

## Communication from Public

**Name:** Hydee Feldstein Soto

**Date Submitted:** 05/25/2022 07:00 PM

**Council File No:** 22-0496

**Comments for Public Posting:** I am taking an unusual step in submitting this public comment to an item on the agenda for tomorrow as Item #2 on the agenda of the Homelessness and Poverty Committee. This item should be deferred for at least the following procedural reasons: 1. This Committee should not permit acceleration of the approval timeline to allow a councilmember on his way out the door to bind the City to a 99-year ground lease at \$1 per year in rent, at least not without additional data and reopening the competitive bidding process. 2. The costs of the project warrant closer examination. Whichever numbers are used – the developer's own stripped-down costs or the Housing Reports additional cost concerns – this project ranks among the most expensive built for housing with public funding, penciling in at a price of between \$1500 and \$2900 per square foot, many times the cost to build market rate housing. 3. The competitive bidding process for the designation of this site (Council File No. 16-0600-S145) was in 2016 for a fair market value sale of 200 E Venice Blvd, 1 of the 10 parcels in the motion before you. The substantive changes to the original request for proposal – from a fair market value sale of one parcel to an essentially free ground lease for ten parcels -- are tantamount to a brand-new transaction. That should require competitive bidding for a structure that would draw many more bidders at a market rate rather than the 10x market rate construction proposed. For these procedural reasons, entirely independently of any of the substantive issues with the project, the Committee and Council should require bidding on this proposal before anyone is authorized to negotiate a binding long-term agreement on behalf of the City. Thank you for your consideration. Hydee Feldstein Soto

## Communication from Public

**Name:** Ron Robinson

**Date Submitted:** 05/25/2022 08:02 PM

**Council File No:** 22-0496

**Comments for Public Posting:** As a neighbor and taxpayer I reject this project and ask you to do the same. It is baffling how the city can spend so much money so effortlessly and such a waste , except for the developer I guess. Reject it. Lots of money spent poorly, new mayor coming in, new council person, more than 80% of neighbors against it, 14 other homeless projects already in Venice enough. Choose to put your vote against this foley

## Communication from Public

**Name:** Darryl DuFay

**Date Submitted:** 05/25/2022 05:23 PM

**Council File No:** 22-0496

**Comments for Public Posting:** Comments for Public Posting: Homelessness & Poverty  
Committee members, For six years I have followed this Project, including attending meetings previously in person and recently by Zoom. Time after time the Venice community has experienced being denied critical information about the Project. Unfortunately, your Thursday, May 26th meeting is a continuation of that disrespect. "No development agreement should be executed until proper permitting is received from required agencies and ALL the facts of the project, including the Parking Tower, are presented truthfully including the details about the noise, the traffic and the impact to the surrounding residential and commercial areas."  
Thank you for reading this, Darryl

## Communication from Public

**Name:**

**Date Submitted:** 05/25/2022 06:44 PM

**Council File No:** 22-0496

**Comments for Public Posting:** The city really needs to think long and hard before pushing this MIXED-USE project forward. It is on track to be the most expensive project per unit in the city, if not the state and even the country for small 460 sq.ft. units. built in a flood zone!!! Taxpayers ok'd more taxes for homeless housing, but we didn't mean for it to be a free for all, spending outrageous amounts per unit. We expect the city to do its job and build units spending wisely so more units can be built, not less by overspending on overpriced vanity projects by a councilman who has already received a loud vote of no confidence by the Venice community. Do not let Mike Bonin push this project forward skipping the needed plan reviews by PLUM, the Coastal Commission and other necessary permits. Mr. DeLeon, I will be making sure I show up at your campaign stops letting people know how loose you are with taxpayer money if you vote this through.

## Communication from Public

**Name:** Jamie T. Hall

**Date Submitted:** 05/25/2022 06:54 PM

**Council File No:** 22-0496

**Comments for Public Posting:** This firm represents the Coalition for Safe Coastal Development (“Coalition”) and its supporting organizations and individuals. As detailed in this letter, the requested approval of a Disposition and Development Agreement (“DDA”) for the development of the subject property is premature and inappropriate. It is a well-established principal that a jurisdiction should not take any action to commit the agency to a course of action before required environmental review is completed. As detailed in the attached letter, the required environmental review for a number of the Project’s required entitlements has not yet been completed. In addition, the Project applicant has not yet secured all of the required discretionary approvals and entitlements for the proposed Project. Furthermore, there is an on-going lawsuit regarding defects in the City’s approval process for this Project and approval of some of the discretionary permits for the Project which have not been resolved. It would therefore be contrary to both law and proper land use practice to approve the DDA at this time.

# Channel Law Group, LLP

---

8383 Wilshire Blvd.  
Suite 750  
Beverly Hills, CA 90211

Phone: (310) 347-0050  
Fax: (323) 723-3960  
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760  
jamie.hall@channellawgroup.com

---

\*ALSO Admitted in Texas

May 25, 2022

## VIA ELECTRONIC MAIL

Hon. Nury Martinez, President  
Los Angeles City Council  
c/o City Clerk  
200 North Spring Street  
Los Angeles, CA 90012  
(holly.wolcott@lacity.org)

Hon. Kevin de Leon, Chair  
Homelessness & Poverty Comm.  
200 North Spring Street  
Los Angeles, CA 90012  
([luigi.verano@lacity.org](mailto:luigi.verano@lacity.org))  
(Clerk.HomelessnessandPovertyCommittee@lacity.org)

**Re: Agenda Item 2 – Meeting of Homelessness and Poverty Committee on 5/26/22 – Council File 22-0496 - Request For Authority To Execute A Disposition And Development Agreement For The Development Of Affordable Housing On The City-Owned Properties Located At 2102-2120 S. Pacific Avenue, 116-128 E. Venice Blvd, 204-208 E. Venice Blvd, 214 E. Venice Blvd, 302 Venice Blvd, 301-319 E. Venice Blvd, 2106 S. Canal St, 200 E. Venice Blvd, 2106 S. Canal St, 210-212 E. Venice Blvd, 125 E. Venice Blvd. (VTT-82288; ENV-2018-6667-SE; CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP-1A; Related Council File Nos. 21-0829 and 21-0829-S1)**

Dear Council President Martinez, Chair de Leon, Members of the Homelessness and Poverty Committee, and City Clerk:

This firm represents the Coalition for Safe Coastal Development (“Coalition”) and its supporting organizations and individuals. As detailed in this letter, the requested approval of a Disposition and Development Agreement (“DDA”) for the development of the subject property is premature and inappropriate. It is a well-established principal that a jurisdiction should not take any action to commit the agency to a course of action before required environmental review is completed. As detailed herein, the required environmental review for a number of the Project’s required entitlements has not yet been completed. In addition, the Project applicant has not yet secured all of the required discretionary approvals and entitlements for the proposed Project. Furthermore, there is an on-going lawsuit regarding defects in the City’s approval

process for this Project and approval of some of the discretionary permits for the Project which have not been resolved (see **Attachment A**).<sup>1</sup> It would therefore be contrary to both law and proper land use practice to approve the DDA at this time.

## 1. **PROJECT SUMMARY**

The requested DDA would commit the City of Los Angeles (“City”) to the Reese Davidson (Pacific Dell or Venice Median) Project in Venice (proposed “Project”) and to the lease of extremely valuable City-owned real estate. The DDA would essentially result in the City substantially subsidizing construction of “affordable housing” in an inappropriate location for the use because it would be on a “site that is in an area identified as having potential for liquefaction, within a Methane Zone, and approximately 5.48 kilometers from the Santa Monica Fault. The site is also located in a flood hazard zone, tsunami inundation area, and in an area that may be affected by sea level rise.”<sup>2</sup> In addition, siting the project at this location requires the City to subsidize a new public parking structure, at significant expense to taxpayers.

The Project includes the demolition of an existing surface public parking lot (LADOT Lots 701 and 731) containing 196 vehicular parking spaces (bisected by Grand Canal) and a two-story, four-unit residential structure. Under the DDA, the City would issue a 99-year lease of, what the Report from the Housing Department dated 4-27-22 (“4-27-22 HD Report”)<sup>3</sup> says is 10 lots, but in fact the Project involves the merger and re-subdivision of 40 existing<sup>4</sup> valuable City-owned lots in Venice for development of what is being represented as:

- 68 units of supportive housing for households experiencing homelessness,
- 34 units of affordable housing for low-income individuals, and
- 34 units of affordable housing for low-income artists, and four unrestricted manager units.

---

<sup>1</sup> See Coalition For Safe Coastal Development v. City of Los Angeles, Case No. 22STCP00162, filed March 1, 2022, included in **Attachment A**.

The lawsuit addresses the following issues: the fact the Project does not qualify for an exemption under CEQA; the City’s violation of the Subdivision Map Act in its approval of the Project’s Tentative Tract Map, including the City’s failure to comply with Subdivision Map Act environmental review requirements; the City’s improper spot zoning to benefit the Project; how the City has violated the Coastal Act and the Certified Land Use Plan when approving the Coastal Development Permit for the Project; violation of the Mello Act and other affordable housing requirements; and the City’s violation of fair hearing constitutional due process requirements in its processing of the proposed Project.

<sup>2</sup> These facts are not in dispute as acknowledged on page 6 of the October 28, 2021 staff Appeal Report to the PLUM Committee (PLUM memo).

<sup>3</sup> Available at: <https://lacity.primegov.com/Portal/Meeting?compiledMeetingDocumentFileId=28018>

<sup>4</sup> See case VTT-82288 1-A Letter of Determination dated July 13, 2021 – Available at: <https://planning.lacity.org/pdiscaseinfo/document/OTgyNQ0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>

See page F4 of the Letter of Determination, which states: “The Project includes the merger and re-subdivision of 40 existing lots into two (2) master ground lots and seven (7) air space lots totaling 115,674 square feet to allow for 140 residential dwelling units and related supportive and commercial uses.”

However, the draft DDA, which is lacking the text of the Regulatory Agreement, leaves open the possibility that these will be moderate income units. Council should never approve or consider a DDA if it has not been provided with the full text of the agreement. The Council should not approve or consider a DDA which is lacking the details of the Regulatory Agreement. To do so both deprives the Council of important information about the Project and the public with the opportunity to review and comment on the DDA prior to any action by Council. This is particularly important given conflicting information in the DDA, the 4-27-22 HD Report and the administrative record regarding the size and types of units, income levels which will be served by the Project, and number of parking spaces included.

Although the Project has been labeled a “Permanent Supportive Housing Project”, it includes only 685 square feet of supporting (social service) office uses. Although the square footage devoted to social services is limited, the Project applicants have seen fit to include 2,255 square feet of retail uses, 810 square feet of restaurant uses with 500 square feet of outdoor Service Floor area, and 3,155 square feet of community arts center/art studio uses (philanthropic uses).

As detailed in the 4-27-22 HD Report attached to the meeting agenda,<sup>5</sup> the Project also includes the construction of a public parking structure with approximately 244 parking spaces, of which 27 are Beach Impact Parking spaces, two replacement Boat Launch spaces, 196 replacement public parking spaces, and up to 19 additional spaces. As noted in the 5-27-22 HD Report the “proposed project includes the construction of a public LADOT parking garage to provide 196 replacement parking spaces. This parking garage will not be included in the residential Development Agreement or Ground Lease, but rather, documented separately through LADOT with the assistance of the General Services Department (GSD).”

It is expected that the public parking structure will be financed by the City with Municipal Improvement Corporation of Los Angeles (MICLA) lease revenue bonds. The total cost to the City to replace the existing public parking spaces and gain a limited number of additional spaces is would be \$19,490,000, including interest of approximately \$7,844,000. In addition, the City would suffer the opportunity cost of leasing exceedingly valuable lots for just \$1 during the 99-year term of the lease.

According to the Project Pro Forma included as Attachment E to the DDA, the Project budget is \$86,869,539 exclusive of the cost of the LADOT replacement parking garage (an additional \$19,490,000) and the value of the land. The cost per each of the 136 “affordable units” is thus \$638,747, exclusive of the cost of the LADOT garage and the land value. With the cost of replacement parking and a minor increase in beach parking, the cost is \$782,055 per unit, exclusive of the land value. This is the average cost per unit. Per the Proforma, the developer anticipates constructing 89 0-bedroom units; 25 1-bedroom units; and, 22 2-bedroom units. (It should be noted that this is different than size representations in the 4-27-22 HD Report and elsewhere in the administrative record).<sup>6</sup> The cost per unit for this Project is thus extremely high and thus should be grounds for rejection of the DDA.

---

<sup>5</sup> Available at: <https://lacity.primegov.com/Portal/Meeting?compiledMeetingDocumentFileId=28018>

<sup>6</sup> The administrative record for the Project thus lacks an accurate, stable or finite Project Description.



According to page 2 of the 4-27-22 HD Report:

On December 14, 2016, the City Council approved (Council File: 16-0600-S145) the selection of the Developer for the purpose of creating a full development plan and negotiating terms of a DDA and/or ground lease under a 720 day Exclusive Negotiation Agreement (“ENA”) dated January 12, 2017, and the Developer provided a \$50,000 good faith, non-refundable site control fee. The ENA was subsequently extended until March 31, 2021. Since then, the ENA was automatically tolled/extended per the Mayor’s tolling order, which was enacted in April 2020 and is still in place. Therefore, as of now, the ENA has been extended to January 1, 2023.

The Exclusive Negotiation Agreement (“ENA”) for the Project has thus been extended to January 1, 2023. The original ENA was thus supposed to expire in January 2019. Subsequent extensions have added an additional four years to the term of the ENA. This represents a four-year extension -- twice the length of the original term. An ENA constitutes an *exclusive* negotiation agreement. This means it shuts other potential developers out, which gives preference to one developer (to the prejudice of other developers and possibly the detriment of the City as a whole). We question the lawfulness of the six-year exclusive negotiation term and the wisdom of the City’s extension of the ENA.

**2. CONSIDERATION OF THE DDA IS PREMATURE - FAILURE TO OBTAIN REQUIRED DISCRETIONARY APPROVALS**

It is inappropriate to consider approval of a DDA, given that the Project has yet to obtain many of the required discretionary approvals. The Project’s required discretionary approvals include:

**1. VTT-82288:**

- Pursuant to Los Angeles Municipal Code (LAMC) Sections 17.03, 17.06, and 17.15, a Vesting Tentative Tract Map, VTT No. 82288, for the merger and re-subdivision of 40 existing lots into two master ground lots and seven airspace lots; and
- Pursuant to Los Angeles Municipal Code Section 17.53-D, a Waiver of Dedication and/or Improvements to waive the requirement to:
  - a. Dedicate 20.5 feet to complete a 43-foot half right-of-way along Pacific Avenue;
  - b. Dedicate a 15-foot by 15-foot corner cut at the intersection of South Venice Boulevard and Pacific Avenue;
  - c. Dedicate a 15-foot by 15-foot corner cut at the intersection of North Venice Boulevard and Pacific Avenue;

- d. Dedicate a 15-foot by 15-foot corner cut at the intersection of South Venice Boulevard and Dell Avenue; and
- e. Dedicate 10 feet to complete a 30-foot half right-of-way along Dell Avenue.

2. **CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-WDI-SPR-PHP:**

- Pursuant to Los Angeles City Charter Section 555 and LAMC Section 11.5.6, a General Plan Amendment to the:
  - a. Venice Community Plan General Plan Land Use Map to amend the land use designation of the subject site from Open Space and Low Medium II Multiple Family Residential to Neighborhood Commercial;
  - b. Certified Venice Local Coastal Program Land Use Plan (LUP) maps to amend the land use designation of the subject site from Open Space and Low Medium II Multiple Family Residential to Neighborhood Commercial; and
  - c. LUP text pertaining to the proposed development;
- Pursuant to LAMC Section 12.32 F, a Vesting Zone Change and Height District Change from OS-1XL-O to (T)(Q)C2- 1L-O and pursuant to LAMC Section 11.5.11(e) and California Government Code 65915(k), three Developer Incentives to permit:
  - a. Reduced residential parking pursuant to AB744;
  - b. The required residential parking for the building on the East Site to be located in the building on the West Site; and
  - c. RAS3 side and rear yard requirements per LAMC 12.10.5 in lieu of the yard requirements in the proposed C2 zone;
- Pursuant to LAMC Section 11.5.7 G, a Specific Plan Amendment to the Venice Coastal Zone Specific Plan to:
  - 1. Create a new subarea “Subarea A” to permit a Permanent Supportive Housing project that includes Restricted Affordable housing units with supportive services and establishes Land Use Regulations and Development Standards; and
  - 2. Amend the Map Exhibits to add the new subarea and change the zoning from OS-1XL and RD1.5 to C2-1L- O for the new subarea;
- Pursuant to LAMC Section 11.5.7 C, a Project Permit Compliance Review for a project within the Venice Coastal Zone Specific Plan;

- Pursuant to LAMC Section 12.20.2, a Coastal Development Permit for a Project located within the Dual Permit Jurisdiction of the California Coastal Zone;
- Pursuant to Government Code Sections 65590 and 65590.1 and the City of Los Angeles Mello Act Compliance Interim Administrative Procedures, a Mello Act Compliance Review for demolition of four Residential Units and the construction of 140 Residential Units in the Coastal Zone; and
- Pursuant to LAMC Section 16.05, Site Plan Review for a Project which creates or results in an increase of 50 or more dwelling units.

The 4-27-22 HD Report on page 3 incorrectly states that “the following entitlements were approved for the project: CEQA statutory exemption, vesting tentative tract map, coastal development permit, site plan review, Mello Act compliance, project permit compliance, general plan amendment, zone change, height district change, and specific plan amendment.” As detailed herein, and in the pending lawsuit included in **Attachment A**, the Project is not eligible for a CEQA statutory exemption. As detailed in the pending lawsuit included in **Attachment A** the Project’s compliance with the Mello Act is currently disputed. As detailed herein and in prior Channel Law letters regarding the Project which are incorporated herein by reference,<sup>7</sup> the General Plan Amendment is pending, and the approval of the VTT is in violation of the Municipal Code.<sup>8</sup> The Project still requires Coastal Commission approval of the LUP Amendment (aka Local Coastal Plan Amendment or “LCPA”) and the City’s Coastal Development Permit is not effective until the LCPA is certified by the Coastal Commission. In addition, as indicated on page 3 of the Letter of Determination, the City’s Coastal Development Permit is not deemed final until 20 working days have expired from the date the City’s action is deemed received by the Executive Officer of the California Coastal Commission and provided that a timely, valid appeal is not taken by the California Coastal Commission within said time frame. An appeal of the City’s Coastal Development Permit is probable. Also, a second, dual state permit is required before the project is finally approved, as is mentioned in the conditions of the Letter of Determination, as the project is located in the Dual Permit Jurisdiction Coastal Zone. Lastly, there are several federal agencies with possible discretionary permit approval responsibility for the Project, which have not yet acted.

The proposed Project thus requires a General Plan Amendment (GPA), Vesting Tentative Tract Approval (VTT), a LCPA, and a Coastal Development Permit and is subject to the possible

---

<sup>7</sup> Past Channel Law letters include letters dated November 30, 2021, May 25, 2021, February 16, 2021, January 12, 2020, and October 21, 2020. These letters have been separately transmitted for inclusion in Council File 22-0496 and are incorporated herein by reference.

In addition, all past letter on the Project regarding issues/problems with the Project and the City’s processing of the Project submitted by members of the public and community groups and contained in Planning Department files and related Council File Nos. 21-0829 and 21-0829-S1 are also incorporated herein by reference and must be included in the Council file for this action.

<sup>8</sup> See also the pending lawsuit included as Attachment A.

permit requirements of several federal agencies. The Project has yet to receive final approval for any of these entitlements.

It is a well-established requirement that environmental review be completed prior to Project approval or any action that would commit a City to a course of action requiring discretionary approvals. Even if the Project were eligible for a statutory exemption, which it is not, environmental review is still required prior to approval of the VTT, LCPA and Coastal Development Permit, and any required federal approvals. This environmental review has not been conducted. It is thus premature to take any action on the DDA.

## **2A. GPA**

On February 2, 2022 the City Council approved a motion to rescind the Council's December 1, 2021 adoption of a Resolution to amend the Venice Community Plan and the Venice Land Use Plan to accommodate the Project. The motion specified reconsideration of the matter to allow for amendment of the Resolution to include the correct set of Exhibits to the Venice Land Use Plan and to refer the Council's amendment to the Los Angeles City Planning Commission and Mayor for review and consideration.<sup>9</sup> On March 1, 2022 the Planning Commission considered a corrected resolution for the General Plan Amendment. As explained in the March 1, 2022 Planning Commission Report:<sup>10</sup>

At its meeting of February 24, 2022, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

A correction to map exhibits for a General Plan Amendment Resolution for the Venice Community Plan and Venice Land Use Plan (LUP), to redesignate Open Space and Low Medium II Residential land to Neighborhood Commercial use, as part of the approval of a Permanent Supportive Housing Project that will construct 140 residential units. The amendment was previously reviewed and approved by the City Planning Commission on May 27, 2021 and includes new policies in the Venice LUP to create a new Subarea A, policies for the development of Supportive Housing Projects, and updates the map exhibits in the LUP to include Subarea A.

On February 2, 2022, the City Council adopted a Motion to rescind its December 1, 2021 adoption of the Resolution to amend the Venice Community Plan and Venice Land Use Plan (Council File No. 21-0829-S1), due to an error that referenced an incorrect set of map exhibits associated with the Resolution, and to reconsider the matter to amend the Resolution recommended by the City Planning Commission and correct

---

<sup>9</sup> [https://clkrep.lacity.org/online/docs/2021/21-0829-S1\\_caf\\_2-2-22.pdf](https://clkrep.lacity.org/online/docs/2021/21-0829-S1_caf_2-2-22.pdf)

<sup>10</sup> [https://clkrep.lacity.org/online/docs/2021/21-0829-S1\\_rpt\\_cpc\\_3-01-22.pdf](https://clkrep.lacity.org/online/docs/2021/21-0829-S1_rpt_cpc_3-01-22.pdf)  
See also: [https://clkrep.lacity.org/online/docs/2021/21-0829-S1\\_misc\\_2\\_3-01-22.pdf](https://clkrep.lacity.org/online/docs/2021/21-0829-S1_misc_2_3-01-22.pdf)  
[https://clkrep.lacity.org/online/docs/2021/21-0829-S1\\_misc\\_3\\_3-01-22.pdf](https://clkrep.lacity.org/online/docs/2021/21-0829-S1_misc_3_3-01-22.pdf)  
[https://clkrep.lacity.org/online/docs/2021/21-0829-S1\\_misc\\_4\\_3-01-22.pdf](https://clkrep.lacity.org/online/docs/2021/21-0829-S1_misc_4_3-01-22.pdf)

the error. The amended Resolution consists of changes to the Venice Land Use Plan (Exhibits 2a Venice Coastal Zone, 2b Venice Coastal Zone, 5b Subarea North Venice and Venice Canals, 10b Land Use Plan (Map) North Venice and Venice Canals, 14b Height Subarea North Venice and Venice Canals and 17a Coastal Access Map).

This is also detailed in the Mayor's March 17, 2022 transmittal of a corrected resolution for the proposed General Plan Amendment.<sup>11</sup> On March 1, 2022, the Planning Director in a letter attached to the Mayor's March 17, 2022 transmittal, recommended:

That the Mayor:

1. Concur in the attached action of the City Planning Commission relative to its recommended approval of the proposed General Plan Amendment for the subject property;
2. Recommend that the City Council Adopt the attached Findings of the City Planning Commission relative to the General Plan Amendment;
3. Recommend that the City Council Adopt, by Resolution, the Plan Amendment to the Venice Community Plan, as shown in the attached exhibit;
4. Recommend that the City Council Adopt, by Resolution, the Plan Amendment to the Certified Venice LUP text and maps, as shown in the attached exhibit;
5. Recommend that the City Council Adopt, by Resolution, directing staff to submit the Plan Amendment to the certified Venice LUP to the California Coastal Commission for certification; and
6. Recommend that the City Council direct staff to revise the Community Plan and the certified Venice LUP in accordance with this action.

The matter was scheduled to be heard by the Council's Planning and Land Use Committee (PLUM) on May 17, 2022, however the meeting was cancelled. The City has, therefore, yet to adopt an accurate GPA for the proposed Project. Consideration of a DDA for the Project is thus premature.

## **2B. VTT**

On July 13, 2021 the City Planning Commission issued its Letter of Determination ("LOD") denying the appeal of the approval of the Vesting Tentative Tract (VTT) map for the Project.<sup>12</sup> On December 1, 2021, the City Council similarly denied the appeal of the approval of the VTT.<sup>13</sup> The VTT approval thus became final on December 1, 2021. Although the City

---

<sup>11</sup> [https://clkrep.lacity.org/online/docs/2021/21-0829-S1\\_misc\\_1\\_3-01-22.pdf](https://clkrep.lacity.org/online/docs/2021/21-0829-S1_misc_1_3-01-22.pdf)

<sup>12</sup> <https://planning.lacity.org/pdiscaseinfo/document/OTgyNQ0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>

<sup>13</sup> [https://clkrep.lacity.org/online/docs/2021/21-0829\\_caf\\_12-1-21.pdf](https://clkrep.lacity.org/online/docs/2021/21-0829_caf_12-1-21.pdf)  
[https://clkrep.lacity.org/online/docs/2021/21-0829\\_misc\\_Bonin-Blumenfield\\_12-1-21.pdf](https://clkrep.lacity.org/online/docs/2021/21-0829_misc_Bonin-Blumenfield_12-1-21.pdf)  
[https://clkrep.lacity.org/online/docs/2021/21-0829\\_misc\\_Bonin-MHD\\_12-1-21.pdf](https://clkrep.lacity.org/online/docs/2021/21-0829_misc_Bonin-MHD_12-1-21.pdf)

approved a GPA for the Project on December 1, 2021, as detailed above, the approved GPA is inaccurate and thus the Project is not consistent with the approved GPA, and the City has yet to adopt an accurate GPA for the proposed Project.

Section 66474.2 of the Government Code regarding the decision to approve or disapprove a VTT, specifies in relevant part:

(a) Except as otherwise provided in subdivision (b) or (c), in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.

(b) Subdivision (a) shall not apply to a local agency which, before it has determined an application for a tentative map to be complete pursuant to Section 65943, has done both of the following:

(1) Initiated proceedings by way of ordinance, resolution, or motion.

(2) Published notice in the manner prescribed in subdivision (a) of Section 65090 containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, or zoning or subdivision ordinances.

A local agency which has complied with this subdivision may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the local agency approves or disapproves the tentative map.

(c) If the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.

As explained in Continuing Education of the Bar, California Subdivision Map Act and the Development Process, Section Edition<sup>14</sup> Section 7.5:

### **§7.5 B. Map Filing Freeze**

The Map Act has served as the vehicle for a number of statutes designed to create vested rights for developers engaged in the approval process. One such statute is Govt C §66474.2, which provides that, in deciding whether to approve or disapprove a tentative map, the local agency must apply only the ordinances, policies, and standards in effect on the date on which the application for the map is deemed complete under Govt C §65943. See §§5.8, 5.20–5.27. Because the final map must be approved if it

---

<sup>14</sup>[https://nopwebprd.ceb.com/CebContent/FilingDetails/SubdivMapAct\\_RE33250/SubdivMapAct\\_RE33250\\_202009\\_p.pdf](https://nopwebprd.ceb.com/CebContent/FilingDetails/SubdivMapAct_RE33250/SubdivMapAct_RE33250_202009_p.pdf)

substantially complies with the tentative map conditions (Govt C §66474.1; *Youngblood v Board of Supervisors* (1978) 22 C3d 644) (see §9.45), Govt C §66474.2 freezes in place, at the time the tentative map application is deemed complete, the law applicable to subdivision approvals (but not building permits (see §7.2)) and gives the subdivider a form of a vested right.

An exception to the limitation under Govt C §66474.2 arises if the local agency has formally initiated proceedings by ordinance, resolution, or motion to amend applicable general plans, specific plans, or zoning or subdivision ordinances of the agency, and has published notice of such proceedings as required by Govt C §65090 before the date the tentative map application was deemed complete. Govt C §66474.2(b); see §9.11.

At the time the VTT appeal was denied by the City Council, a correct version of the GPA had not been adopted and the VTT was therefore not consistent with the General Plan. The City's VTT approval is not consistent with the requirements of Section 66474.2 of the Government Code. Furthermore, the City's VTT approval for the Project is the subject of a current lawsuit (see **Attachment A**). It would be premature to approve a DDA for the project given the tenuous nature of the City's VTT approval.

## **2C. LCPA**

As explained by the Court in *Santa Barbara County Flower and Nursery Growers Association Inc. v. County of Santa Barbara* (121 Cal.App.4<sup>th</sup> 864):

The Coastal Act is a comprehensive statutory scheme to protect the environment of California's coastal zone. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 571, 276 Cal.Rptr. 410, 801 P.2d 1161.) In general, the Act gives the Commission regulatory authority to carry out its policies.

Among other things, the Coastal Act requires the implementation of LCP's that embody statewide standards for preserving the coastal zone. (*Citizens of Goleta Valley v. Board of Supervisors*, supra, 52 Cal.3d at p. 571, 276 Cal.Rptr. 410, 801 P.2d 1161; §§ 30001.5, 30108.6; see also §§ 30500, 30511-30514.) Local government has the initial responsibility to prepare an LCP or LCP amendment covering the coastal zone within its jurisdiction. (§ 30500.) The local government then submits the LCP or amendment to the Commission. (§ 30510.) The submission must include a complete environmental review and satisfy other policies and regulations of the Commission. (§§ 30510-30514.)

An LCP or LCP amendment cannot take effect unless approved by the Commission.

The Commission has not approved the required LCPA. It would therefore be premature to act on the DDA for the Project.

**3. REQUIRED ENVIRONMENTAL REVIEW FOR ENTITLEMENTS HAS NOT TAKEN PLACE**

**3A. THE PROJECT IS NOT ELIGIBLE FOR A STATUTORY EXEMPTION**

As detailed in Channel Law letters dated: November 30, 2021, May 25, 2021, February 16, 2021, January 12, 2020, and October 21, 2020 on the proposed Project which have been separately submitted to the Council File and are incorporated herein by reference, and our current lawsuit on the issue included in **Attachment A**, the proposed Project is not eligible for a Section 20180.27 exemption from CEQA.

As noted in Channel Law's May 25, 2021 letter:

**A. The Project Does Not Meet the Requirements for A PRC Section 21080.27 Statutory Exemption Under the Environmental Quality Act (CEQA)**

As detailed in our February 16, 2021 letter documenting the basis for our appeal of the Vesting Tentative Tract Map approval and our October 21, 2021 comment letter, we document that the proposed project includes uses that do not meet the definition of supportive housing and are thus not eligible for the Section 20180.27 exemption. These uses include:

- 2,255 square feet of retail uses,
- 810 square feet of restaurant uses with 500 square feet of outdoor Service Floor area,
- 3,155 square feet of community arts center/art studio uses (philanthropic uses).
- Parking in excess of the 61 residential spaces, including: 42 commercial spaces, 196 public spaces (replacement), 23 Beach Impact Zone (BIZ) spaces and 38 non-required spaces; and 136 bicycle parking spaces (19 short-term and 117 long-term).

Just because these uses share a site with a supportive housing function does not make them exempt from CEQA evaluation. If they were located off-site, they would be clearly subject to CEQA review. These proposed uses on the project site do not become immune from environmental review requirements by virtue of their proximity to proposed "supportive housing."

The PLUM staff report failed to address these facts under either VTT Appeal Point A-6 or B-5. The non-permanent supportive housing uses, including the new City public parking structure, are not eligible for exemption from CEQA. This is undisputed.

The PLUM VTT appeal staff report also failed to address the following fact included in Channel Law's February 16, 2021 letter, which further disqualifies the proposed Project from the CEQA exemption:



Government Code 65650 et. seq. sets out various requirements that a project must meet to be considered a “supportive housing” project. Gov. Code 65651 essentially provides a compliance checklist. As demonstrated in the analysis contained in our February 16, 2021 appeal letter, the proposed project is not a by right development, and fails to satisfy all of the requirements of Government Code Section 65651. Most importantly, it fails to provide at least 3 percent of the total nonresidential floor area for onsite supportive services that are limited to tenant use. The proposed project includes a total of 64,280 square feet of residential uses. The proposed project includes a number of uses that are not limited to tenant use including: retail (2,225 sf), restaurant (810 sf), and art studio (3,155 sf). The project plans indicate the project has a FAR of 1.15:1 or 104,140 square feet. This means that the 685 square feet dedicated to supportive services would represent only 1.72% of the non-residential floor area. If exterior walkways are excluded from the calculation, then the 685 square feet dedicated to supportive services would represent only 2.62% of the non-residential floor area.

Given these undisputed reasons why the proposed Project is not eligible for the PRC Section 21080.27 Statutory Exemption, the City cannot proceed with consideration of the proposed Project without first completing an Environmental Impact Report (EIR) for the Project. Under CEQA, a Lead Agency must complete the environmental review process before taking any action which would constitute Project approval. Consideration of the DDA for the Project is thus premature.

### **3B. VTT**

As explained in our prior letters and detailed in our lawsuit included in **Attachment A**, the Subdivision Map Act has its own independent requirement to analyze a project’s environmental impacts.

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] 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 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 (emphasis added.)

Government Code section 66474.61, applicable to the City of Los Angeles as a city with a population exceeding 2.8 million people, applies the same legal requirements as those of Government Code section 66474, including the requirement that a subdivision not cause

significant environmental damage, or harm fish and wildlife. Therefore, even with an exemption from CEQA, the Project is not exempt from the independent environmental analysis required under the Subdivision Map Act.

It is premature to approve a DDA for the Project prior to compliance with the environmental review requirements of the Subdivision Map Act and the resolution of our lawsuit on this issue.

### **3C. LCPA and Coastal Development Permit**

Not only have the amendments to the Local Coastal Plan not been reviewed and approved by the Coastal Commission, to date no CEQA-equivalent environmental review has been conducted for the needed Project LCP amendments and coastal development permit. As explained by the Court in *Santa Barbara County Flower and Nursery Growers Association Inc. v. County of Santa Barbara* (121 Cal.App.4<sup>th</sup> 864):

An LCP or LCP amendment cannot take effect unless approved by the Commission. To be approved, the Commission must certify that it conforms to the environmental protection policies of the Coastal Act. (§§ 30001.5, 30500, 30511-30514; *Citizens of Goleta Valley v. Board of Supervisors*, supra, 52 Cal.3d at pp. 571-572, 276 Cal.Rptr. 410, 801 P.2d 1161; see Cal.Code Regs., tit. 14, §§ 13115, 13119, 13321.) Commission decisions are subject to judicial review under a special section of CEQA. (§ 21080.5, subd. (g).)<sup>3</sup>

Although CEQA generally requires an EIR prior to the approval of any project that may have a significant adverse effect on the environment, an EIR is not required for the approval of an LCP or LCP amendment by the Commission. CEQA authorizes state agencies with environmental responsibilities, including the Commission, to operate under their own regulatory programs that replace the EIR process with a comparable form of environmental review. (§ 21080.5, subds. (a), (c); *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 113, 65 Cal.Rptr.2d 580, 939 P.2d 1280; *San Mateo County Coastal Landowners' Assn. v. County of San Mateo* (1995) 38 Cal.App.4th 523, 552, 45 Cal.Rptr.2d 117.)

To qualify for the EIR exemption, a regulatory program must be certified by the California Resources Agency. (§ 21080.5, subds.(a), (c); *Environmental Protection Information Center, Inc. v. Johnson* (1985) 170 Cal.App.3d 604, 611, 216 Cal.Rptr. 502.) To obtain certification, the program must satisfy statutory criteria that assure environmental review that is functionally equivalent to the EIR process. (§ 21080.5, subd. (d);<sup>4</sup> *Mountain Lion Foundation v. Fish & Game Com.*, supra, 16 Cal.4th at pp. 126-127, 65 Cal.Rptr.2d 580, 939 P.2d 1280.) . . .

Nothing in CEQA or the Coastal Act gives local government the power to opt out of the Commission's regulatory program and choose to be

governed by CEQA's regulatory scheme. To the contrary, the section 21080.5 exemption is necessary to facilitate the Commission's legislative mandate under the Coastal Act to implement statewide policies for coastal zone development rather than local policies that would be critical to an EIR for a local project. (§ 30004; *Gherini v. California Coastal Com.* (1988) 204 Cal.App.3d 699, 709-710, 251 Cal.Rptr. 426; *City of Chula Vista v. Superior Court* (1982) 133 Cal.App.3d 472, 489, 183 Cal.Rptr. 909.) . . .

There is no statutory or judicial authority that permits the approval of an LCP amendment to be separated into two projects, one subject to judicial review under the EIR provisions of CEQA (§ 21167) and the other subject to judicial review under a state agency's certified regulatory program. (§ 21080.5, subd. (g).)

As with projects subject to CEQA, no LCP amendment or coastal development permit application can be approved without the Coastal Commission first conducting an equivalent environmental review.<sup>15</sup> As explained by the Court in *Friends, Artists, and Neighbors of Elkhorn Slough v. California Coastal Commission* (2021): “failure to complete the required environmental review before approving the permit application requires that the approval be vacated.” As further explained by the *Friends* court:

Under CEQA, “to claim the exemption from . . . EIR requirements, [the Coastal Commission] must demonstrate strict compliance with its certified regulatory program. [Citations.]” (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 132.) This includes complying with the requirement “that a project be *preceded* by the preparation of a written report containing certain information on the environmental impacts of the project. [Citation.]” (*Sierra Club v. State Bd. of Forestry, supra*, 7 Cal.4th at p. 1230, *italics added*.) This “environmental review document that serves as a functional equivalent of an EIR” (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 113) must include “alternatives to the activity, and mitigation measures to minimize any significant adverse effect on the environment of the activity” (Pub. Resources Code, § 21080.5, subd. (d)(3)(A); see *id.*, § 21080.5, subd. (d)(2)(A); Cal. Code Regs., tit. 14, § 15252, subd. (a)(2)(A), (B); *Pesticide Action Network North America v. Department of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 245; *Strother v. California Coastal Com.* (2009) 173 Cal.App.4th 873, 878; *Schoen v. Department of Forestry & Fire Protection* (1997) 58 Cal.App.4th 556, 572). . .

These requirements of the Coastal Commission’s certified regulatory program follow CEQA’s “substantive mandate that public agencies refrain from approving projects for which there are feasible alternatives or

---

<sup>15</sup> See also *Strother v. California Coastal Commission*, 173 Cal.App.4th 873 (Cal. Ct. App. 2009)

mitigation measures,” and that an agency not approve a project for which significant environmental effects have been identified unless the agency makes specific findings about alternatives and mitigation measures. (*Mountain Lion Foundation, supra*, 16 Cal.4th at p. 134; see §§ 21002, 21081.) A public agency “is required to carry out [this mandate] even when operating pursuant to its certified regulatory program. [Citations.]” (*Mountain Lion Foundation, supra*, at p. 134.)

It would be premature to approve a DDA prior to completion of Project Coastal Development Permit and LCPA review by the Coastal Commission. As we have documented in prior letters incorporated herein by reference, the proposed LCPA is not consistent with the Coastal Act and there are likely to be issues associated with obtaining Coastal Commission approval.

### **3D. COAST GUARD BRIDGE MODIFICATION PERMIT**

The proposed Project includes removal of the approach slabs to the historic Short Line Bridge over the Venice Canal and conversion of the bridge from vehicular to pedestrian use. Proposed modifications and the Project will alter the type of bridge (vehicular to pedestrian) and an integral part of the substructure (the approach slabs) and constitutes more than routine maintenance. Pursuant to Section 9 of the Rivers and Harbors Act of 1899 and the General Bridge Act of 1946, the Coast Guard is responsible for ensuring that bridges over navigable waters and associated construction activity do not interfere with the navigability of the spanned waterway. According to the Coast Guard Bridge Program:

1. Any individual, partnership, corporation, or local, state, or federal legislative body, agency, or authority planning to construct or modify a bridge or causeway across a navigable waterway of the United States must apply for a Coast Guard bridge permit. . .
4. Failure to obtain a bridge permit before commencing bridge construction or modification work is a federal offense, punishable by civil and criminal penalties.<sup>16</sup>

The Short Line Bridge spans a Venice Canal. The bridge is located in close proximity to the important boat launch which is used by the company which maintains the canal waterway, for recreational boating, and by commercial boating firms, such as operators of gondolas on the canal system.<sup>17</sup>

A bridge permit is a federal permit and is subject to the National Environmental Policy Act (NEPA). Given that the bridge is a historic resource, analysis of impacts pursuant to Section 106 of the Historic Preservation Action of 1966 may be required. Since NEPA and Section 106

---

<sup>16</sup> [https://www.dco.uscg.mil/Portals/9/COAST%20GUARD%20BRIDGE%20PERMITTING\\_Sep2019.pdf](https://www.dco.uscg.mil/Portals/9/COAST%20GUARD%20BRIDGE%20PERMITTING_Sep2019.pdf)

<sup>17</sup> Gondolas are typically 32 feet in length. See: <https://www.britannica.com/technology/gondola-boat>

requirements associated with federal permits for the Project have yet to be determined, and the Project has yet to comply with any such requirements, any consideration of a DDA is premature.

### **3E. U.S. ARMY CORPS OF ENGINEERS PERMITS**

According to page 9 of the Los Angeles Bureau of Engineering Memorandum on the Tentative Subdivision Map (see **Attachment B**):

Draining to canal water way in Canal Street requires approval of The California Coastal Commission, The California Department of Fish and Wildlife, The State of California Los Angeles Regional Water Quality Control board, and The US Army Corps of Engineers before approval of Bureau of Engineering.

According to the U. S. Army Corps of Engineers (“Corps”), based on information provided by a community member to the Corps:

The activity may be subject to Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act. The canals are tidally influenced so any work within the mean high water or highest high tide line would require a Regulatory permit.<sup>18</sup>

In the case of the canal bisecting the Project site, water levels within the canal are artificially controlled through the operation of two tidal gates so the apparent highest high tide line is artificially lowered by the operation of the tidal gates. However, the portion of the canal bisecting the project site experiences increased tide levels (i.e. flooding events) when the canal’s tidal gates do not operate properly, reflecting the true highest high tide line levels.<sup>19</sup> As noted in the Moffat & Nichol (May 2018) in their Venice Sea Level Rise Vulnerability Assessment (VSLRVA) included as Attachment B to our October 21, 2020 letter incorporated herein by reference: “As important flood prevention infrastructure for the coastal zone area, any failure in the operation of both tide gates can result in flooding.” As further noted in the VSLRVA study:

The tide gate system is subject to functional and operational vulnerabilities identified in Section 6.1.2 that could lead to cascading impacts that affect infrastructure and other resources in the low-lying areas of Venice. Assets like the VPP/VAPP provide a critical service to the Venice community, and impacts to the operations would result in significant consequences for public health and the environment.

In fact, the VSLRVA rated the short-term (Sea Level Rise less than or equal to 1.6 feet) risk associated with failure of the tidal gate system as R4 - “High: Permanently damaged, large impact on system, large loss of value or life.

---

<sup>18</sup> Veronica Li, Senior Project Manager, Transportation & Special Projects Branch, Regulatory Division, Los Angeles District, U.S. Army Corps of Engineers, correspondence dated April 13, 2022.

<sup>19</sup> We have provided previous documentation regarding problems with the tidal gate and canal system.

Thus, in assessing the Project's potential to impact Waters of the United States and the need for an Army Corps permit under Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act, the true, rather than artificially constrained, mean high water or highest high tide line must be determined.

### **Need for Permit Pursuant to Section 10 of the Rivers and Harbors Act of 1899**

Section 10 of the Rivers and Harbors Act of 1899 requires authorization from the Secretary of the Army, acting through the Corps of Engineers, for the construction of any structure in or over any navigable water of the United States. Structures or work outside the limits defined for navigable waters of the United States require a Section 10 permit if the structure or work affects the course, location, or condition of the water body.”<sup>20</sup>

Pursuant to 33 CFT Ch. II Section 322.3 (a):<sup>21</sup>

Structures or work are in navigable waters of the United States if they are within limits defined in 33 CFR part 329. Structures or work outside these limits are subject to the provisions of law cited in paragraph (a) of this section, if these structures or work affect the course, location, or condition of the waterbody in such a manner as to impact on its navigable capacity.

In addition to Project drainage, the proposed Project includes several features that are within the potential defined limits of the waters of the United States bisecting the project site and have the potential to affect the condition of the water body. First, the proposed Project includes modifications to the sidewalk along the edge of the canal bisecting the Project site. As shown on pages 6-7 of **Attachment B**, as part of the Project the following action directly adjacent to the canal will occur:

Remove and reconstruct existing 6-ft wide sidewalk along the canal water way on both sides per current City standard and ADA standard. Replace any broken or off grade adjacent pavements, retaining walls, and guard rails. Install new street trees with root barriers to the satisfaction of the Urban Forestry Division of the Bureau of Street Services.

Furthermore, the proposed Project would modify and impair access to the boat ramp used by the company responsible for maintenance of the canal waterway as detailed in our prior letters incorporated herein by reference. By impeding access to the boat ramp needed for waterway maintenance including the removal of trash and excessive vegetation, the proposed Project has the potential to impact the condition of the waterbody in such a manner as to impact its navigable capacity.

---

<sup>20</sup> <https://www.spl.usace.army.mil/Missions/Regulatory/Jurisdictional-Determination/Section-10-of-the-Rivers-Harbors-Act/>

<sup>21</sup> <https://www.govinfo.gov/content/pkg/CFR-2011-title33-vol3/pdf/CFR-2011-title33-vol3-part322.pdf>  
Canals are addressed in Section 322.5(g).



A permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 is, therefore, required for these aspects of the Project and any other Project components with the potential to impact the condition of the waterway. This is a federal permit and subject to the requirements of NEPA. Given that no permit has been obtained and NEPA review has not be initiated or completed, consideration of the DDA is premature.

#### **Need for Permit Pursuant to Section 404 of the Clean Water Act**

A Section 404 permit is required when a project may result in the discharge of dredged or fill material into the waters of the United States. Project sidewalk construction activity immediately adjacent to the canal bisecting the Project site has the potential to result in the discharge of fill material into the waters of the canal and thus the United States. Corps review of the Project for compliance with Section 404 requirements is thus required. This is a federal permit and subject to the requirements of NEPA. Given that no permit has been obtained and NEPA review has not be initiated or completed, consideration of the DDA is premature.

#### **4. CONCLUSION**

As detailed in this letter, the requested approval of a Disposition and Development Agreement (“DDA”) for the development of the subject property is premature and inappropriate. Important information regarding the Project and the Regulatory Agreement for the Project is missing from the agenda packet. As detailed herein, the required environmental review for a number of the Project’s required entitlements has not yet been completed. In addition, the Project applicant has not yet secured all of the required discretionary approvals and entitlements for the proposed Project. Furthermore, there is an on-going lawsuit regarding defects in the City’s approval process for this Project and approval of some of the discretionary permits for the Project which has not been resolved (see **Attachment A**).<sup>22</sup>

The Homelessness and Poverty Committee should, therefore, deny approval for any DDA for the Project at this time. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,



---

<sup>22</sup> See Coalition For Safe Coastal Development v. City of Los Angeles, Case No. 22STCP00162, filed March 1, 2022, included in **Attachment A**.

The lawsuit addresses the following issues: the fact the Project does not qualify for an exemption under CEQA; the City’s violation of the Subdivision Map Act in its approval of the Project’s Tentative Tract Map, including the City’s failure to comply with Subdivision Map Act environmental review requirements; the City’s improper spot zoning to benefit the Project; how the City has violated the Coastal Act and the Certified Land Use Plan when approving the Coastal Development Permit for the Project; violation of the Mello Act and other affordable housing requirements; and the City’s violation of fair hearing constitutional due process requirements in its processing of the proposed Project.

ATTACHMENTS:

- A. Coalition For Safe Coastal Development v. City of Los Angeles, Case No. 22STCP00162, filed March 1.
- B. Los Angeles Bureau of Engineering Memorandum on the Tentative Subdivision Map



# **Attachment A**

Channel Law Group, LLP  
8383 Wilshire Blvd., Suite 750  
Beverly Hills, CA 90211

JAMIE T. HALL (Bar No. 240183)  
JULIAN K. QUATTLEBAUM (Bar No. 214378)  
CHANNEL LAW GROUP, LLP  
8383 Wilshire Blvd., Suite 750  
Beverly Hills, CA 90211  
Telephone: (310) 347-0050  
Facsimile: (323) 723-3960

Attorneys for Petitioner,  
COALITION FOR SAFE COASTAL DEVELOPMENT

KARA GRANT LAW  
KARA E. GRANT (Bar No. 252825)  
2010 W. Summer Wind Drive  
Santa Ana, CA 92704  
t | 949.579.9330

Attorney for Petitioner,  
LOS INDIOS DE SAN GABRIEL, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE**

COALITION FOR SAFE COASTAL  
DEVELOPMENT, a California non-profit  
corporation; LOS INDIOS DE SAN GABRIEL,  
INC., a California non-profit corporation,

Petitioner,

vs.

CITY OF LOS ANGELES, a municipal  
corporation, and DOES 1-25,

Respondent,

HOLLYWOOD COMMUNITY HOUSING  
CORPORATION and VENICE COMMUNITY  
HOUSING CORPORATION, California non-  
profit corporations, LOS ANGELES  
DEPARTMENT OF TRANSPORTATION, a

**FILED**  
Superior Court of California  
County of Los Angeles

03/01/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: S. Tresvamt Deputy

Case No. 22STCP00162

**VERIFIED FIRST AMENDED PETITION  
FOR WRIT OF MANDATE**

[California Environmental Quality Act  
("CEQA") (Pub. Res. Code § 21000 et seq.);  
Code Civ. Proc. § 1094.5; Subdivision Map  
Act; Spot Zoning, Coastal Act/PRC Division  
20, Mello Act, Measure JJJ [Govt. Code §§  
65590-65590.1 & LAMC § 11.5.11], Fair  
Hearing [Federal and State Constitutions, §  
1094.5]; First Amendment Civil Rights [§  
1983], Tribal Consultation [AB 62], Code  
Civ. Proc. § 1085.]

1 division of Respondent CITY OF LOS  
2 ANGELES, and ROE 1, an undisclosed entity  
3 formed for the purpose of building the public  
4 parking garage on the East Site, and ROES 2-25,  
5  
6 Real Parties in Interest.

7  
8 Petitioner, COALITION FOR SAFE COASTAL DEVELOPMENT (“Petitioner”),  
9 alleges through this Verified First Amended Petition for Writ of Mandate (“Petition”), as  
10 follows:

11 **INTRODUCTION**

12 1. Petitioner challenges the Respondent City of Los Angeles’ (“City” or  
13 “Respondent”) adoption of a Notice of Exemption from the California Environmental Quality  
14 Act (“CEQA”), and the related discretionary approvals (together, the “Project Approvals”) for  
15 the Reese Davidson Community Project (the “Project”). As detailed herein, (a) the Project fails  
16 to qualify for the CEQA exemption claimed, and (b) because the Project required City approval  
17 of a vesting tentative tract map, the Project is not exempt from the environmental review  
18 obligations imposed by the Subdivision Map Act. These failures resulted in substantial prejudice  
19 by precluding informed public participation and fatally impairing the decision-making of the  
20 City’s approving bodies, including the Advisory Agency, City Planning Commission, and the  
21 City Council itself.

22 2. Petitioner additionally challenges the City’s Project Approvals based upon the  
23 City’s failure to comply with applicable laws, including but not limited to the Subdivision Map  
24 Act, the Mello Act, and fundamental principles of constitutional due process for a fair  
25 adjudicatory appeal hearing.

26 3. The proposed Project Site is located between two one-way streets: North Venice  
27 Boulevard on the north, and South Venice Boulevard on the south, and is bounded by Dell  
28

1 Avenue on the east, and South Pacific Avenue on the west. The Project Site is bisected by the  
2 historic Grand Canal, a part of the larger Venice Canal system. Public parking is currently  
3 located on the western and eastern portions of the Project Site. The eastern portion of the Project  
4 Site also contains a two-story, four-unit residential structure and a boat launch area which serves  
5 as access for recreational boating and vital maintenance of the entire Venice Canal system.

6 4. Currently, the Project Site is one of the largest publicly owned City of Los  
7 Angeles parking lots for users of the very popular Venice Beach. City records show that the  
8 parking revenue from this lot (Lot 731) represents approximately 5% of all parking revenue from  
9 all City parking lots. The portion of Lot 731 west of Grand Canal contains approximately 40  
10 percent of the public parking on the Project Site immediately adjacent to Venice Beach. The  
11 larger portion of Lot 731 to the east of Grand Canal contains approximately 60 percent of the  
12 public parking for the Project Site. The combined area of Lot 731 is low-lying and zoned for  
13 Open Space. As a practical matter, Lot 731 functions as a protective containment area for high  
14 tidal flooding, and even for tsunami inundation flood waters and, if developed as proposed, could  
15 divert flood or tsunami waters into the adjoining Venice Canals area, thus exacerbating property  
16 damage and threatening the safety of area residents.

17 5. The Project requires the demolition of Lot 731 (containing 196 vehicular parking  
18 spaces) and demolition of a two-story, four-unit residential apartment structure owned by the  
19 City (all units are occupied by senior/low-income residents), and the construction, use and  
20 maintenance of a 104,140-square foot, mixed-use, 100 percent affordable housing development  
21 (a 36,340 square-foot structure west of Grand Canal (the "West Site") and a 67,800 square-foot,  
22 structure east of Grand Canal (the "East Site") consisting of a total of 140 residential dwelling  
23 units (136 restricted affordable dwelling units and 4 unrestricted Manager Units), 685 square feet  
24 of office uses, 2,255 square feet of retail uses, 810 square feet of restaurant uses with 500 square  
25 feet of outdoor Service Floor area, and 3,155 square feet of community arts center/art studio uses  
26 distributed in both structures. This only describes the habitable portions of the project. In the  
27  
28

1 middle of the West and East Sites, the habitable portions wrap around two additional parking  
2 garage structures. The one on the West Site will house parking for residents, retail users,  
3 restaurant users, art studio users, and only two parking spaces for recreational users of the  
4 Venice Canal. The one on the East Site will house parking to replace the demolished 196 public  
5 parking lot spaces by the destruction of the existing Open Space publicly owned facility, and  
6 additional Beach Impact Zone and other parking spaces. The Project is most accurately described  
7 as a residential housing/commercial mixed-use Project with approximately 111,800 square feet  
8 of parking garages. Thus, the combined effect on the environment is the construction of  
9 approximately 215,940 square feet of structures crammed onto the former open space, and  
10 without any widening of critical beach access sidewalks.

11 6. The structure on the West Site would be three stories and 35 feet high with a 59  
12 foot-tall architectural campanile with a roof access structure located at the northwest corner of  
13 the Project Site, resulting in a five-story structure at that location in excess of 67 feet in height.  
14 The campanile will include a roof top deck of approximately 685 square feet. The structure on  
15 the East Site would be three stories and well in excess of 35 feet in height, up to at least 45 feet  
16 in places because of the height of automatic lift parking structures and solar panel structures  
17 permanently affixed to the roof of the parking structures. The two residential structures would  
18 wrap, in the words of one community observer, “Texas donut style,” around two parking  
19 structures located in the center of the West Site and East Site. Real Parties in Interest Hollywood  
20 Community Housing Corporation and Venice Community Housing Corporation would develop  
21 the residential housing/commercial mixed-use project on a legal subdivision of City-owned land  
22 underlying the parking lots on a 99-year land leasehold. The leasehold area would be the  
23 “donut” rings of the Project on the West Site and East Site, and the Los Angeles Department of  
24 Transportation (“LADOT”)-owned land on the East Site will be the “donut” hole of land the  
25 public parking garage will be built upon.

26 7. The precise details of the parking structures to be developed remains shrouded in  
27  
28

1 secrecy, primarily by reason of the ongoing refusal by the LADOT to release public documents  
2 related to the development, construction, ownership and operation of the East Site public parking  
3 structure. Petitioner is informed and believes, and thereon alleges that the East Site public  
4 parking structure would be independently owned, constructed, financed, developed, and operated  
5 by or for LADOT. Alternatively, Petitioner is informed and believes, and thereon alleges that an  
6 undisclosed public/private partnership entity, would somehow obtain and exercise dominion over  
7 the portion of the land use entitlements granted to Real Parties Hollywood Community Housing  
8 Corporation and Venice Community Housing Corporation related to the East parking structure.  
9 In other words, the Project description in officially released documents grants entitlements to  
10 Hollywood Community Housing Corporation and Venice Community Housing Corporation, but,  
11 in reality, those entities would not develop, build, own or operate the East Site public parking  
12 structure located on the “donut hole” land. Additionally, Petitioner is informed and believes, and  
13 thereon alleges that the City and Real Parties have structured the project description and land use  
14 entitlement recipients to attempt to rationalize characterizing the “Texas donut”  
15 residential/commercial mixed-use buildings and the “Texas donut hole” East Site public parking  
16 structure project as a single project completely exempt from environmental review.

17 8. Plans submitted to the City show that the combined non-public and public parking  
18 structures will provide a total of 360 on-site automobile parking spaces comprising of 61  
19 residential spaces, 42 commercial spaces, 196 public spaces (replacing the current parking spaces  
20 of Lot No. 731), 23 Beach Impact Zone (BIZ) spaces and 38 non-required spaces; and 136  
21 bicycle parking spaces (19 short-term and 117 long-term).

22 9. The combined residential project and parking structure project would require the  
23 export of 9,100 cubic yards of building material and soil; the removal of 24 on-site trees and 11  
24 non-protected street trees; and substantial modifications to the canal access boat ramp at the  
25 Grand Canal. The City’s project description fails to distinguish how much soil/debris removal,  
26 and what tree removals are attributable to the East Site public parking structure developed by  
27

1 LADOT versus the residential/commercial mixed-use and non-public parking components of the  
2 Project developed by Hollywood Community Housing Corporation and Venice Community  
3 Housing Corporation throughout the Project Site.

4 10. The unit mix of the residential component of the Project underscores that only a  
5 portion of the Project is to include housing units occupied by formerly homeless residents  
6 receiving supportive housing services. In fact, the Developer is providing the absolute bare  
7 minimum of supportive housing units required by law. The Developer provided this summary:  
8 “The residential component of the Project will consist of 68 units reserved for low-income  
9 formerly homeless households (permanent supportive housing); 34 affordable units for low-  
10 income artists, including live/work studios on the ground floor; 34 affordable units for lower-  
11 income households; and 4 units for on-site property management staff.” Accordingly, a majority  
12 of the units of the Project are not committed to permanent supportive housing to help alleviate  
13 homelessness, yet it is the homelessness components that are touted to the public, press, and  
14 decision makers as rationalizing such additional unnecessary commercial land uses injected into  
15 the middle of a formerly residential and open space/public facility community.

16 11. The City’s actions and the Project Approvals come amid alarms rung by the City  
17 Controller in two official audits and by others that the City’s Proposition HHH affordable  
18 housing program is mired in obscenely high costs per unit developed using the ground up  
19 construction method chosen by the City, instead of faster and less costly alternatives like  
20 adaptive redevelopment of existing hotels, motels, and former commercial or industrial  
21 buildings. Indeed, Petitioner estimates, based in part upon the developer’s own data, that each  
22 460 square foot unit of Supportive Housing in the Project will cost as much as \$824,448, not  
23 including possible overage costs common in such construction projects. These high costs  
24 undermine the public’s confidence in the City’s affordable housing strategies, especially when  
25 built to house the disabled and formerly homeless persons in a sensitive, high-water table zone,  
26 FEMA Special Flood Hazard Zone, Methane Gas Hazard Zone, and tsunami inundation zone

1 without any environmental review showing methane mitigation systems would work if  
2 confronted with potentially catastrophic ground water and sea level rise.

3 12. In fact, as first reported by the Westside Current website, due to concerns about  
4 the boondoggle aspects of the Project, in October 2021, Sonya Reese Greenland, great  
5 granddaughter of Arthur Reese, a Black visionary involved with Abbot Kinney in the creation of  
6 Venice Beach, demanded in a letter to Venice Community Housing Corporation that her  
7 grandfather's name be removed from the Project. Ms. Reese Greenland contended in her letter  
8 that "her grandfather would oppose the project, among other reasons, because of its cost and the  
9 large amount of space it will occupy, arguing it would create congestion and infringe on public  
10 access to the beach."

11 13. Also as noted by the Westside Current, after Reese Greenland's letter was  
12 published, Evan Hines, the son of Gregory Hines – a Tony Award-winning choreographer,  
13 dancer and actor who lived in Venice and was intended to be the namesake of the project's  
14 commercial land use community arts center –also demanded the removal of that family name.  
15 The facile paternalism exhibited by Councilmember Bonin and other proponents of the Project  
16 by exploiting the names and legacies of Mr. Reese and Mr. Hines without obtaining (or even  
17 seeking) the permission of their families speaks volumes.

18 14. While Councilmember Mike Bonin and entitlement counsel for the developers  
19 claim the opponents to the Project are a "small group," the list of prominent opponents has  
20 grown exponentially, with more than 1,000 people submitting objection letters to the Project  
21 during the administrative process, and thousands more signing petitions to recall City Council  
22 member Mike Bonin due in part to his obsessive efforts to spend nearly \$100 million of taxpayer  
23 monies to build this Project on one of the lowest and most flood vulnerable sites available within  
24 the City. When the City Clerk recently announced the recall allegedly fell just short of enough  
25 signatures to trigger a recall election, Mr. Bonin announced he would not run for reelection. If  
26 that sounds odd, Petitioner is informed and believes and thereon alleges that actually there were  
27



1 sufficient signatures for a recall and that City Hall operatives agreed to aggressively disqualify  
2 more signatures to “save face” if the Council member agreed to not run for reelection.  
3 Accordingly, the community will be left with the legacy of the “vision” of a failed lame duck  
4 politician as he continues to force his ill-conceived ideas about where to site supportive housing  
5 in Venice in the face of such vocal objections.

6 15. Petitioner seeks a Peremptory Writ of Mandate under California Code of Civil  
7 Procedure §1094.5 and § 1085 from this Court commanding Respondent to vacate, set aside,  
8 rescind and void the adoption of the Notice of Exemption from CEQA, and all of the Project  
9 Approvals adopted by the Respondent based upon failures to comply with CEQA, and a failure  
10 to proceed in a manner required by law.

11 **PARTIES**

12 16. Petitioner Coalition for Safe Coastal Development is a California non-profit  
13 corporation, based in Los Angeles. Petitioner was recently formed out of concerns related to the  
14 City of Los Angeles’ consideration and potential approval of inappropriate development in the  
15 coastal zone that erodes Venice’s unique community character, impedes beach access, and  
16 imperils the safety of existing residents, including from Sea Level Rise impacts and degraded  
17 emergency relief access. Petitioner includes and represents property owners, tenants, renters in  
18 the City-owned apartments on-site, business owners, and community organizations composed of  
19 persons with constitutionally or statutorily protected rights of procedural due process in the  
20 City’s conduct of hearings on matters including the Project.

21 17. Among the community organizations included within Petitioner Coalition is  
22 Venice Vision, an unincorporated association of property owners and supporters, some of whom  
23 live on site, across the street, within the adjoining Venice Canal area, and all of whom will be  
24 affected, displaced, or imperiled by the Project’s modification of beach and waterway access  
25 facilities, including possible diversion of flood waters and sea level rising into adjacent  
26 waterways, street traffic impacts, including but not limited to the parking garage design, and  
27

1 impaired beach access in the Coastal Zone. During the administrative appeal process before the  
2 City, Venice Vision was the lead land use appellant representing the interests of its members and  
3 supporters, all of whom are part of the Coalition and its supporters in this action.

4 18. Petitioner Los Indios de San Gabriel, Inc., a California non-profit corporation, is  
5 the tribal entity through which The Gabrieleno Band of Mission Indians – Kith Nation (“Tribe”)  
6 conducts monitoring work to protect its tribal cultural resources (TCRs). The Tribe is a Native  
7 American tribe recognized by the State of California with ancestral ties to the location of the  
8 project at issue and surrounding areas. Through this lawsuit, the Tribe is attempting to protect its  
9 rights and its cultural resources because the City and Real Parties propose to dig, trench, and  
10 grade without complying with the mitigations requested by the Tribe to mitigate the substantial  
11 adverse impacts of the Tribe’s TCRs. The City has refused to engage in the required consultation  
12 with the Tribe and did not condition the project with the requested mitigation. Absent immediate  
13 injunctive relief, Petitioner Los Indios de San Gabriel, Inc. will be irreparably injured and left  
14 without any remedy, much less an adequate remedy. Petitioner Los Indios de San Gabriel, Inc.  
15 asserts that the City failed to comply with the AB 52 consultation process as outlined in the  
16 Eighth Cause of Action.

17 19. Petitioner, and a coalition of advocacy groups, organizations and individuals  
18 commented on the City’s proposed Notice of Exemption from CEQA, and compliance issues  
19 related to other laws, including but not limited to the Coastal Act, State Subdivision Map Act,  
20 Mello Act, Tribal Consultation law, publicly harmful spot zoning, and constitutional fair  
21 hearing/free speech issues, and accordingly have a direct and substantial beneficial interest in  
22 ensuring that Respondent complies with laws relating to environmental protection and all other  
23 applicable laws and constitutional matters, particularly in the sensitive areas of the coastal zone.  
24 Petitioner and a coalition of advocacy groups and individuals whose interests are represented in  
25 this litigation are adversely affected by Respondents' failure to comply with CEQA and all other  
26 applicable laws in approving the Project. Petitioner has standing to assert the claims raised in this  
27

1 Petition because Petitioner and a coalition of advocacy groups and individuals' environmental,  
2 public health, and safety interests are directly and adversely affected by Respondent's approval  
3 of the Project.

4 20. Respondent, City of Los Angeles, is charter city incorporated under the laws of  
5 the State of California. The City is the lead agency under the California Environmental Quality  
6 Act ("CEQA") and responsible for full compliance with applicable local, state and federal laws  
7 and constitutional provisions in connection with the Project.

8 21. Petitioner is ignorant of the true names and capacities of additional Respondents  
9 sued herein as DOES 1-25, inclusive, and therefore sues these Respondents by such fictitious  
10 names. Petitioner will amend this Petition to allege the true names and capacities of fictitiously  
11 named Respondents. Petitioner is informed and believes and thereon alleges that each  
12 Respondent designated herein as a DOE has some responsibility for the events and failures to  
13 comply with law alleged in this Petition.

14 22. Real Party in Interest Hollywood Community Housing Corporation is a non-profit  
15 California corporation.

16 23. Real Party in Interest Venice Community Housing Corporation is a non-profit  
17 California corporation.

18 24. Petitioner is informed and believes, and thereon alleges that Hollywood  
19 Community Housing Corporation and Venice Housing Corporation are co-applicants for the  
20 Project and were granted the Project Approvals challenged in this lawsuit ("Named Real  
21 Parties").

22 25. Real Party in Interest City of Los Angeles Department of Transportation  
23 ("LADOT") is a division of Respondent City of Los Angeles, and has an interest in this lawsuit  
24 because the East Site parking structure will be transferred to ownership and operation of LADOT  
25 at the conclusion of the construction of the East parking structure. In addition, some documents  
26 released by LADOT suggest that it will be designated "lead agency" among City Departments  
27

26. Potential Real Party in Interest ROE 1 may be a publicly undisclosed entity proposed in meetings between City officials and representatives of the Named Real Parties in Interest. In an email communication in the administrative record of this case, City officials and the Named Real Parties in Interest discussed formation of a Limited Liability Corporation to provide “turn key services” to build all or a portion of the East Site parking structure. Petitioner is informed and believes, and thereon alleges that upon completion of construction, this Public/Private Partnership may turn the parking facilities over to the LADOT for operation, or may operate the facility for the City under contract.

27. Petitioner is informed and believes, and thereon alleges that LADOT and ROE 1 were not applicants for the land use entitlements to construct the East Site parking structure because such disclosure would reveal the separate City development, financing, construction and operation of the East Site parking structure from the residential housing/commercial mixed-use project for which the City Planning Department proposed an exemption from CEQA.

28. Members of Petitioner and other interested organizations and persons made oral and written comments on the Project and raised the legal deficiencies asserted in this Petition, to the extent the City released information to enable informed comment and objections about the Project.

29. This Court has jurisdiction over the writ action under section 1094.5 of the Code

1 of Civil Procedure, and sections 21168 and 21168.5 of the Public Resources Code.

2 30. This Court also has jurisdiction over the writ action under section 1085 of the  
3 Code of Civil Procedure.

4 31. Venue for this action properly lies in the Los Angeles Superior Court because  
5 Respondent and the Project are located in Los Angeles County.

6 **PROJECT BACKGROUND, ENVIRONMENTAL REVIEW AND APPROVAL**

7 32. On May 24, 2016, the City Council, in Council File 15-1138-S9, adopted a  
8 motion of Council member Mike Bonin to instruct the Department of Transportation to issue a  
9 Request for Proposals to develop City Parking Lot 731 with an affordable housing project. Mr.  
10 Bonin's motion directed that any project proposed would comply with the Venice Coastal Zone  
11 Specific Plan, which indicated an intent that any project would comply with, not require massive  
12 modification to, the City's planning laws – especially the Specific Plan. The motion also required  
13 that it "include elements to ensure neighborhoods compatibility" and that the applicant  
14 "undertake significant community outreach leading up to and during the project's entitlement  
15 process."

16 33. Following responses to the RFP on September 15, 2016, the LADOT selected a  
17 proposal by Hollywood Community Housing Corporation and Venice Community Housing  
18 Corporation for an Exclusive Negotiating Agreement as the selected developer of the affordable  
19 housing and associated replacement parking garage.

20 34. The Project Site is zoned OS-1XL-O and has a land use designation of Open  
21 Space. The 1XL designation indicates the project site currently has a building height limitation  
22 of 30 feet and two stories. The O designation indicates that it is in an Oil Drilling District. The  
23 Project Site is located within multiple hazards zones including: a methane zone, a liquefaction  
24 zone, and a tsunami inundation zone. The project site is within the Venice Canals and North  
25 Venice Subareas of the Venice Coastal Zone Specific Plan, the Venice Community Plan, and the  
26 Certified Venice Local Coastal Program Land Use Plan.

35. In December 2018, Hollywood Community Housing Corporation and Venice Community Housing Corporation (collectively “Developer”) filed as co-applicants for the Project. As proposed, the project is inconsistent with existing site zoning and all three of these existing Plans. The Project therefore required the following approvals:

- (A) Pursuant to Los Angeles Municipal Code (LAMC) Sections 17.03, 17.06, and 17.15, a Vesting Tentative Tract Map, VTT No. 82288, for the merger and re-subdivision of 40 existing lots into two master ground lots and seven airspace lots;
- (B) Pursuant to Los Angeles Municipal Code Section 17.53-D, a Waiver of Dedication and/or Improvements to waive the requirement to (a) dedicate 20.5 feet to complete a 43-foot half right-of-way along Pacific Avenue, (b) dedicate a 15-foot by 15-foot corner cut at the intersection of South Venice Boulevard and Pacific Avenue, (c) dedicate a 15-foot by 15-foot corner cut at the intersection of North Venice Boulevard and Pacific Avenue, (d) dedicate a 15-foot by 15-foot corner cut at the intersection of South Venice Boulevard and Dell Avenue, and (e) dedicate 10 feet to complete a 30-foot half right-of-way along Dell Avenue;
- (C) Pursuant to Los Angeles City Charter Section 555 and LAMC Section 11.5.6, a General Plan Amendment to the: (a) Venice Community Plan General Plan Land Use Map to amend the land use designation of the subject site from Open Space and Low Medium II Multiple Family Residential to Neighborhood Commercial; (b) Certified Venice Local Coastal Program Land Use Plan (LUP) maps to amend the land use designation of the subject site from Open Space and Low Medium II Multiple Family Residential to Neighborhood Commercial, and (c) Certified Venice Local Coastal Program Land Use Plan (LUP) text pertaining to the proposed development;
- (D) Pursuant to LAMC Section 12.32 F, a Vesting Zone Change and Height District Change from OS-1XL-O to (T)(Q)C2-1L-O;

- 1 (E) Pursuant to LAMC Section 11.5.11(e) and California Government Code 65915(k),  
2 the following three Developer Incentives to permits (1) reduced residential parking  
3 pursuant to AB744, (2) the required residential parking for the building on the East  
4 Site to be located in the building on the West Site, and (3) RAS3 side and rear yard  
5 requirements per LAMC 12.10.5 in lieu of the yard requirements in the proposed C2  
6 zone;
- 7 (F) Pursuant to LAMC Section 11.5.7 G, a Specific Plan Amendment to the Venice  
8 Coastal Zone Specific Plan to (1) Create a new subarea “Subarea A” to permit a  
9 Permanent Supportive Housing project that includes Restricted Affordable housing  
10 units with supportive services and establishes Land Use Regulations and  
11 Development Standards and (2) amend the Map Exhibits to add the new subarea  
12 and change the zoning from OS-1XL and RD1.5 to C2-1L- O for the new subarea;
- 13 (G) Pursuant to LAMC Section 11.5.7 C, a Project Permit Compliance Review for a  
14 project within the Venice Coastal Zone Specific Plan;
- 15 (H) Pursuant to LAMC Section 12.20.2, a Coastal Development Permit for a Project  
16 located within the Dual Permit Jurisdiction of the California Coastal Zone;
- 17 (I) Pursuant to Government Code Sections 65590 and 65590.1 and the City of Los  
18 Angeles Interim Mello Act Compliance Administrative Procedures, a Mello Act  
19 Compliance Review for demolition of four Residential Units and the construction of  
20 140 Residential Units in the Coastal Zone; and
- 21 (J) Pursuant to LAMC Section 16.05, Site Plan Review for a Project which creates or  
22 results in an increase of 50 or more dwelling units.

23 36. Thus, the Project as proposed is inconsistent with almost every applicable City  
24 plan and zoning law from the fundamental General Plan down to even routine street dedications.  
25 On December 18, 2018, the City issued an Initial Study and Notice of Preparation of an  
26 Environmental Impact Report for the Project. The Initial Study identified sixteen (16)  
27  
28

1 environmental subject areas where the Project could generate significant negative environmental  
2 impacts. The NOP observed: “Based on an Initial Study, the Project could have potentially  
3 significant environmental impacts in the following topic areas, which will be addressed in the  
4 EIR: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils,  
5 Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality,  
6 Land Use and Planning, Noise, Public Services, Transportation and Traffic, Tribal Cultural  
7 Resources, Utilities and Service Systems (including water and wastewater), Energy Conservation  
8 and Infrastructure.”

9 37. On January 14, 2019, the City conducted an open house regarding the notice of  
10 preparation. From the outset, community members expressed concern about the concept of using  
11 low lying open space parking lots that provide the most critical beach access to an estimated 10  
12 million people who visit Venice Beach each year. There were immediate concerns expressed  
13 about the diversion of tidal flood or tsunami surge waters into the adjoining properties and the  
14 historic Venice Canal area with the Project occupying the open space of the surface parking.

15 38. Thereafter the City and Developer began working on environmental studies that  
16 would inform the Environmental Impact Report, the public, and City decision makers about the  
17 Project.

18 39. However, as has been a common strategy at Los Angeles City Hall, particularly in  
19 an era of openly corrupt practices that have led to City Councilmembers and Mayoral staff  
20 pleading guilty or standing trial for bribery by real estate developers, and high officials in the  
21 City Attorney’s office pleading guilty to extortion in connection with an effort to hide from  
22 taxpayers a collusive class action lawsuit intended to allow the City to “settle on its own terms,”  
23 Mayor Eric Garcetti asked Assembly Member Miguel Santiago to sponsor legislation to grant a  
24 CEQA exemption to projects involving emergency shelters and supportive housing.

25 40. The proposal received considerable pushback from the Legislative staff. The state  
26 Senate Staff warned the Legislature that the grant of such an exemption would risk a disjointed  
27



1 and ill-informed decision-making process that CEQA provides for complex versions of these  
2 types of projects. The Senate bill analysis observed:

3  
4 “Often groups will seek a CEQA exemption in order to expedite construction of a  
5 particular type of project and reduce costs. In this case, a use by right CEQA exemption  
6 is sought to avoid “Not In My Backyard” (NIMBY) opponents of a supportive housing or  
7 emergency shelter development. Providing an exemption, however, can overlook the  
8 benefits of environmental review: to inform decisionmakers and the public about project  
9 impacts, identify ways to avoid or significantly reduce environmental damage, prevent  
10 environmental damage by requiring feasible alternatives or mitigation measures, disclose  
11 to the public reasons why an agency approved a project if significant environmental  
12 effects are involved, involve public agencies in the process, and increase public  
13 participation in the environmental review and the planning processes.

14 Even though the ultimate goal is to build supportive housing and emergency shelters as  
15 quickly as possible, and not allow projects to be delayed by NIMBY opponents, CEQA  
16 ensures that projects are approved in accordance with informed and responsible decision-  
17 making. It ensures that decisionmakers, project proponents, and the public know of the  
18 potential short-term, long-term, and maybe permanent environmental consequences of a  
19 particular project before it is approved. CEQA gives local governments and project  
20 proponents the opportunity to examine the environmental impacts in context of one  
21 another and to mitigate, or avoid if possible, those impacts.”

22 41. The exemption was narrowed in negotiations, permitting the exemption for  
23 qualified supportive housing projects. However, even after legislators were warned by staff of  
24 the potentially disastrous consequences of major shelter and supportive housing projects  
25 impacting other important public policy areas, a modified version was passed as special  
26 legislation for only the City of Los Angeles on an urgency basis -- meaning the bill received less  
27 than the usual scrutiny by affected members of the public. Accordingly, Mr. Garcetti got the  
28

1 exemption from the benefits of the informed CEQA decision making process when, on  
2 September 26, 2019, the Governor signed AB 1197. It added and repealed section 21080.27 of  
3 the Public Resources Code.

4 42. As set forth herein, the Project does not meet all the requirements for the new  
5 CEQA exemption. But even if it did, for truly major projects, like the Project in this case that  
6 also requires a tract map, the Subdivision Map Act and Coastal Development Permit also  
7 mandates that a decision-making body prepare comparable environmental studies to those  
8 required under CEQA to evaluate Project environmental impacts, make findings, and impose  
9 mitigation conditions. Refusal or failures to study environmental impacts under the Subdivision  
10 Map Act and the Coastal Act are equally a failure to proceed in accordance with law. As set forth  
11 herein, the City failed to study at all key environmental issues, used outdated data and maps, and  
12 skirted accountability for protecting the surrounding community from obvious environmental  
13 issues **that should have been studied and mitigated.**

14 43. The City and Developer halted preparation of a Draft EIR for the Project, and  
15 instead drafted a proposed Notice of Exemption claiming that the entire Project, including all the  
16 unnecessary commercial land uses, met the requirements for a “supportive housing” exemption  
17 of the Project from any CEQA review. Soon thereafter, the City abandoned its tribal  
18 consultation obligations, erroneously claiming the CEQA exemption excused consultation.

19 44. On January 13, 2021, the City conducted a joint Deputy Advisory Agency and  
20 Hearing Officer Hearing for the Project.

21 45. On February 2, 2021, the Deputy Advisory Agency issued an approval of the  
22 Vesting Tentative Tract Map No. 82288 for the Project. As set forth herein, the Deputy  
23 Advisory Agency decision failed to analyze critical environmental concerns raised, and the  
24 findings the project complies with the requirements of the Subdivision Map Act are not  
25 supported with any evidence, let alone substantial evidence.

26 46. On February 16, 2021, a timely appeal of the Deputy Advisory Agency Letter of  
27  
28

1 Determination approving Tract Map No. 82288 was filed by Venice Vision.

2 47. On May 26, 2021, the City Planning Commission conducted a joint hearing of  
3 Vision Vision's appeal of the Deputy Advisory Agency's approval of the Vesting Tentative  
4 Tract Map and consideration of proposed land use entitlements for the Project. Knowing how  
5 controversial the proposed Project was, the City Planning Commission conducted a hearing that  
6 permitted one hour of testimony from Project supporters as well as Project opponents. However,  
7 in violation of the Brown Act and principles of fundamental due process, the virtually conducted  
8 Planning Commission meeting violated the Brown Act requirement that the members of the  
9 quasi-judicial decision-making body maintain presence in the meeting. Multiple Planning  
10 Commissioners turned off their cameras or visibly walked away from their cameras and out of  
11 the virtual presence of the meeting. These violations are the subject of related timely filed  
12 Brown Act litigation: *Venice Vision v. City of Los Angeles* (Case No. 21STCP02522.)  
13 Nonetheless, all of the City Planning Commissioners appeared on screen at the end of the  
14 hearing to cast votes to decide the case.

15 48. On July 13, 2021, the City Planning Commission issued a Letter of Determination  
16 denying the appeal of the Vesting Tentative Tract Map and approving the same.

17 49. On or about July 13, 2021 the City Planning Commission also issued a Letter of  
18 Determination approving the land use entitlements for the Project.

19 50. On July 22, 2021, Venice Vision filed a timely appeal to the City Council of the  
20 City Planning Commission's approval of the Vesting Tentative Tract Map and use of a Notice of  
21 Exemption from CEQA.

22 51. On August 2, 2021, Venice Vision filed a timely appeal of the quasi-judicial land  
23 use entitlements to City Council.

24 52. The Planning and Land Use Management Committee scheduled and then did not  
25 hear the Venice Vision appeals and public appeal testimony on the following dates: August 17,  
26 2021, October 5, 2021, and November 2, 2021. On November 2, 2021, the PLUM Committee  
27

1 continued the appeal hearing and land use entitlements to December 7, 2021. Petitioner is  
2 informed and believes, and thereon alleges that immediately thereafter, Councilmember Mike  
3 Bonin personally intervened to request that Councilmember Marquese Dawson-Harris, Chair of  
4 the PLUM Committee, waive (i.e., cancel) the appeal hearing out of the PLUM Committee so  
5 that the matter could be directly placed on the City Council meeting agenda where Mr. Bonin  
6 would take the lead as the Councilmember in whose district the Project is situated. On  
7 November 9, 2021, the Chair of the PLUM Committee agreed to waive the appeal hearing and  
8 land use entitlement items of business out of PLUM Committee.

9 53. On November 15, 2021, the City Clerk scheduled the matter in City Council for  
10 December 1, 2021, but failed to place the hearing in the section of the City Council meeting  
11 agenda for Items for Which Public Hearing Is Required. Instead, the items were erroneously  
12 treated as any item of Council business that had not had public comment at the Council  
13 Committee level.

14 54. On December 1, 2021, the City Council called the two items of business related to  
15 the appeals of the Vesting Tentative Tract Map and the discretionary project entitlements. The  
16 Council announced the items would be heard together. As detailed herein, City Council  
17 improperly conducted the quasi-judicial hearing mixed into the general public comments on all  
18 other items on the City Council meeting agenda. When the Project item came before the City  
19 Council, there was no presentation of the Project by City staff or even the developer. Only Mr.  
20 Bonin leapt to his feet to extoll the Project and denigrate project opponents. Thereafter, the  
21 Project was approved by the City Council without a single question, but Council Member Joe  
22 Busciano abstained from voting.

23 55. The City filed a Notice of Exemption with the County Recorder on December 9,  
24 2021. This litigation is timely filed.

25 **FIRST CAUSE OF ACTION**

26 **(VIOLATION OF CEQA)**

1           56.     Petitioner re-alleges and incorporates by reference the preceding paragraphs in  
2 their entirety, as though fully set forth herein.

3           57.     CEQA requires a three-step analysis to determine the level of environmental  
4 review of an activity. The first step is to determine whether CEQA applies because the activity  
5 is a project. In this case, the City's proposed issuance of a tract map and various discretionary  
6 land use entitlements are a project within the meaning of CEQA Guideline section 15378(a).  
7 The actions of the City confirm this conclusion because initially the City issued a Notice of  
8 Preparation of an Environmental Impact Report for the Project.

9           58.     The second step of the CEQA analysis is to determine whether despite being a  
10 project subject to CEQA, the project meets the requirements of any statutory or categorical  
11 exemption where the Legislature waived the benefits of environmental review or the mitigation  
12 of impacts. Initially, the City concluded there was no applicable statutory or categorical  
13 exemption that applied to the Project in this case, and proceeded to the third step, preparation of  
14 an initial study to determine the level of environmental review applicable to the Project (negative  
15 declaration, mitigated negative declaration or environmental impact report)

16           59.     Following the passage of AB 1197, the City and Developer stopped preparing  
17 environmental studies, acting as if no further studies or mitigation of potential effects of the  
18 Project were required under any law, apparently believing without supporting data that all  
19 elements of the Project were exempt from environmental review under A.B. 1197, including the  
20 Project elements unrelated to "furtherance of supportive housing."

21           60.     As summarized previously, A.B. 1197 was enacted as "special legislation" solely  
22 applicable to the City of Los Angeles, and to make it take effect immediately the Legislature  
23 adopted an urgency clause. The bill enacted Pub. Res. Code. Section 21080.27. This new  
24 statutory exemption provides that CEQA "does not apply to any activity approved by or carried  
25 out by the City of Los Angeles in furtherance of providing emergency shelters or supportive  
26 housing in the City of Los Angeles." § 21080.7(b)(1).

1           61. Under CEQA caselaw, statutory exemptions, especially those obtained through an  
2 urgency enactment process, are required to be narrowly construed to prevent any effort to  
3 unlawfully expand a limited CEQA exemption to unrelated activities that should be  
4 environmentally analyzed **and mitigated**.

5           62. Petitioner is informed and believes, and thereon alleges the Reese Davidson  
6 project was conceived as a vanity project for now lame duck Council Member Mike Bonin.  
7 Numerous Project elements were incorporated to please Mr. Bonin, but that have nothing to do  
8 with provision of supportive housing.

9           63. The following Project elements are unnecessary to meeting the urgent needs of  
10 supportive housing and its target population defined in state law:

- 11           a. The 67-foot lookout tower and 685 square foot rooftop party deck at the
- 12           northwest corner of the mixed-use complex;
- 13           b. The commercial retail spaces for unrelated retailers competing with other
- 14           retail stores in the nearby commercial zone of Venice Beach;
- 15           c. The commercial restaurant competing with other restaurants in the nearby
- 16           commercial zone of Venice Beach, with piecemealed and undisclosed
- 17           alcohol permit, and covered outdoor dining area;
- 18           d. Thirty-four live-work lofts for artists who are not required to be formerly
- 19           homeless individuals requiring supportive services;
- 20           e. Rollup doors for the ground level artist lofts so that they can conduct a
- 21           commercial oriented art walk land use not sought or authorized in the
- 22           middle of a residential neighborhood around the perimeter of the Project
- 23           building;
- 24           f. A huge community arts center linked to the artists in the complex, none of
- 25           whom are required to receive supportive services;
- 26           g. Expansion of the onsite parking garages to include required parking for the
- 27
- 28

unnecessary non-supportive housing elements of the Project;

- h. Expansion of the overall building envelopes with such extensive unnecessary add-ons that critical beach access sidewalks will not be widened but rather left at about 5 feet wide as persons using the relocated public parking are forced to walk from further away on a substandard beach access sidewalk violating General Plan transportation policies on walkability and pedestrian safety.

64. In correspondence erroneously dated January 12, 2020 (was actually submitted to the Advisory Agency on January 12, 2021) Venice Vision specifically pointed out that the request of the developer to include land uses in the project unrelated to the provision of supportive housing were not qualified for exemption from CEQA. Petitioner is informed and believes, and thereon alleges that other public testimony and correspondence objecting on these grounds occurred throughout the administrative process but were ignored by the City.

65. The extent of the General Plan Amendments were not required for supportive housing. The Project sought a general plan amendment of the Venice Community Plan to change the land use designation on the general plan map from Open Space/Low Medium II Multiple Family Residential to Neighborhood Commercial. But to further the minimal supportive housing proposed for the Project, the land use designation only needed to be changed to a Residential Land Use Designation – not a commercial one. Thus, to the extent the Project proposed General Plan Land Use Designations greater than that required to “further supportive housing,” it exceeded the narrow scope of the statutory CEQA exemption granted by the City.

66. Similarly, the certified Land Use Plan and maps were also amended in order to place the commercial use spot plan amendment into the existing open space and residential uses of the community.

67. Additionally, instead of only changing the base zoning of the property from Open Space to R3 residential to accommodate a typical supportive housing project, the Developer

1 sought, and the City Council granted a base zoning change to C-2 zoning – injecting into the  
2 long-established open space residential portion of the community the laundry list of disclosed  
3 and undisclosed commercial land uses unnecessary to develop a supportive housing project.

4 68. The same could be said of the revisions of the Venice Coastal Zone Specific Plan,  
5 a more restrictive zoning plan adopted for the sensitive coastal zone where the Project also lies.  
6 Not only did the Project as proposed violate the Specific Plan (contrary to community promises  
7 made by the City in the RFQ/P process), it constituted a massive spot zone on the plans and  
8 maps of the Specific Plan. The special zoning authorized not only the zoning needed to provide  
9 the supportive housing, it went far beyond that to authorize the commercial land uses and height  
10 exceptions unnecessary to provide residential supportive housing at the Project site.

11 69. The Project incorporates a meeting room and public party deck in the over height  
12 campanile component of the Project. The spot zoning and special height exceptions added to the  
13 zoning for the Project are completely unrelated to the residential supportive housing. Large  
14 parties are not part of any statutory definition of supportive housing, because supportive housing  
15 focuses on provision of sensitive mental health, addiction and substance abuse and similar  
16 services. Creating a party space for alcohol use is in fact contrary to the supportive housing  
17 activities.

18 70. Classic commercial land uses such as retail spaces, restaurant and art studio are  
19 not related to the supportive housing aspect of the Project, and they did not qualify for exemption  
20 from CEQA as well.

21 71. In fact, even the live/work units of the Project, allegedly targeted to “low income”  
22 artists, are commercial land uses because these lofts, according to the Developer, will include  
23 roll up industrial type doors to enable the conduct of coordinated “art walks” along the exterior  
24 of the building. Additionally tied to the unauthorized art walk commercial land use is the  
25 approximately 3,000 square foot art studio, which is unrelated to the supportive services for  
26 mental health and substance abuse rendered at another location in the building complex.



72. The Applicant seeks the sun, moon and stars in commercial uses in the Project, none of which are in furtherance of supportive housing. These commercial land uses can be added to the Project, but they are not exempt from CEQA. Nonetheless, the City claimed all the additional land uses it desires to add in the supportive housing project site are exempt from CEQA review, and no mitigation of the impacts from those non-exempt activities need be provided.

73. The Legislature's CEQA exemption was drawn to assist urgently needed supportive housing in the City of Los Angeles, but not with an intent to exempt from review and mitigation non-supportive housing elements. Based upon the foregoing, the City has failed to proceed in accordance with law and abused its discretion in seeking to cloak non-supportive housing elements of the Project with CEQA exemption.

**The Project Obtained No Capital Investment To Build Supportive Housing Prior To  
The City's Consideration of the Notice of Exemption**

74. As used in section 21080.27(b)(1), "[s]upportive 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 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 voters on March 7, 2017, special election in the County of Los Angeles.
- (D) General bond obligations issued pursuant to Proposition HHH, approved by the voters

1 of the City of Los Angeles at the November 8, 2016, statewide general election.

2 (E) The City of Los Angeles Housing Impact Trust Fund.” § 21080.27(a)(3).

3 This list of five supportive housing funding sources was the exclusive means by which the  
4 Project might become an eligible supportive housing project under the exemption statute.  
5 Ordinance No. 185,489, known as the Interim Motel Conversion Ordinance, only applies to the  
6 conversion of already constructed motels into supportive housing units. Ordinance No. 185,492,  
7 the Permanent Supportive Housing Ordinance, only applies to projects of 120 units or less in  
8 areas outside of downtown. Thus, if the Project does not have a funding commitment from one  
9 of the five listed funds in Section 21080.27(a)(3), it does not meet the eligibility requirements for  
10 exemption.

11 75. Based upon the plain wording, the statutory exemption in section 21080.27(b)(1)  
12 is directly tied to and contingent upon investment from one of the capital building funding  
13 programs as listed above. While Measure H listed in paragraph (C) includes funding for  
14 supportive services, it also has a capital construction funding component. The definition of  
15 “supportive housing” requires funding to construct “supportive housing” which is a possible  
16 effect on the environment for which the City sought a statutory exemption. The plain language of  
17 the “supportive housing” definition contained within Section 21080.27(a)(3) requires a showing  
18 the project has garnered at least one capital investment from any of these funds to actually build  
19 something in the environment prior to eligibility to claim the statutory exemption.

20 76. Over objections, the City accepted a letter of the County of Los Angeles  
21 expressing a willingness to, in the future, enter into a funding contract for “supportive services”  
22 costs associated with the 68 units of proposed supportive housing. The letter is not a  
23 commitment of future “supportive services” funding until reduced to a legally enforceable  
24 dedication of funds, and even it was, it is indisputable that such funding was not for construction  
25 costs for the Project’s “supportive housing” as required by the plain statutory language of the  
26 exemption statute.

1           77.     The Developer offered no funding commitment from any of the five eligible funds  
2 that contributed toward the cost of constructing the “supportive housing.” Because the County’s  
3 letter factually offered no capital funding for construction, and only provided a willingness to  
4 enter into a future commitment to provide “supportive services” funding, there was no qualifying  
5 financial commitment to the Project that made it a “supportive housing” project entitled to a  
6 statutory exemption from CEQA review at the time of the City’s approval of the Project.

7                           **Supportive Housing Eligibility Requirements Are Not Met**

8           78.     Government Code Section 65651(a), referenced in the Pub. Res. Code Section  
9 21080.27(a)(3) definition of “supportive housing” includes a list of requirements in order for a  
10 project to be eligible for the exemption.

11           79.     Section 65651(a)(4) requires that the developer deliver to the planning agency the  
12 “information required by Section 65652.” The required information is a Supportive Services  
13 Plan. Petitioner is informed and believes, and thereon alleges that at the time of the City’s  
14 adoption of the Notice of Exemption, the “plan” submitted did not contain all of the required  
15 elements mandated by Section 65652 including, but not limited to, “[t]he name of the proposed  
16 entity or entities that will provide supportive services,” “[t]he proposed funding source or  
17 sources for the provided onsite supportive services,” or “[p]roposed staffing levels” for  
18 supportive services. Due to one or more of these factual matters remaining unresolved at the  
19 time of adoption of the Notice of Exemption, the Project was not eligible for the statutory  
20 exemption,

21           80.     Section 65651(a)(5) requires: “[n]onresidential floor area shall be used for onsite  
22 supportive services in the following amounts: . . . (B) For a development with more than 20  
23 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite  
24 supportive services that are limited to tenant use, including, but not limited to, community  
25 rooms, case management offices, computer rooms, and community kitchens.”

26           81.     According to the project plans, there is 64,280 sq. ft. of residential space,  
27  
28

1 including 13,640 sq. ft. of live/work micro-apartments (i.e., “artist lofts”), 16,675 of studio  
2 apartment, 13,375 of 1-bedroom apartments and 20,590 of 2-bedroom apartments, which sums to  
3 65,280 sq. ft. of residential floor area. The total nonresidential floor area is the total floor area  
4 shown on the plans of 104,159 sq. ft minus the total residential floor area of 65,280 sq. ft. The  
5 difference is 39,879 sq. ft.

6 82. The January 7, 2020 Revision 2 plans states that there is 685 sq. ft. of “supporting  
7 office” space and that “[s]upporting office areas include office space for tenant supportive  
8 services and on-site storage[,] [i]ntended for use by internal staff and tenants only.” The  
9 Legislature’s requirement that only floor area dedicated to rendering supportive services be  
10 counted, suggests that the Developer is dedicating something less than 685 sq. ft. of the floor  
11 area to on-site delivery of exclusive tenant supportive services. The math shows the dedicated  
12 supportive services is something less than 1.7% (685 sq. ft. / 39,879 sq. ft.).

13 83. Thus, based upon the Developer’s own building plans, the floor area exclusively  
14 dedicated to delivery to tenants of on-site supportive services does not meet the statutorily  
15 required 3% minimum of the nonresidential space in the building. For this additional reason, the  
16 record before the City failed to support a conclusion that the Project was eligible for the statutory  
17 exemption from CEQA.

18 84. Section 65651(a)(1) mandates that all affordable units in the Project, 136 in this  
19 case, be subject to a recorded covenant of affordability for 55 years. Section 65651(a)(2)  
20 mandates that 100% of the affordable units be restricted to lower income households and are or  
21 will be receiving public funding to ensure affordability of the housing to lower income  
22 Californians. Section 65651(a)(3) requires not only that at least 25% of the units be restricted to  
23 residents in supportive housing service programs “who meet the criteria of the target  
24 population.” To meet the target population, the units must be restricted to residents “with low  
25 incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance  
26 abuse, or other chronic health condition, or individuals eligible for services provided pursuant to  
27

1 the Lanterman Developmental Disabilities Services Act . . . and may include, among other  
2 populations, adults, emancipated minors, families with children, elderly persons, young adults  
3 aging out of the foster care system, individuals exiting from institutional settings, veterans, and  
4 homeless people.” Pub. Res. Code §21080.27(a)(3), Govt. Code § 65651(a)(3), and 65582(i).  
5 Petitioner is informed and believes, and thereon alleges that the City failed to fully condition the  
6 Project to meet all of these requirements of Section 65651(a). Accordingly, the record does not  
7 establish the Developer was eligible for the CEQA exemption at the time of adoption of the  
8 Notice of Exemption and Project Approval.

9       85. Finally, Government Code Section 65651(a) provides a right to develop a  
10 supportive housing project only if the proposed Project is located in a “zone where multifamily  
11 and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the  
12 proposed housing development meets all of the [listed requirements]” Since the record  
13 establishes the Project failed to satisfy all of the requirements at the time the City considered the  
14 Notice of Exemption and Project Approvals, it had no lawful basis to proceed with the General  
15 Plan Amendments, and zoning change from Open Space (which does not permit multifamily and  
16 mixed uses) to C2 zoning (which is nonresidential zoning that allows multifamily and mixed  
17 uses). Accordingly, the zoning for the Project Site remains Open Space and ineligible for the  
18 CEQA statutory exemption to rezone the Project Site.

19       86. Based upon the foregoing defects in the City’s analysis and documentation of the  
20 CEQA exemption, the Project was not eligible for exemption. No other exemption applies to the  
21 Project. Therefore, the City and Developer had a mandatory duty to complete the environmental  
22 impact report it started to prepare, analyze the sixteen topic areas of potential significant  
23 environmental impact, analyze a reasonable range of alternatives to the Project, including the  
24 already proposed innovative Venice Median Public Parking Garage and Park, and mitigate the  
25 Project’s impacts to the maximum extent feasible, all as required by law.

26       87. "[N]oncompliance with the information disclosure provisions of [CEQA] which  
27  
28

precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of [CEQA], may constitute a prejudicial abuse of discretion within the meaning of Section[] ... 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions." Public Resource Code § 21005(a). The City's errors in this case were prejudicial because the failure to comply with the law resulted in a critical deprivation of the benefits of public information and public participation purposes of CEQA. The failure to conclude the Project was not eligible for the CEQA exemption and prepare an environmental impact report deprived the City of information necessary to informed decision-making and informed public participation. The City's error was therefore prejudicial.

88. Petitioner has no adequate remedy at law.

## **SECOND CAUSE OF ACTION**

### **(VIOLATION OF STATE SUBDIVISION MAP ACT)**

89. Petitioner re-alleges and incorporates by reference the preceding paragraphs in their entirety, as though fully set forth herein.

90. Under Government Code Section 66474.61, applicable to the City of Los Angeles, "the advisory agency . . . shall deny approval of a tentative map . . . if it makes any of the following findings:

- a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c) That the site is not physically suitable for the type of development.
- d) That the site is not physically suitable for the proposed density of development.

- 1 e) That the design of the subdivision or the proposed improvements are likely to  
2 cause substantial environmental damage or substantially and avoidably injure fish  
3 or wildlife or their habitat.
- 4 f) That the design of the subdivision or the type of improvements is likely to cause  
5 serious public health problems.
- 6 g) That the design of the subdivision or the type of improvements will conflict with  
7 easements, acquired by the public at large, for access through or use of property  
8 within the proposed subdivision. In this connection, the legislative body may  
9 approve a map if it finds that alternate easements, for access or for use, will be  
10 provided, and that these will be substantially equivalent to ones previously  
11 acquired by the public.

12 **The Map and Subdivision are Inconsistent with the General and Specific Plan**

13 91. The Subdivision Map Act requires that a proposed project be consistent with all  
14 applicable general and specific plans. Govt. Code §66473.5; Govt. Code §66474. The City's  
15 findings that the Project is consistent with all applicable general and specific plans is not  
16 supported by substantial evidence. Multiple letters to the City were submitted during the  
17 administrative process explaining in great detail why the City could not make this required  
18 finding.

19 92. The parcel's Open Space land use designation and zoning of OS-1XL-O do not  
20 permit the development of any kind of housing project, including a Supportive Housing project.  
21 The Project is also inconsistent with the Venice Community Plan and the Venice Coastal Land  
22 Use Plan. The Venice median is located on Open Space in the Dual Permit Jurisdiction Coastal  
23 Zone, just one block from the beach and the center of the Venice Boardwalk. The Venice  
24 community—including the beach, the Boardwalk, the Venice Canals, and the eclectic  
25 architectural styles of the neighborhoods—is one of the most popular visitor destinations in  
26 California with 16 million people visiting annually.

1           93.     A change of zoning from Open Space to a non coastal-related or non coastal-  
2 dependent zone is inconsistent with the certified Land Use Plan, which is a part of the General  
3 Plan's Venice Community Plan (VCP).

4           94.     In fact, the General Plan and VCP do not even contemplate the possibility of an  
5 elimination of Open Space. The General Plan's Open Space Element, Policy 2 states "There is a  
6 deficiency of Open Space in the City," and Policy 6.1.1 requires protection of "significant  
7 remaining open spaces for resource protection and mitigation of environmental hazards, such as  
8 flooding..." Also, recent government studies have documented that Venice in particular has a  
9 significant deficit with respect to parks and other types of Open Space.

10          95.     The VCP has an objective to preserve existing Open Space resources and where  
11 possible to develop new Open Space, as the purpose of Open Space is for the preservation of  
12 natural resources, managed production of resources and wildlife corridors, outdoor recreation,  
13 connecting neighborhoods and people, and the protection of life and property due to natural  
14 hazards. The VCP states that communities must have sufficient Open Space in order to balance  
15 new urban development in the community, in order to serve the recreational, environmental,  
16 health and safety needs of the community, and to protect environmental and aesthetic resources.

17          96.     The VCP states that land designated as Open Space represents only 16% of the  
18 Venice Community Plan area, and includes the beach, the canals, Ballona Lagoon and the  
19 esplanades, the Venice Blvd median, and the park and that the City should preserve facilities and  
20 park space by designating City recreation and park facilities as Open Space.

21          97.     The VCP directs that Open Space function in one or more of the following ways:  
22 recreational and education opportunities, scenic, cultural and historic value, public health and  
23 safety, preservation and creation of community identity, rights of way for utilities and  
24 transportation facilities, preservation of physical resources or ecologically important areas, and  
25 preservation of physical resources.

26          98.     In order to force the City's fundamental planning documents to conform to the  
27  
28



1 extremely inconsistent project proposed, the Real Party and the City sought to amend the various  
2 adopted plans, including the City’s General Plan in order to authorize the Project. But, the City  
3 of Los Angeles lacks the authority to process a single project general plan amendment.

4 99. Los Angeles City Charter, Section 555 provides: “The General Plan may be  
5 amended in its entirety, by subject elements or parts of subject elements, or by geographic areas,  
6 provided that the part or area involved has significant social, economic or physical identity.”  
7 (Emphasis added.)”

8 100. A City Charter permits all municipal power except those expressly limited.  
9 *Domar Electric, Inc. v. City of Los Angeles* (1994) 9 Cal.4th 161, 170. The requirement that the  
10 geographic area involved in a proposed general plan amendment be one of “significant social,  
11 economic or physical identity” is an express limitation on the City’s power to initiate a general  
12 plan amendment. It is an instruction that the amendment process, while not including the entire  
13 City, must include a significant chunk of the City to avoid piecemeal planning and spot zoning.  
14 In other words, the City Charter limitation expressly prohibits that which Real Party sought.

15 101. Because the City’s general plan amendment was unlawful, the City’s  
16 determination that the Project is consistent with all applicable general and specific plans is not  
17 supported by substantial evidence.

18 **The Design and Improvements of the Proposed Subdivision are Inconsistent with**  
19 **Applicable General and Specific Plans**

20 102. The City’s finding that the Project’s design and improvements are consistent with  
21 the Public Access policies of the Land Use Plan are not supported by substantial evidence.  
22 Multiple letters to the City were submitted during the administrative process explaining in great  
23 detail why the City could not make this required finding.

24 103. The project will not maintain - and even harms - existing Public Access. The  
25 Project does not comply with the many Public Access provisions in the certified LUP. For  
26 example, the Project will negatively impact beach parking as a result of the Project’s proposed  
27

1 automated parking system, which will severely slow and even discourage beach parking at this  
2 location. The City also failed to consider the loss of beach parking during the Project's  
3 construction (which will be significant). Also, Public Access for Canal boating is a key provision  
4 of the Plans and it appears from the current project plans that canal boating will be less  
5 accessible. To restrict Access in these ways, especially for the purposes of a non coastal-  
6 dependent or non-coastal related use is a violation of the LUP.

7 104. In addition, regarding Public Access, the Venice Blvd median site was  
8 specifically intended and planned for the much needed expansion of beach parking. Venice  
9 Coastal Zone Specific Plan Ordinance Section 14. Venice Coastal Parking Impact Trust Fund  
10 ("Fund") states: "The Fund shall be used for the purpose of accepting and retaining funds  
11 collected by the Department of Transportation pursuant to this Specific Plan for any expenditure  
12 only for parking mitigation measures in, adjacent to or serving the Beach Impact Zone. Those  
13 improvements shall include but not be limited to: Venice Blvd median public parking facility  
14 improvement, including land acquisition and construction."

15 105. The LUP Parking Policy II.A.1. General states: "It is the policy of the City to  
16 provide increased parking opportunities for both visitors and residents of Venice, and improve  
17 summer weekend conditions with respect to Venice Beach parking and traffic control."

18 106. The LUP Policy II.A.2. Expansion of Public Beach Parking Supply states: "The  
19 construction of new public parking facilities should be implemented, as well as maximizing the  
20 use of existing ones by restriping existing parking lots or converting them to multi-level  
21 structures where consistent with other Coastal Act policies...the established Venice Coastal  
22 Parking Impact Trust Fund, into which in-lieu parking fees shall be paid, will continue to be  
23 utilized for expenditure on improvement and development of public parking facilities that  
24 improve public access to the Venice Coastal Zone as specified in the LUP."

25 107. The Venice Median site was also specifically intended for a park. The LUP  
26 Coastal Waterways Policy III.D.6. Venice Canals Parks states: "New parks, with parking to the  
27

1 rear, shall be considered on some of the City-owned lots on the canals, provided that such  
2 facilities are compatible with the existing residential use of the area.”

3 108. The Project also negatively impacts the public’s ability to access the canals by  
4 boat. The City failed to consider LUP Policy Coastal Waterways Policy III.D.2. Boating Use of  
5 Canals, which states: "...A public boat launch facility was built as part of the Venice Canals  
6 Rehabilitation Project at the Grand Canal and North Venice Blvd. The City shall protect the  
7 public’s ability to access the canals by boat by maintaining public access to the Grand Canal  
8 public boat launch. The facility shall provide adequate on-site public parking consistent with the  
9 sizes and types of boats to be launched and frequency of launching pursuant to the County  
10 Department of Small Craft Harbors standards." The Project will undermine the ability to the  
11 public to utilize the public boat launch facility. Based on the aforementioned, the City’s  
12 conclusions that the design and improvements of the proposed subdivisions are consistent with  
13 the applicable general and specific plans is not supported by substantial evidence.

14 **The Site is Not Physically Suitable for the Proposed Type of Development**

15 109. The City’s findings that the site is physically suitable for the propose type of  
16 development is not supported by substantial evidence. Multiple letters to the City were  
17 submitted during the administrative process explaining in great detail why the City could not  
18 make this required finding.

19 110. The design and improvement of the proposed subdivision is dependent on a 40-lot  
20 consolidation. However, neither the VCZSP nor the LUP allow a consolidation of more than 3  
21 lots, thus making the site physically unsuitable for the proposed type of development.

22 111. The site is also unsuitable for the proposed type of development due to the  
23 impacts of sea rise and flooding. The City of Los Angeles, the California Coastal Commission  
24 and other authorities, including government engineers, predict that sea level rise and tsunami  
25 hazards pose significant threats to the Venice median and surrounding area, and the Venice  
26 median, along with other lower-lying areas of Venice, is projected to be underwater in less than  
27

1 50 years, and in fact due to the impacts of tides on these channels and because the area is already  
2 a hazardous area due to its current potential for flooding, the Venice median area adjacent to the  
3 canals could be underwater sooner.

4 112. The City's conclusions that the site was physically suitable for the Project  
5 notwithstanding these issues was not supported by substantial evidence.

6 **The Site is Not Suitable for the Proposed Density of Development**

7 113. The location of the site is not physically suitable for the increased density  
8 proposed. The City's findings otherwise were not supported by substantial evidence. Multiple  
9 letters to the City were submitted during the administrative process explaining in great detail  
10 why the City could not make this required finding.

11 114. As noted above, the City of Los Angeles, the California Coastal Commission and  
12 other authorities, including government engineers, predict that sea level rise and tsunami hazards  
13 pose significant threats to the Venice median and surrounding area. The Venice median, along  
14 with other lower-lying areas of Venice, is projected to be underwater in less than 50 years, and in  
15 fact due to the impacts of tides on these channels and because the area is already a hazardous  
16 area due to its current potential for flooding, the Venice median area adjacent to the canals could  
17 be underwater sooner. Moreover, the Venice Blvd corridor is Venice's primary rescue and  
18 emergency escape artery, especially in case of tsunami. In addition, the Coastal Commission has  
19 determined that this site is a flood hazard zone. The City's finding that the site is suitable for the  
20 proposed density of development is not supported by substantial evidence in light of these facts.

21 115. In addition, the project site is not physically suitable for the proposed density  
22 because it contains physical hazards that render residential uses inappropriate. These include  
23 location within: a methane zone, a liquefaction zone, and a tsunami inundation zone. The project  
24 site is also anticipated to be subject to flood risk due to sea level rise. The project site is also  
25 unsuitable due to the hazards presented by left-turn only site access/egress necessitated by the  
26 one-way street system adjacent to the project site. The City's conclusions otherwise are not  
27

1 supported by substantial evidence.

2 **The Project is Likely to Cause Substantial Environmental Damage**

3 116. The Subdivision Map Act mandates denial of a tentative map if the design of the  
4 subdivision or the proposed improvements are likely to cause substantial environmental damage  
5 or substantially and avoidably injure fish or wildlife or their habitat.” Govt. Code Section  
6 66474(e). As set forth above, the Project is not exempt from CEQA. Moreover, even if it was, an  
7 exemption from CEQA does not relieve a public agency from conducting an environmental  
8 review as part of the approval of the tentative tract map.

9 117. In *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1989) 214  
10 Cal.App.3d 1348, the court ruled that Government Code Section 66474(e), which requires a  
11 governmental agency to deny a map application if the agency finds that subdivision design or  
12 improvements are likely to cause substantial environmental damage, provides for an  
13 environmental review separate from and independent of CEQA. The court stated as follows:  
14 "Appellants argue that elimination of their CEQA causes of action does not foreclose an  
15 environmental challenge to the approval of the project because the Subdivision Map Act, in  
16 Government Code section 66474, subdivision (e), provides for environmental impact review  
17 separate from and independent of the requirements [of the CEQA. We agree. "[T]he finding  
18 required by section 66474, subdivision (e) is in addition to the requirements for the preparation  
19 of an environmental impact report" or a negative declaration pursuant to the CEQA. (59  
20 Ops.Cal.Atty.Gen. 129, 130 (1976).) *Topanga Ass'n for a Scenic Cmty. v. County of L.A.* (1989)  
21 214 Cal.App.3d 1348, 1355-1356.

22 The City failed to conduct the environmental review that is required by Government  
23 Code Section 66474(e). Further, the evidence in the record demonstrates that the Project will  
24 cause substantial environmental damage and serious public health problems. The Initial Study  
25 that was conducted by the City for the Project before environmental review was abandoned  
26 demonstrates that the Project will cause substantial environmental damage. Additionally, several  
27

expert reports were submitted to the City to demonstrate that the design of the subdivision and proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The City's findings to the contrary are not supported by substantial evidence. Multiple letters to the City were submitted during the administrative process explaining in great detail why the City could not make this required finding.

**THIRD CAUSE OF ACTION**  
**(SPOT ZONING)**

118. Petitioner re-alleges and incorporates by reference the preceding paragraphs in their entirety, as though fully set forth herein.

119. Spot zoning is an unlawful, arbitrary, abuse of zoning discretion by which a smaller area is singled out of a larger area or district and specifically zoned for a use classification totally different from and inconsistent with the classification of surrounding land, and not in accordance with the General Plan. Spot zoning can be a re-zoning for private gain designed to favor or benefit a particular individual or group and, on balance, not to the good of the community as a whole. Spot zoning has variously been characterized as implicating substantive due process, takings and equal protection concerns. *Buckles v. King County*, 191 F.3d 1127, 1137 (9th Cir. 1999).

120. The City has engaged in an expansive impermissible 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.

121. In this case, the City's preferential treatment to the Developer includes, but is not limited to, all of the general plan amendments, certified LUP amendments, rezoning, and creation of maps drawing a separate zone around just the parcels for this Project, and granting for special treatment to develop much more than is required to provide supportive and affordable

1 housing, to the extreme detriment of critical beach access rights of the public and placement of  
2 project residents and millions of dollars of taxpayer monies at risk of project-ending sea level  
3 rise.

4 122. These planning and zoning spot changes authorize that which would otherwise  
5 not be permitted in conjunction with the affordable housing:

- 6 • The 59-foot “architectural” tower (which extends to 71 feet including railings and  
7 roof access structures);
- 8 • The failure to enforce setback requirements with respect to frontage on Grand  
9 Canal;
- 10 • The lack of any setbacks above the ground floor;
- 11 • The lack of any setbacks surrounding the 59-foot “architectural” tower;
- 12 • The protrusion of the 59-foot “architectural” tower over the sidewalks along  
13 Pacific Avenue and N. Venice Boulevard;
- 14 • The parking tower in the east campus, which will extend to 45 feet in height with  
15 double-stacker parking and solar panels on top;
- 16 • Oversized rooftop features, including roof access structures, turrets, canopies,  
17 decks and railings;
- 18 • The permanent elimination of any opportunity to expand sidewalks and create  
19 designated bike lanes on Venice Boulevard, as called for under the City General  
20 Plan, the City’s Mobility Plan 2035 and the Coastal Transportation Corridor  
21 Specific Plan;
- 22 • The experimental use of robotic or mechanical lift parking and a tiered-pricing  
23 scheme for beach parking.

24 123. Accordingly, the City’s creation of the new General Plan Amendment and zoning  
25 district especially for this Project site is not in the public interest, and therefore such approvals  
26 were arbitrary, capricious and devoid of evidentiary support as being on balance beneficial to the  
27

1 public interest.

2 **FOURTH CAUSE OF ACTION**

3 **(VIOLATION OF COASTAL ACT AND CERTIFIED LAND USE PLAN)**

4 124. Petitioner, re-alleges and incorporates by reference the preceding paragraphs in  
5 their entirety, as though fully set forth herein.

6 125. The Project is subject to the jurisdiction of the Coastal Commission and is located  
7 within the Dual Permit Jurisdiction area of the California Coastal Zone. The Conditions of  
8 Approval adopted by the City stated as follows: "The applicant shall file an application for a  
9 second (or "dual") coastal development permit with the Coastal Commission and shall submit  
10 proof of a valid ("dual") permit issued by the Coastal Commission."

11 126. The City approved a Coastal Development Permit ("CDP") for the Project and  
12 made certain findings. These findings include the following:

- 13 a. The development is in conformity with Chapter 3 of the California Coastal  
14 Act of 1976.
- 15 b. The development will not prejudice the ability of the City of Los Angeles  
16 to prepare a local coastal program that is in conformity with Chapter 3 of  
17 the California Coastal Act of 1976.
- 18 c. The Interpretive Guidelines for Coastal Planning and Permits as established  
19 by the California Coastal Commission dated February 11, 1977 and any  
20 subsequent amendments thereto have been reviewed, analyzed and  
21 considered in light of the individual project in making this determination.
- 22 d. The decision of the permit granting authority has been guided by any  
23 applicable decision of the California Coastal Commission pursuant to  
24 Section 30625(c) of the Public Resources Code, which provides that prior  
25 decisions of the Coastal Commission, where applicable, shall guide local  
26 governments in their actions in carrying out their responsibility and  
27



1 authority under the Coastal Act of 1976.

- 2 e. The development is located between the nearest public road and the sea or  
3 shoreline of any body of water located within the coastal zone, and the  
4 development is in conformity with the public access and public recreation  
5 policies of Chapter 3 of the California Coastal Act of 1976.  
6 f. An appropriate environmental clearance under the California  
7 Environmental Quality Act has been granted.

8 127. Member organizations and individuals of the Coalition, and other interested  
9 persons filed comments and evidence establishing that the required findings for a Coastal  
10 Development Permit could not be made for the Project. Among other things, the Project will not  
11 maintain and will harm existing Public Access. The Project does not comply with the many  
12 Public Access provisions in the certified LUP. The Project's automated parking design will  
13 severely slow and even discourage beach parking at this location. The City failed to consider the  
14 loss of beach parking during construction. Also, the Project will impair boat access to the canal  
15 as well as prevent much-needed expansion of beach parking, which is called for in the certified  
16 LUP.

17 128. The Project is inconsistent with LUP Parking Policy II.A.1 and LUP Policy  
18 II.A.2. LUP Parking Policy II.A.1. General states: "It is the policy of the City to provide  
19 increased parking opportunities for both visitors and residents of Venice, and improve summer  
20 weekend conditions with respect to Venice Beach parking and traffic control." LUP Policy  
21 II.A.2. Expansion of Public Beach Parking Supply states: "The construction of new public  
22 parking facilities should be implemented, as well as maximizing the use of existing ones by  
23 restriping existing parking lots or converting them to multi-level structures where consistent with  
24 other Coastal Act policies...the established Venice Coastal Parking Impact Trust Fund, into  
25 which in-lieu parking fees shall be paid, will continue to be utilized for expenditure on  
26 improvement and development of public parking facilities that improve public access to the  
27

Venice Coastal Zone as specified in the LUP.” Venice Coastal Zone Specific Plan Section 14. The Venice Coastal Parking Impact Trust Fund (“Fund”) states: "The Fund shall be used for the purpose of accepting and retaining funds collected by the Department of Transportation pursuant to this Specific Plan for any expenditure only for parking mitigation measures in, adjacent to or serving the Beach Impact Zone. Those improvements shall include but not be limited to: Venice Blvd median public parking facility improvement, including land acquisition and construction.”

129. The Venice Blvd median was intended to be used for expanded public parking facilities and a park. Indeed, the LUP Coastal Waterways Policy III.D.6. Venice Canals Parks states: "New parks, with parking to the rear, shall be considered on some of the City-owned lots on the canals, provided that such facilities are compatible with the existing residential use of the area.”

130. The Project as proposed impairs attainment of these critical beach access policies applicable to the Project site. Therefore, the City erred and abused its discretion when it concluded that the required findings for a Coastal Development Permit could be made.

131. Additionally, the Project was inconsistent with Coastal Act Section 30224. This section of the Coastal Act states: "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, limiting non-water dependent land uses that congest access corridors and preclude boating support facilities, providing 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 clearly does not increase recreational boating use or increase public launching facilities – it does the exact opposite.

132. The Project was inconsistent with LUP Policy Coastal Waterways Policy III.D.2. Boating Use of Canals, which states: "...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

1 Canal public boat launch. The facility shall provide adequate on-site public parking consistent  
2 with the sizes and types of boats to be launched and frequency of launching pursuant to the  
3 County Department of Small Craft Harbors standards.” However, the Project does not protect the  
4 public’s access to the canals by boat nor does it provide adequate on-site public parking since it  
5 reduces canal access parking from 7 spaces to just two.

6 133. The City’s findings with respect to Coastal Act sections 30250, 30251 and 30253  
7 and its sea level rise policies constitute error because they were not supported by substantial  
8 evidence.

9 134. The City’s findings constitute error because approval of the project will prejudice  
10 the ability of the City to prepare an LCP that conforms to Chapter 3 of the Coastal Act.

11 135. As such, the City’s findings that the Project met the requirements for issuance of a  
12 Coastal Development Permit were not supported by substantial evidence, and the City has failed  
13 to proceed in accordance with law.

14 **FIFTH CAUSE OF ACTION**

15 **(VIOLATION OF MELLO ACT AND OTHER AFFORDABLE HOUSING**  
16 **REQUIREMENTS)**

17 136. Petitioner, re-alleges and incorporates by reference the preceding paragraphs in  
18 their entirety, as though fully set forth herein.

19 137. The Project violates State Government Code Section 65590-65590.1 (“Mello  
20 Act”), as well as the Settlement Agreement Between the City of Los Angeles and the Venice  
21 Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman Concerning  
22 Implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles  
23 (“Settlement Agreement”) and the City’s Interim Procedures for Complying with the Mello Act  
24 (“IAP”). In addition, the Project violates Measure JJJ, as implemented by the City in LAMC  
25 11.5.11. The purpose of the Mello Act, Settlement Agreement and IAP is to preserve residential  
26 structures in the Coastal Zone, as well as to protect existing affordable housing and new  
27

1 affordable housing. The purpose of Measure JJJ, among other things, is to set affordable housing  
2 mandates on residential projects requiring a zoning change or an amendment to the City's  
3 General Plan.

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

13 139. IAP Section 1.3 Overview of the Mello Act states: "The Mello Act was adopted  
14 by the State Legislature in 1982. The Act sets forth requirements concerning the demolition,  
15 conversion and construction of housing within California's Coastal Zone. Each local jurisdiction  
16 shall enforce three basic rules:

17 Rule 1. Existing residential structures shall be maintained, unless the local jurisdiction  
18 finds that residential uses are no longer feasible. A local jurisdiction may not approve the  
19 Demolition or Conversion of residential structures for purposes of a non-Coastal-  
20 Dependent, non-residential use unless it first finds that a residential use is no longer  
21 feasible at that location.

22 Rule 2. Converted or demolished Residential Units occupied by Very Low, Low or  
23 Moderate Income persons or families shall be replaced. Converted or demolished  
24 Residential Units occupied by Very Low, Low or Moderate Income persons or families  
25 shall be replaced on a one-for-one basis.

26 Rule 3. New Housing Developments shall provide Inclusionary Residential Units. If  
27  
28

feasible, New Housing Developments shall provide inclusionary Residential Units affordable to Very Low, Low or Moderate Income persons or families.”

140. 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 ignored this requirement and incorrectly treated 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.

141. 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).” 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 was not made for the Project.

142. In addition, IAP Section 4.0 specifically states that one of the purposes of

1 completing a Mello Act Compliance Review is to identify applications to demolish or convert  
2 residential structures for purposes of a non-Coastal-Dependent, non-residential use and that these  
3 applications shall be denied unless the applicant proves with substantial evidence that a  
4 residential use is not feasible at that location.

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

12 144. It was an act of deception to not include the Government Code Section 65590(c)  
13 finding in the Mello Act Compliance Review determination. Only if a local government makes  
14 this threshold finding may it proceed to compliance with the replacement and inclusionary  
15 requirements for low- and moderate-income dwelling units. Omitting any mention of  
16 Government Code Section 65590(c) regarding maintaining residential structures is to omit a  
17 significant part of the Mello Act law, one of its three main “rules,” and thus is a violation of the  
18 act. The City failed to make the required findings as it failed to consider the Mello Act’s  
19 threshold requirement contained in Government Code Section 65590(c), the Settlement  
20 Agreement and the IAP.

21 145. The City exceeded its jurisdiction because the Project conflicts with the Mello  
22 Act. Under article XI, section 7 of the California Constitution: “[a] county or city may make and  
23 enforce within its limits all local, police, sanitary, and other ordinances and regulations not in  
24 conflict with general laws.” *Sherwin-Williams Co. v. City of Los Angeles*, 4 Cal. 4th 893, 897  
25 (1993). The Mello Act is a state statute; therefore, any attempt to violate it or change its meaning  
26 is in excess of the City’s authority and exceeds its jurisdiction.

1           146. The City piecemealed the Project for purposes of the various Mello Act-related  
2 findings. On page 1 of the Letter of Determination (“LOD”), the City describes the Project as  
3 demolition of an existing surface parking lot and a four-unit residential structure and the merger  
4 and re-subdivision of a 115,674 square foot site, for purposes of the construction, use and  
5 maintenance of a mixed-use project consisting of 136 dwelling units and four unrestricted  
6 manager units, supportive services, retail uses, a restaurant use and art studios. However, for  
7 purposes of the Mello Act Compliance Review determination, on page 2 of the LOD the City  
8 specifically removes the four commercial uses from the project description and erroneously  
9 describes the Project as “...a Mello Act Compliance Review for the demolition of four  
10 Residential Units and the construction of 140 new Residential Units within the Coastal Zone.”  
11 Also, in the Mello Act Compliance Review determination the Project is erroneously described as  
12 a demolition of a multi-family structure for purposes of “the development of 10 or more  
13 residential dwelling units,” “the development of 140 Residential Units,” and “a 100% affordable  
14 housing project,” all omitting the commercial uses included in the Project description.

15           147. In the May 17, 2021 Mello Act determination of affordable units letter from the  
16 Los Angeles Housing Department (“HCID”) to City Planning Department the Project was  
17 erroneously described as the demolition of four existing residential units and construction of a  
18 new 140-unit apartment building. If HCID had considered the Project correctly, as a mixed-use  
19 residential-commercial development, it would not have been able to move to the next step of  
20 determining affordable units because the threshold requirement of Government Code Section  
21 65590(c) was not met. In past determination of affordable units letters, when a project has  
22 entailed a demolition of a residential structure for purposes of a mixed-use residential-  
23 commercial project, HCID has indicated that they are unable to issue a Mello Act determination  
24 of affordable units because the project is non-residential, referencing IAP Sections 4.0 and 4.3,  
25 which require that applications where demolition or conversion of residential structures occur for  
26 purposes of non-residential use are denied unless the applicant proves with substantial evidence  
27

1 that a residential use is not feasible at that location. It appears that the applicant misinformed  
2 HCID about the project description by leaving out the commercial portions of the Project. HCID  
3 should not even have issued their Mello Act affordable unit determination because the  
4 demolition of the existing apartment building is for purposes of a mixed-use residential-  
5 commercial development, which is not allowed by the Mello Act, Settlement Agreement and the  
6 IAP. The City has evaded the Mello Act requirements by piecemealing the project description  
7 and preparing the findings based on a project description that only reflects a portion of the  
8 Project, the residential portion. Using a piecemealed, partial project description the City claims  
9 that the Project meets the Mello threshold requirement because a residential-only use is being  
10 replaced with a residential-only use. This piecemealing of the Project is a failure to proceed in  
11 accordance with law.

12 148. IAP Section 1.2.3 states: “Every Discretionary and Non-Discretionary  
13 Application for a Demolition, Conversion or a New Housing Development in the Coastal Zone  
14 shall be reviewed pursuant to these Interim Administrative Procedures...” This means the entire  
15 application must be reviewed and not just a part of the application. IAP Section 6.0 states: “For  
16 Discretionary applications, the decision-maker shall issue the determination as written conditions  
17 attached to the determination made with respect to the underlying case...” This means the entire  
18 case is covered by the determination and not just a part of the case. A Mello Act Compliance  
19 Review determination must be based on the same project application that is covered by the  
20 related discretionary permits and cannot be based only on the residential portion of the project.  
21 The Mello Act Compliance Review determination, as well as the HCID determination of  
22 affordable units, are in error because they fail to evaluate the Mello Act-related findings with  
23 respect to the entire project.

24 149. The clear language of the Mello Act, the Settlement Agreement and the IAP does  
25 not allow for a project with a partial non-residential use. Words have meaning and terminology  
26 in land use law is specific. The Project is in direct violation of the Mello Act, the Settlement  
27



1 Agreement, and the IAP, all of which explicitly prohibit, in clear language, the conversion of a  
2 residential structure to a non-residential use. Allowing the demolition of the multi-family  
3 residential structure at 204-208 N. Venice Blvd. violates the clear meaning, spirit, and purpose of  
4 the Mello Act. Besides violating the Mello Act, the City's approval of any demolition of a  
5 housing structure for purposes of a project that has non-residential uses is nonsensical because  
6 this would allow a 100% residential structure to be replaced with the smallest possible amount of  
7 residential use allowed in the zoning code, with the remainder and much greater portion of the  
8 development being non-residential use. This is not the intent of the Mello Act, and it is clear that  
9 the language of the Mello Act, Settlement Agreement, and IAP does not allow for a partial non-  
10 residential use, such as the Project. Government Code Section 65590(c) is a very clear provision  
11 of the Mello Act that does not allow demolition or conversion of residential structures for  
12 purposes of nonresidential uses unless the use is coastal dependent, a very specific and narrow  
13 exception. Furthermore, a mixed-use residential-commercial project is considered a commercial  
14 use and is restricted to commercial zones. A "residential use," on the other hand, is permitted in  
15 both residential and commercial zones. In addition, municipalities are permitted to take actions  
16 that strengthen the local implementation of the Mello Act statute, but not to weaken it. As per  
17 Government Code Section 65590(k): "...This section establishes minimum requirements for  
18 housing within the coastal zone for persons and families of low or moderate income. It is not  
19 intended and shall not be construed as a limitation or constraint on the authority or ability of a  
20 local government, as may otherwise be provided by law, to require or provide low- or moderate-  
21 income housing within the coastal zone which is in addition to the requirements of this section."  
22 Allowing the demolition of a residential structure for purposes of a mixed-use residential-  
23 commercial project does not strengthen the Mello Act's requirements, but rather it weakens the  
24 effects of the Mello Act. It is not the intent of the clear and carefully chosen language of the  
25 Mello Act, the Settlement Agreement and the IAP to allow residential structures to be  
26 commercialized and replaced by mixed-use residential-commercial developments.

1           150. The Project would cause significant adverse cumulative effects on Coastal Zone  
2 affordable housing, displacement of existing residents, coastal access for lower-income families,  
3 and community character. The Project would not only eliminate Coastal Zone affordable housing  
4 for the existing residents of 204-208 N. Venice Blvd., who are low-income and include people of  
5 color, causing them to be displaced from the Coastal Zone, but together with similar past, current  
6 and probable future projects, the Project would cause a severe and significant adverse cumulative  
7 effect on affordable housing and on tenant displacement in the Los Angeles Coastal Zones. For  
8 the City to allow demolition or conversion of residential structures for purposes of mixed-use  
9 projects, in violation of the Mello Act, would provide an incentive for other owners to demolish  
10 or convert existing residential structures, which typically contain lower cost affordable units, for  
11 mixed-used projects. That is because the ability to commercialize these residential structures  
12 would significantly increase the value of the properties. The ongoing and cumulative effect of  
13 this will only serve to cause significant displacement of the lower income and most diverse and  
14 vulnerable residents, such as the residents of 204-208 N. Venice Blvd. who would be displaced  
15 by the Project, thus harming Venice's social diversity that is a key part of its special coastal  
16 community character. Damage to coastal communities by displacement of lower income and  
17 working-class families, such as the four families that would be displaced because of the Project,  
18 who are already holding on by a thread, is exactly what the Mello Act is intended to prevent. The  
19 City's approval of this demolition of a residential structure at 204-208 N. Venice Blvd. and  
20 displacement of lower-income tenants and families of color for purposes of building this 40-lot  
21 mixed-use residential-commercial project seems to be an unfortunate continuance of the City's  
22 practices of institutional racism harkening back to the shameful evictions in Chavez Ravine for a  
23 baseball stadium.

24           151. In addition, the City's actions violated Measure JJJ. LAMC 11.5.11, which  
25 implements Measure JJJ, provides that discretionary General Plan amendments, zone changes,  
26 and height district changes shall meet applicable replacement requirements of Government Code  
27  
28

Section 65915(c)(3), which requires that existing units be replaced with equivalent units. Also, although the City requires a total of four replacement affordable units, it did not make the IAP-required determination of the level of affordability for the existing tenants, for which the City is the landlord and has that information. Thus, the project approval does not indicate the level of affordability for the replacement affordable units. As a result of these failures, the tenants' right to return at the correct level of affordability and in equivalent units is not reflected in the City's approval of the Project. According to the project plans, there are not four comparable replacement units designated for the existing tenants, nor has adequate parking been provided. In fact, the Project's Affordable Housing Referral form, which reviews compliance with Measure JJJ and LAMC 11.5.11, leaves the proposed replacement unit specification columns blank and the only detail provided indicates 85 dwelling units at 275-350 square feet, 32 dwelling units at 500 square feet and 23 units at 750 square feet. The existing units are larger than 750 square feet. The law requires an affirmative showing—as a condition for Project approval—that the affordable units destroyed can be accommodated. The applicant has not made that showing and, thus, the City's Project approval was unlawful. Failure to provide comparable units prior to project approval is a failure to proceed in accordance with law.

152. The City is providing 55 parking spaces for the 136 affordable dwelling units, based on a calculation of .5 spaces for 68 units located within ½ mile of a major transit stop and .3 spaces for 69 units of special needs housing having either paratransit service or unobstructed access within ½ mile to fixed bus route service that operates at least 8 times per day, which equals a total of 55 parking spaces. However, there is no condition on the project that there are 68 units of special needs housing having either paratransit service or unobstructed access within ½ mile to a fixed bus route service that operates at least 8 times per day. Thus, the parking requirement must be .5 spaces for 136 units, or 68 spaces, which is an increase of 13 parking spaces for the affordable units. For this reason as well, the Project Approvals must be set aside

1 and remanded to the City to comply with the Mello Act and other affordable housing legal  
2 requirements.

3 **SIXTH CAUSE OF ACTION**  
4 **(VIOLATION OF FAIR HEARING CONSTITUTIONAL DUE PROCESS**  
5 **REQUIREMENTS)**

6 153. Petitioner, re-alleges and incorporates by reference the preceding paragraphs in  
7 their entirety, as though fully set forth herein.

8 **Persons Entitled To Procedural Due Process In Quasi-Judicial Hearings**

9 154. Petitioner member organization, Venice Vision, filed timely land use appeals of  
10 the City's approvals during the administrative proceedings of this case, including before the City  
11 Council. A land use appellant who challenges quasi-judicial approvals is entitled to procedural  
12 due process protections in any hearing(s) conducted before the City Council as the final decision  
13 maker.

14 155. Petitioner's supporters include persons who live in the City-owned apartments on  
15 the Project Site and persons whose property, tenant, or other rights will be affected by the City's  
16 approval of the Project because they live or own property within the impact area of the Project.

17 156. Even though these persons did not separately file land use appeals for hearing  
18 before the City Council, they were constitutionally entitled to sufficient advance notice of the  
19 public hearing and an opportunity to be meaningfully heard at the public hearing before the City  
20 may constitutionally approve the Project and impose its potential impacts on their rights and  
21 lives.

22 157.

23 **The Lack Of Adopted Los Angeles City Council Procedural Quasi-Judicial Hearing Rules**

24 158. In accordance with Government Code Section 65804, the Los Angeles City  
25 Planning Commission and Area Planning Commissions have adopted procedural hearing rules  
26 for the conduct of quasi-judicial hearings before those bodies. Such rules include an orderly  
27

1 procedural process for the conduct of quasi-judicial land use appeals before those commissions.

2 159. Under the procedural rules of the planning commissions, generally speaking, such  
3 administrative proceedings include presentation of the Project and appeal points by City  
4 Planning staff, then the Appellant presents its case, then the Project Applicant presents its case,  
5 then the Public is provided an opportunity to provide hearing evidence and argument testimony  
6 (not Brown Act comment), then the Applicant and Appellant have an opportunity to provide  
7 rebuttal, then the public hearing is closed, the Commission members deliberate and vote.

8 160. No similar orderly process is provided in the Rules of the Los Angeles City  
9 Council for quasi-judicial land use appeal hearings at City Council Committee or Full Council  
10 meetings. Government Code Section 65804 mandates that: “All local city and county zoning  
11 agencies shall develop and publish procedural rules for conduct of their hearings so that all  
12 interested parties **shall have advance knowledge** of procedures to be followed.” (Emphasis  
13 added.)

14 161. At a quasi-judicial hearing before the Los Angeles City Council a land use  
15 Appellant has no advance knowledge of whether or not there will be a staff presentation, what  
16 the order of proceedings will be, or how long he or she will be given to present the case to the  
17 Council members, or if there is an opportunity to rebut persons who spoke during hearing  
18 testimony, or if a power point presentation could be given to the Council members.

19 162. Although the City Council has adopted Council Rules, they are overwhelmingly  
20 concerned with the processing of routine, non land-use appeal matters, Brown Act public  
21 comment rules (which are constitutionally distinct from land use hearing testimony by interested  
22 persons), quorum, voting, reconsideration, and similar rules of a legislative body. Unlike the  
23 City’s planning commission operating rules, there is no similar section of the City Council Rules  
24 dedicated to giving advance knowledge of the procedures to be followed for a quasi-judicial land  
25 use hearing. In fact, the word “quasi-judicial” only appears once in the City Council Rules at  
26 Rule 49 which requires that roll call votes are required in “quasi-judicial actions adopting  
27

1 findings and making determinations.” That tells a land use appellant little about how the hearing  
2 will unfold from beginning to end at City Council as mandated.

3 163. City Council Rule 8 acknowledges that public hearings are something different  
4 than mere Brown Act public comment, but it only vaguely confirms that such hearings are  
5 specially noticed (mail or publication, or both) for regular meeting agendas. This one sentence  
6 vaguely states a land use appellant will be given a “reasonable” amount of time to present its  
7 case: “Interested persons (for example applicants, appellants and property owners) shall be given  
8 reasonable opportunity to present oral arguments for or against any proposed action. However, no person  
9 may present evidence not relevant to the matter which is the subject of the hearing.” There is no  
10 commitment to an orderly hearing process for land use hearing parties, there is no specified order of the  
11 proceedings for any public hearing including those land use appeal hearings required by law, there is no  
12 provision requiring the hearing to be conducted as a distinct proceeding separate from the other more  
13 mundane items of business on the City Council meeting agenda subject only to Brown Act public  
14 comment obligations.

15 164. Because the Los Angeles City Council has failed in the decades since the  
16 enactment of Government Code Section 65804 to adopt and publish procedural rules for conduct  
17 of its hearings, Petitioner’s member organizations and individuals with constitutionally protected  
18 rights had no idea how the “hearing” would be conducted as mandated by law.

19 **Failure to Place The Noticed Public Hearing On The City Council Agenda For**  
20 **Public Hearings Required By Law.**

21 165. On November 8, 2021, the Chair of the PLUM Committee waived and cancelled  
22 any hearing of the land use appeals at Council Committee.

23 166. On November 15, 2021, the City issued a mailed notice for a Public Hearing on  
24 the land use appeals and the Project. This was the City’s notice to constitutionally affected  
25 landowners and tenants within 500 feet of the Project of an invitation to the City Council  
26 meeting to be heard.

1           167. Under City Council Rule No. 22, the Public Hearing was required to be listed on  
2 the meeting agenda as a “Public Hearing Required By Law.” Significantly, the City listed it in a  
3 later section of its published meeting agenda for December 1, 2021 entitled “Items For Which  
4 Required Public Hearing Has Not Been Held.” The terminology used in Council Rule 22 and  
5 used on City Council agendas is a misnomer and misleading. “Items For Which Required Public  
6 Hearing Has Not Been Held” is not for any sort of legally required public hearing. Instead, this  
7 is the section of the Council’s agenda where any routine item of business is placed when it was  
8 not heard at the Committee level where Brown Act public comment occurred. The more  
9 accurate description of this section of the meeting agenda is “Items For Which No Brown Act  
10 Public Comment Was Received At A Committee.”

11           168. Misplacement of the Public Hearing had prejudicial consequences because the  
12 Council President, City Clerk staff and others did not apply even Rule 8 requiring applicants,  
13 appellants and property owners to be give a reasonable time to present arguments to the City  
14 Council. The item was treated as if the only rights to be provided was a chance to speak in what  
15 has become an unlawful Brown Act speaking lottery.

16           169. Instead of conducting a segregated public hearing focused only on the Project, the  
17 City Council severed the Project evidence testimony by members of the public from when the  
18 Project was presented to the City Council. In order for a Council Member to consider the  
19 Project, he or she would have to remember persons who were relegated to a Multi-Item or Single  
20 Item public comment period conducted at the outset of the meeting. Such a separation in time  
21 between what little Project-related evidence and testimony was allowed to be presented (mixed  
22 in with all other Brown Act public speakers at the meeting), had the effect of denying property  
23 owners and persons within the impact zone of the Project from having a meaningful opportunity  
24 to plead their case before the City Council or demonstrate the magnitude of opposition to the  
25 Project as proposed.

26       **The City Required Constitutionally Protected Persons To Speak On The Project Mixed In**  
27  
28

**With All General Public Comment and Multi-Item Brown Act Public Speakers**

170. In recent years, the City Council has adopted Council Rule No. 7, a bizarre Brown Act public speaking rule that shuffles all public comment on every item on the meeting agenda to the outset of the meeting. Council Rule No. 7 makes a one-size-fit-all public meeting “finding” that 10 minutes of General Public Comment under the Brown Act is sufficient. The Rule also makes a similar “finding” that regardless of the number of items on a City Council meeting agenda, or the number of persons attending the meeting (in person and now virtually online), the Council will only listen to its constituents for 20 minutes of Brown Act public comment concerning all items of business on the meeting agenda.

171. Setting aside the obvious constitutional problems with such “findings” set forth in a City Council Rule, and violations under the Brown Act that reasonable public comment be permitted based upon the circumstance of each meeting, the City’s treatment of the constitutionally-protected persons attending its City Council meeting on December 1, 2021, by treating them as if they were mere Brown Act commenters, violated the fundamental principle of the right to be heard under the due process clause.

172. The December 1, 2021 meeting was conducted under City Council Rule No. 7. All speakers wishing to speak were required to raise their hand virtually so that they could be called upon in the Zoom conducted City Council meeting. This included all property owners (and all other persons with constitutionally protected rights) that Rule 8 guarantees in a public hearing will be given a reasonable period of time to present information to the City Council. The City Council President and City Attorney did not ask that property owners impacted by the Project identify themselves so that they could be separately heard as provided in Council Rule No. 8.

173. Even though City Council Rule No. 7 makes a finding that general public comment is a separate time period from comments for items on the meeting agenda, the City Council now combines all general public commenters and commenters on agenda items together.



1 When combined with the Council’s rule that a public speaker may only speak on two items on a  
2 meeting agenda for one minute each and have one minute for general public comment, the new  
3 multi-item public speaking period has become a confused jumble of speakers addressing topics  
4 out of order and randomly. Each speaker may opt to speak on two items plus general comment.  
5 Under this regime, ten public speakers exercising their right to speak for one minute each on two  
6 items and one minute on general public comment would consume 3 minutes each. Strict  
7 adherence to the “finding” that 30 minutes of listening to the public was enough meant that as  
8 few as 10 speakers might be heard.

9 174. This is how the City Council conducted its meeting on December 1, 2021, except  
10 that the City Attorney gave a verbal warning that Appellant and Applicant would speak later on  
11 the “fair hearing” items on the agenda. His comments did not indicate that the public speaking  
12 segment was part of the “fair hearing.” The public speaking segment was limited to 30 minutes  
13 of speaking time but took about 40 minutes to carry out due to gaps of time between speakers. A  
14 total of 15 persons were able to speak before the City Council that day. Of those, mixed in with  
15 the general public commenters and agenda item commenters on other matters on the agenda,  
16 only nine (9) persons were permitted to substantively speak about the Project. Four persons  
17 spoke in favor of the Project, and five persons spoke against the Project as proposed. Those nine  
18 persons who spoke on the Project had their testimony mixed in with Brown Act public comments  
19 certain gadflies of Los Angeles City Council who were making profanity laced comments about  
20 other issues for approximately 13 minutes of the 30 minutes of testimony.

21 175. Petitioner is informed and believes, and thereon alleges that since the  
22 implementation of virtual meetings in the pandemic, the City has learned the phone numbers of  
23 gadflies and calls upon them with greater frequency, shutting out public speakers trying to have  
24 an impact on public decision making on an item they specially attended the City Council meeting  
25 to talk about. In this way, the City Council has turned the gadflies into a weapon to diminish the  
26 effectiveness of any public comment.

1           176. During this time period, City Council members can be seen on the meeting video  
2 out of their seats, talking to others, **and not listening to the public speakers**, including those  
3 few who got called upon to speak about the Project. The video record also establishes that the  
4 Council President left Council chambers during the public speaking portion of the meeting,  
5 specifically during the first speaker, was out of the room approximately 37 minutes, and scurried  
6 back into the room when the final public speaker asked: “Where is the City Council?”. The City  
7 Council President can be seen sitting down as the final public speaker was wrapping up his  
8 remarks. For these minutes, the City Attorney effectively presided over the City Council’s  
9 meeting although he is not an elected member of that body.

10           177. At the end of the 30 minutes the City Attorney allowed for public comments on  
11 all items on the agenda, including the Project which had been noticed by law as a Public  
12 Hearing, every other property owner, tenant or person within the impact zone of the Project was  
13 shut out of this perverse Brown Act public comment lottery. They had their hands virtually  
14 raised to speak in response to the Public Hearing notice the City Council sent by mail. However,  
15 the overwhelming majority of such persons were not allowed to speak at all.

16                   **The Segregated Public Hearing Was Incoherent and Severely Truncated**

17           178. Next the City Council proceeded through the meeting agenda considering briefly  
18 some other items on the agenda and voting on them. Subsequently, the two items on the  
19 December 1, 2021 meeting agenda for the Project were called together for consolidated  
20 consideration. Mr. Bonin leapt to his feet to speak but he was reminded that first the City  
21 Council had to hear the presentations of the parties. At this point, because City Council members  
22 could still be seen out of their seats continuing to talk to others and not paying attention,  
23 including through the prior public speaking segment, the City Attorney reminded them again to  
24 pay attention because this was a “fair hearing.”

25           179. Unlike at a planning commission hearing which has adopted procedural rules  
26 under Government Code Section 65804, there was no presentation of the Project to the City  
27  
28

1 Council members by the City Planners, including no power point presentation of even what it  
2 looked like. Additionally, there was no identification of the appeal issues raised by Appellant  
3 Venice Vision or the City Planning staff's response to those appeal points.

4 180. Instead, Appellant's representative, who was patiently waiting to present appeal  
5 arguments, could not be found by staff online in order to bring him into the virtual meeting.  
6 While waiting for the staff to connect to Mr. Hall, the Council President called upon Council  
7 Member Mike Bonin to provide his comments, even though Mr. Bonin had not heard the  
8 Appellant's or Applicant's presentations. Mr. Bonin was given unlimited time to discuss the  
9 Project and spent about 8 minutes extolling the Project generally and attacking the Appellant and  
10 concerned constitutionally protected Persons as "obstructionist" and "vociferous and well-funded  
11 forces" who, according to Mr. Bonin, were attacking homeless housing projects in the entire  
12 City.

13 181. Following Mr. Bonin's comments to City Council, Mr. Hall, the attorney  
14 representing Appellant Venice Vision, was told by the City Attorney he would have 5 minutes to  
15 present the two appeals – essentially, 2.5 minutes for each appeal. Mr. Hall used 5 minutes to try  
16 to convey the magnitude of the problems with the Project. The amount of time to present appeal  
17 issues to the City Council, was facially unreasonable, under Rule 8, which was not being applied  
18 because of the erroneous placement of the Project on the meeting agenda, and under any fair  
19 hearing principle under the constitution.

20 182. Next, it was time to hear the Project Applicant's presentation. The Applicant  
21 offered no presentation to the City Council and no one even called upon the Applicant. Then the  
22 "hearing," such as it was, closed.

23 183. For the City Council deliberations, not a single other City Councilmember spoke  
24 or had a question. There were no deliberations conducted before the observing public.  
25 Petitioner is informed and believes, and thereon alleges that Council member Mike Bonin or his  
26 staff or the Applicant conducted an ex parte lobbying process outside of the hearing to address  
27

1 questions or concerns of other City Council members or their staff regarding the appeals or  
2 Project.

3 184. Mr. Bonin moved to deny the appeals and approve the Project, and the City  
4 Council electronic vote was taken approving his motion.

5 185. Based upon the foregoing, the public hearing afforded Petitioner's member  
6 organizations, including Venice Vision as land use appellant, and all constitutionally protected  
7 persons, violated the due process clauses of the federal and state constitutions and the fair  
8 hearing requirement of Code of Civil Procedure Section 1094.5.

9 **The Refusal Of Council Member Mike Bonin To Recuse Himself Or City Council To**  
10 **Require Recusal Denied Procedural Due Process**

11 186. The procedural due process right to an opportunity to be heard has been  
12 interpreted to encompass not only the right to a public hearing, but also the right to a fair hearing.  
13 Fair hearing requirements include unbiased decision makers, an opportunity to review the  
14 evidence considered by the agency, and the right to be actually heard by those who make the  
15 decision.

16 “[T]he broad applicability of administrative hearings to the various rights and  
17 responsibilities of citizens and businesses, and the undeniable public interest in fair  
18 hearings in the administrative adjudication arena, militate in favor of assuring that such  
19 hearings are fair.” *Nightlife Partners, Ltd. v. City of Beverly Hills* (2003) 108 Cal.App.4th  
20 81, 90.

21 In California, a quasi-judicial decision maker who exhibits an “unacceptable probability of actual  
22 bias” must recuse from participating in the hearing and decision before a legislative body. *Nasha*  
23 *LLC v. City of Los Angeles* (2004) 125 Cal.App. 4th 470.

24 187. In the case of a city councilmember, while he or she may express opinions about a  
25 proposed project proposal prior to public hearings, even a councilmember cannot cross the line  
26 to exhibit hostility or personal animus toward parties of a quasi-judicial hearing.

190. Venice Vision conducted an investigation of the actions of Mr. Bonin and the  
LAPD by making California Public Records Act requests. The LAPD and Mr. Bonin's office  
released emails that provided a factual basis to request his recusal, and to set forth in this Petition  
the particularized factual allegations to establish an "unacceptable probability of actual bias" of  
Mr. Bonin toward Petitioner's members including Venice Vision, its leaders, and its supporters.  
What follows are detailed factual allegations of Mr. Bonin disqualifying animus and bias,  
illustrate by his willingness to levy false charges of domestic terror activity against those  
questioning the wisdom of his policies, including initially identifying the Venice Boulevard open  
space area for the Reese Davidson Project when so many other less problematic sites nearby

1 existed. Petitioner is in possession of each email quoted, even though some have been unlawful  
2 redacted by City officials to keep Mr. Bonin's false charges circulating through the community.

3 191. Significantly, the first appearance of one of the devices was on December 30,  
4 2019, **four (4) days before the LAPD bomb squad was called** to the intersection of Sunset and  
5 Main Street. Emails exchanged among City General Services Construction Department  
6 personnel on January 3, 2021 show: "On 12/30/19, a CO2 cartridge that was taped up with metal  
7 scraps and a lag screw was found on the CD 11 Sunset Bridge Home Project."

8 192. Petitioner is informed and believes, and thereon alleges that CO2 cartridges are  
9 commonly used for water carbonization appliances, or smaller ones are used to propel paintball  
10 devices, or to propel pinewood derby racer cars by using a nail to puncture the CO2 cartridges of  
11 two competing cars at the same time with the expelled gas powering the racecars.

12 (<https://auto.howstuffworks.com/auto-racing/motorsports/co2-powered-dragster3.htm>) To even  
13 the most casual observer, such CO2 cartridges are used for food preparation or recreational  
14 purposes in everyday life. Petitioner is informed and believes, and thereon alleges that the CO2  
15 cartridges found at the project site, like those used in everyday life, have virtually no potential  
16 for bomb making purposes.

17 193. Petitioner is informed and believes, and thereon alleges that on December 30,  
18 2019, the first day a CO2 cartridge device was found, no one called the police regarding the  
19 device.

20 194. In the same email there was a summary of the next day: "On 12/31/19 the site  
21 foreman Huntington Woodman, stated he showed security the device. Mr. Woodman then stated  
22 that the security guard placed a call after seeing the device." Petitioner does not know where this  
23 call was placed. Petitioner is informed and believes, and thereon alleges that no call to LAPD  
24 concerning the CO2 cartridge device was made on this day, December 31, 2019.

25 195. Petitioner is informed and believes, and thereon alleges that there was no call to  
26 LAPD about the CO2 cartridge device on January 1, 2020.

196. Petitioner does not know when Mr. Bonin learned of the CO2 cartridge device.

197. Another email from LAPD Department Operations Center (“DOC”) shows the Bomb Squad responded to a report of multiple suspicious devices at Sunset and Main Streets in Venice at 5:50 p.m. (17:50 hours) on the evening of January 2, 2020. Petitioner is informed and believes, and thereon alleges that the police were called to the Bridge Housing construction site by the private security firm hired by the City to patrol the construction site.

198. An automated risk assessment email notification was issued on January 2, 2020, 7:02 p.m., reporting that the local police department was responding to reports of several suspicious devices “in the area” of Sunset Avenue and Main Street. The notification listed the incident as “Minor.”

199. In an email from Pacific Division Watch Commander Marie Fellhauer at 12:19 a.m., January 3, 2020, the Department issued a notice that the suspicious devices incident involved “3 CO2 canisters,” no injuries, and no suspects. Another email reported the Bomb Squad cleared the area at about 12:22 a.m. January 3, 2020, about 6.5 hours after the initial call.

200. Among all the emails released to Venice Vision by the LAPD, the written assessments of LAPD detectives who responded to Sunset Avenue and Main Street, and conclusions by rank-and-file members of the Major Crimes Division of LAPD were all redacted, while selected statements involving Councilmember Bonin, and Police Chief Michel Moore were not redacted.

201. On the evening of January 2, 2020 as the incident was investigated by the Bomb Squad, no public statements were made by Councilmember Bonin, Police Chief Michel Moore, or General Jeff of Skid Row, a Homeless Advocate in Downtown Los Angeles. Petitioner is unaware of any press coverage on the evening of January 2, 2020. However, on the morning of January 3, 2020, there were a series of statements from these three persons in quick succession.

202. At 9:10 a.m. January 3, 2020, Councilmember Bonin posted the following on his Facebook account:

1 “Last night, the Los Angeles Police Department responded to a report of suspicious  
2 **devices that looked like bombs at the site of the future bridge housing in Venice.**

3 Streets were closed and nearby homes were evacuated for several hours, while the LAPD  
4 Bomb Squad analyzed the devices.

5 According to LAPD, **there were three separate devices.** While they were apparently  
6 **designed to look like explosive devices,** LAPD’s bomb squad determined that none of  
7 them contained the necessary fuel to cause an explosion. LAPD removed the devices,  
8 conducted a safety sweep of the area, reopened streets, and allowed people back into their  
9 homes.

10 LAPD’s Major Crimes Division is investigating. Anyone with information that could  
11 assist in the investigation should contact 1-877-LAPD 24-7 (1-877-527-3247).

12 **This is an appalling incident perpetrated by a disturbed and cowardly person or**  
13 **persons. If it was meant to slow or halt progress on providing bridge housing, it**  
14 **failed.** It is unacceptable and inhumane for people to be living and dying in sidewalk  
15 encampments in our neighborhoods. It is imperative that we get people off the streets.  
16 **We will not be intimidated, and we will not back down** from providing solutions to  
17 our homelessness crisis.

18 I am grateful to the men and women of the Los Angeles Police Department, especially  
19 those in LAPD Pacific Division and the LAPD BOMB Squad, for their quick,  
20 professional and exemplary work last night. And I am grateful to the neighborhood  
21 residents, who responded patiently and calmly to **this attempt to frighten and**  
22 **inconvenience them.”** (Emphasis added.)

23 203. Additionally, at 9:08 a.m, on January 3, 2020, David Graham-Caso, Mr. Bonin’s  
24 Deputy Chief of Staff, distributed the text of the Councilmember’s Facebook post to all office  
25 staff instructing them to use the statement to respond to constituent inquiries. Coordinated  
26 release of Mr. Bonin’s statement by his office staff two minutes before the Facebook posting  
27  
28



1 establishes that it was developed among the Councilmember's staff before it was released to the  
2 public – the product of deliberation and political calculation.

3 204. Just two hours and 12 minutes later, at 11:22 a.m. General Jeff of Skid Row sent  
4 an email to LAPD Chief Michel Moore, Mayor Eric Garcetti, Councilmember Mike Bonin and  
5 many other City officials stating:

6 "On behalf of "We, the People of Skid Row", I am contacting each of you to voice our  
7 collective concerns regarding recent "bomb-like" activity in Venice, California.

8 Attached are the following; 1) A screenshot of LA City Councilmember Mike Bonin  
9 publicly speaking to "bomb-like" devices which warranted the attention of LAPD's Bomb  
10 Squad, and 2) An official letter from "We, the People of Skid Row", in which we voice  
11 our collective concerns and also issue our collective requests. NOTE:...This  
12 correspondence will be shared with my fellow Skid Row community leaders."

13 Thus, an activist from the other side of the City, who was not at the Venice site and had no  
14 personal knowledge, distributed an email to many recipients, including the Mayor, Council  
15 members and other officials, calling the incident "bomb-like."

16 205. Just 21 minutes later, at 11:43 a.m., LAPD Chief Michel Moore responded to  
17 General Jeff:

18 "General Jeff. **Last night's event was extremely troubling to all of us and also**  
19 **intolerable.** Our Major Crimes Division investigators were on scene and their  
20 investigation, including the forensic examination of the devices, are ongoing. As a  
21 Department **we will aggressively pursue this investigation to identify and bring to**  
22 **justice the individual or individuals responsible.**

23 I am directing Commander Donald Graham to reach out to you to coordinate the  
24 appropriate meeting and attendees to answer those questions/concerns that we can at this  
25 point. **We have not seen this type of attack at other Bridge Homes sites and I assure**  
26 **you we will take every action possible to ensure this action does not stand.** In  
27  
28

1 closing, let me reiterate that **LAPD will aggressively pursue and seek to prosecute at**  
2 **the State and Federal levels those responsible for these types of attacks on our**  
3 **communities.**” (Emphasis added.)

4 Thus, the Chief of LAPD had issued a public statement placing the credibility of the  
5 LAPD behind Mr. Bonin’s earlier contention that the CO2 devices were “like a bomb” and  
6 motivated by the development of the temporary homeless Bridge Homes site in Venice.

7 206. Mr. Bonin responded to all on this email chain:

8 “Chief-Thank you for this message, and for ccing me. I am setting up a meeting with my  
9 office, LAPD Pacific Division, the mayor's office, and the service agencies that will  
10 operate the Venice bridge housing to discuss security concerns. I have assured Captain  
11 Embrich that if we need to identify additional funds for external facing cameras, etc, we  
12 will do so. As always, very grateful to you and the department for your vigilance and for  
13 your partnership.”

14 207. About five hours later, the Major Crimes Division of LAPD had completed its  
15 examination of the Bridge Housing site, and at 2:44 p.m. Chief Michel Moore and Mr. Bonin  
16 received an email report from Pacific Division Captain Steve Embrich of the Major Crimes  
17 Division investigation of the CO2 devices:

18 “As Chief Moore mentioned, our Major Crimes Division (MCD) has been pressing  
19 forward with their investigation. I have been in contact with Captain Robert Long,  
20 Commanding Officer, Major Crimes Division who has provided us with timely updates  
21 throughout the day. This morning MCD investigators returned to the MTA site and re-  
22 canvassed the location in daylight. While conducting their follow-up investigation, they  
23 located evidence of similar devices **which appear to be much older and pre-date the**  
24 **bridge housing construction. As a result of their examination of the devices, the**  
25 **investigators determined that there is a high probability that the devices were**  
26 **constructed by the same person and therefore not directly related to bridge housing**  
27

1        **construction. Although, it appears that we do not have physical evidence of a direct**  
2        **threat to the bridge housing project, your meeting to discuss security concerns is**  
3        **still vital and necessary.** Captain Morrison will be at the meeting to offer our full  
4        support.” (Emphasis added, bold depicts portions redacted from LAPD emails released to  
5        Venice Vision.)

6        This email was widely distributed in the City to Mayor Eric Garcetti, Councilmembers Herb  
7        Wesson and Nury Martinez, and Bonin’s staff members. The portions in bold were redacted in  
8        all copies of this email released to Venice Vision by LAPD, however, it was not redacted by Mr.  
9        Bonin’s office staff in their release of the same document. Thus, evidence provided to Venice  
10       Vision by Mr. Bonin himself proves that from 2:44 p.m. January 3, 2020 forward, Mike Bonin  
11       and Chief Moore had actual knowledge there was no direct evidence of a link between the  
12       devices and the Bridge Housing project.

13       208. At 3:07 p.m. on January 3, 2020, Major Crimes Division Detective Edward  
14       Dorroh stated: “Captain, I’m not afraid to put my neck out on this assessment and based upon the  
15       facts we have observed at the scene . . .” In the version of this email report to LAPD managers,  
16       Detective Dorroh’s conclusions were redacted.

17       209. Consistent with these findings, on January 3, 2020, at 3:09 p.m., the LAPD Media  
18       Relations Department sent an email to redacted recipients:

19       “Around 5:50 PM officers responded to the area of Sunset and Main and requested the  
20       bomb squad for what appeared to be three suspicious devices. The bomb squad responded  
21       and has collected three small devices for further testing. That testing will be done by  
22       bomb technicians to determine the capabilities of the devices. Today investigators from  
23       our Major Crimes Div followed their standard protocol in these situations and conducted  
24       further investigation in the area. **At this time, they do not believe the devices have any**  
25       **correlation to the current Bridge housing construction or homelessness issues.”**  
26       (Emphasis added.)

210. At 3:41 p.m. on January 3, 2020, Detective Edward Dorroh confirmed the redacted findings of his investigation to Commander Bob Long, but once again the findings of the Detective were redacted in emails produced to Venice Vision.

211. Petitioner is informed and believes, and thereon alleges that the LAPD Media Relations statement was issued because very similar wording of the Major Crimes Division's conclusion was picked up in an LA Magazine online article published that same afternoon. "'We don't believe it's related to the homeless shelter construction,' said Officer Bob Long of the LAPD Major Crimes Division." Similarly wording also appeared that afternoon in a LA Times article citing an anonymous source in LAPD. The fact that LAPD personnel leaked the truth to the LA Times suggests there was already pressure to create a false narrative higher in the chain of command at LAPD.

212. Having received *actual notice* that LAPD investigators found "no physical evidence of a direct threat to the Bridge Housing," Petitioner is informed and believes, and thereon alleges that Mr. Bonin personally intervened with LAPD officials to continue to try to weaponize the incident in order to publicly paint opponents to his homelessness strategies, like Venice Vision and other groups and individuals in the community, as guilty of a criminal act.

213. Appellant is informed and believes, and thereon alleges that Mr. Bonin also directed his staff to more widely distribute to the community and press his morning Facebook statement **without modification although at that time he knew LAPD investigators had found devices older than the Bridge Housing project construction project, severely undermining the legitimacy of his assumption the devices were placed by someone opposed to his homeless policies including the Bridge Housing site and the Reese Davidson Project.**

214. At 5:17 p.m. on January 3, 2020, Allison Wilhite, Mr. Bonin's staff director of Bridge Housing, widely distributed in the Venice community Mr. Bonin's Facebook statement with this preface, solely focused on linking the CO2 canisters to opposition to the Bridge Housing project:

1 “Hello,

2 As you may have heard, last night, **LAPD responded to a report of suspicious devices**  
3 **that looked like bombs at the site of the future A Bridge Home in Venice.** Streets  
4 were closed and nearby homes were evacuated for several hours while the LAPD Bomb  
5 Squad analyzed the devices. Fortunately, there were no explosives.

6 Nevertheless, this incident is unsettling.

7 The A Bridge Home is intended to be a safe haven for those living on our streets in  
8 Venice, providing them stability and security while they seek the services and housing  
9 they so urgently need. While our service providers will be working hard to support the  
10 clients on site, the City will also be working hard to deliver on its promise of increased  
11 public safety to the neighborhood. Dedicated LAPD resources will be added to the  
12 neighborhood as well as increased sanitation and street outreach services. The safety of  
13 our residents in Venice, housed and unhoused, will continue to be of utmost priority **and**  
14 **not deterred by this senseless act.**

15 **Below you can read a statement from Councilmember Mike Bonin regarding this**  
16 **incident.** Thank you for your continued engagement with our office and willingness to  
17 participate in tough, but necessary, conversations about the A Bridge Home in Venice.”  
18 (Emphasis added.) Then the Facebook statement was reproduced on the same message.

19 This further statement from Mr. Bonin’s office at 5:17 p.m. failed to communicate any of the  
20 conclusions of the Major Crimes Division at 2:44 p.m. that the devices appeared to have been  
21 created BEFORE construction of the Bridge Housing project began. Even worse, it persisted in  
22 linking the three CO2 cartridges found to a “cowardly” motive to intimidate the Councilmember  
23 when Mr. Bonin’s office had credible advice from LAPD officials that it simply was not true.

24 215. Almost immediately, at 5:33 p.m., January 3, 2020, Venice residents decried the  
25 Council office’s transparent motive in hyping the story contrary to reports in the LA Times:

26 “FYI the LA Times reported that “A law enforcement official [...] who spoke on the  
27  
28

1 condition of anonymity, said that the shelter site was NOT the target of  
2 the incident but would not elaborate further.”

3 [https://www.latimes.com/california/story/2020-01-03/device-made-to-look-like-  
5 explosive-discovered-outside-site-of-futurehomeless-shelter-in-venice](https://www.latimes.com/california/story/2020-01-03/device-made-to-look-like-<br/>4 explosive-discovered-outside-site-of-futurehomeless-shelter-in-venice)

6 It’s in quite poor form for Mike Bonin to explicitly direct suspicion at shelter opponents  
7 with zero evidence and apparently without even consulting the police first, given the  
8 statement they made to the Times.” (Emphasis added.)

9 216. Petitioner is informed and believes, and thereon alleges that Mr. Bonin  
10 additionally would not accept the Major Crimes Division report and instead strong-armed LAPD  
11 to issue a press release shaped by his own requested edits and embellishments related to an  
12 implied criminal motive of his political opponents to harm the Bridge Housing project or  
13 homeless persons.

14 217. By late afternoon, Josh Rubinstein of the LAPD Media Relations Division was  
15 working on an “update” media release. The earliest versions of the press release were edited by  
16 Chief Moore and others, but all of those versions of the LAPD’s statement have been redacted in  
17 emails obtained by Appellant. However, at 6:17 p.m. January 3, 2020, Mr. Rubenstein  
18 forwarded this proposed version to Mr. Bonin:

19 “Councilman-

20 Here is the update and statement we are going to issue...

21 Please reach it [sic] if you have any issues.

22 The Los Angeles Police Department’s Major Crimes Division is investigating the  
23 discovery of several suspicious devices found in the area of Sunset and Main Street in  
24 Pacific Division. The first devices were discovered around 5:30 on Thursday evening and  
25 as the investigation developed more devices were found in the vicinity as well. The  
26 devices were found near the construction site of a new Bridge Housing facility and an  
27

1 adjoining street. All were rendered safe and removed from the area.

2  
3 It is unclear whether the homeless community was a target or what the intended purpose  
4 of these devices may have been. We continue to work to identify the individual or  
5 individuals responsible for these items and what their motivation may have been. We are  
6 asking the public for help if you know anyone who may have been involved, witnessed  
7 suspicious activity, or have any video evidence that may help investigators please call  
8 Major Crimes Division.

9 Josh Rubenstein

10 Public Information Director

11 Los Angeles Police Department” (Emphasis added.)

12  
13 Petitioner is unaware of why LAPD would be consulting a City Councilmember to edit its own  
14 press release. Petitioner is informed and believes, and thereon alleges that permitting a  
15 councilmember to edit an official police department press release is highly irregular from normal  
16 processes and procedures of the LAPD.

17 218. At 6:27 p.m., Mr. Bonin responded that the proposed press release did not  
18 sufficiently link the devices to the Bridge Home site or confirm that LAPD was continuing to  
19 investigate any link between the Bridge Housing project and finding of the devices:

20 “Joshua

21 Thanks for sending this. A couple points.

22 1/As I understand it, several of the devices were found inside the bridge housing site. The  
23 statement says “near” and makes it sound like that was not necessarily the case they were  
24 inside

25 2/In my conversation with Cheif [sic] Moore, he stated that he is taking this very  
26 seriously, and was clear he has not ruled out any link to the construction of the bridge  
27 housing site. (Nor is he certain or convinced that there is A link.) I think the tone of this  
28

1 email will be perceived as downplaying the significance and dismissing that concern  
2 altogether.

3 Mike” (Emphasis added.)

4 219. Mr. Bonin asked for these changes to the LAPD press release even though he  
5 knew that the Major Crimes Division had already concluded “we do not have physical evidence  
6 of a direct threat to the bridge housing project.” Petitioner does not know if Mr. Bonin’s  
7 conversation with Chief Moore occurred before or after the Major Crimes Division had reported  
8 its conclusion of no link to the Bridge Home site or Venice’s homeless population. Either way,  
9 Mr. Bonin was intent to have LAPD state the device(s) were found on site and that the motive of  
10 the devices continued to be investigated consistent with his morning Facebook post to the public  
11 demonizing persons who questioned his homeless strategies in Venice.

12 220. From 6:31 p.m. to 6:45 p.m., Mr. Rubenstein sought to discuss these points on the  
13 phone. He said to Mr. Bonin: “Great looking forward to it...I did make changes and addressed all  
14 concerns accept [sic] the motivation part and that I can discuss with you.”

15 221. After their later conversation, LAPD emails show Rubenstein substituting a new  
16 paragraph keeping alive the notion that LAPD was investigating the motivations behind the CO2  
17 devices, and who left them at the locations they were found.

18 222. At 8:50 p.m., in time for the 11:00 p.m. television newscasts, LAPD issued this  
19 release:

20 “Los Angeles: The Los Angeles Police Department’s Major Crimes Division is  
21 investigating the discovery of several suspicious devices found in the area of Sunset and  
22 Main Street in Pacific Division. The first devices were discovered around 5:30 on  
23 Thursday evening and as the investigation developed more devices were found in the  
24 vicinity as well. The devices were found on and near the construction site of a new  
25 Bridge Housing facility and an adjoining street. All were rendered safe and removed from  
26 the area.



1 While the motive is unclear the Department continues to work to identify if the Bridge  
2 Home Site or the homeless community was a target. We are working to identify the  
3 individual or individuals responsible for these devices and we are asking the public for  
4 help. If you know anyone who may have been involved, witnessed suspicious activity, or  
5 have any video evidence that may help investigators please call Major Crimes Division.

6  
7 Note: Several media outlets identified the devices as fax machines or parts of fax  
8 machines, after misinterpreting the word facsimile. This term is used by our investigators  
9 to describe an object resembling an explosive device.

10 We are asking the public for help if you know anyone who may have been involved,  
11 witnessed suspicious activity, or have any video evidence that may help investigators  
12 please call Major Crimes Division at 213- 486-7280. During non-business hours, or on  
13 weekends, calls should be directed to 1-877-LAPD-24-7 (877-527-3247). Anyone  
14 wishing to remain anonymous should call the LA Regional Crime Stoppers at 1-800-222-  
15 TIPS (800-222-8477) or go directly to [www.lacrimestoppers.org](http://www.lacrimestoppers.org). Tipsters may also visit  
16 [www.lapdonline.org](http://www.lapdonline.org) and click on “Anonymous Web Tips” under the “Get Involved-  
17 Crime Stoppers” menu to submit an online tip. Lastly, tipsters may also download the  
18 “P3 Tips” mobile application and select the LA Regional Crime Stoppers as their local  
19 program.” (Emphasis added.)

20 223. Meanwhile, in the public realm, Mr. Bonin’s Facebook page post at 9:10 a.m.  
21 January 3, 2020 unleashed a torrent of angry comments on his Facebook account, and inquiries  
22 from community leaders, including some supporters of Mr. Bonin, to release more information  
23 about the incident.

24 224. At 3:05 p.m. on January 3, 2020, just minutes after Captain Embrich informed  
25 Chief Moore and Mr. Bonin of the Major Crimes Division investigation, Christopher Wrede, a  
26 leader of Venice Vision, and member of the Venice Neighborhood Council, sent email  
27

1 communications to Chief Moore alerting him that some comments on Mr. Bonin's Facebook  
2 account were leveling charges that members of the Neighborhood Council had placed the  
3 devices:

4 "I write as a member of the Venice Neighborhood Council Board to request all available  
5 information regarding the recent bomb scare at the Bridge Home Venice site on Main  
6 Street. Councilman Bonin states on his Facebook page that there were three "suspicious  
7 devices that looked like bombs at the site" and that they were placed there by "a disturbed  
8 and cowardly person or persons." He also suggests that it was part of an effort to  
9 "intimidate" him and "to slow or halt progress on providing bridge housing."

10 Further, there is an accusation in the comments on Councilman Bonin's Facebook page --  
11 which Councilman Bonin has not removed -- that members of the VNC Board  
12 perpetrated the acts in question.

13 I cannot find any news reports on the alleged incident so I am hoping you can help me fill  
14 in the numerous blanks quickly.

15 Thank you,  
16 Christian Wrede"

17 225. In response, Chief Moore said "I've asked for a statement from our PIO to  
18 clarify... apologies for the confusion."

19 226. By 7:48 p.m., Christopher Wrede, alarmed that Allison Wilhite had just made  
20 another mass distribution of Mr. Bonin's Facebook page statement, again contacted Chief Moore  
21 asking for the LAPD to release clarifying information, including the pictures of the devices  
22 found.

23 "As you can see here, Allison Wilhite from Councilman Bonin's office furnished a new  
24 release to Venice Update (and perhaps other [media] outlets) today repeating verbatim  
25 statements from Councilman Bonin's Facebook post regarding the Bridge Home Venice  
26 bomb scare.

1 <https://veniceupdate.com/2020/01/03/venice-deputy-responds-to-venice-bridge-home->  
2 [bomb-threat/](https://veniceupdate.com/2020/01/03/venice-deputy-responds-to-venice-bridge-home-)

3 Notwithstanding your email above, it does not appear that Ms. Wilhite's statement  
4 reflects any new information from your PIO [Public Information Officer].

5 At this point, Councilman Bonin is telling the public that devices intended to look like  
6 bombs were placed at the Bridge Home Venice site in an apparent attempt to derail the  
7 project and terrorize prospective residents.

8 Does that accurately reflect the LAPD's view of the situation? If so, what information can  
9 you provide to support that assessment or to enable the parents concerned for the safety  
10 of their children to draw their own conclusions? If not, what efforts are being made to  
11 provide guidance to the Councilman?

12 A terrorist act in the heart of the second most popular tourist destination in California and  
13 one of the most densely populated areas on the Westside strikes me as a big deal,  
14 particularly in connection with an issue as contentious as homelessness. And it seems a  
15 little odd, frankly, that all public information relating to such an incident would come  
16 exclusively through Councilman Bonin's office.

17 Competent and reliable information from the LAPD -- including pictures of the devices at  
18 issue -- is urgently needed. I plan to request an update at the VNC [Venice Neighborhood  
19 Council] meeting next month, but obviously Venice residents should not have to wait that  
20 long.”

21 227. Although Chief Moore was aware of Major Crimes Division’s earlier report of  
22 “no physical evidence of any direct threat” he again placed the credibility of himself and the  
23 resources of LAPD behind Mr. Bonin’s narrative with this terse reply: “Christian - The  
24 councilman’s remarks are accurate and fair. There is much more work to do to identify the  
25 individual(s) responsible for these devices and their motive. Mike”

26 Soon thereafter, Joshua Rubinstein issued to the public the LAPD press release set forth above,  
27  
28

1 as edited by Mr. Bonin himself.

2 228. The local NBC affiliate ran a television newscast story that stated the devices  
3 were "pipe bombs" and they had the "intent to explode." Other media outlets ran stories stating  
4 the devices were not explosive.

5 229. The next day, at 3:31 p.m. on Saturday, January 4, 2020, Christopher Wrede,  
6 concerned of the lack of information from LAPD, sent another email to Chief Moore:

7  
8 "Dear Chief Moore:

9 I am writing because I still have not seen a statement from the LAPD setting forth a  
10 reliable account of what transpired at the site of the Bridge Home Venice project  
11 yesterday. As to the nature of the devices in question, some media are reporting (with  
12 attribution to the LAPD) that the devices were "small pipe bombs with carbon dioxide  
13 canisters" that were intended to detonate, while other media are reporting (also with  
14 attribution to the LAPD) that the devices merely "look[ed] like" explosives.

15 Needless to say, there is a world of difference (at least in the mind of concerned parents  
16 with young children in school just a few blocks away) between actual explosives that  
17 failed to detonate, on the one hand, and devices that just happen to look like explosives,  
18 on the other, and it is hard to understand why (all these hours and news stories later) the  
19 LAPD has failed to provide accurate, consistent information to Venice residents as to the  
20 nature of the devices involved.

21 Similarly, we are getting mixed messages as to what may have been behind the  
22 placement of the mystery devices. Most media are running with Councilman  
23 Bonin's theory (which is also attributed to the LAPD in some reports) that the devices --  
24 whether or not explosive -- were placed to derail the Bridge Home Venice project and  
25 target the homeless community, yet a Los Angeles Magazine article dated January 3  
26 quotes Officer Bob Long of the LAPD Major Crimes Division as stating "We don't  
27 believe it's related to the homeless shelter construction."

1 If the LAPD does not, in fact, "believe" that the placement of the mystery devices was  
2 "related to the homeless shelter construction," you should release a statement to that  
3 effect immediately. In addition to casting a pall over our community, the stories adopting  
4 Councilman Bonin's theory make express reference to the Venice Stakeholder  
5 Association's (VSA) recent lawsuit challenging the Bridge Home Venice project --  
6 obviously inviting unwarranted and injurious inferences as to the conduct and character  
7 of the VSA and its members.

8 Similarly, if the LAPD is of the view that actual explosives were placed at the Bridge  
9 Home Venice site in connection with an anti-homeless campaign of some sort, a  
10 statement should be released to that effect. Virtually everyone in Venice lives within a  
11 few blocks of a homeless encampment, shelter or housing project. They have a right to  
12 know if they -- and their families -- are in danger."

13 230. At 3:59 p.m. January 4, 2020, Captain Embrich replied by attaching LAPD's  
14 news release of the previous evening, and stating:

15 "I understand your concern. Please see the attached Department statement. I can assure  
16 you that none of the devices recovered from the site would meet the definition of an  
17 explosive."

18 231. To this day, neither LAPD nor Mr. Bonin have released the pictures of the devices  
19 so as to enable the community to help determine the source of the devices. In fact, LAPD, when  
20 it released documents to Venice Vision pursuant to the Public Records Act, redacted all the  
21 pictures of the devices that exist in the emails possessed by LAPD.

22 232. On Sunday, January 5, 2020, the following response was sent to Allison Wilhite's  
23 5:17 p.m. January 3, 2020 email distributing Mr. Bonin's Facebook post to media outlets and  
24 community activists:

25  
26 "Hi Allison,  
27  
28

1 I appreciate you sending over this information, **however I have to say that the**  
2 **commentary by the council member, first releasing information that the police did**  
3 **not because this was an ongoing investigation but then making assumptions that the**  
4 **suspicious devices could be an attempt to “slow or halt progress on providing bridge**  
5 **housing” is reprehensible. As an elected official, Mr. Bonin should defer to the**  
6 **police on such matters and refrain from making volatile public comments that do**  
7 **nothing to calm the situation.** While I understand that he is committed to the Bridge  
8 Housing, his comments do not help bring the community together but instead continue to  
9 divide. **It’s sad that someone who is supposed to lead in times of crises is instead**  
10 **pointing fingers.”** (Emphasis added.)

11 233. At 6:51 a.m. on January 8, 2020, a person named “Sheila Harper” sent an email to  
12 the entire Board of Directors of the Venice Neighborhood Council:

13 [14 https://la.streetsblog.org/2020/01/07/lapd-continues-to-investigate-bombs-left-at-future-](https://la.streetsblog.org/2020/01/07/lapd-continues-to-investigate-bombs-left-at-future-bridge-housing-project-in-venice/)  
15 [bridge-housing-project-in-venice/](https://la.streetsblog.org/2020/01/07/lapd-continues-to-investigate-bombs-left-at-future-bridge-housing-project-in-venice/)

16 This article shows an update into the bridge home bomb scare **and the community**  
17 **vigilantism by VNC members.**

18 There's two quotes from VNC members **Chris Zonas on lupac is threatening people's**  
19 **lives and is a suspect** as is Mark Ryavec with his multiple violent comments. **Christian**  
20 **Wrede is a major suspect** and has been mass emailing the community lying saying this  
21 incident was not serious **trying to cover up his involvement no doubt.**

22 In case you haven't noticed **you have some violent criminals in board making you**  
23 **organized crime. All suspects on the VNC: Alix, zonas, Wrede, Ryavec and Murez**  
24 **should be removed immediately as they will be prosecuted soon.”** (Emphasis added.)

25 Venice Vision’s investigation did not yield anyone in the Venice community who knows  
26  
27  
28

1 or has heard of “Sheila Harper.”

2 234. Frustrated with Mr. Bonin’s ongoing refusal to release complete information  
3 about the devices or incident, and his refusal to remove or condemn postings on his Facebook  
4 account and elsewhere accusing Venice Neighborhood Council board members as criminals and  
5 suspects in the criminal investigation, midday on January 8, 2020, Ira Koslow, President of the  
6 Neighborhood Council, forwarded the Sheila Harper email to Mr. Bonin and his staff and  
7 observed:

8 “Dear Mike,

9 I am forwarding this one email as a representative of the type of mail and publicity some  
10 of our Board members are getting. The tone of your Facebook post as well as **Matt**  
11 **Fisher's comment has placed a very unfair and possibly dangerous spotlight on a**  
12 **few Board members.** The police are still investigating the bomb scare and have not  
13 stated any people of interest, although **Matt Fisher has stated there is video evidence**  
14 **against specific people in a comment on your post.**

15 **I would hope that you and your office would clarify the issue. Is there video**  
16 **evidence, is there any evidence, or are you going to stand by and let innocent people,**  
17 **whether they are your supporters or not, be found guilty by rumor and fear**  
18 **mongering.**

19 Respectfully submitted,

20 Ira Koslow” (Emphasis added.)

21 To Petitioner’s knowledge, neither Mr. Bonin nor his staff responded, or ever clarified the issue.  
22 Apparently, Mr. Bonin remained silent while his political surrogates demonized others in the  
23 community, including Venice Vision and its leaders, including allowing such comments to reside  
24 on his Facebook page. These words place people in danger, as well as their reputations.

25 235. On January 9, 2020, Christopher Wrede, followed up with Captain Embrich:

26 “Dear Captain Embrich:  
27  
28

1 I see that the LAPD website continues to state -- consistent with Councilmember Bonin's  
2 news release, statements to the press and multiple social media posts -- that the  
3 "suspicious devices" found in Venice over the New Year's holiday may relate to terror  
4 activity targeting the Bridge Home Venice site (and, by implication, members of Venice's  
5 homeless community).

6 As I have already conveyed to you and your colleagues, I find this hard to square with the  
7 LAPD's statements on and around January 3 that the devices in question were most  
8 definitely not explosive, that they were found in locations other than the Bridge Home  
9 Venice site, and that they did not appear to be connected to the Bridge Home Venice  
10 project.

11 Now, I hear reports that many of the devices in question are quite old and that they  
12 appear to be CO2 containers modified to release CO2 -- and spin around -- when dropped  
13 from a sufficient height.

14 Can you provide any updates on your investigation? Also, can you tell me whether the  
15 LAPD Major Crimes Division is investigating any theories other than antihomeless terror  
16 at this point in time? One theory that has emerged recently among Venice residents is that  
17 the devices in question are make-shift toys of some sort (albeit not "toys" of the sort any  
18 parent would want their kids to come across).

19 Finally, per our prior exchange, I was wondering if a new Senior Lead Officer was  
20 appointed for Venice yesterday as planned. If so, could you provide me with his or her  
21 name and contact information? I won't be coy: **I do not believe Councilman Bonin's**  
22 **terror-theory and feel that the media coverage surrounding it has damaged Venice,**  
23 **including, in particular, Venice residents who have expressed opposition to the**  
24 **Bridge Home Venice project in court and elsewhere.** If there is any possibility,  
25 however, that Councilman Bonin's view has merit, however, Venice obviously should not  
26 go even one more day without a Senior Lead Officer in place.



1 Thank you and good luck with your investigation.

2 Christian Wrede” (Emphasis added.)

3 236. A few minutes later, Mr. Bonin, who was copied on this email, forwarded this  
4 email to his staff but, as with each email sent to him by Mr. Wrede and others, **Mr. Bonin**  
5 **himself did not reply or undertake an affirmative act to correct the public record.**

6 237. On February 12, 2020, in response to two unanswered inquiries from Mr. Wrede  
7 dated February 7 and February 11, 2020, concerning the status of the LAPD investigation, Chief  
8 Michel Moore, who obviously had moved on, asked his staff: “Horace. Let me know whatever  
9 came of our investigation.” He received an answer, but consistent with the LAPD’s participation  
10 in withholding the facts from Venice Vision and persons whose names have been smeared, the  
11 answer from LAPD staff was redacted.

12 238. Based upon the particularized allegations set forth above, there existed an  
13 “unacceptable probability of actual bias” of Councilmember Mike Bonin toward Venice Vision  
14 as the land use appellant before the City Council hearing on the appeal, and toward property  
15 owners, business owners and tenants who opposed the Reese Davison Project owed a fair  
16 hearing under the constitution. The unacceptable probability existed because there was  
17 substantial evidence supporting these conclusions:

18 (a) Once he became aware of the police call to the Bridge Housing site, and without  
19 waiting for the results of the police investigation, Los Angeles City Councilmember Mike Bonin  
20 issued a public statement drawing a link between the Bridge Housing project and the discovery  
21 of three CO2 cartridges taped to pieces of wood/metal and perhaps a lag screw. Without any  
22 reasonable factual basis or awaiting LAPD assessment of them, Mr. Bonin claimed these devices  
23 were “bomb like”. Mr. Bonin opined that if the placement of the devices on or near the Bridge  
24 Housing project was to “intimidate” him it failed. In this action, Mr. Bonin sought to raise the  
25 improper innuendo that opponents of his homeless housing policies were domestic terrorists who  
26 planted these devices to target new the Bridge Housing project, the homeless in Venice, and the  
27

1 Councilmember's policy initiatives.

2 (b) Mr. Bonin used this public statement to try to portray himself as courageously  
3 standing up to this act, undeterred. It was a political calculation to lionize himself over those  
4 who would question the wisdom of his policy program.

5 (c) Mr. Bonin's Facebook page drew comments that accused members of the Venice  
6 Neighborhood Council, including Venice Vision's leaders and members, as having placed these  
7 bomb-like devices, yet Mr. Bonin never corrected or condemned these false accusations of  
8 criminal conduct when they were specifically brought to his attention as damaging to the names  
9 and reputations of community members **he knew to be innocent.**

10 (d) To bolster the credibility of his premature statements, Mr. Bonin enlisted or  
11 pressured LAPD Chief Michel Moore to state it was an attack on the homeless Bridge Housing  
12 project, when it was not.

13 (e) To bolster the credibility of his premature statements, Mr. Bonin obtained  
14 improper access to review and suggest edits to an official LAPD press release, and in so doing  
15 weaponized official law enforcement public information and records to link the incident to the  
16 Bridge Housing project to the CO2 cartridges, all when he had specific contrary information  
17 from the Major Crimes Division detectives who investigated the facts.

18 (f) The Major Crimes Division investigation was complete within a short period of  
19 time, however, Mr. Bonin and Chief Michel Moore continued to publicly state the investigation  
20 was ongoing, refused to release unredacted public records that would show the pictures of the  
21 devices Mr. Bonin called "bombs" and reveal the entire report and conclusions of the Major  
22 Crimes Division investigation.

23 (g) Because of the failure of Mr. Bonin and Chief Moore to release accurate  
24 information about the incident and its investigation, their silence in the face of third parties  
25 attacking those who question the intensity and size of related facilities proposed to serve  
26 homeless individuals in Venice is to grant permission for allies to continue their baseless attacks  
27

1 on Venice Vision and its leaders and members, and other property owners, business owners, and  
2 tenants in public hearings involving issues, including the related Reece Davidson Project.

3 (h) Due to these actions and inactions of Mr. Bonin, as the Los Angeles City  
4 Councilmember to whom his colleagues looked to for guidance whether or not to grant or deny  
5 the quasi-judicial land use appeals of Venice Vision represented an unacceptable probability that  
6 Mr. Bonin had and exercised continuing actual bias toward Venice Vision and its leaders such  
7 that California law required his removal from the quasi-judicial decisionmaking process.

8 239. In a complaint filed with the Los Angeles City Council and the City Ethics  
9 Commission, Venice Vision requested City officials to intervene and demand that Mr. Bonin  
10 recuse himself or be removed by the City Council from hearing the quasi-judicial appeals  
11 associated with the Reese Davidson Project. Such an order should issue on the basis of actions  
12 Mr. Bonin took seeking to improperly divert taxpayer resources and credibility of the Los  
13 Angeles Police Department (“LAPD”) to issue and propagate a media narrative that falsely  
14 assumed, implied, or asserted that opponents of his homelessness policies, including Venice  
15 Vision, its leaders and members, planted bomb like devices at the related Venice temporary  
16 homeless Bridge Housing site in order to “intimidate” the Councilmember or terrorize the  
17 homeless. **This narrative simply was not true and Mr. Bonin had good cause to know it, yet**  
18 **he has used his power as City Councilmember to prevent persons whose reputations have**  
19 **been sullied by his actions to clear their names.** In the words of one Venice community  
20 activist reacting to Mr. Bonin’s staff widely distributing his false narrative, such actions were  
21 “reprehensible” and “pointing fingers” instead of leadership. The City Council and City Ethics  
22 Commission took no action to require recusal.

23 240. Mr. Bonin’s personal hostility and animus continued into the land use appeal  
24 administrative process. It was Mr. Bonin who asked the Chair of the Planning and Land Use  
25 Management Committee to waive and cancel any hearing at the Committee level so the matter  
26 could be scheduled for hearing directly in City Council where his colleagues would look to him  
27

1 how to vote on the Project, instead of a recommendation from the Planning and Land Use  
2 Management Committee. Petitioner is informed and believes, and thereon alleges that Mr.  
3 Bonin, or his staff at his direction, engaged in unlawful *ex parte* lobbying of other City  
4 Councilmembers and played a role in the City Clerk placing the land use appeal public hearings  
5 on the Project on the section of the Council meeting agenda reserved for routine items of  
6 business that had no Brown Act public comment at a Committee, instead of the section reserved  
7 for public hearings to which Council Rule 8 applied.

8 241. At the “hearing” afforded, there was no presentation of the Project to the other  
9 City Council members so they would be informed of the issues, anyone with constitutional rights  
10 to be heard by the City Council, if they were among the lucky few who called on to speak, had  
11 their land use hearing evidence/testimony reduced to 1 minute and incomprehensibly mixed in  
12 with multiple item speakers at the outset of the meeting on all other items of business on the  
13 agenda, or they had their hand up to speak on the Project and were denied any right to speak at  
14 all due to the City Council’s unlawful rule limiting Brown Act public comment to a mere 20  
15 minutes.

16 242. After the Venice Vision and the applicant were given a few minutes to speak, Mr.  
17 Bonin took unlimited time to instruct his City Council colleagues to vote with him and to,  
18 consistent with his hostility and animus toward those who would challenge his viewpoint on the  
19 components of his homelessness plan, belittle, diminish and excoriate them as a small group of  
20 persons who were obstructionist: “Let’s be very, very clear. This is low hanging fruit. This  
21 should be one of the easiest projects in the world to do... We can’t allow obstructionists to stop  
22 progress and we owe it to Venice and we owe it to Los Angeles to say yes...” In other words,  
23 his argument leading his colleagues to not push their “No” button was not focused on an  
24 impartial assessment or even acknowledgement of the serious environmental price tag for siting  
25 the Project where it was. In his mind, every good planning document and safety requirements of  
26 the City and Coastal Commission could be swept away without a second thought because the  
27

1 more than 1,000 property owners and residents asking for a serious look **did not deserve such**  
2 **an opportunity to be heard, or have those issues even discussed in any meaningful way**  
3 **before the City Council.**

4 243. Under these specific and extraordinary facts, Mr. Bonin possessed such hostility  
5 and personal animus toward Venice Vision, its leaders, and persons with constitutional rights to  
6 be heard before the Council Decision, that their rights to a fair and unbiased decision maker and  
7 hearing process was denied.

8 244. Accordingly, individually and collectively, the City failed to proceed in  
9 accordance with the Constitutions of the United States and California, Government Code Section  
10 65804, and fair hearing requirements of Code of Civil Procedure Section 1094.5.

11 **SEVENTH CAUSE OF ACTION**

12 **(Section 1983 Actions As State Actors To Violate First Amendment Rights Of**  
13 **Coalition Members)**

14 245. Petitioner re-alleges and incorporates by reference the preceding paragraphs in  
15 their entirety, as though fully set forth herein.

16 246. Petitioner, through its member organizations and individual supporters, has  
17 engaged in constitutionally protected federal First Amendment activities related to expressing  
18 viewpoints about the flawed RFQ/P process that resulted in the selection of the Developer, the  
19 ill-conceived decision of Mr. Bonin to nominate the Venice open space and public parking  
20 facility for use as a supportive housing location expanded with inappropriate and unnecessary  
21 commercial land uses, the evasion by City officials of appropriate environmental review and  
22 mitigation of high water table, coastal flooding, sea level rise, methane hazards, and tsunami  
23 inundation, and the waste of millions of taxpayer funds on a project subject to sea level  
24 inundation during its useful life.

25 247. Petitioner, through its member organizations and individual supporters, have  
26 engaged in constitutionally protected federal First Amendment activities related to petitioning  
27

1 the City to change its policy direction of investing \$100 million of public funds in a site that may  
2 soon have its lower levels standing in sea water, and its ongoing refusal to conduct  
3 environmental review under CEQA, the Subdivision Map Act, the Coastal Act, or otherwise.

4 248. Petitioner, through its member organizations and individual supporters, has  
5 engaged in constitutionally protected federal First Amendment activities related to petitioning  
6 government by filing land use appeals before decision making bodies of the City, including the  
7 land use appeal hearing substantially controlled by Mr. Bonin before the City Council on  
8 December 1, 2021.

9 249. Senior elected and appointed officials, Los Angeles City Council Member Mike  
10 Bonin and Police Chief Michel Moore, used and continue to use the powers of their public  
11 offices to weaponize and perpetuate the false accusations that persons concerned about the  
12 inappropriate and unsafe location of homeless serving facilities in Venice were some sort of  
13 “depraved” persons who placed “bomb-like” devices on the site of a homeless service center.  
14 State action designed to retaliate against and chill political expression strikes at the very heart of  
15 the First Amendment.

16 250. The actions set forth herein of Council Member Bonin and Police Chief Michel  
17 Moore, individually and in concert, would chill a person of ordinary firmness from continuing to  
18 engage in protected First Amendment activity, and the actions of Coalition member  
19 organizations like Venice Vision and individuals speaking out about these issues was a  
20 substantial or motivating factor in the conduct of Mr. Bonin and Chief Moore in seeking to  
21 falsely accuse these viewpoint opponents as “depraved” domestic terrorists who placed “bomb-  
22 like” devices to intimidate the City or members of the homeless community.

23 251. Mr. Bonin and Chief Moore pursued dissemination of this false information, after  
24 specifically learning it was not true, and to this day continue in violation of First Amendment  
25 rights, refuse to publicly release documents exonerating those falsely accused, or publicly admit  
26 that their allegations and fake “search” for the criminals was a pretext to silence critics of the  
27

1 City's policy direction and actions related to homeless facilities, including the Project at issue in  
2 this case.

3 252. Venice Vision and individuals falsely accused as responsible for the placement of  
4 the "bomb-like" materials on a homeless service facility have suffered harm to their reputations  
5 in the community in an amount to be determined at trial, and incurred expenses including  
6 attorneys' fees to defend against Mr. Bonin and Chief Moore's baseless accusations of criminal  
7 activity.

8 253. For these violations of constitutional rights of the member organizations and  
9 individuals tarred by Mr. Bonin and Chief Moore's actions, Petitioner seeks full compensatory  
10 and punitive damages, and attorneys' fees.

11 **EIGHTH CAUSE OF ACTION**

12 **(FAILURE TO CONDUCT REQUIRED AB 52 CONSULTATION)**

13 **(Cause of Action Brought by Coalition for Safe Coastal Development**

14 **and Los Indios de San Gabriel, Inc.)**

15 254. Before adopting or amending a city or county general plan proposed on or after  
16 March 1, 2005, a city or county must consult with California Native American tribes on the  
17 contact list maintained by the Native American Heritage Commission. This is commonly known  
18 as the AB52 consultation process. The purpose of the consultation is to preserve or mitigate  
19 impacts on places, features, and objects described in [Pub Res C §§5097.9](#) and [5097.993](#) that are  
20 located within the city's or county's jurisdiction. [Govt C §65352.3\(a\)\(1\)](#). As part of this  
21 consultation, a city or county must "protect the confidentiality of information concerning the  
22 specific identity, location, character, and use of those places, features, and objects." [Govt C](#)  
23 [§65352.3\(b\)](#).

24 255. For purposes of consulting with tribal representatives, the legislature has broadly  
25 defined "consultation" as ([Govt C §65352.4](#)) the meaningful and timely process of seeking,  
26 discussing, and considering carefully the views of others, in a manner that is cognizant of all  
27

1 parties' cultural values and, where feasible, seeking agreement. Consultation between  
2 government agencies and Native American tribes shall be conducted in a way that is mutually  
3 respectful of each party's sovereignty.

4 256. The City published a Notice of Preparation and Initial Study for the Project on or  
5 about December 18, 2018. The Initial Study concluded that the Project would result in  
6 potentially significant impacts to Tribal Cultural Resources.

7 257. Thereafter, pursuant to AB 52, the City mailed a Project notification letter to the  
8 Gabrieleño Band of Mission Indians – Kizh Nation (the “Tribe”). On December 31, 2018, the  
9 City received the Tribe’s request to engage in tribal consultation with the City because the  
10 location of this Project is of particular significance to the Tribe and the likelihood that Tribal  
11 Cultural Resources (“TCRs”) are present, and possibly human remains, is high. The City  
12 commenced the tribal consultation process on March 6, 2019 via a conference call between the  
13 Department of City Planning staff and the Tribe. On March 7, 2019, the Tribe emailed several  
14 pertinent historical documents to City staff to add to the oral history, maps, and other substantial  
15 evidence provided during the consultation. The Tribe requested that their proposed mitigation  
16 measures be implemented to mitigate the Project’s adverse impacts to TCRs. The following day,  
17 the Tribe sent a letter via email summarizing the topics that were discussed during the March 6,  
18 2019 consultation call with City staff. The result of the AB 52 consultation was that the City  
19 would adopt the Tribe’s proposed mitigations for this Project.

20 258. However, more than a year later, on or about June 15, 2020, the City advised the  
21 Tribe via letter that the EIR being prepared for the Project, which would include the essential  
22 mitigations for their TCRs, was “no longer being prepared for the [Project] as the Department of  
23 City Planning determined that the Project is exempt from CEQA pursuant to Assembly Bill  
24 1197, [PRC] 21080.27(b)(1).”

25 259. The Tribe wrote to the City’s Advisory Agency on or about October 22, 2020 and  
26 objected to the Project and the City’s failure to comply with the AB 52 consultation  
27



1 requirements. The Tribe specifically noted that “substantial evidence exists that the Project will  
2 have significant impacts on the Tribe’s TCR pursuant to their AB 52 consultation” and that the  
3 City cannot simply “forget” these impacts. The Tribe notes that these resources were “priceless  
4 and irreplaceable.” The Tribe provided a list of the requested mitigation measures to the City, but  
5 received no response. The City failed to condition the Project on compliance with the requested  
6 mitigation measures. The City also failed to engage in any further consultation with the Tribe. As  
7 such, the City failed to comply with the consultation requirements mandated by AB 52 (codified  
8 at Govt C §65352.3(a)). The City’s abrupt closure of consultation efforts after the AB1197  
9 determination did not comply with the broad definition of consultation found at Govt C  
10 §65352.4. Again, the legislation has defined consultation as the “meaningful and timely process  
11 of seeking, discussing, and considering carefully the views of others, in a manner that is  
12 cognizant of all parties' cultural values and, where feasible, seeking agreement.”

13 260. As such, the City failed to proceed in the manner required by law when it  
14 approved the Project.

15 **NOTICE OF COMMENCEMENT OF CEQA PROCEEDING**

16 261. On January 13, 2022, prior to filing this Petition, Petitioner, through its counsel,  
17 served the City with notice of Petitioner’s intention to immediately commence a proceeding  
18 against Respondents for violation of CEQA in connection with the Project. On March 1, 2022,  
19 prior to filing this Amended Petition, Petitioner, through its counsel, served the City with notice  
20 of Petitioner’s intention to immediately file an Amended Petition. A copy of both letters  
21 providing such notice are attached to this Petition as Exhibit A and are incorporated herein by  
22 this reference. This letter satisfied Petitioner’s duties under Public Resources Code section  
23 21167.5.

24 262. On January 13, 2022, Petitioner, through its counsel, served the California  
25 Attorney General with notice of the commencement of this lawsuit, together with a true and  
26 correct copy of this Petition. On March 1, 2022, Petitioner, through its counsel, served the  
27

1 California Attorney General with notice of the commencement of this Amended Petition for Writ  
2 of Mandate, together with a true and correct copy of this Amended Petition. A copy of such  
3 notices (without the copy of the Petition attached to such notice), are attached to this Petition as  
4 Exhibit B and are incorporated herein by this reference. Such notice satisfies Petitioner's duties  
5 under Public Resources Code section 21167.7 and California Code of Civil Procedure, section  
6 388.

7  
8 **PREPARATION OF THE RECORD**

9 263. Pursuant to Public Resources Code, section 21167.6(b)(2), Petitioner elects to  
10 prepare the record of proceedings in this action. Concurrently with this Petition, Petitioner is  
11 filing a notice of its election to prepare the administrative record. A copy of that election is  
12 attached as Exhibit C.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Petitioner prays for relief as follows:

15 1. For alternative and peremptory writs of mandate, commanding Respondent:

16 (A) to vacate and set aside environmental review documents, and approval of the  
17 Project;

18 (B) to vacate and set aside the Notice of Exemption for the Project, or portions of  
19 the Project the Court determines ineligible for exemption from CEQA;

20 (C) to prepare and certify a legally adequate environmental clearance for the  
21 Project, or portions of the Project the Court determines ineligible for exemption from CEQA;

22 (D) to suspend any and all activity pursuant to Respondent's approval of the Project  
23 that could result in an adverse change or alteration to the physical environment until Respondent  
24 has complied with all requirements of CEQA and all other applicable state and local laws, policies,  
25 ordinances and regulations as are directed by this Court pursuant to Public Resource Codes Section  
26 21168.9;

27 (E) to set aside all Project Approvals and require the City to comply with the duties  
28 set forth in the Subdivision Map Act;

(F) to set aside all Project Approvals and require the City to comply with the Mello Act and related affordable housing requirements;

(G) to set aside all Project Approvals and require the City Council to provide a fair hearing free of the disqualifying bias of Councilmember Mike Bonin, and affording all persons constitutionally affected by the project a meaningful opportunity to speak before the City Council before it takes new action on the Project.

2. For a stay, temporary restraining order, preliminary injunction, and permanent injunction prohibiting any actions by Respondent pursuant to Respondent's approval of the Project and environmental clearance for the Project until Respondent has fully complied with all requirements of CEQA, the State Subdivision Map Act, the Coastal Act, and requirements of due process, and all other applicable state and local laws, policies, ordinance and regulations.

3. For compensatory and punitive damages under 42 U.S.C. § 1983;

4. For costs of the suit;

5. For attorneys' fees pursuant to Code of Civil Procedure section 1021.5 and 42 U.S.C. § 1988; and

6. For such other and further relief as the Court deems just and proper.

Dated: March 1, 2022

By: 

Jamie T. Hall

CHANNEL LAW GROUP, LLP

*Attorneys for Petitioner, Coalition for Safe Coastal Development*

By: 

Kara E. Grant

KARA GRANT LAW, PC

*Attorneys for Petitioner, Los Indios De San Gabriel, Inc.*

VERIFICATION

I am a member of Coalition for Safe Coastal Development and I am authorized to execute this verification on behalf of petitioner. I have read the foregoing Verified First Amended Petition for Writ of Mandate and am familiar with its contents. The facts recited in the petition are true and of my personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: March 1, 2022

By: \_\_\_\_\_

Rita Silverman

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT LIST**

Exhibit No.    Exhibit

- A.            Notice of Intent to File CEQA Petition
- B.            Notice to California Attorney General
- C.            Notice of Election to Prepare Administrative Record

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit A

# Channel Law Group, LLP

---

8383 Wilshire Blvd.  
Suite 750  
Beverly Hills, CA 90211

---

JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN

---

\*ALSO Admitted in Texas

Writer's Direct Line: (310) 982-1760  
jamie.hall@channellawgroup.com

January 13, 2022

## **VIA U.S. MAIL AND ELECTRONIC MAIL**

City of Los Angeles - City Clerk  
200 N. Spring Street  
3rd Floor, Room 395  
Los Angeles, CA 90012  
CityClerk@lacity.org

**Re: Notice of Intent to Commence CEQA Action and Proceeding; 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 City of Los Angeles:

**PLEASE TAKE NOTICE**, under California Public Resources Code section 21167.5, that Petitioner, Coalition for Safe Coastal Development ("Petitioner"), intends to immediately file a Petition for Writ of Mandate ("Petition") under the provisions of the California Environmental Quality Act ("CEQA") against the City of Los Angeles ("City" or "Respondent"). The Petition will be filed in Los Angeles County Superior Court and will allege, inter alia, that the City incorrectly determined that the proposed development project titled "Reese Davidson Community" ("Project") was exempt from CEQA. The Project is located in the neighborhood of Venice and is located at 2102-2120 S. Pacific Avenue, 116-302 E. North Venice Boulevard, 2106-2116 S. Canal Street and 319 E. South Venice Boulevard. Among other things, the Petition will request that the court direct the City to vacate and rescind the project approvals, the determination that the project is exempt from CEQA and to otherwise comply with CEQA. Also, the Petition will seek Petitioners' cost and attorneys' fees.

Sincerely,



Jamie T. Hall  
*Attorney for Petitioner*

# Channel Law Group, LLP

---

8383 Wilshire Blvd.  
Suite 750  
Beverly Hills, CA 90211

---

JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN

---

\*ALSO Admitted in Texas

Writer's Direct Line: (310) 982-1760  
jamie.hall@channellawgroup.com

March 1, 2022

## **VIA U.S. MAIL AND ELECTRONIC MAIL**

City of Los Angeles - City Clerk  
200 N. Spring Street  
3rd Floor, Room 395  
Los Angeles, CA 90012  
CityClerk@lacity.org

**Re: Notice of Intent to Commence CEQA Action and Proceeding; 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; *Coalition for Safe Coastal Development v. City of Los Angeles* (Case No. 22STCP00162)**

Dear City of Los Angeles:

**PLEASE TAKE NOTICE**, under California Public Resources Code section 21167.5, that Petitioner, Coalition for Safe Coastal Development ("Petitioner"), intends to immediately file a Verified First Amended Petition for Writ of Mandate ("Amended Petition") under the provisions of the California Environmental Quality Act ("CEQA") against the City of Los Angeles ("City" or "Respondent"). The Petition will be filed in Los Angeles County Superior Court and will allege, inter alia, that the City incorrectly determined that the proposed development project titled "Reese Davidson Community" ("Project") was exempt from CEQA. The Project is located in the neighborhood of Venice and is located at 2102-2120 S. Pacific Avenue, 116-302 E. North Venice Boulevard, 2106-2116 S. Canal Street and 319 E. South Venice Boulevard. Among other things, the Petition will request that the court direct the City to vacate and rescind the project approvals, the determination that the project is exempt CEQA and to otherwise comply with CEQA. Also, the Petition will seek Petitioners' cost and attorneys' fees.

Sincerely,



Jamie T. Hall  
*Attorney for Petitioner*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit B

# Channel Law Group, LLP

---

8383 Wilshire Blvd.  
Suite 750  
Beverly Hills, CA 90211

Main Line: (310) 347-0050  
Fax: (323) 723-3960

JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760  
jamie.hall@channellawgroup.com

---

\*\*ALSO Admitted in Texas

January 13, 2022

*By U.S. Mail*

Office of the Attorney General  
1300 "I" Street Suite 125  
Sacramento, CA 94244-2550

**Re: Challenge to Approval of Development Project Known As "Reese Davidson Community" located in Venice Community in the City of Los Angeles; *Coalition for Safe Coastal Development v. City of Los Angeles***

Honorable Attorney General Bonta:

PLEASE TAKE NOTICE, under Public Resources Code §21167.7 and Code of Civil Procedure Section §388, that on January 13, 2022 Coalition for Safe Coastal Development, filed a petition for writ of mandate against the City of Los Angeles ("Respondent" or "City"). The lawsuit has been filed in the Los Angeles County Superior Court. The petition alleges, among other things, that the City incorrectly determined that the proposed development project known as the "Reese Davidson Community" ("Project") was exempt under the California Environmental Quality Act ("CEQA"). The Project is located in the neighborhood of Venice and is located at 2102-2120 S. Pacific Avenue, 116-302 E. North Venice Boulevard, 2106-2116 S. Canal Street and 319 E. South Venice Boulevard.

Sincerely,



Jamie T. Hall

Enclosure: Petition for Writ of Mandate

# Channel Law Group, LLP

---

8383 Wilshire Blvd.  
Suite 750  
Beverly Hills, CA 90211

Main Line: (310) 347-0050  
Fax: (323) 723-3960

JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760  
jamie.hall@channellawgroup.com

---

\*\*ALSO Admitted in Texas

March 1, 2022

*By U.S. Mail*

Office of the Attorney General  
1300 "I" Street Suite 125  
Sacramento, CA 94244-2550

**Re: Challenge to Approval of Development Project Known As "Reese Davidson Community" located in Venice Community in the City of Los Angeles; *Coalition for Safe Coastal Development v. City of Los Angeles; Coalition for Safe Coastal Development v. City of Los Angeles* (Case No. 22STCP00162)**

Honorable Attorney General Bonta:

PLEASE TAKE NOTICE, under Public Resources Code §21167.7 and Code of Civil Procedure Section §388, that on March 1, 2022 Coalition for Safe Coastal Development, filed an amended petition for writ of mandate against the City of Los Angeles ("Respondent" or "City"). The lawsuit is pending in Los Angeles County Superior Court. The amended petition alleges, among other things, that the City incorrectly determined that the proposed development project known as the "Reese Davidson Community" ("Project") was exempt under the California Environmental Quality Act ("CEQA"). The Project is located in the neighborhood of Venice and is located at 2102-2120 S. Pacific Avenue, 116-302 E. North Venice Boulevard, 2106-2116 S. Canal Street and 319 E. South Venice Boulevard.

Sincerely,



Jamie T. Hall

Enclosure: Petition for Writ of Mandate

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit C

JAMIE T. HALL (Bar No. 240183)  
JULIAN K. QUATTLEBAUM (Bar No. 214378)  
CHANNEL LAW GROUP, LLP  
8383 Wilshire Blvd., Suite 750  
Beverly Hills, CA 90211  
Telephone: (310) 982-1760  
Facsimile: (323) 723-3960

Attorneys for Petitioner,  
COALITION FOR SAFE COASTAL DEVELOPMENT

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

COALITION FOR SAFE COASTAL  
DEVELOPMENT, a California non-profit  
corporation;

Petitioner,

vs.

CITY OF LOS ANGELES, a municipal  
corporation, and DOES 1-25;

Respondent.

Case No.

**PETITIONER'S NOTICE OF ELECTION  
TO PREPARE THE ADMINISTRATIVE  
RECORD**

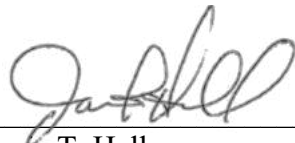
[California Environmental Quality Act  
("CEQA"), Public Resources Code, sections  
2100 et seq.]

HOLLYWOOD COMMUNITY HOUSING  
CORPORATION and VENICE COMMUNITY  
HOUSING CORPORATION, California non-profit  
corporations, LOS ANGELES DEPARTMENT OF  
TRANSPORTATION, a division of Respondent  
CITY OF LOS ANGELES, and ROE 1, an  
undisclosed entity formed for the purpose of  
building the public parking garage on the East Site,  
and ROES 2-25

Real Parties in Interest.

Pursuant to Public Resources Code Section 21167.6(b)(2), COALITION FOR SAFE  
COASTAL DEVELOPMENT ("Petitioner") hereby elects to prepare the administrative record  
and the record of proceedings in connection with this action as provided by Public Resources  
Code Section 21167.6.

Dated: January 13, 2022

By:   
Jamie T. Hall  
CHANNEL LAW GROUP, LLP  
*Attorneys for Petitioner*

Channel Law Group, LLP  
8383 Wilshire Blvd., Suite 750  
Beverly Hills, CA 90211

**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

On March 1, 2022, I served a copy of the foregoing documents described as **VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDATE** as follows:

Kathryn C. Phelan, Deputy City Attorney  
200 North Main Street, 701 City Hall East  
Los Angeles, California 90012  
kathryn.phelan@lacity.org  
marvin.bonilla@lacity.org  
donna.wong@lacity.org

Attorneys for Respondent:  
City of Los Angeles

Latham & Watkins, LLP  
Jim L. Arnone  
Benjamin Hanelin  
355 South Grand Avenue, Suite 100  
Los Angeles, CA 90071  
[James.arnone@lw.com](mailto:James.arnone@lw.com)  
[Benjamin.Hanelin@lw.com](mailto:Benjamin.Hanelin@lw.com)  
[Lucas.Quass@lw.com](mailto:Lucas.Quass@lw.com)

Attorneys for Real Parties in Interest  
Hollywood Community Housing Corporation and Venice Community Housing Corporation

**[ X ] BY E-MAIL:** I transmitted true copies of the foregoing document to the persons identified above at the e-mail addresses identified above.

Executed on March 1, 2022, in Beverly Hills, California.

  
\_\_\_\_\_  
Jamie T. Hall

# **Attachment B**



**BUREAU OF ENGINEERING**  
**MEMORANDUM**  
**TENTATIVE SUBDIVISION MAP REPORT**

To: Edmond Yew, Group Manager  
Land Development Group, STOP #901  
201 N. Figueroa St., Suite 200  
Los Angeles, CA 90012

Subdivision Map No: VTT82288  
Date: December 23, 2019  
Location: Between North Venice Boulevard and  
South Venice Boulevard, and between  
Pacific Avenue and Dell Avenue  
CD: 11 WLA#: 1618 District Map: 106-5A145

From: Michael Patonai, District Engineer  
West Los Angeles Engineering District  
Bureau of Engineering

**GENERAL**

Tract / Parcel Layout is: ☐ Satisfactory ☒ Unsatisfactory

☐ Recommend Disapproval

**Remarks:** Project Address: 2102-2120 S Pacific Ave, 116-302 E North Venice Blvd, 2106-2116 S Canal St, 319 E South Venice Blvd.

Project Description: 140 units condominium building.

Reported by: Hisashi Kobayakawa

- ☐ The prior recordation of subdivision, \_\_\_\_\_ may be required to provide (access, sewer service, drainage).
- ☒ Submit street plans prior to recordation.
- ☐ Street alignment should be adjusted as follows: \_\_\_\_\_
- ☐ Profiles for the future extension of \_\_\_\_\_ may be required.
- ☐ Slope easements are required at \_\_\_\_\_.

## STREET DESCRIPTION

### Existing:

Street Name: North Venice Boulevard

Street Classification: Boulevard II

### TOTAL DIMENSIONS

Right-of-way Width: 50'

Improvement Plan: D-1554

Roadway Width: 38'

### EXISTING HALF DIMENSIONS AND CONDITIONS ADJACENT TO THE SITE

Half R/W: 25'

Half Road: 19'

Half Island: n/a

Border: 6'

SW Width: 5.5'

SW Offset: n/a

Gutter Width: 2'

CF: 7"

The adjacent half roadway is improved with asphalt concrete. Its condition is fair.

☐ No additional access ramps are needed.

To be relocated / removed if widening is recommended:

Street Tree(s): 0    Age:    Mean Diameter:    Type: None

Bus Pad(s):    Bus Stop/Shelter(s):

Street Light(s):    Utility Pole(s): 3    Fire Hydrant(s): 1

Catch Basin(s): 2    Traffic Signal(s): 1    Street Sign(s): 6

Retaining Wall:    Guard Rail: 40' at canal    Other:

☐ DOT concurrence with the widening recommendation.

### Recommendations:

Dedication: Dedicate 2.5-ft wide along property frontage to complete 27.5-ft, the half right-of-way for one side of Divided Boulevard II. Submit dedication plan to WLA BOE for review and approval.

Improvement: Remove existing 5.5-ft wide concrete sidewalk and construct a full width concrete sidewalk abutting the new property line. Close unused driveways. Remove and replace any broken, damaged, or off grade adjacent pavements and integral concrete curb and gutter per the City and ADA standard. Remove existing access ramp at Southeast corner of North Venice Boulevard and Pacific Avenue intersection and construct a new ADA access ramp per current City standard plan S-442. Install street trees and tree wells with root barriers to the satisfaction of the Urban Forestry Division of the Bureau of Street Services. All these improvements shall transition suitably and shall be constructed to the satisfaction of the City Engineer per B-permit.



North Venice Blvd (S/S), looking Easterly.



North Venice Blvd (S/S), looking Westerly.

## STREET DESCRIPTION

### Existing:

Street Name: South Venice Boulevard

Street Classification: Boulevard II

### TOTAL DIMENSIONS

Right-of-way Width: 40'+Various

Improvement Plan: D-1717

Roadway Width: 38'

### EXISTING HALF DIMENSIONS AND CONDITIONS ADJACENT TO THE SITE

Half R/W: <u>20'</u>	Half Road: <u>28'</u>	Half Island: <u>n/a</u>	Border: <u>within PL</u>
SW Width: <u>7' to 8.5'</u>	SW Offset: <u>within PL</u>	Gutter Width: <u>2'</u>	CF: <u>7"</u>

The adjacent half roadway is improved with asphalt concrete. Its condition is fair.

☐ No additional access ramps are needed.

To be relocated / removed if widening is recommended:

Street Tree(s): 12    Age: unknown    Mean Diameter: 1'    Type: unknown

Bus Pad(s): 0    Bus Stop/Shelter(s): 0

Street Light(s): 2    Utility Pole(s): 1    Fire Hydrant(s): 1

Catch Basin(s): 0    Traffic Signal(s): 1    Street Sign(s): 2

Retaining Wall:    Guard Rail: aprx 205'    Other: 2 stairs

☐ DOT concurrence with the widening recommendation.

### Recommendations:

Dedication: Dedicate 20-ft wide along property frontage to encompass existing street improvement including roadway and boarder. Dedicate extra 6-ft (26-ft total) where the existing stairs are constructed for access to Canal Street sidewalk. Dedicate extra 11-ft (total 31-ft) where the existing left hand turn lane is constructed at West of Dell Avenue. Submit dedication plan to WLA BOE for review and approval.

Improvement: Remove existing sidewalk and construct full width concrete sidewalk to abut both the new property line and curb. Close unused driveway. Remove and replace any broken, damaged, or off grade adjacent pavements and integral concrete curb and gutter per the City and ADA standard. Remove existing access ramp at Northeast corner of South Venice Boulevard and Pacific Avenue intersection, and Northwest corner of South Venice Boulevard and Dell Avenue intersection and construct new ADA access ramps according to the current City standard plan S-442. Install new street trees and tree wells with root barriers to the satisfaction of the Urban Forestry Division of the Bureau of Street Services. All these improvements shall transition suitably and shall be constructed to the satisfaction of the City Engineer per B-permit.



**South Venice Blvd (N/S), looking Easterly.**



**South Venice Blvd (N/S), looking Westerly.**



## STREET DESCRIPTION

### Existing:

Street Name: Pacific Avenue

Street Classification: Avenue II

### TOTAL DIMENSIONS

Right-of-way Width: 45'

Improvement Plan: P-1475

Roadway Width: 44'

### EXISTING HALF DIMENSIONS AND CONDITIONS ADJACENT TO THE SITE

Half R/W: 22.5'

Half Road: 31.5'

Half Island: n/a

Border: within PL

SW Width: 10'

SW Offset: within PL

Gutter Width: 2'

CF: 6"

The adjacent half roadway is improved with asphalt concrete. Its condition is fair.

☐ No additional access ramps are needed.

To be relocated / removed if widening is recommended:

Street Tree(s): 0 Age: Mean Diameter: Type: None

Bus Pad(s): 10'x144' Bus Stop/Shelter(s): 0

Street Light(s): 3

Utility Pole(s): 1

Fire Hydrant(s): 0

Catch Basin(s): 0

Traffic Signal(s): 2

Street Sign(s): 6

Retaining Wall:

Guard Rail:

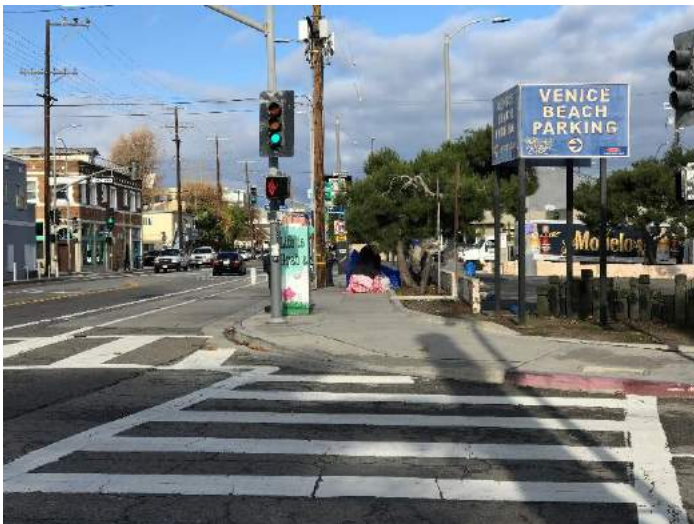
Other:

☐ DOT concurrence with the widening recommendation.

### Recommendations:

Dedication: Dedicate 20.5-ft along frontage to complete 43-ft wide standard half right-of-way for the Avenue II. Also, two corners, at Pacific Avenue and North Venice Boulevard, and Pacific Avenue and South Venice Boulevard need to be dedicated for 20-ft radius corner dedication.

Improvement: Remove existing 10-ft wide sidewalk and construct new full width concrete sidewalk abutting new property line after dedication. Remove and replace any broken, damaged, or off grade adjacent pavements and integral concrete curb and gutter per the City and ADA standard. Remove existing access ramps at Southeast corner of North Venice Boulevard and Pacific Avenue, and Northeast corner of South Venice Boulevard and Pacific Ave and construct new ADA access ramps at the corner according to the current City standard plan S-442. Install new street trees and tree wells with root barriers to the satisfaction of the Urban Forestry Division of the Bureau of Street Services. All these improvements shall transition suitably and shall be constructed to the satisfaction of the City Engineer per B-permit.



Pacific Ave (E/S), looking northerly.



Pacific Ave (E/S), looking Southerly.

## STREET DESCRIPTION

### Existing:

Street Name: Canal Street

Street Classification: Local Street

### TOTAL DIMENSIONS

Right-of-way Width: 60'

Improvement Plan: P-2082

Roadway Width: 0

### EXISTING HALF DIMENSIONS AND CONDITIONS ADJACENT TO THE SITE

Half R/W: 30'

Half Road: 0

Half Island: n/a

Border: 10'

SW Width: 6'

SW Offset: 4'

Gutter Width: 0

CF: n/a

There is canal water way instead of roadway.

☐ No additional access ramps are needed.

To be relocated / removed if widening is recommended:

Street Tree(s): 0 Age: \_\_\_\_\_ Mean Diameter: \_\_\_\_\_ Type: None

Bus Pad(s): \_\_\_\_\_ Bus Stop/Shelter(s): \_\_\_\_\_

Street Light(s): \_\_\_\_\_ Utility Pole(s): \_\_\_\_\_ Fire Hydrant(s): \_\_\_\_\_

Catch Basin(s): \_\_\_\_\_ Traffic Signal(s): \_\_\_\_\_ Street Sign(s): \_\_\_\_\_

Retaining Wall: along sidewalks Guard Rail: along canal Other: Bridge over canal

☐ DOT concurrence with the widening recommendation.

### Recommendations:

Dedication: The bridge over Canal Street will only be used by the subject property and does not provide access to the public. Dedicate sufficient easement area for the City maintenance crew and vehicles to access the bridge for maintenance and necessary repair. Submit new map to show proposed easement for the City crew access.

Improvement: Remove and reconstruct existing 6-ft wide sidewalk along the canal water way on both sides per current City standard and ADA standard. Replace any broken or off grade adjacent pavements, retaining walls, and guard rails. Install new street trees with root barriers to the satisfaction of the Urban Forestry Division of the Bureau of Street Services. All improvements shall transition suitably and shall be constructed to the satisfaction of the City Engineer per B-permit.





Canal St (E/S), looking Southerly



Canal St (W/S), looking Southerly



Canal St (W/S), looking Northerly



Canal St (E/S), looking Northerly

## STREET DESCRIPTION

### Existing:

Street Name: Dell Avenue

Street Classification: Local Street

### TOTAL DIMENSIONS

Right-of-way Width: 40'

Improvement Plan: n/a

Roadway Width: 35'

### EXISTING HALF DIMENSIONS AND CONDITIONS ADJACENT TO THE SITE

Half R/W: <u>20'</u>	Half Road: <u>20'</u>	Half Island: <u>n/a</u>	Border: <u>within PL</u>
SW Width: <u>4.5'</u>	SW Offset: <u>within PL</u>	Gutter Width: <u>2'</u>	CF: <u>8"</u>

The adjacent half roadway is improved with asphalt concrete. Its condition is fair.

☐ No additional access ramps are needed.

To be relocated / removed if widening is recommended:

Street Tree(s): 0	Age:	Mean Diameter:	Type: None
Bus Pad(s):	Bus Stop/Shelter(s):		
Street Light(s): 1	Utility Pole(s): 0	Fire Hydrant(s): 0	
Catch Basin(s): 0	Traffic Signal(s): 0	Street Sign(s): 2	
Retaining Wall:	Guard Rail:	Other: USPS Box	

☐ DOT concurrence with the widening recommendation.

### Recommendations:

Dedication: Dedicate 10-ft along the property street frontage to complete 30-ft wide standard half right-of-way for the local street. Also, dedicate a 20-ft property line radius corner at intersection with South Venice Boulevard.

Improvement: Remove existing 4.5-ft wide sidewalk and construct a new 5-ft wide concrete sidewalk abutting the new property line. Close unused driveway. Remove and replace any broken, damaged, or off grade adjacent pavements and integral concrete curb and gutter per the City and ADA standard. Remove existing access ramp at North West corner of South Venice Boulevard and Dell Avenue and construct a new ADA access ramp according to the current City standard plan S-442. Install new street trees with root barriers to the satisfaction of the Urban Forestry Division of the Bureau of Street Services. All these improvements shall transition suitably and shall be constructed to the satisfaction of the City Engineer per B-permit.



Dell Ave (W/S), looking Northerly.



Dell Ave (W/S), looking Southerly.



## **DRAINAGE**

- ☒ The property is located on Drainage Map No. 561.
- ☐ (Hydrology and hydraulic) calculations (may, will, will not) be required, and drainage plans (may, will, will not) be required prior to recordation.
- ☐ Storm Drain construction (may, will, will not) be required at \_\_\_\_\_.
- ☐ Flood protective facilities (may, will, will not) be required \_\_\_\_\_, and off-site drainage facilities (may, will, will not) be required at \_\_\_\_\_.
- ☐ The property is located in Drainage District \_\_\_\_\_, and Drainage District Fee (may, will, will not) be required. The Drainage District Fee is \$\_\_\_\_.
- ☐ Los Angeles County Department of Public Works (Flood Control District) requirements: \_\_\_\_\_.
- ☐ (Retention basin, Debris basin) (may, will, will not) be required \_\_\_\_\_, and maintenance fees (may, will, will not) be required \_\_\_\_\_.
- ☐ Drainage easements will be required \_\_\_\_\_.
- ☐ Findings for Flood Hazard Management Specific Plan are attached.
- ☒ Other: Roof and site drainage shall be sent to street via drain pipe with minimum 2% slope to curb drain. Draining to canal water way in Canal Street requires approval of The California Coastal Commission, The California Department of Fish and Wildlife, The State of California Los Angeles Regional Water Quality Control board, and The US Army Corps of Engineers before approval of Bureau of Engineering.

## SEWERS

### SERVICE

- ☒ The property is located on Sewer Wye Map No: 7187-5.
- ☐ This subdivision is connected to existing sewer(s) in \_\_\_\_\_.
- ☒ The nearest available sewer(s) are located in North Venice Blvd, South Venice Blvd, Pacific Ave, and Canal St.
- ☐ A sewer outlet (is assured, will be located) at \_\_\_\_\_.
- ☐ The existing sewer in \_\_\_\_\_ does not have adequate capacity to serve the subdivision.
- ☒ Submit sewer plans prior to recordation.
- ☒ Other: Sewer Capacity Availability Request (SCAR) is required.

### CONSTRUCTION

- ☐ No Additional sewer construction (may, will, will not) be required.
- ☒ Construct house connection sewer(s) to serve the subdivision. See Detail at "Other" below.
- ☐ Construct house connection sewer(s) to serve lot/parcel nos. \_\_\_\_\_.
- ☐ Construct on-site sewers to serve the subdivision.
- ☐ Construct off-site sewer(s) to serve the subdivision; an easement (may, will, will not) be required. See attached sketch.
- ☒ Extend existing house connection(s) serving the subdivision to the new property line.
- ☐ Extend existing house connection(s) serving lot/parcel nos. \_\_\_\_\_ to the new property line.
- ☐ City construction of \_\_\_\_\_ must be completed with an agreement with the City.
- ☒ Sewer easements may be required \_\_\_\_\_.
- ☒ Other: Installing new sewer lateral pipe and extension of existing sewer lateral pipe to new property line shall be included in the B-permit for public right-of-way improvements.

## SEWERS CONTINUED

### FEES

- ☐ Accept Sewerage Facilities Charge deposit of \$\_\_\_\_\_ based on \$\_\_\_\_\_ / (lot, acre, SFD).
- ☐ Accept Sewerage Facilities Charge deposit based on \_\_\_\_\_% of the normal charge since this property is within the County Sanitation District.
- ☐ Do not accept Sewerage Facilities Charge deposit at this time; the project should construct the necessary off-site sewers to serve the development.
- ☐ Revenue from future bonded sewer fees, house connection sewer construction charges, and Sewerage Facilities Charges (along the off-site) will be \$\_\_\_\_\_. (Required when off-site sewer cost exceeds Sewerage Facilities Charge by a 10:1 ratio or the City's obligation is over \$50,000).
- ☐ Bonded sewer fee of \_\_\_\_\_ (may, will, will not) be required prior to recordation.
- ☐ Based on the deposit of \$\_\_\_\_\_, additional Sewerage Facilities Charges (may, will, will not) be required at such time as permits for connections are issued for buildings constructed or when buildings are altered.

### EXEMPTIONS

- ☐ (All, A portion) of the tract area is exempt from the Sewerage Facilities Charge for technical reasons such as: street vacation, reversion to acreage, or condominium conversion \_\_\_\_\_.
- ☐ Remarks: \_\_\_\_\_.

### CREDITS (S.F.C.)

- ☐ (All, A portion) of the subdivision area will receive a credit towards the Sewerage Facilities Charge as follows: \_\_\_\_\_.  
(shown on the attached sketch)
- ☐ A connection Charge for Outlet Facilities was paid on \_\_\_\_\_ for the following described property: \_\_\_\_\_.
- ☐ An outlet Sewer Charge was paid on \_\_\_\_\_ under the following subdivision: \_\_\_\_\_.

## SEWERS CONTINUED

- ☐ A Sewerage Facilities Charge was paid on \_\_\_\_\_ under the following subdivision: \_\_\_\_\_.
- ☐ Sewerage Facilities Charge of \$\_\_\_\_\_ was paid on \_\_\_\_\_ with Certificate No. \_\_\_\_\_. (Additional Sewerage Facilities Charge deposit (may, will, will not) be required at the map recordation).
- ☐ A Sewerage Facilities Charge credit will be available after removal of existing structures.
- ☐ The property is already connected to the public sewer.
- ☐ Other: \_\_\_\_\_.

### CREDITS (B.S.F.)

- ☐ Participated in existing sewer(s) in \_\_\_\_\_ previously constructed under permit.
- ☐ Participated in existing sewer(s) in \_\_\_\_\_ previously constructed under Assessment Act proceedings.
- ☐ A Bonded Sewer Fee was paid on (all, a portion) of this area with Certificate No. \_\_\_\_\_.
- ☐ Other: \_\_\_\_\_.
- ☐ Additional Comments: \_\_\_\_\_.

## Communication from Public

**Name:** CJ Cole

**Date Submitted:** 05/25/2022 10:17 AM

**Council File No:** 22-0496

**Comments for Public Posting:** Please DENY executing a Disposition and Development Agreement for the development of affordable housing on City-owned properties located at 2102-2120 South Pacific Avenue, 2106/2116 South Canal Street and 124/116-128/204-208/214/302/301-319/200/210-212/125 East Venice Boulevard in Council District 11.

## Communication from Public

**Name:** Coalition for Safe Coastal Development  
**Date Submitted:** 05/25/2022 10:04 AM  
**Council File No:** 22-0496  
**Comments for Public Posting:** The Coalition for Safe Coastal Development objects to Thursday's Homelessness and Poverty Committee action regarding the Venice Median project (Agenda Item 2.). The City must not lock in a DDA prior to all required approvals. City Council must reject this scheme. See details in letter to Homelessness and Poverty Committee attached.



P.O. Box 1185  
Venice, CA 90294  
SafeCoastalDevelopment@gmail.com

May 24, 2022

**VIA ELECTRONIC MAIL**

Hon. Nury Martinez, President  
Los Angeles City Council  
c/o City Clerk  
200 North Spring Street  
Los Angeles, CA 90012  
([holly.wolcott@lacity.org](mailto:holly.wolcott@lacity.org))

Hon. Kevin de Leon, Chair  
Homelessness & Poverty Comm.  
200 North Spring Street  
Los Angeles, CA 90012  
([luigi.verano@lacity.org](mailto:luigi.verano@lacity.org))

(Clerk.HomelessnessandPovertyCommittee@lacity.org)

**Re: Councilmember Mike Bonin's Effort To Lock This City Council Into An Irrevocable Commitment to Reese Davidson Project at Homelessness and Poverty Committee Meeting on May 26, 2022, Item No. 2, Council File No. 22-0496, VTT-82288; ENV-2018-6667-SE; CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-SPR-PHP; Related Council File Nos. 21-0829 and 21-0829-S1.**

Dear President Martinez, Chair de Leon and City Clerk:

This letter is a **BRIEF AND URGENT ALERT** to members of the City Council that Councilmember Mike Bonin is asking his colleagues to prematurely and inadvisably authorize the Housing Department General Manager to sign the City into an irrevocable Disposition and Development Agreement (DDA) with the private real estate developers of the ill-conceived Reese Davidson (Pacific Dell or Venice Median) Project in Venice. This will turn control of about 40 taxpayer-owned lots/parcels at Venice Beach, with an estimated fair market value of \$60 million, over to the developers so they can evict 4 low-income families and start demolition of the public parking lot to make this project a *fait accompli* before the Project entitlements have been obtained. **City Council must reject this scheme.**

Mr. Bonin asks his City Council colleagues to join this DDA approval even though he has failed to complete the land use entitlement process before the City Council. (See Housing Staff Report for CF 22-0496 at page 3 where City staff admit the process is

not done.) Additionally, the entitlement process before the California Coastal Commission, or before federal/state agencies is not complete. Id. The Housing Staff report contains misleading and unrealistic timetables for the review, possible modification, and conditional approval of the Project related to the California Coastal Commission. Additionally, the Housing Staff report fails to disclose to this Council and the public that Army Corp of Engineers/Coast Guard has review and approve the Project – and no application appears to be on file with the Corps based upon my client’s recent inquiries.

Is this City Council ready to put the cart before the horse as Mr. Bonin asks?

Six out of eight candidates seeking to replace Mr. Bonin on this legislative body and some candidates for Mayor have gone on record declaring this Project is a waste of taxpayer monies and ill-advised City policy. **Most of the candidates for both Mayor and CD 11 have declared they would halt this ever-spiraling costly Project** and pursue reasonable alternatives to house homeless individuals. Taxpayers and voters in approving Measure HHH in no way contemplated spending more than \$620,497 up to \$1.24 million per unit to remove each homeless individual from our streets. **The humanitarian crisis of homelessness does not justify the City Council following Mr. Bonin’s lead to throw out all prudent procedures and processes that protect taxpayer funds from needless waste by signing a binding DDA at this time.**


Given Mr. Bonin’s lame duck status on this City Council, red alarm bells ought to be ringing in the ears of every Councilmember. The City Clerk referred to the Homelessness and Poverty Committee last week a proposed motion to **authorize the General Manager of the Housing Department to sign and enter the City into a Disposition and Development Agreement with the real estate developers.** This is a raw power move by Mr. Bonin to prevent current candidates from replacing his flawed policy vision with a more reasonable one.

Unlike many smaller and more sensitively placed affordable housing projects that other Council members have supported in their own districts, the Reese Davidson Project, by its own pro forma in Council File No. 22-0496 now stands with an estimated cost per unit of \$620,497. **But this is not the actual cost to taxpayers and this City.** In addition to the nearly \$100 million development cost is the value of taxpayer-owned land Mr. Bonin asks this City Council to this week dedicate for the next 99 years to this Project and the taxpayer costs of the replacement parking garage on the east side of Grand Canal and the residential/commercial parking garage on the west side of Grand Canal:



<b>Reese Davidson/Venice Median Affordable Housing Project Current Cost Estimates Per Unit</b>	
Per the developer's pro forma in Council File No. 22-0496	\$620,497 per unit
Including FMV of City Land (\$60 million), undisclosed cost of LADOT parking garage (\$25 million), and cost of west parking garage (\$3 million)	\$1.24 million per unit

Based upon true market value of lot sales nearby, the actual value of the land Mr. Bonin asks this Council to immediately sign away is conservatively \$60 million. This \$60 million estimate is based upon recent sales of lots nearby for much more. For instance, in December 2021, a lot on Linnie Canal nearby sold for \$1,750,000 which pencils out to about \$70 million. (40 lots X \$1,750,000 = \$70 million.) Even more recently, three lots sold for \$6.4 million for an average lot cost of \$2.13 million. That would yield an approximate fair market value of the 40 Project lots of \$85.2 million. Thus, our \$60 million assumption is very conservative.



**\$1,750,000**  
Sold Price

0 Beds      0 Baths      0 Sq. Ft.

0 Linnie Canal  
Los Angeles, CA 90291

**Recently Sold**  
This home last sold for \$1,750,000 on December 20, 2021.

When that market value land cost of \$60 million, the municipally budgeted cost of the LADOT replacement parking garage disclosed in the staff report (\$25 million), and the cost of the west residential/commercial parking garage (\$3 million) is factored into the Project pro forma, the total cost of public contributions to build these particular units rises to \$1.24 million per 460 square foot unit. Mr. Bonin will not be around to try to justify such an outrageous unit cost, **but members of this Council will be when they face re-election.**

**The Homelessness and Poverty Committee, and indeed, all City Councilmembers must ask questions and take public testimony to understand the concerns about this Project.** A recent conversation between a community resident in Venice and a Councilmember revealed he was unaware of basic aspects of this Project and its costs – and when he became aware, he had important questions about this taxpayer expenditure. That concern ought to be shared by all City Council members as Mr. Bonin seeks to impose on this City Council a boondoggle and land grab that they will need to explain to taxpayers and implement in his absence.

We object to the Project. Moreover, we hereby adopt all project objections, comments, and all evidence/studies submitted in support of project objections, and specifically requests that the City print out or attach to the Council file every hyperlinked document cited in all comment letters in the administrative record for this Project. Additionally, please confirm that the City Clerk has placed an accurate and complete copy of all of our correspondence, including this letter, in each of the following City Council Files: Council File Nos. 22-0496, 21-0829, and 21-0829-S1. We request an email confirmation that the City Clerk has placed our correspondence into these City Council files.

Sincerely,

Coalition for Safe Coastal Development