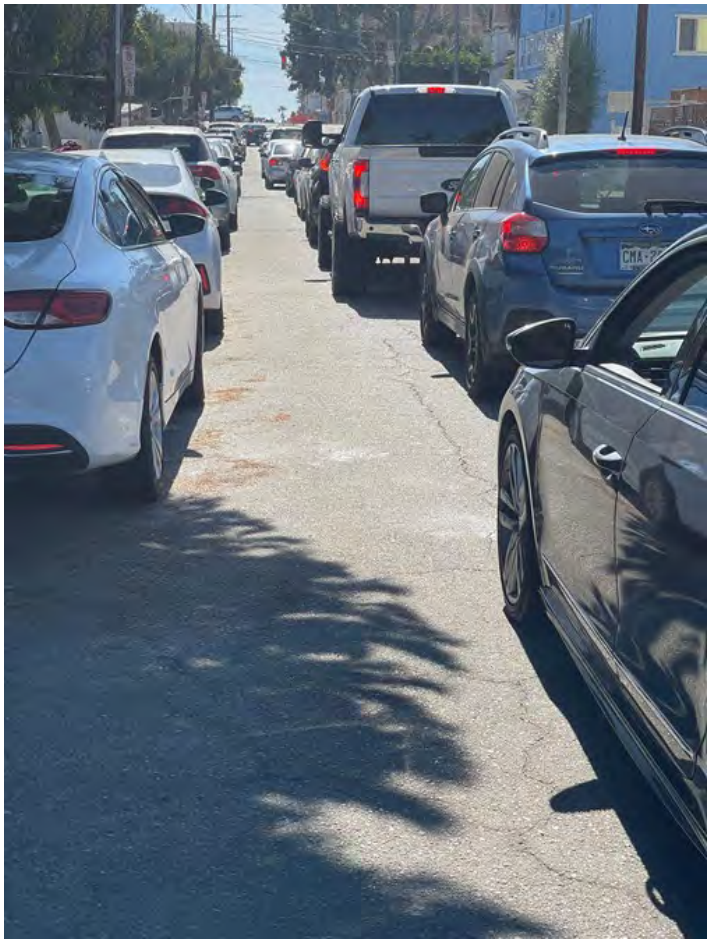
1. Walk back to the attendant stand after every car leaves.
2. Punch parking ticket three times on clock at attendent stand.
3. Walk back to rear of the car to look at the license plate.
4. Write down Vehicle License #.
5. Walk to front of car to put ticket on the Windshield
6. Check driver's license if using credit card
7. Process credit card on a terminal that takes about 40 seconds (Compared to less than 10 seconds at other parking lots.)
7. Have driver sign and return credit card slip
8. Give explicit directions to park on west side of lot to make east side look empty.

The Average Credit Card Transaction takes about 2 minutes at Lot #731. The line to get into the lot doesn't move for about two minutes or more everytime someone pays with a credit card. If one or two cars in a row pay with a credit card, it can take 6+ minutes for three cars to get into the lot. Some cars spend almost four minutes at the attendant station. Most people leave before they get to the front of the line, especially when it is a block or more long. People don't wait in a line that doesn't move.

The problem with then entrance to Lot #731 would have been obvious to any parking expert visiting the lot. It would be very easy to fix and any upgrade in parking systems would be recouped very quickly. Just removing the unneccesary steps would be a big improvement that would produce a huge increase in revenue at no cost.

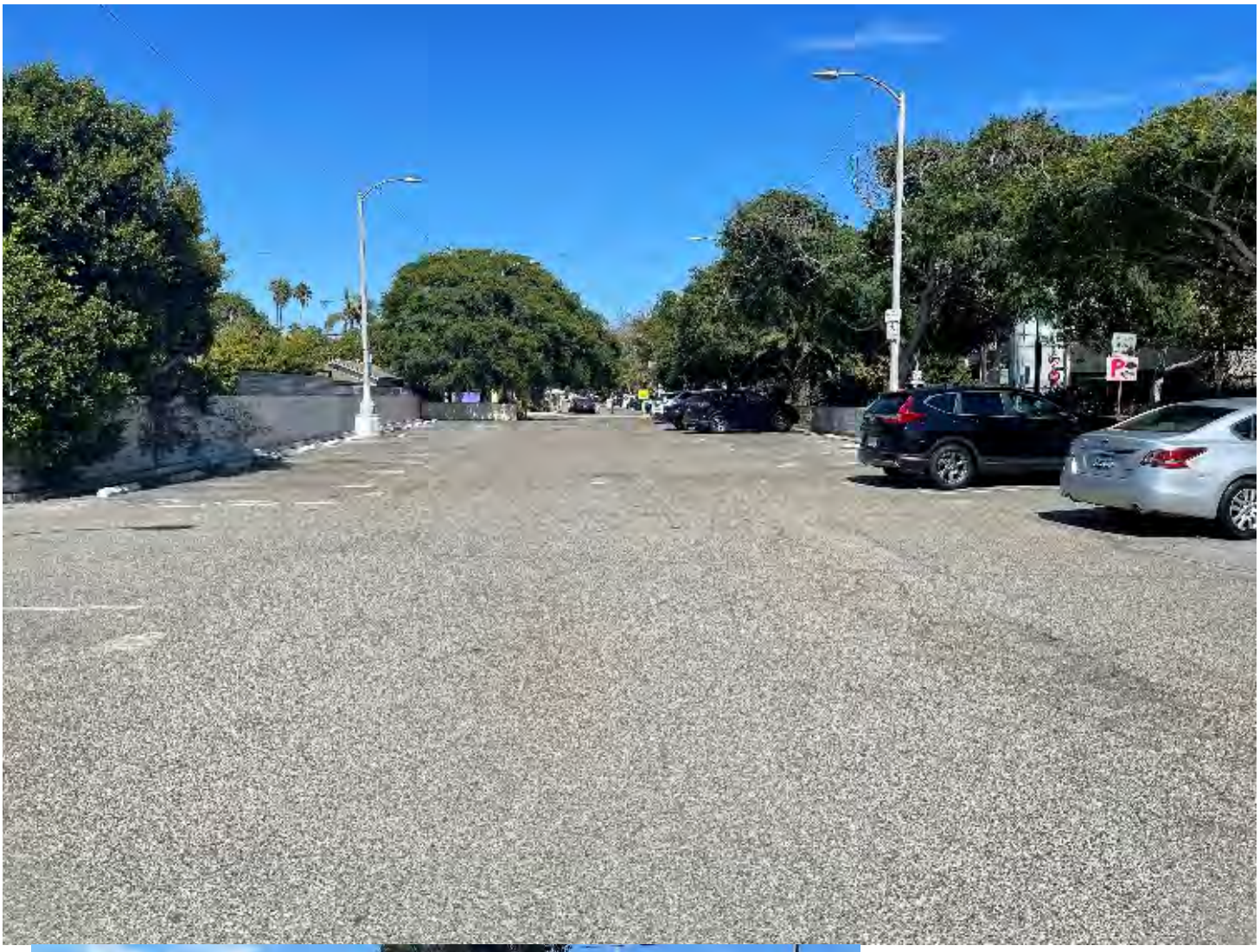
The entrance to Lot #731 is capable of accepting from about 300 to 800 cars per hour depending upon the systems used. Those numbers would double if the City used the second driveway on Venice Blvd which looks like it was originally the main entrance. As discussed below, the problem with the entrance capacity for the proposed Reese Davidson project is much worse and cannot be fixed.

12. Long Continous lines of cars cannot fill up the spaces at Median Lot #731.



(Left) Line of Cars trying to get into Median lot #731 at 2:05 pm. (Right) Same Line at 2:56 pm. Most people give up before they get to the entrance because it looks like the lot is full and there is no way to know the cost until you get to the front of the line.

These two pictures were taken around 3:05. The lot was still “empty” after accepting cars continously for an an hour.



The two pictures above were taken around 4:15 on the same day. With a continous line of cars trying to get into Lot #731 for over two hours, it was still “empty.”

I found a long line of cars still waiting to get into the lot when I returned to Lot #731 after 6 pm on the same day. The pictures above show that Lot #731 was still “empty” at 6:30 with a long line of cars waiting to get in.

More pictures of cars waiting to get into lot #731. You will have a long wait, as a car at the front of the line can take more than 3 ½ minutes to enter the lot when there are plenty of spaces available. The only way to find out how much it costs to park ($25.00) or if there are spaces available is to wait in this line until you get to the entrance. On most days, 50% or more of the people in line give up, even when the line is much shorter.

13. The City has Modifed the entrance to Lot #731 so that only one or two cars get get on the lot at a time to pay the attendant. Combined with the restricted entrance, this creates a line anytime there are more than one or two cars trying to get in.

14. The City Closes Lot #731 during peak hours at least once a day when there are still spaces available as an additional deterrent to beach access.

15. The System for After Hours Pay at Lot #731 is also designed to discourage the use of Lot #731 and beach access.

The after-hours pay system for lot #731 has 100 numbered slots to put coins in for parking in a lot with 176 marked spaces and about 25 additional unmarked spaces. People parking in half the spaces have to walk back to their cars when they find that there is no way to pay. There is no sign on or around the box letting people know how much they are supposed to pay and no way to pay with credit cards. The sign at the front of the lot shows a $5.00 charge after hours, which does not easily fit in the slot designed for quarters.

16. The City has keeps Median Lot #701 locked to the public on most days of the year instead of using it as a 365 day low cost beach parking option for residents who cannot afford to pay the $20.00 winter rate at Lot #731.

Lot #701 was closed on one of the busiest weekends of 2021 in March before the Media coverage about the Homeless problems blew up.

The City even keeps Lot #701 locked when it is charging $20.00 to park in lot #731, instead of providng an affordable option for beach access. Simple Parking Pay Stations would provide affordable beach access for low income residents and minorities 365 days a year and a lot of new revenue for the City.

17. There are two signs like this on North Venice Blvd diverting cars away from Lot #731 before they get there. These signs direct beach visitors away from lot #731, to Lot #701 which the City keeps closed and locked most days of the year.

This permanent sign and a second sign just like it direct beach visitors on Venice Blvd away from Median Lot #731 and the City owned lot at the beach. Instead, Visitors who follow the City's signs are directed to Lot #701, which the City keeps locked to the public most days of the year. After being directed to the closed parking lot, visitors wind up on South Venice Blvd, which is a one way street heading away from the beach and lot #731.

Misleading signs and a lack of signs have replaced signs telling minorites to stay away in many wealthy white beach communities. In her 2015 article, Architectural Exclusion: Discrimination and Segregation through Physical Design of the Built Environment, Sarah Schindler discusses the use of confusing signs by white communities to keep minorities out. These exclusionary practices should not be tolerated by the Coastal Commision or the City of Los Angeles.

18. For all practical purposes, there is no signing system to direct Visitors to available parking in the City owned Lots in Venice.

Wayfinding, using signage to help orient visitors and point them to parking, is an essential element for tourist areas and public beaches. Visitors need to be informed of Parking facility locations, space availability, time restrictions and rates in order to reach their destination succesfully with a minimum amount of stress.

Westbound cars going to all three of the City Owned Parking Lots on Venice Beach cross signalized intersections at Pacific Ave where there are no signs to let them know (1) that the City's beach parking lot is at the end of the block (2) how much it costs to park (3) whether or not it is full and (4) where else they can find available parking if they are full.

Finding affordable parking at Venice Beach is a stressful obtacle course for anyone of modest means. Signs like this for private lots are all over Venice. Most of these signs do not show prices on busy weekend days. Some of these lots charge whatever the market will bear on busy weekend days, most commonly $30.00 to $40.00. These practices are enabled by the City of Los Angeles which does not post directions to the City Owned Parking Lots and Prices where people can see them, sets a high floor for parking by charging too much in the City lots and does not enforce laws requiring prices to be posted for parking lots.

This is the only sign in all of Venice where Visitors find any information about the price of beach parking in the City owned lots, unless they wait in line to get to the small signs near the attendant stations in the parking lots. This sign probably does more harm than good because it lists the highest posted price in Venice. The prices posted on this sign are consistently higher than other lots in Venice, commonly twice as much, sending a clear message to Low-Income residents and minorities driving by that Venice Beach is not for them.

The sign is located on Lot #731, but the the signs on the street direct cars to Lot #701 discouraging people from using Lot #701 with the price posted.

This sign is not visible to people using Venice Blvd to get to the beach and the Median parking Lots. There is no sign with prices on Venice Blvd until you get to the front of the line at Lot #731. The Median Lots woud be packed on summer beach days if there was a sign like this on Venice Blvd with the kind of prices the City should be charging to restore equity to beach access in Venice.

19. The Footprint allocated for the East Parking Structure in the Reese Davidson Project is too small to build a workable parking structure for beach parking.

The Architect's plans for the Reese Davidson project were released in the summer of 2017. At the time, the developers provided an "Approximate Timeline" showing that the final designs and other architectural work would be completed in July or August 2017. The Developer also promised a complete envirnomental impact report and related public hearings to be completed by Septebmer 2018. The developers never completed the environmental impact report promised the community and have repeatedly tried to stonewall public requests for information about the beach parking structure.

Documents show there is still no workable plan for the east parking structure. The developers have spent the last four years hiding this problem while trying to come up with a workable design for the parking structure without success.

The developers represented that the east parking garage would have 252-301 spaces. The Parking Design Group engaged by the Venice Community Housing Corporation concluded that the only "financially feasible" approach to parking in "the available building envelope" would yield 209 spaces, which is less than the minimum number required.

Recently discovered documents discusss two competing plans for the parking garage, both of which are unfinished and totally unworkable. The developer has been working on what they call a Hybrid System which uses tandem parking and parking lifts in an effort to cram the required spaces into the the undersized struture. This proposal would be a train wreck, in part because the facility would be overwhelmed by the number of cars going in and out during peak hours:

1. One of the documents produced shows that the Hybrid System would have a maximum capacity of 90-120 cars per hour going in and out <u>if</u> the maximum 6 parking attendants have been scheduled and showed up. Assuming that half the cars were going out in a given hour, the maximum numuber of cars coming in would be 45 to 60 which would be totally inadequate for beach parking at this location where most of the cars show up in a relatively narrow time window starting in the early to mid-afternoon after the lots closer to the beach fill up. It would take 5 ½ hours to fill all the spaces in the lot if no cars left, which means that that lot would never fill up which beach goers before sundown. With the normal number of cars leaving, it would take much longer.

   The existing parking lot #731 could accommodate about 300 to as much as 1000 cars per hour coming in depending upon the system used. The three exits in the existing lot are rated about 320-400 cars per hour each, which means that they will easily be able to handle any peak demand. The number of cars that the Hybrid Structure could accommodate for cars coming out is fixed at a level that is wildly insuffsufficient to meet demand.

2. Another document that was produced shows that the peak capacity would be even lower at 35 cars inbound at peak hour on high volume weekends and holidays.

3. The documents produced do not explain how the parking structure would function. Based upon the drawings, it couldn't. There is no designated space for people to drop off their cars other than the narrow traffic lanes. The narrow traffic lanes would be totally backed up with (1) Cars pulled out of tandem spaces to get the car behind out and (2) Cars pulled out of the lift spaces to get the cars above out and (3) visitors blocking traffic while taking forever to unload and load their families and beach gear.

4. At Lot #731, visitors have all the time that they need after they park to remove and organize their family members and beach gear. For many, this is a lengthy and complicated process. People have to locate, organize and unload children, strollers, coolers, beach clothing, sunscreen, drinks, bicycles, bicycle accessories, umbrellas, sunglasses, beach shoes, hats, swimming gear, surf boards, skateboards, skates and all sorts of other sports equipment.Having people do this in the narrow traffic lanes in the proposed parking structure would be a train wreck bringing the flow of cars to screeching halt. They would also have to walk in that same traffic lane to the exit further blocking the flow of cars. All of this would add stress and unpleasantness to their beach visit and be a severe safety hazard.

5. Even if no cars were coming in, it would take almost 3 hours to get all of the cars out of the Hybrid Structure in case of an emergency, special event at the beach or dangerous condition in the area. This would happen every July 4th, everytime that the beach was forced to close because of lightening and anytime that there was an emergency where people had to leave the area or get home quickly. With Reese Davidson onsite cars entering, it could take six hours for all the cars to get out.This one fatal flaw alone makes the Hybrid Plan totally unacccpetable from safety and practical points of view.

6. A document entitled "ATTACHMENT C Project Trip Generation" notes that the existing parking demand at Lot #731 was used to prepare the trip generation projections. Given the City's efforts to suppress beach access at Lot #731, the projected number of trips would be wildly inadequate to meet the real demand for beach parking during peak hours.

7. The Minimum number of parking spaces to be provided for beach parking is supposed to be 260 per page 2 of the Tierra West Parking Study. The Hybrid proposal only provides for 252 and a proposed change to convert all lift spaces to 9' wide would reduce that number that number to 230.

20. Robotic Parking would be a disaster for this beach parking in this location.

Because of the obvious problems with the Hybrid plan, the developer got another proposal for robotic parking. This proposal is for 180 spaces, which is well under the 260 mininum number called for. This plan is even worse than the Hyrbid Plan as it can only handle 60-80 cars an hour going in and out which is a small fraction of the number needed in this beach location where most of the cars show up around the same time.

The robotic option would cost the City $24,558,930, not including cost of maintanance, repairs, replacment equipment and staffing over the next 50++ years and lost revenues during construction.

One of the insurmountable problems with any robotic option for beach parking at this location is the exceptionally long amount of time that people spend getting out of their cars, organizing their kids and possessions and unloading their cars. All of this would bring the entrance to a screaming halt. It would create another huge backup of cars when people had to reload their cars to leave. None of this is a problem at the existing lot where people have all the time in the world to get everything out of their cars.

21. Most of the parking that is supposed to be dedicated for beach parking would be displaced by onsite use at the Reese Davidson Project.

Under the Venice Specific plan, 677 parking spaces would be required for a mixed use project the size of Reese Davidson. According to documents submitted to the Coastal Commission, only 108 spaces would be provided in the West Site Garage that is supposed to meet all of the demand for onsite use by the 450+ people who are expected to be there at one time. The West Site Garage would have 61 spaces provided for 140 residential units, no spaces for the onsite offices or parking employees, and 6 spaces for meeting rooms that would normally require 42 parking spaces.

The Tierra West Study done for the City recommended additional floors of parking for both parking structures on the property noting that “more parking spaces need to be assigned for affordable housing unit uses and are studio uses to meet ITE standards.” This additonal parking for onsite use recommended by their own expert were never added.

The plan to replace the existing parking lot with housing has been justified by the claim that there is no unmet demand for beach parking. At the same time, the developer’s financial projections show that the car counts in the new parking structure will be about 2.7 times the 2017-2019 counts. This projected increase in traffic would come from onsite parking, effectively eliminating most of the promised beach parking. The location of the parking structure as far away from the beach as possible and the lack of capacity to handle peak hours of beach traffic add to the overwhelming evidence that the replacement beach parking is mostly intended for onsite ue.

The developers financial projections showing more than two full turns of the lot 365 days year also confirm that they are expecting onsite parking to dominate the lot as beach parking is highly concentrated with longer stays on weekends in the beach season.

About 50% of beach parking is on the weekends and about half of that is in the summer. Beach parking cannot produce the 365 day a year traffic projected by the developers.

22. The Reese Davidson Project was conceived and designed to restrict beach access for low-income and minority residents.

As discussed above, the parking structure promised for beach parking is actually intended for onsite parking for the Reese Davidson Project. There will not be enough spaces for both. Even if there were, the capacity of the entrance will be much too low to accommodate the volume of cars that would arrive at peak hours for the beach.

The current price of parking at Lot #731 is so high that it effectively excludes about half of the City's population from using it. The financial plans and projections for the Reese Davidson project show that they plan to lock in much higher pricing designed to generate profits for investors.

This Pacfic Design Group Proposal calls for Parking at the Venice Beach Publicly Owned Parking lots to be sold "like seats on a commercial airline" so that the City can "do more with less spaces by "leveraging the best performing spaces in real-time." The plan actually talks about the "segregation of user groups" by selling the best spaces to the highest bidder. PDG also describes each parking space as a "individual profit center" to be managed with a "demand-driven rate structure."

The PDG plan also includes a surcharge of "approximately" $3.50 per hour once a person exceeds 2.5 to 3 hours at the beach, ignoring the long-standing practice of all day parking rates at California Beaches. Just by itself, this provision would make "a day at the beach" unaffordable for a huge percentage of City Residents.

The financial projection shows an average ticket of $18.40 which effectively excludes about half of the City's population. This reflects a recent increase of $4.29 in this number over the last financial projection. The increase alone is about what you would want to be charging as an affordable rate low-income residents.

It gets even worse. A draft of the plan for tiered pricing by the Parking Design Group states "The economy tier (80% of patrons), intended to be priced to stay in line with, or slightly below, prevailing rates in the area." This would allow them to profit from the never ending increase in prices resulting from the ongoing and increasing shortage of parking. Also, while parking a block and half from the beach should cost half as much as at the beach, this plan would be in line with or slightly below those prices creating another 50% surcharge for city residents and premium for the developers that they call "economy tier."

23. The Reese Davidson Project was conceived and designed to restrict beach access for the Handicaped, elderly and others with mobility issues.

Under the ADA, all new development projects must be designed so that the handicapped parking spaces are located to provide the shortest route to the entrance of the Facility. The existing parking lot has the handicap parking spaces located at the west end of the property, closest to the beach. The Reese Davidson plans have the parking lot for access to Venice Beach located on the east side of this 2.7 acre property. This design would require elderly, handicapped. families with small children and people with mobility issues to travel a long distance to get to the beach and back from the parking structure.

One out of every 7 adults and 2 out of 5 over 65 have mobility issues. This design would limit beach access by these groups in violation of the ADA and the California Coastal Act. The narrow 5 foot sidewalks between the parking lot and the beach would add another barrier to handicap access because they would not be wide enough to accommodate the traffic moving in both directions at this crowded and busy beach location. The path for people in wheelchairs would be blocked by large crowds of people some of them pushing strollers and/or carrying a bulky beach equipment and people with bikes and scooters. The narrow sidewalk would make it impossible for a person in a wheelchair to get to the beach if another person in a wheelchair was returning to the parking lot at the same time.

As far as I can tell from the drawings, the parking structure does not have any public restrooms for beach visitors who would want to clean up and use the restroom before starting what could be a long drive home. This is particularly important for low-income and minority residents who are much more likely to live a great distance from the beach. While it would be easy to to add amenities and make changes at the existing parking lot, the configuration and attributes of the Reese Davidson parking structures would be fixed and unchangeable for 50 years.

24. Any Development in the Venice Median would permanently cap the number of parking spaces at Venice Beach in”perpetuity” and destroy long standing plans to use these properties for increased beach access.

The Reese Davidson Development would permanantly cap the number of parking spaces available at Venice Beach at a level that is not even enough for current beach traffic. A parking proposal prepared for the developers by PDG confirms that the maximum number of parking spaces at Venice beach will be capped in “perpetuity.”

There are long standing plans to use the Venice Median properties to increase the amount of parking at Venice Beach with a trust fund put aside specifically for that purpose. The Venice Coastal Zone Specific Plan provides that the Venice Coastal Parking Impact Trust fund moneys will be used for parking mitigation measures, including “Venice Boulevard median public parking facility improvement, including land acquisiton and improvement” and the development of public parking facilities on the MTA lot.

Plans to use the Venice Median have also been proposed by the City Planning Department, former City Councilpersons for the district and the Venice Neighborhood

Council, including a plan to build 1,450 spaces. With housing planned for the MTA lot, the Venice Median properties are the only large properties in Venice that the City can use to add additonal parking in Venice now and for the next 50 years.

Median Lots #701 and #731 can be adapted to meet any current or future need for beach access in Venice including increased demand for parking and new transportation methods we haven't even imagined yet. The Parking Facility in the Reese Davidson Project would be fixed and unchangable in perpetuity and probably obsolete when it opened. Using today's robotic parking technology for the next 60 years would be worse than buying a Betamax 45 years ago to use in today's world.

25. The City's plans to bulldoze the beach parking lots in the Venice Median rely upon a "Study" by Tierra West that was carefully designed to reach a pre-determined result, ignoring all of the obvious facts and equity issues in conflict with that result.

The Conclusion in the Tierra West report that "Overall, the parking supply in the Parking Study Area is sufficient and meets local parking demand" for Weekend Midday and Weekend PM is in direct conflict with what I saw on my visits to the Venice Beach where cars were consistently being turned away from all three of the City owned parking lots on Venice Beach on Weekend days with the Venice Blvd Lot closest to the Median turning cars away from the beach on 14 out of 15 summer weekends in a row. (I got sick and had to leave on that one weekend.)

The fact that there is a shortage of beach parking at Venice Beach has been thoroughly documented and universally acknowledged for more than 30 years in parking studies, City Planning documents, newspaper stories, public discussion and campaign statements from City Officials. The Venice Community Plan specifically talks about "inadequate parking for beach visitors during the peak tourism season." The 2012 Westside Mobility Plan states: "The shoreline acess issues in the Venice Coastal Zone include inadequate on-street parking, and off-street parking near or on the beach frontage for Visitors and residents…"

Los Angeles County hired Dixon Resources Unlimited for a 2015 Parking Evaluation Report on beach parking lots that they operate, including the three Venice Lots on the Beach. The report states that the Washington Blvd lot reached "maximum capacity on most weekends" and was "backed up all of the way down Washington Blvd with vehicles trying to enter the lot." The Dixon report also noted "consistently high occupancy levels" at the Venice Beach Lot. The Study specifically recommended that steps be taken to "educate patrons of alterntative parking options elsewhere in the immediate area", which was never done by the County or the City. Those alternative options would be the beach parking lots in the Venice Median.

The many newspaper stories about the beach parking shortage in Venice include a May 18, 2008 Los Angeles Times article describing cars lined up for four blocks on Washington Blvd to get into the beach parking lot during a heat wave.

The "Venice Parking Study" prepared by Tierra West Advisors to justify the plan to demolish the parking lots in the Venice Median ignored all of the obvious facts showing

that the City was actively discouraging minority beach access and that the demolition of the median parking lots would have a disasterous impact on minority beach access in the short and long term.

Tierra West visited selected parking lots to count unused spaces, turning a blind eye to anything and everything that would effect the predetermined result of their “Study”, including:

1. While they were counting spaces, the parking lot on the site for the Proposed Reese Davidson project (Lot #731) was charging $30.00 for parking, an amount that effectively excludes about half of the City’s residents from using it for beach access. The fact that this price made the lot inaccessible to about half the City’s population invalidates the results of the study on parking lot demand.

2. While they were counting spaces, Median Lot #701, located two blocks from the beach. was charging $25.00 for parking, an amount that also excludes about half of the City Residents.

3. While the City was charging $30.00 to park in Lot #731 and $25.00 to park in Lot #701, the City owned lot on Venice Beach was charging $18.00.

4. About half of the people living in the City of Los Angeles cannot afford to pay $18.00 for parking. Even less can afford to pay $25.00 or $30.00.

5. The entrance to lot #731 has been modified to eliminate the reservoir for cars entering the lot, forcing lines to form on the street anytime more than one or two cars were trying to enter the lot.

6. While they were counting spaces, there were long lines waiting to get into the lots to fill those spaces which were not reported in the study.

7. The cars in those lines were waiting for an excessive amount of time and many of them left before they got to the entrance.

8. The City owned lot at Venice Beach and the other City owned parking lots on the beach were turning away cars without telling people that there was parking available in the Median.

9. The entrance to the parking lot did not have the capacity to handle the volume of cars trying to get into while they were counting unused spaces. (This should have been obvious to any parking expert.)

10. The City Beach Parking Lots at Washington Blvd and Rose Ave which turn large numbers of cars away on summer weekends were excluded from the study.

Counting the unused spaces to determine unmet demand for beach parking in a lot charging four times the market price when there are signs directing people away and an

entrance reenginered to prevent people from getting in is an exercise in deception, not a study.

From a social, racial and economic Justice point of view, the only equitable measure of unmet demand for beach parking in Venice is the huge number of people in Los Angeles who do not have beach access, including many children who have never even seen the ocean. Given the fact that the City has only about 1200 parking spaces for 4 million City residents in a County with 10 millon people at a beach that gets 43% of its visitors from out of state, it is obvious that the the City does not have enough parking spaces to meet unmet demand, particularly among the 5 million county residents who cannot afford to pay the rates the City is currently charging.

26. The Tierra West Study concluded that the Reese Davidson Project would freeze the number of parking spaces for the next 50+ years and that the current amount of parking could be insufficient in the future.

The Tierra West report concluded that "Public parking spaces will become effectively 'frozen' for the next 50+ years after the completion of the project" and "the current proposed parking inventory could be insufficient in the future." This conclusion alone should have compelled the City to cancel the Reese Davidson project.

Instead of cancelling the development, the City told Tierra West to walk back their own conclusion about future need. Tierra West responded with a "Study Addendum" in a lame attempt to do just that: "As indicated in the City's mobility policies and capital infrastructure, increased access to popular destinations, like Venice Beach, may be met through alternative modes of travel. Future parking demand may be further offset through increased efficiencies of existing parking resources."

In the addendum contradicting its own conclusion that the parking inventory could be insufficient in the future, Tierra West ignored and failed to address (1) the huge unmet demand for beach access among low-income and minority residents (2) that all of the City owned parking lots not in the Median are already turning cars away (3) that the Venice Median Parking lots are the only properties capable of being used to increase parking in the future (4) that only 4% of beach visitors use public transportation (5) the anticipated increase in demand for beach access because of global warming (6) the likelihood that future attractiions, facilities, restaurants and events will almost certainly bring additional crowds to the 3 mile beach at some point in the future (5) the potential for the return of people who have stopped going to Venice Beach because of the cost of parking and bad experiences with traffic, parking, homelessness (7) the fact that most of the private parking lots in Venice are located on properties that will be developed in the not too distant future leading to a substantial reduction in the parking supply.

27.These pictures show that the City was charging almost twice as much as the lots on the beach at site of the proposed Reese Davidson Development while Tierra West was counting unused spaces to determine the feasibility of the project.

The Tierra West Study states that they counted empty parking spaces in Lots #701 and #731 on September 1, 2019 between 2 and 3 pm. While riding my bike to the beach that day during the same time window, I I stopped to take some pictures because of the excessive price discrepancy between Lot #731 and the City parking lot on the beach.

Lot #731 was charging $30.00 at the same time that the Lot on Venice Beach was charging $18.00 while the demand study was being conducted. Measuring unmet demand for parking by counting unused spaces at a lot charging almost twice as much as another nearby lot in a much more desireable location is not a valid method to determine demand for affordable and realisticlly priced parking. The Tierra West Study has no discussion about the impact of this pricing differential on parking demand or on equitable beach access.

Tierra West also fails to discuss the lines of cars waiting to get into this and the other lots, cars flooding the streets looking for parking and what happened to all the cars being turned away from packed beach parking lots while they were there.

28. This Picture shows the entrance to Median Lot #701 blocked off on the same day and around the same time that Tierra West says that they were counting unused spaces in the lot.

This picture was taken at 2:40 pm during the same 60 minute period that Tierra West was counting unused spaces in Median Lots #701 and #731. The attendants for Lot #701 coned off the entrance and posted the Lot Full Sign while there were still a number of unused spaces in the lot. Tierra West reported 20 unused spaces. The number of unused spaces in Median Lot #731 when this picture was taken was about the same as reported by Tierra West. This picture also shows that Median Lot #701 was charging $25.00 for parking 2 blocks from the beach at the same time that the lot on the beach was charging $18.00 which Tierra West ignored in reaching its conclusions.

29. The Reese Davidson Project would block Bicycle access to Venice Beach.

The only way safe way to get to and from Venice beach on Venice Blvd is through Median Parking Lots #701 and #731 over the Short Line Bridge which has been used for beach access since 1905. The Reese Davidson Project would block both sides of the bridge eliminating beach access. Four generations on my family on my mother's side and three on my dad's side have used this bridge for beach access.

The "bike lane" on North Venice Blvd is a death zone that runs through the middle of the street between two narrow lanes of traffic that are packed with cars on weekend beach days. Bicyclists coming back from the beach on South Venice Blvd must ride in an unprotected bike lane next to speeding cars with parked cars on the side. Riders are often forced into the traffic lane by people getting beach gear out of cars and other obstructions.

The Coastal Transportation Corridor Specific Plan and the West Los Angeles TIMP Specific plan call for Protected Bike Lanes (Or Cycle Tracks) on both North and South Venice Blvd along the Median. The developers of the Reese Davidson Project ignored this and failed to include a protected bike lane in their plans. As planned, this project would make it impossible to build a bike path to the beach on Venice Blvd.

The risk of death to a bicyclist hit by a car in a surface parking lot is very low. On the other hand, a bike rider in an unprotected bike lane would have a 95% chance of being killed if hit by a car driving at 40 Miles Per hour on Venice Blvd. This Beach location sees a lot of heavy traffic on days with good weather. Many drivers and bicyclists from other states and countries get very confused. Cars try to drive against traffic in the one-way lanes on Venice Blvd all day long, further adding to the risk to bicyclists. A very large percentage of the drivers and bicyclists in this beach tourist location have been drinking making the situation even more dangerous. The Reese Davidson Project is in direct conflict with the Vision Zero plan to eliminate traffic fatalities.

30. Any Developent in the Venice Median would elminate the Open Space in the Historical Canal District which is supposed to be protected, preserved and expanded.

In the early 1990's. members of the Venice Community received a $420,000 grant to plant to plant 1000 California Sycamore Trees in Venice, including 400 on Venice Blvd to create a "European-Style thoroughfare" that would be a "Los Angeles version of the Champs Elysees."

The East end of Lot #731 with Lot #701 on right.

Above: The Venice Median with Lot #701 in the Foreground. The Venice Community Plan calls for the preservation of existing Open Space including the Venice Median. The plan also calls for expanding open space where possible.

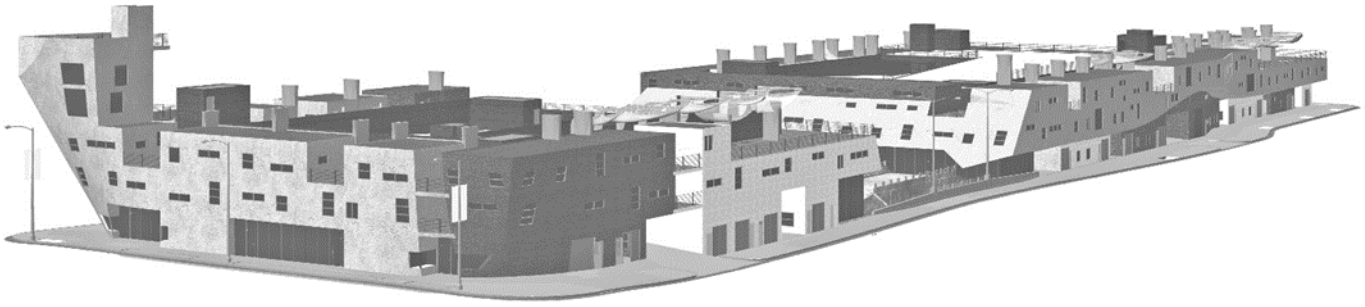
Above, Median Lot #731. Below, Median Lot #701

31. The Reese Davidson Project would block beach access using the Short Line bridge, which has been used for that purpose since 1905.

The proposed development site is part of the Venice Canal Historic District which is listed on the National Register of Historic Places. This Pictures shows the Grand Canal and the Short Line Bridge on the property. The Short line Bridge was built in 1905 and is the oldest bridge in the City of Los Angeles. The Reese Davidson Project, known locally as "The Monster on the Median", would surround the Canal and the Bridge blocking views and Bike Access across the bridge. The oversize mass of and Brutalist Design of the Reese Davidson are totally out of place in this iconic and historic location.

This picture of the Grand Canal was taken across the street from the Lot #731. People paddle under the bridge to get to the section of the Grand Canal on Lot #731.

32. The Reese Davidson Project would be a massive oversized, impenetrable mass replacing Open Space and blocking access to the beach in a key location between the Historical Canals and the Iconic Venice Beach.



The Rendering released by the Developers create the false impression open space by featuring the canal and bridge. The project covers almost every inch of the property creating an impenetrable mass that blocks views and beach access in this iconic historical location from all four sides.

These renderings show that the massive structure of the project covering everything except for the substandard 5 feet wide sidewalks with no open space except for the small area immediately surrounding the Canal and no outdoor recreational space at all.

The Massive Size and Brutalist Style Architecture is remarkably inappropriate in the Historic Canal District where the lots are only 2850 square feet.

33. Documents discussing the use of this publicly owned property to exploit the most vulnerable residents of the City to make profits for a rich New York Investor and the Venice Community Housing Corporation should have raised huge red flags.

The August 14, 2020 PDG Parking Proposal prepared for the Venice Community Housing Corporation states that a wealthy New York Investor will serve as a "financial sponsor" of the parking project and that PDG would be responsible for achieving the "demand and revenue" levels needed to make the project "financially sustainable." In other words, publicly owned land will be dedicated to price gouging of poor, low-income and minority residents of Los Angeles for the benefit of a wealthy New York Investor.

The PDG proposal also talks about a quid pro quo for the benefit of the Venice Community Housing Corporation whereby it would also benefit from the exploitation of low-income visitors and minorities at this publicly owned property: "We will be encouraging the City /LADOT to invest a considerable share of (revenue) back into the Reese Davidson and Venice Community over the 30 year term."

A memo dated June 12, 2020 showing the agenda for a conference call about a "Public-Private Partnership for Public Parking" is particularly alarming. It states that the developers "should lead selection and negotiations with Parking Developers." It also states "We can independently select a partner, no additional bid process is required."

The June 12, 2020 memo also calls for a separate parking agreement between the City and Parking Developer "50-60 years." Another provision states "Operating Agreement-Minimum term to private Return on Investment, with opportunities to renew. (Approximately 20-30 years.)"

The most recent Hybrid and the Robotic proposals for parking both include $226,800.00 annually for Park Green Licensing Fee. Park Green is described as a unit of PDG. One proposal from the Pacific Design Groups talks about a "4% annual royalty calculated on gross receipts in perpetuity." (Emphasis Added)

34. The Reese Davidson project would demolish 4 Units of Low-Cost Housing to build a restaurant, retail space and a large meeting room to be used to promote the activities of the Developer.

The Reese Davidson project would demolish 4 units of low-cost housing in which the tenants have lived in for an average of more than 25 years. One tenant has lived there for 39 years. Another for 30 years. The other two tenants have both lived there for 17 years. One of these families has three children, one with special needs, who have lived there their entire lives.

It would have been easy to build around these existing low-cost units. The developer found the space to build their office, a restaurant and retail space for rental income along with a 3155 square foot meeting room that they call an "Art Studio" that will be used to promote their business, but did not have room for these families to stay in their homes.

Virtually every decision made in regard to the Reese Davidson Project benefited the Venice Community Housing Corporation over the needs and interests of these tenants, the handicapped, people with mobility issues, the homeless, the neighborhood, the Venice Community, Beach Visitors, low-income residents, minorities and the Finances of the City.

35. At over a million dollars per unit, the Reese Davidson Project would be one of the most expensive low-cost housing projects ever built in the United States, probably the most expensive.

The Reese Davidson Project was originally supposed to cost $304,000 per unit. The last revised estimate from the developers was $540,000 per unit, which average 460 square feet. At $1173.00 per square foot, the cost is obscene. To get to that lofty number for the cost per unit that they needed to keep the project alive, the developers excluded the cost of building the east parking garage ($120,000 to $175,000+ per unit, lost parking revenue during construction that would add $18,000 per unit and value of the land which would add $215,000 to $715,000 per unit. These costs also do not include the cost of operating the automated garage for the next 35 years with up to 6 valet attendants at one time, maintenance and multiple replacements of the mechanical equipment and computer systems over a period of up to 60+ years.

The land alone might be worth well over 100 million dollars as a recent property listing for 1410-1422 Main Street, a much less desirable location, was priced at 38 million dollars per acre.

The County of Los Angeles and others have been buying and renovating hotels for $100,000 to $200,000+ per unit. At $150,000 per unit, the $24,558,930 budgeted for the robotic parking option alone would house more people than the Reese Davidson Project without doing any damage to beach access. Hotel conversions can be online with housing for homeless in a matter of months.

The City Controller has recommended that housing funds put spent on lower cost housing projects, including interim housing facilities and adaptive reuse projects which are cheaper than ground up developments. For the cost of the Reese Davidson Project, you could buy at least 2 units of new luxury units from private developers within a few months instead of years.

The City Controller's report on HHH projects recommends that the remaining HHH funds should be put toward lower-cost projects - such as those planned as part of the Measure HHH Housing Challenge - and also urges officials to focus on more interim housing facilities and adaptive reuse projects, which are cheaper than ground-up developments.

Conclusion

The City of Los Angeles must bring an immediate end to all the current policies, practices and plans that exclude low-income residents and minorities from using the beach parking lots in Venice. The City should take immediate steps to make these beach

parking lots accessible to all regardless of income, race or mobility limitations by addressing all of the issues raised in this report.

In order to provide for the most equitable use of the City's beach parking resources, the price of parking in all 5 of the City owned parking lots in Venice should be reduced to a level that will provide access to the maximum number of people regardless of their income race. In this case, reducing prices is likely to lead to a substantial increase in revenue by maximizing use.

All three of the City's parking lots on the beach are at full capacity and turning people on summer weekends during the summer season and on some winter season days. It will be impossible to restore and improve beach access at Venice Beach for Low-Income and Minority residents unless the existing parking lots and open space in the Venice Median are preserved and expanded to meet existing demand and provide for continuing and improved beach access in the future. Just restriping the lots will add additional capacity, especially in Lot #731.

All funds currently allocated for the Reese Davidson Project should be diverted to other projects where a much larger number of the City's homeless population can be housed in a much shorter time without destroying beach access and this historical and iconic neighborhood.

Communication from Public

Name:	Katherine C. King
Date Submitted:	11/02/2021 08:42 AM
Council File No:	21-0829
Comments for Public Posting:	I have lived in Venice for 38 years. I love my community and hope to stay here for the rest of my life. I write in STRONG APPROVAL of the Venice Community Housing (VCH)'s proposed 140 units of supportive housing on the City-owned parking lot at Venice and Pacific. I walk and drive by this area several times a week. I have seen the drawings. I believe that the building itself will enhance the neighborhood, and the community benefit (residents housed and off the street, supportive services, space for artists). There are already apartment houses in that area, so the size will fit in. Venice Community Housing has a good track record in the community. Please support the project.