

## **Communication from Public**

**Name:** Jamie Hall  
**Date Submitted:** 06/09/2022 08:37 AM  
**Council File No:** 22-0496  
**Comments for Public Posting:** Please see the attached letter.

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June 9, 2022

## **VIA ELECTRONIC MAIL**

Hon. Kevin de Leon, Chair  
Los Angeles City Council  
Homelessness and Poverty Committee  
c/o City Clerk  
200 North Spring Street  
Los Angeles, CA 90012  
([Clerk.HomelessnessandPovertyCommittee@lacity.org](mailto:Clerk.HomelessnessandPovertyCommittee@lacity.org); [luigi.verano@lacity.org](mailto:luigi.verano@lacity.org))

**Re: Item No. 5 of the Homelessness and Poverty Committee Meeting for June 9, 2022, Council File 22-0496 – Proposal to Enter into Disposition and Development Agreement without Final Plans, Entitlements or Proof of Proper CEQA Exemption (Reese Davidson Project, 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 Chair De Leon and Homeless and Poverty Committee Members:

This firm represents the Coalition for Safe Coastal Development (“Coalition”) and its supporting organizations and individuals.

In our letter on June 7, 2022 to this Committee, we called to the City Council’s attention that there is growing evidence that the version of the Project Plans dated May 12, 2021 approved by the City Council on December 1, 2021 is not a version of the Project the City through its Department of Transportation and the developer intend to build. In that letter we provided details that the April 27, 2022 Housing Department report, Term Sheet and draft DDA and a May 20, 2022 CAO Report was based upon a version of the LADOT parking garage shown in plans designed after the May 12, 2021 entitlement plans dated February 7, 2022 and a Parking Garage concept memo dated March 15, 2022. Additionally, the Housing Department had attached to its first Term Sheet a copy of preliminary plans from January 7, 2020 instead of either the May 12, 2021 approved plans or the February 7, 2022 plans that appear to be the real Project, currently undisclosed to other City Council members and the public.

On June 3, 2022, the Chief Administrative Officer (CAO) placed into the Council File a new and different report and asked the City Council to “receive and file” (meaning “ignore”) the prior April 27, 2022 Housing Report and the May 20, 2022 CAO Report both of which exposed the intent to not build the May 12, 2021 approved Project Plans. Why was this done? Why is City staff wasting taxpayer funds processing the execution of a Development Agreement that appears to NOT be the plans the City actually intends to build?

The answer we think is that Councilmember Mike Bonin and other City officials in the Mayor’s office do not have enough time to process in accordance with the City Charter a new change in the Project entitlements before some version of the Project is sent over to the California Coastal Commission for review and consideration of a dual jurisdiction Coastal Development Permit. So the actual planned project will be left to be corrected in later entitlement proceedings before the City Council.

This is a dangerous gamble and a failure to follow required City Project review processes before entitling the correct version of the Project. The approved Project Plans from May 12, 2021 have undergone significant changes to design concept and none of these changes have been sent to the Building and Safety Department for review and imposition of proper mitigation measures. Without such mitigation measures, City staff are placing construction workers at this troubled high water table, sea level rise risk, methane and liquification zone at risk without proper review.

Nevertheless, the CAO’s report attempts to “clean up” the “errors” in the previous Housing Department and CAO report by changing the number of parking spaces from the 244 shown on the as-yet-undisclosed February 7, 2022 plans to the 252 number indicated on the approved May 12, 2021 plans and documentation. Additionally, the CAO attached to the revised Term Sheet the May 12, 2021 plans in lieu of the incorrect January 7, 2020 plans.

As a result of new public records requests, we have located a changed construction plan for the Project. Attached as **Exhibit 1** is a construction phasing memo dated only on the file name as prepared January 2020. In this memo, the developer reports to LADOT that a phased development of the Project is proposed instead of a single phase previously contemplated by the planning documents. Based upon the Term Sheet attached to the June 3, 2022 CAO report, this phased construction plan appears to remain in place because the Term Sheet calls for the LADOT parking garage to commence construction in October 2022 and then, a year later, the Project (presumably the mixed-use portion) to commence construction in October 2023.

City officials and the developer appear to be purposely withholding these intended project changes to be incorporated into the Project later, perhaps without any public review process. Certainly, the sequence of events and changes processed in the CAO Report you are asked to approve are designed to lock the City Council into signing a Disposition of valuable City Land and Development Agreement with the developer without showing the other Council members or the public the actual project documents. This remains highly irregular.

It is a waste of taxpayer funds, subject to potential taxpayer injunction under Code of Civil Procedure Section 526a, to process a Disposition and Development Agreement that does not reflect the Project the City and developer intend to build. Furthermore, it is potentially reckless to human life to pretend the DDA is for the May 12, 2021 approved plans, when unexamined redesigned plans and new phased construction methods may be later substituted into

the land use entitlements and DDA without having been reviewed in the normal course of a proper land use entitlement process.

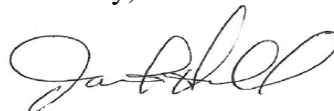
For these reasons, the City Council will not proceed in accordance with law if it authorizes the Housing Department to now negotiate and enter into a DDA based upon the May 12, 2022 plans when City Council is now on notice it appears its Department of Transportation and developer have no intention of actually building those previously entitled, and as of today, unchanged development plans.

Because the City's proposed actions today seek to improperly commit it to a Project not properly reviewed, on June 7, 2022, we also submitted over 900 pages of previous comment letters on the lack of proper review of this Project. Those letters are found in the Council File under "June 7, 2022 Communication from the Public."

The Coalition objects to the Project. Moreover, Coalition hereby adopts 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 each and every hyperlinked document cited in all comment letters in the administrative record for this Project. Additionally, because the proposed execution of the DDA is activity related to the Project entitled by the City Council, we incorporate by reference the entire contents of City Council Files Nos. 21-0829 and 21-0829-S1. 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: No. 22-0496, No. 21-0829 and No. 21-0829-S1.

I may be contacted at 310-982-1760 or at [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com) if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall", written in a cursive style.

Jamie T. Hall

Encl.

Exh. 1 – January 2020 Phased Construction Plan

# **Exhibit 1**

## **Hollywood Community Housing Corporation and Venice Community Housing's Reese Davidson Community**

### **Project Description**

HCHC and VCH are proposing the development of The Reese Davidson Community Development (Project) a 140-unit affordable housing development located in Venice, consisting of 136 affordable and permanent supportive housing units, and 4 units for on-site property management staff, as well as a public parking garage for the general public to be operated by the City's Department of Transportation (LADOT).

The Project Site is located in the median island between North and South Venice Boulevards from Dell Avenue on the east to Pacific Avenue on the west. The Project Site is approximately 112,000 square feet and is separated into a West Portion and East Portion by the end of the Grand Canal (which becomes Canal Street north of North Venice Boulevard). An existing bridge over the Canal connects the East and West Portions. Except for a small residential building on North Venice Boulevard containing five units, the Project Site is presently used as a public, surface parking lot owned and operated by LADOT.

The new uses will be located within two three-story buildings with an approximate height of 35 feet. The residential component of the Project will consist of 68 units reserved for low-income formerly homeless households (permanent supportive housing); 34 affordable units for low-income artists, including live/work studios on the ground floor; 34 affordable units for lower-income households; and 4 units for on-site property management staff. The units are comprised of studios, 1-bedroom and 2-bedroom units. Taking into consideration the five existing units on the Project Site, the Project provides 135 net new units.

The Project will also include 3,155 square feet designated for community arts/community meeting spaces and 3,065 square feet for retail/restaurant uses, as well as 500 square feet of outdoor seating associated with the restaurant use. A 59-foot architectural campanile will be located at the corner of North Venice Boulevard and Pacific Avenue. Parking for all residential and commercial uses on the Project Site will be provided on the West Site and will include up to 108 vehicular parking spaces. In addition, up to 293 vehicular parking spaces will be provided in a public parking structure on the East Site to replace and augment existing surface parking spaces and will be operated by LADOT. To accommodate the new uses, the existing surface parking lot and multi-family residential building will be removed.

VCH will serve as the lead service provider. The project staffing will include four full-time case managers that will provide case management and comprehensive services programming to all tenants. The development will provide various amenities, including community rooms, on-site offices, community arts / community meeting spaces, and community-serving retail. Lobby uses will be provided on the ground floor, with laundry rooms provided on the second and third floors in both the West Building and East Building. Common areas will be provided in the architectural campanile located on the northwestern portion of the West Building, which includes the 4th and 5th floors of the West Building, and on the second floor of the East Building.

## **Anticipated Construction Schedule**

The team proposes that construction of the Project be divided into three phases:

- Phase IA (West of Canal): Construction of mixed-use housing development including 60 housing units, approximately 3,065 sf of commercial space, and a parking garage providing 108 residential and commercial parking spaces. Development would be four-stories above grade (with 5-story campanile) with five stories of parking, including the roof.
- Phase IB (East of Canal): Construction of four-story public parking garage with five stories of parking (roof included), providing up to 293 parking spaces. Garage would be operated by the Department of Transportation.
- Phase 2: (East of Canal): Construction of three-story housing development, including 80 housing units and approximately 3,155 sf of public art space. Future tenants of Phase 2 would park in residential parking located in Phase IA.

Construction would commence with demolition of the existing surface parking areas and multi-family residential building. After demolition and site preparation, construction on Phases IA and IB would commence concurrently, beginning with grading and excavation for building foundations. Building foundations for Phases IA and IB would then be laid, followed by building construction, paving/concrete installation for both phases, and landscape installation for Phase IA. After Phase IB is completed, construction would commence on Phase 2, beginning with laying building foundations and followed by building construction, paving/concrete installation and landscape installation.

Project construction is anticipated to begin in 2022 and be completed in 2024. It is anticipated that Phase IA construction would be completed within 20 months and Phase IB would be completed within 15 months. After Phase IB is completed, construction on Phase 2 would commence and be completed within 18 months.

## Communication from Public

**Name:** Coalition for Safe Coastal Development  
**Date Submitted:** 06/09/2022 09:34 AM  
**Council File No:** 22-0496  
**Comments for Public Posting:** Agenda Item 5 The video shows the shocking plans for LADOT's previously undisclosed parking. <https://vimeo.com/717607593>



## Communication from Public

**Name:** Coalition for Safe Coastal Development

**Date Submitted:** 06/08/2022 12:05 PM

**Council File No:** 22-0496

**Comments for Public Posting:** RE: Reese Davidson Project (a.k.a. Venice Dell Project or Venice Median project) Dear Councilmembers and Staff: Please read this and the letter from our attorney attached. People say Councilmembers and even their staff do not read correspondence from the public. Our Coalition is at a loss on how to get the attention of Councilmembers. Mayoral Candidate Rick Caruso has publicly stated that he will immediately cancel all contracts for wasteful housing projects that have not been built and will limit per unit costs to under \$350,000, and he is aware of the monumental waste of taxpayer money by this project. Candidate to replace Mike Bonin, Traci Park, has also decried the Project as ill-conceived and a \$100 million mistake. While most of us were distracted by the election, Mr. Bonin and the lame duck Mayor's Chief Administrative Officer put on the Homelessness and Poverty Committee Agenda a proposal to authorize the City to enter into a binding Disposition of City Land and Development Agreement with the private developer. TOMORROW your Council Committee is asked to allow the Housing Department to proceed with transferring legal control of about \$70 million of beach property to the developer WHO DOES NOT YET HAVE THE NECESSARY ENTITLEMENTS FROM THE CITY OR THE COASTAL COMMISSION. You do not know how the state Coastal Commission will vote, or what additional conditions the Coastal Commission may impose that are NOT in the draft Development Agreement! Would you sign a deed to your own home over to a buyer who had not yet delivered on sale conditions including identifying all of the funding? It makes no sense. So why is this placed on a Council meeting agenda by the Mayor and Mr. Bonin at this time? Logically, why wouldn't such a monumental action require the developer to demonstrate it has all the necessary entitlements and clearances to permit the Project to move forward? Even more disturbing: Mr. Bonin, certain City officials and the developer are still designing a \$19 million public parking garage the taxpayers of the City will be on the hook to pay for that lies literally inside this Project. Documents our Coalition obtained from LADOT establish that the developer will have to come back to the City Council for even more changes to the plans. The parking portion of the project is still in flux, and the Mayor's office, the CAO and Mike Bonin know that. Have you

been told? Our attached letter and exhibits show how the CAO is correcting "errors" of the Housing Department Report in order to hide from Council the fact that the Project is not fully designed or finalized. The CAO is asking this City Council to sign the binding Disposition and Development Agreement based on an about-to-become obsolete version of the Plans for the Project. You are being misled in order to lock in this Project before new City leadership comes on board. Finally, our letter points out that the CAO has not put in front of the City Council all of the paperwork for the proposed Development Agreement you are asked to approve TOMORROW. Would you sign a car lease if the salesperson told you they would fill in the terms later? As currently worded, the CAO's documents contain a loophole that could allow the developer to not even construct a project that is 100% affordable units. Are you willing TOMORROW to sign off this Project, a Project touted as affordable housing, knowing that the wording of the agreement does not absolutely require the developer to provide 100% affordable units? Are you prepared to let this go through even knowing it could turn out to not be a 100% affordable project? This is a significant project of City-wide impact. It demands Council's close attention. It requires disposing of \$70 million of valuable City land and incurring \$19 million of General Obligation bonds to build the LADOT parking garage. We remain alarmed that when our members have discussed the Project with some Councilmembers, they professed no knowledge of the basic facts of the Project. The time has come to stop blindly accepting the misinformation you are being fed by Mr. Bonin, the Mayor/CAO, and the self-interested developer. Knowledge is power, and that comes from reading the attached letter and looking at the exhibits. Most Sincerely- The Coalition for Safe Coastal Development

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\*ALSO Admitted in Texas

June 7, 2022

## **VIA ELECTRONIC MAIL**

Hon. Kevin de Leon, Chair  
Los Angeles City Council  
Homelessness and Poverty Committee  
c/o City Clerk  
200 North Spring Street  
Los Angeles, CA 90012  
([Clerk.HomelessnessandPovertyCommittee@lacity.org](mailto:Clerk.HomelessnessandPovertyCommittee@lacity.org); [juan.I.verano@lacity.org](mailto:juan.I.verano@lacity.org))

**Re: Item No. 5 of the Homelessness and Poverty Committee Meeting for June 9, 2022, Council File 22-0496 – Proposal to Enter into Disposition and Development Agreement without Final Plans, Entitlements or Proof of Proper CEQA Exemption (Reese Davidson Project, 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 Chair De Leon and Homeless and Poverty Committee Members:

This firm represents the Coalition for Safe Coastal Development (“Coalition”) and its supporting organizations and individuals.

Council is being asked to hastily and inappropriately approve an incomplete Disposition and Development Agreement (“DDA”) for one part of what is in fact two interconnected and interdependent projects: what has been represented as a Permanent Supportive Housing project to be owned and operated by two private companies, and an LADOT owned and operated public parking structure. The projects would be located on valuable City property on land used for public parking in close proximity to the beach in Venice.

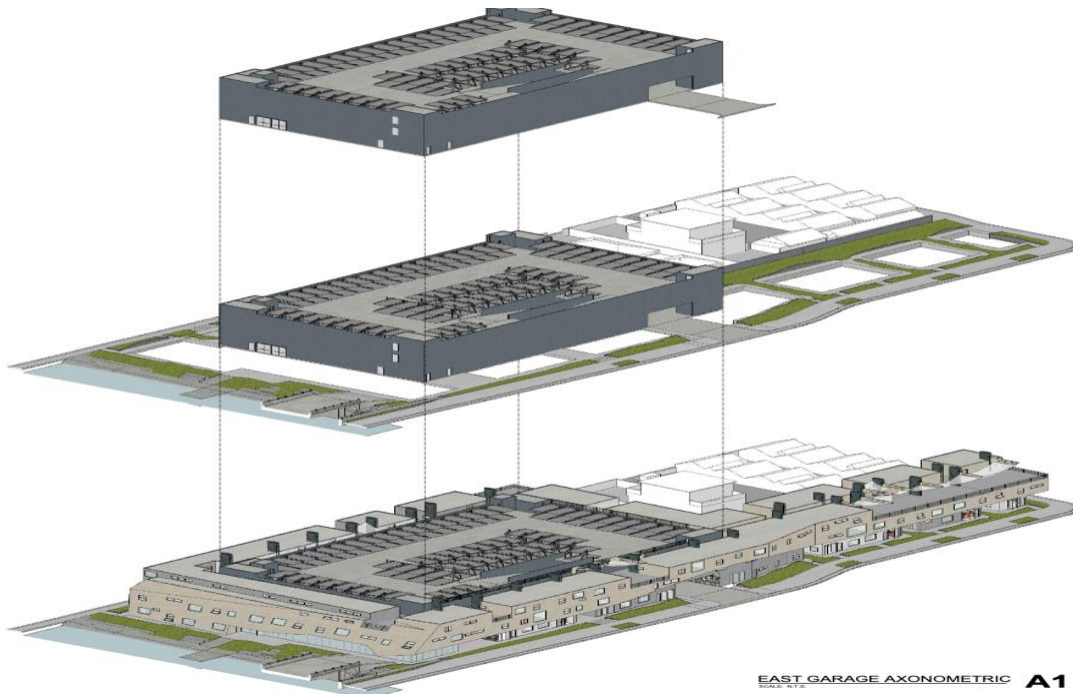
The haste with which these projects are being processed has already led to inaccuracies necessitating Council rescinding the General Plan Amendment approved for the joint development, and has necessitated the Chief Administrative Officer correcting inaccuracies in the reports presented to Council at their last meeting on this item, which was in turn continued

due to errors in the noticing for the item.

**Council should never be asked to act in haste to approve a DDA which gives away valuable City property for a term of 99 years and necessitates the City incurring more than 19 million dollars in bonded indebtedness secured by the General Fund, without an accurate, stable and finite Project description, and without first having reviewed a full and complete copy of the DDA.** However, that is precisely what Council is being asked to do. We therefore respectfully request that the Committee recommend continuing this item to a date uncertain until the entitlements are known and there is a complete disclosure of the terms of the DDA to the City Council and public.

### **THE LADOT REPLACEMENT PARKING GARAGE IS SEPARATE FROM THE AFFORDABLE HOUSING PROJECT.**

**This is not a typical affordable housing project and City Council members need to understand the flaws triggered by its design concept:** there is a LADOT public parking garage in the center of the east project site and the housing project wraps around it like a donut.



***Parking garage (top), sited in middle of lot (center), housing surrounds (bottom).***

A new Council File 22-0496 was opened by the City Clerk when the Housing Department submitted an April 27, 2022 report recommending the City Council authorize it to execute a DDA, and turn over control of land to the developer – **even though the developer has not completed either the City or Coastal Commission entitlement approval process.** This placement of the cart before the horse alone justifies the City Council continuing this item to a date uncertain when the entitlement process is completed. **It would be irresponsible for the City Council to turn over the land when the developer has not yet secured all entitlements.**

## HOUSING DEPARTMENT STAFF MADE MISTAKES IN ITS REPORT.

The Housing Report dated April 27, 2022 attached a set of plans dated January 7, 2020. Those plans were **not the plans dated May 12, 2021** approved by the City Council on December 1, 2021. Thus, the Housing Department's report erroneously attached the wrong, January 7, 2020 plans that were preliminary to the approved plans.

Additionally, the Housing Department's draft Term Sheet at pages 2 and 3 erroneously referred to parking space numbers for the LADOT East Garage as 244 spaces and not the 252 parking spaces that were part of the approved plans. Additionally, the Term Sheet at page 5 erroneously referred to parking space numbers for the residential portion of the parking garage on the west site as 61 parking spaces and not the 57 parking spaces for that garage in the approved plans dated May 12, 2021.

Why did the Housing Department refer to a 244 parking space number for the LADOT parking garage? There exists an as-yet-undisclosed set of Project Plans circulating among City officials and the developer dated February 7, 2022 that would reduce the committed parking down to 244 parking spaces. A copy of these undisclosed plans is attached at **Exhibit 1**. Thus, the Housing staff report and Term Sheet erroneously inserted the coming reduction of parking spaces before it had been sought by the developer or disclosed publicly.

<b>The Three Sets Of Project Plans For LADOT Project Conflated By Housing Staff</b>			
<b>Date</b>	<b>Plans Description</b>	<b>LADOT Parking Spaces</b>	<b>Attached To:</b>
January 7, 2020	Preliminary Plans not adopted	252	April 27, 2022 Housing Report
May 12, 2021	Entitlement Plans (ver. 6) approved by City Council on December 1, 2021	252	June 3, 2022 CAO Addendum
February 7, 2022	Further revised Plans the developer actually intends to build but has not disclosed.	244	Exhibit 1 hereto

The existence of evidence of the continuing redesign of the approved May 12, 2021 plan establishes proof that neither the developer nor City officials have determined the actual design of the proposed City-financed and City-owned LADOT parking garage on the east site of the Project. These plans **materially differ from the Plans approved on December 1, 2021 as the entitled building plans.**

## THE HOMELESSLESS AND POVERTY COMMITTEE CONTINUED THE ITEM ON MAY 26, 2022 WITHOUT EXPLANATION.

In the face of strong community objections to the proposed effort to lock in the Project with an executed DDA, on May 26, 2022, the item was continued to the next meeting on June 9, 2022. No reasons were given for the continuance. But subsequent changes to the Council File establish the continuance was based upon Housing Department errors and objections interposed by the community.

## **THE CAO ADDENDUM SEEKS TO RETURN THE LADOT PLANS AND TERM SHEET FOR THE DDA TO THE MAY 12, 2021 APPROVED PLANS.**

The CAO knows that a Term Sheet and DDA execution must conform to the Plans approved by the City Council, and NOT to anticipated future modifications of the Project that have not yet been proposed or approved. The June 3, 2022 CAO Addendum to its previous report corrects these errors, but fails to disclose to the City Council or public why these errors occurred in the first place. They occurred because the Housing Department inserted into the proposed Term Sheet and DDA the developer's desired number of parking space commitments to the LADOT parking garage instead of the higher number it is currently obligated to provide. The Housing Department therefore tried to execute a Term Sheet and DDA inconsistent with the approved plans.

Councilmember Mike Bonin's term is running out. If the CAO and Housing Department disclosed the February 7, 2022 Plans in **Exhibit 1** or the Concept Memo for the LADOT parking garage attached hereto at **Exhibit 2**, there is a risk that City Council colleagues of Mr. Bonin would realize that the Project is not final. The Concept Memo suggests the number of committed parking spaces in the LADOT parking garage will be further reduced to just 240 parking spaces. The Project thus remains in flux.

And if City Council members realized that they would have to consider revised land use entitlements in the future (to further reduce the committed parking spaces and entitlements for the LADOT parking garage), they would realize the effort to rush the Project to DDA execution right now is calculated to lock in their future decision-making discretion. **Mr. Bonin and City officials are trying to force this City Council to commit to the Project without disclosing its ongoing redesign shown in the Exhibits attached to this letter.** This analysis is just one example why Item No. 5 of the Homelessness and Poverty Committee June 9, 2022 meeting agenda is a request to sign a binding DDA missing its most critical parts.

The CAO and Housing Department have solemn public duties to provide accurate, complete and truthful information to the City Council and public that they serve. **Therefore, Item 5 on the Committee's meeting agenda for June 9, 2022 should be continued to a date uncertain until the developer is required to disclose the new Project designs, seek and receive the new entitlements, and the Coastal Commission entitlements are determined.**

## **THE CAO CLAIM THAT THE PROJECT HAS "NO IMPACT" ON THE GENERAL FUND FAILS TO DISCLOSE THAT REPAYMENT OF THE LADOT GARAGE DEBT FALLS ON THE GENERAL FUND IF REVENUES OF THE NEW GARAGE FALL SHORT.**

The CAO's new report continues to contain the following statement which is significantly both in error and misleading:

"There is no impact to the General Fund. Potential project funding sources include State grants, loans, or tax credits, Project-Based Section 8 vouchers, Affordable Housing Managed Pipeline funding, and private financing, among others. The revisions in this report addendum will not result in an additional cost to the City, and no funding commitments are being made at this time."

This statement ignores the fact, as detailed on page 3 the previous May 20, 2022 CAO Report that the DDA commits the City to a Project which necessitates the City replacing the existing public parking on the site. This is accomplished via the construction of a parking structure necessitating expending estimated debt service for the LADOT public parking garage of \$19,490,000, which includes interest of approximately \$7,844,000. This equates to the City spending \$143,309 for each of the 136 affordable units, **just in replacement parking costs alone**. The DDA thus obligates the City to replacing a revenue generating parking lot, with a parking structure the City does not have the funds to pay for, and which necessitates borrowing by the City in the form of bonded indebtedness. The cost of the replacement parking garage has been improperly omitted from briefing materials to City Council related to the Pro Forma. **The City Council has not been shown the true cost of the affordable units.**

Additionally, the CAO fails to acknowledge potential impacts to the General Fund if the garage revenues fall below that necessary to service the debt payments. The Municipal Improvement Corporation of Los Angeles (“MICLA”) bonds are backed by the General Fund. The community has submitted substantial evidence that the LADOT parking garage will be high-priced (driving low-income beach users to cheaper lots) and the complexity of the parking method will likely slow service to the point the potential customers will divert to other parking lots. Right now, Lot 731, the lot the City proposes to use for this Project, generates a significant profit, but when the parking is crammed into the LADOT parking garage, there is no guarantee the revenues minus the much higher expenses will yield sufficient funds to pay the Project debt service. This is another reason City Council should focus on the credibility of certain studies prepared for LADOT related to the proposed LADOT parking garage. But that has not been done. The LADOT process has been conducted in secrecy from the public and this Council.

**ALL OF THE DDA EXHIBITS ARE OMITTED, DENYING CITY COUNCIL FULL ASSURANCES THE PROJECT IS COMPLIANT WITH REQUIREMENTS.**

The April 27, 22 Housing Department Report also contained the text of the proposed DDA. The DDA being presented to the Committee for review and approval recommendation lacks the following important Exhibits:

Part I of Exhibits:

- A. Site Map
- B. Legal Description
- C. Schedule of Performance and Milestones
- D. Scope of Development
- E. Project Budget [Intentionally omitted]
- F. Form of Assignment of Agreements, Plans, Specifications and Entitlements
- G. Form of Statutory Request for Notice
- H. Form of Regulatory Agreement
- I. Form of Notice of Affordability Restrictions [intentionally omitted]
- J. HUD Requirements
- K. Form of Ground Lease

This City Council is thus being asked to act on this item without having access to the full

agreement for review, including without a defined Project Description, without defined affordable housing requirements, and without defined lease terms. **Council should never be asked to enter into a DDA without first having the opportunity to review and question the full agreement.** Neither Council nor the public knows the form, content, accuracy or appropriateness of these important exhibits to the DDA, because they have not been made available for review.

This is a problem. For instance, there is a Form of Assignment of Agreements, Plans, Specifications and Entitlements. The City entitlements have been granted to the Hollywood Community Housing Corporation and the Venice Community Housing Corporation. There is no basis to permit the entitlements to be assigned to another entity. These two corporations are jointly and severally obligated to carry out the obligations of the DDA. They were the entities that responded to the RFP to develop this City land, and the City staff proposes to award the DDA to an entity other than those that responded to the initial RFP process. The failure of the Housing Department to disclose the content of the Form of Assignment deprives the City Council and public from understanding where the obligations lie for completion of the Project and enforcement of all obligations.

### **LACK OF THE FULL DDA COULD OBSCURE A LOOPHOLE ALLOWING THE PROJECT TO HAVE LESS THAN 100% AFFORDABLE HOUSING**

The Regulatory Agreement which governs affordability requirements and all of the Part 1 Exhibits (A-K) are missing from the DDA in the Council file. The Regulatory Agreement is particularly important as it specifies the affordability requirements. This Project is being justified on affordability grounds and as Permanent Supportive Housing, yet the DDA provides for the possibility that not all of the units will be affordable units, saying in Section 7.2:

“In the event the Project contains both Affordable Units and dwelling units that are unrestricted as to rents and incomes, the Affordable Units shall to the maximum extent feasible be comparable to unrestricted units with the same number of rooms, in terms of size, location and amenities.”

Why is this provision even contemplated in a project publicly solicited as a 100% affordable housing project? What would constitute “to the maximum extent feasible”? The City Council can’t know the Project’s affordability requirements, and if they are consistent with the RFP process used to select the developer because the Regulatory Agreement is missing from the DDA made available to the public by City staff.

Furthermore, DDA Section 7.10 - Regulatory Agreement says the Regulatory Agreement (which governs affordability) “shall have a term of not less than 55 years from the COO.” It’s a 99-year lease. The DDA leaves open the possibility of the Regulatory Agreement not applying to 44 years of the lease and thus no requirement for affordability after year 55. **It would be inappropriate for the City to lease this valuable land without requiring that all units be affordable for the full term of the lease, or fail to recover the full market value of the land given by the City to the developer under the Lease.**



## **THE PROPOSED DDA CONTAINS NO REQUIREMENT THAT THE DEVELOPER COMPLY WITH ALL FUNDING CONDITIONS OF THE CEQA EXEMPTION.**

There is no requirement in the DDA that the developer comply with the funding conditions for a CEQA Exemption. Given how the funding is described by the Housing Department in their introductory narrative and in the developer's Pro Forma, it is not possible for members of the public to tell whether or not the developer meets the funding requirements for the CEQA exemption from the way the funding is described.

Also, the DDA allows the developer to change the amount of money per funding category in the financial plan, which would allow for zeroing out funding that complies with the CEQA Exemption. (see DDA Section 3.2a.i.) The developer does not need to submit the financing plan until 20 days before Closing and has 24 months after DDA execution to demonstrate evidence of financing. This is not a transparent process to assure conformity with basic legal requirements.

The DDA must require compliance with the funding specifications in Public Resources Code section 21080.27(3), and if funding does not comply at any point, then the DDA must specify that any and all permits and entitlements shall be null and void and that an EIR shall be required prior to issuance of any new or replacement permits or entitlements.

## **THE MISMATCH OF THE LAND LEASE PERIOD AND ENFORCEABLE OBLIGATIONS TO PROVIDE AFFORDABLE HOUSING ARE AS WASTE OF TAXPAYER ASSETS.**

The developer's Pro Forma asserts, without any supporting evidence, that the "Fair Market Value" of the beach property proposed for transfer to it is only \$3.3 million. Such a contention is preposterous when single lots across the street without a commercial zoning designation have recently sold for \$1.75 million each. This Project dedicates 40 of those taxpayer-owned lots to this Project. Thus, the DDA ought to better protect taxpayers from an absolute lining of the pockets of the developer, and the real cost of the taxpayer contribution ought to be added into the Pro Forma. **When the real cost of the Project is summed and divided among the 136 affordable units, the average cost per unit is well over \$1 million. Is the City Council prepared to defend this wasteful cost of building affordable housing?**

The DDA obligates the City to the leasing of incredibly valuable land (conservatively estimated at \$60 to \$70 million) for a term of 99 years for One Dollar a year for at least the first 55 years of the Ground Lease.

A lot can happen in 99 years - in the City's first 99 years it belonged to three separate countries.

The DDA only requires the Regulatory Agreement governing affordability to apply for 55 of those 99 years, and the DDA leaves open the possibility that not all the units will be affordable.

What is the City agreeing to? Neither the public nor the City Council can know because the DDA in the Council file is missing most of the key exhibits, the General Plan Amendment for the Project is in flux and not yet reapproved with amendments, there are changing versions of

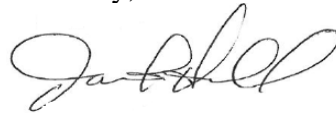
the Project parking plans, and important environmental analysis has not been conducted for the Project.

## CONCLUSION

The Coalition objects to the Project. Moreover, Coalition hereby adopts 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 each and every hyperlinked document cited in all comment letters in the administrative record for this Project. Additionally, because the proposed execution of the DDA is activity related to the Project entitled by the City Council, we incorporate by reference the entire contents of City Council Files Nos. 21-0829 and 21-0829-S1. 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: No. 22-0496, No. 21-0829 and No. 21-0829-S1.

I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall", written in a cursive style.

Jamie T. Hall

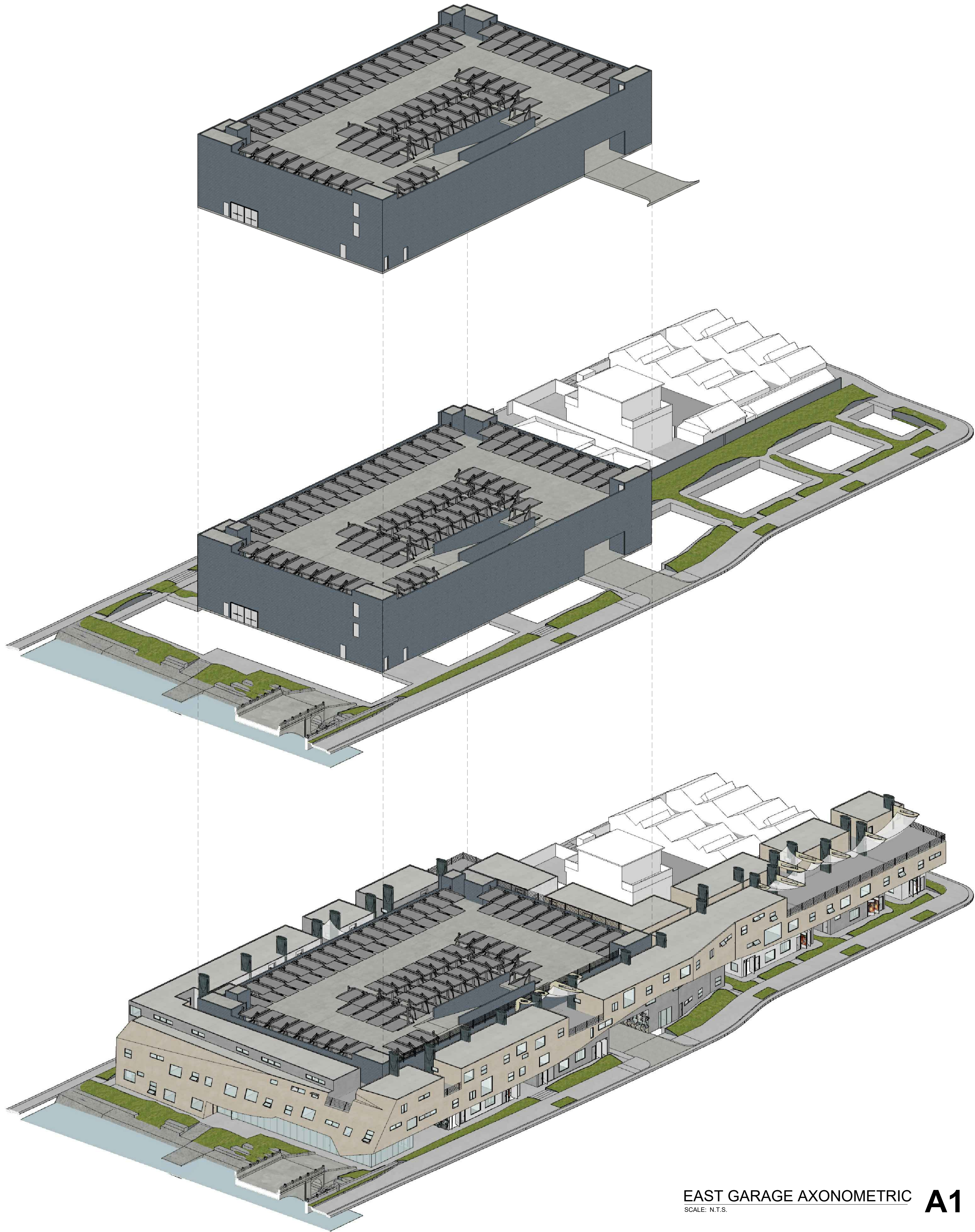
Encl.

Exh. 1 – Garage plans dated February 7, 2022

Exh. 2 – March 2022 Concept memo for parking garage

# EXHIBIT 1



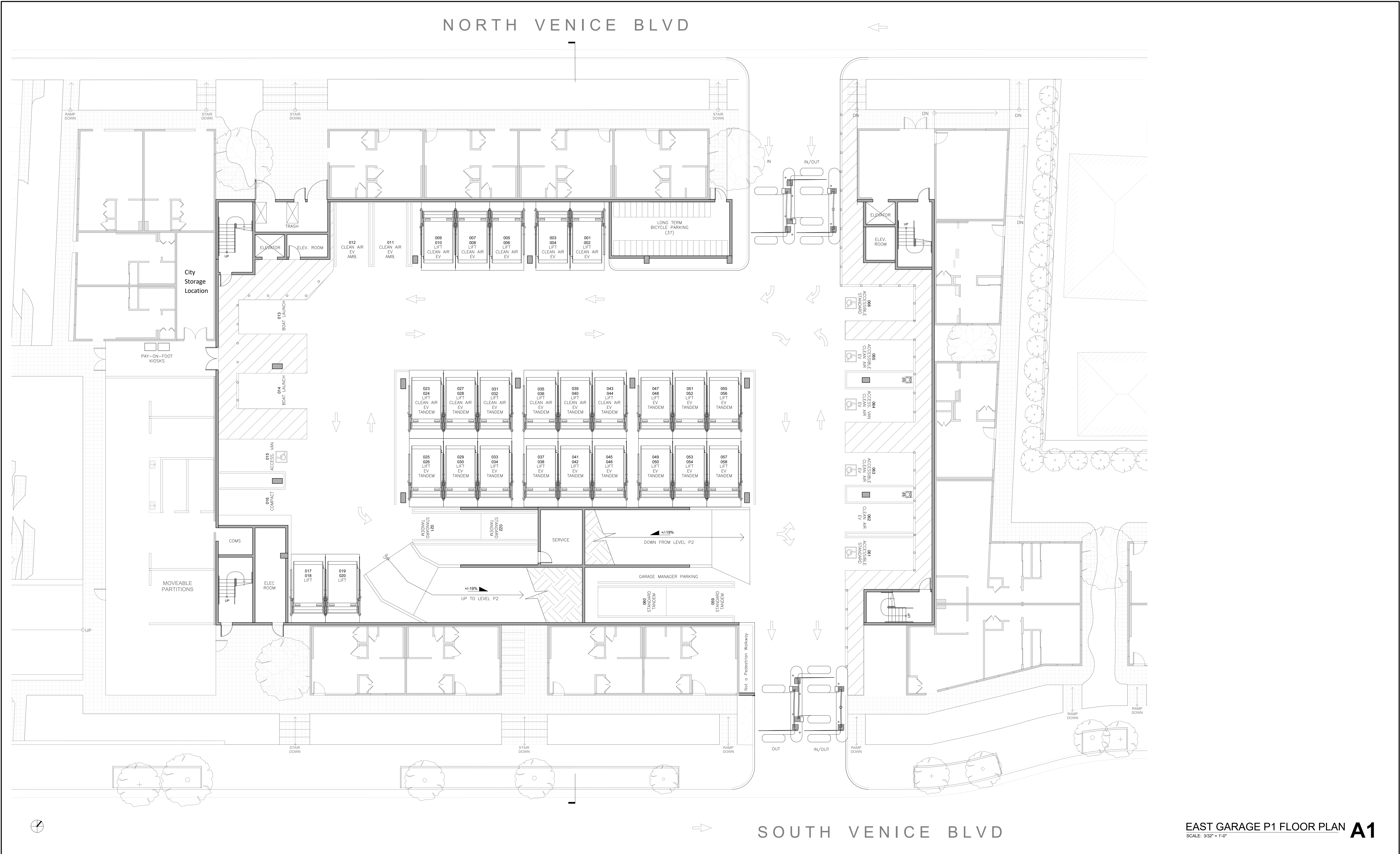


EAST GARAGE AXONOMETRIC **A1**  
SCALE: N.T.S.

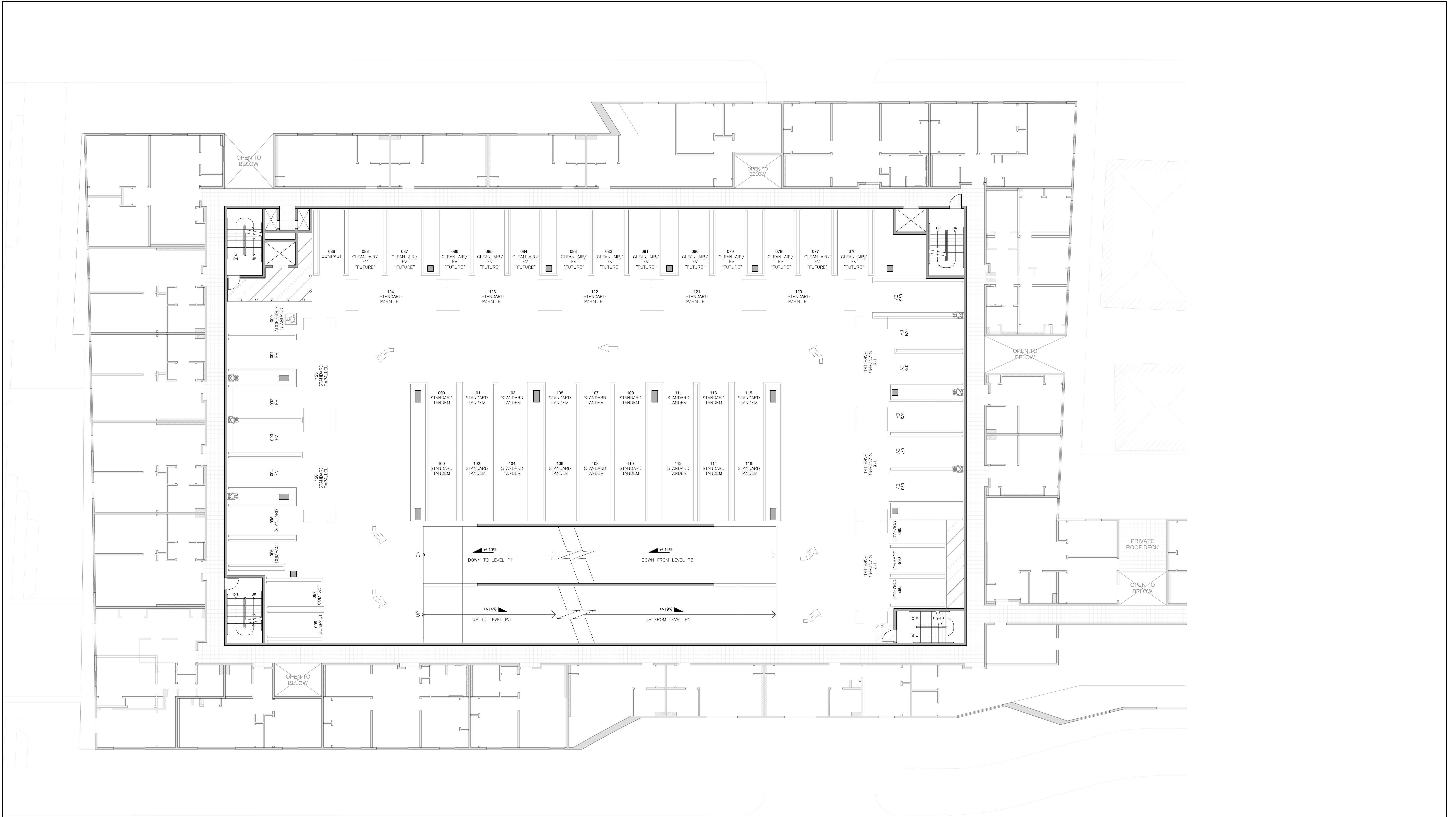
	Parking Tabulations														
	Std.	Comp.	Attenda nt Assist.	Self-Par k EV/C.A.	Mech Lift (Lower Vehicle)				Mechlift (Upper Vehicle)			AS2	VA2	EV AMB.	Boat Launch
					Std.	Tand.	EV	Tand. EV	Std.	Tand.	EV				
Grade	0	1	4	1	2	0	5	18	7	18	0	4	2	2	2
2F	1	7	28	23	0	0	0	0	0	0	0	1	0	0	0
3F	0	0	0	0	45	14	0	0	45	14	0	0	0	0	0
Sub Totals	1	8	32	24	47	14	5	18	52	32	0	5	2	2	2
Total Spaces	244														


PARKING DATA **A1**  
SCALE: N.T.S.

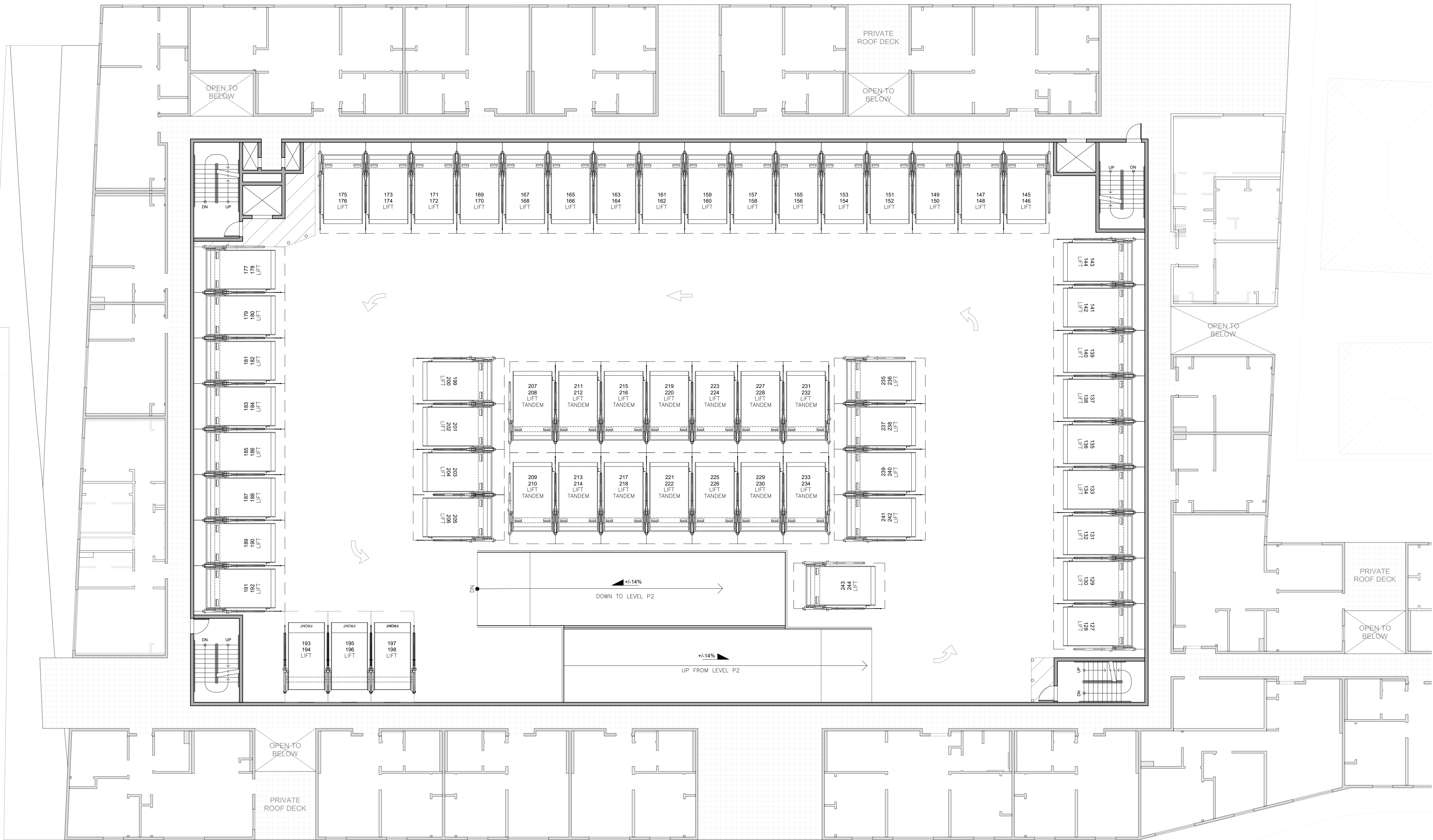




EAST GARAGE P1 FLOOR PLAN **A1**  
SCALE: 3/32" = 1'-0"



 **EAST GARAGE P2 FLOOR PLAN A1**  
SCALE: 3/32" = 1'-0"



 **EAST GARAGE P3 FLOOR PLAN A1**  
SCALE: 3/32" = 1'-0"

ARCHITECT  
**ERIC OWEN MOSS ARCHITECTS**  
8557 HIGUERA STREET  
CULVER CITY, CA 90232  
310-839-1199

CLIENT  
**VENICE COMMUNITY HOUSING CORP. HOLLYWOOD COMMUNITY HOUSING CORP.**  
720 ROSE AVENUE  
VENICE, CA 90291  
310-399-1130  
5020 SANTA MONICA BOULEVARD  
LOS ANGELES, CA 90029  
323-469-0710

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NOT FOR CONSTRUCTION

PRINT RECORD					
DATE	DESCRIPTION	REV	DATE	DESCRIPTION	REV
12/12/18	ENTITLEMENT DRAWINGS	1	05/12/21	ENTITLEMENT DRAWINGS	6
01/07/20	ENTITLEMENT DRAWINGS	2			
07/03/20	PVP COMMENT RESPONSE	3			
10/16/20	ENTITLEMENT DRAWINGS	4			
03/31/21	ENTITLEMENT DRAWINGS	5			

PROJECT TITLE  
**REESE DAVIDSON COMMUNITY**  
  
SHEET TITLE  
**P3 LEVEL**

SHEET NUMBER  
**A1.03**  
DATE: **02/07/22** REVISION: **6**

# EXHIBIT 2



1. Purpose
2. Description of Facility
3. Management Organization
4. Public Parking Revenue and Financing Limitations
5. Public Parking Control Equipment & System Function
6. Public Parking Garage Space Allocation
7. Public Parking Rates & Pricing Plan

## **I. Purpose**

The Public Parking Management Plan is a planning document prepared for the City-owned public parking component of the Venice Dell Community Project (“Project”), part of the City’s Affordable Housing Opportunity Sites program. It is designed to provide:

- the management plan and policy for the public parking facility in general
- management and policy for the procurement and retention of a professional parking operator
- the operational context by which a public parking agreement can be prepared with private developers
- the operational plan and policy for parking patrons who will be utilizing the public parking facility.

On December 14, 2016, the Los Angeles City Council approved the selection of the Developer for the purpose of creating, in conjunction with the City and community stakeholders, a full development plan for the Project (Council File: 16-0600-S145). Developer includes:

- Venice Community Housing Corporation, located at 200 Lincoln Boulevard, Venice, CA, 90291 (“VCH”);
- Hollywood Community Housing Corporation, located at 5020 Santa Monica Boulevard, Los Angeles, CA, 90029 (“HCH”) collectively with VCH.

The Developer and the Los Angeles Housing and Community Investment Department (“LAHCID”) have entered into an Exclusive Negotiation Agreement (“ENA”) dated January 12, 2017, as amended and as may be amended, restated, supplemented, or otherwise modified from time to time. The ENA pursuant to which the Developer and LAHCID agreed to negotiate the terms of a Development and Disposition Agreement (the “DDA”) and/or a ground lease (the “Ground Lease”) pertaining to the Project Site.

As part of the Project, the Developer will replace the existing 196-space surface lot currently on the Project Site with a new parking structure on a portion of the lot. On or about July 1, 2020, the

Developer issued a Request for Proposals (RFP) seeking a parking partner to lead the design, build, finance, operations, and maintenance (“DBFOM”) of an above ground parking structure (the “Public Garage”) to be located on the Project Site and service the parking needs of the general public.

The Project will be developed at the Project Site, which is currently approved as a surface parking lot consisting of 196 parking spaces, known as Municipal Lot 731 located at 200 N. Venice Boulevard, Venice, CA. The current Project plans call for the construction of 140 residential units, 68 units for people experiencing homelessness, 34 units for artists, 34 units for low-income households, and 4 units for property management staff. On-site services and amenities include trained professional supportive services staff, community space for tenant services and activities, arts, health and wellness services, private parking, a community arts center, and job development opportunities.

The Project Site is divided by a canal which creates two distinct sites, East Site and West Site. The Project will be developed utilizing a multiphase approach comprised of two phases. The West Site will be developed during Phase 1 and will contain 63 residential units and above ground parking for residents’ use. The East Site will be developed during Phase 2 and will contain a 3-level parking structure for public use and 77 residential units. The parking structure will replace the existing 196 spaces of Municipal Lot 731 and will serve transient parkers. All resident parking will be accommodated in the parking garage on the West Site.

The City designated parking operator shall at all times properly operate, or cause to be properly operated, the facility in an efficient and economical manner consistent with good business practices. They shall maintain, preserve, reconstruct, and keep the same or cause the same (except for ordinary wear and tear) to be so maintained, preserved, reconstructed and kept, with the appurtenances and every part of parcel thereof, in good repair, working order and condition. They shall from time to time make, or cause to be made, all necessary and proper repairs, replacements, and renewals so that at all times the operation of the system may be properly and advantageously conducted. The parking operator shall at all times charge and collect flat rate and/or demand-based fees, rents and other charges for parking access and shall adjust said fees and charges, within constraints set by the Coastal Commission and the City’s Transportation Commission, from time to time so that:

1. Net Revenues will be at least sufficient in each fiscal year, together with other pledged revenues, for the payment of the sum of:
  - a. An amount equal to the semiannual payments of Debt Service for such Fiscal Year; and
  - b. All other charges or liens whatsoever payable out of revenues of the System during such fiscal year as approved in the annual operating budget.

## **II. Description of Facility**

The Venice Dell Community affordable housing project includes the proposed Venice Dell Community Public Parking Garage (facility). It is to be an approximately 240-space, three-level public parking facility planned to accommodate predominately public, or transient traffic. This proposed public parking facility will be located on the eastern portion of an existing City of Los Angeles municipal parking lot. It will be within a wrap of residential space which limits the footprint to roughly 116'-0" wide by 189'-0" in length. A 35'-0" height limit exists for the site and proximity to the ocean is a limiting factor for subterranean structures. Therefore, a slab-on-grade design is being proposed. Due to the building envelope limitations, achieving a parking capacity of up to 240 spaces requires the use of both tandem parking and individual vehicle lifts. Therefore, the present garage configuration is as follows:

- P1 (grade) level – approximately 15'-0" clear height to ceiling and will include mechanical vehicular lifts.
- P2 (self-park) level – approximately 10'-6" floor-to-floor height with no mechanical vehicular lifts. This parking level will be the self-park floor level.
- P3 (roof) level – this level is planned to include mechanical lifts (and roof-top support structure) that will stay within the 35'-0" height limit.

Parking Design Group (PDG) has determined that short-span structural construction is the best approach for this parking structure employing approximately 10" thick concrete slabs without the use of drop heads or thickened beams. Our improved design includes the use of one-way traffic flow throughout the facility with the use of an opposing ramp system that will provide vehicle traffic flow between levels.

## **III. Management Organization**

In response to the RFP seeking a parking partner for the Public Garage, Park Green<sup>®</sup> LLC with Parking Design Group, LLP (PDG) submitted a proposal and was selected by the Developer as their preferred parking partner to assist with the design and parking management plan.

The parking operation and routine maintenance of the system will be provided by a professional parking operations firm that will supply all personnel, from system manager to individual parking facility managers, attendants and maintenance personnel. The parking operator has the primary advantage of retaining only those personnel that are required to operate and maintain the facilities as conditions fluctuate.

Selection of the parking operator will be undertaken on a competitive selection basis through the publication of an RFP. Preparation and distribution of the RFP, undertaken by the City, and will be sufficient to elicit response from nationally or regionally known operators as well as those currently in the Los Angeles market (list and final selection to be approved by the City). Selection

criteria will include both quantitative measures (e.g., costs and fees) and qualitative measures (e.g., qualifications and references).

The new parking structure has been designed to be user friendly. The operations should also reflect that goal. Operational emphasis should be given to:

- Sustainability
- Convenience
- Security
- Cleanliness
- Customer Service

#### **IV. Public Parking Revenue and Financing Limitations**

(TBD)

#### **V. Public Parking Vehicular Access, Control Equipment & System Function**

North Venice Boulevard is situated just north of the garage and has one-way southwest bound traffic. South Venice Boulevard is situated just south of the garage and has one-way northeast bound traffic. The garage will be equipped with double-lane access points on both North Venice Boulevard and South Venice Boulevard. The design will include reversible lane equipment so that each access point can accommodate two-way or one-way entry and exiting traffic.

The reversible lane equipment configuration has been priced and will be addressed by the team during the schematic design phase.

The Parking Access and Revenue Control System (PARCS) entry device will operate by a touch-screen display and/or buttons and may allow credentialing by dispensed ticket, credit card, barcode reader, and phone apps. Pre-paying at gate may also be available automatically via a tag on file or by credit card, barcode reader, or phone apps.

Prepaying by cash on entry in event scenario will be discouraged, but in those instances parking ambassadors will be advising cash patrons to pull a ticket and then pay cash at the pay on foot (POF) kiosk. In some peak event conditions, ambassadors can be at the lane to allow paying with cash upon entry.

The parking system will include entry devices configured to potentially offer four parking options, or tiers, for VDC public parking customers identified as Premium, Value, Economy or ADA (Americans with Disability Act represented by the International Symbol of Accessibility/ISA). Pricing for each tier will be displayed on exterior dynamic signage. Once parking selection is made, the space assigned to the customer will be conveyed to them visually and audibly at the entry device and a ticket will be dispensed. The customer will then locate their space via static and

dynamic signage. The parking guidance system (PGS) could also identify each space with a light/sensor fixture mounted above and displaying the corresponding parking tier color to the selected space:

- Purple for Premium
- Amber for Value
- Green for Economy
- Blue for ADA

Patrons selecting the Premium or Value tier upon entry will typically be sold a space on the P2 (self-park) level. (the quantity of spaces in each tier varies from day to day) This parking level will only have adequate clearance for vehicles to be parked on-slab. There is not enough clearance for single-space lifts as will be provided on the P1 (grade) and P3 (roof) levels. The P2 self-park level is also anticipated to handle most of the shorter-term traffic in the facility.

Patrons who choose the Economy tier, the size of which will also vary from day to day, will likely be directed to an attendant drop area where they will surrender their vehicle. These vehicles will then be parked in a P1 or P3 level space or placed on a lift above the on-slab space. Since Economy vehicles are surrendered it could be seen as a valet scenario, however tipping will be discouraged. Traditional type valet services may also be available at this facility.

Studies predicting inflow of vehicles by hour indicate that during the peak parking demand periods, approximately four (4) parking attendants would be needed, including the supervisor. However, during the off-peak parking demand periods, two (2) parking attendants would suffice.

If offered, valet attendants and a valet drop-off/pick-up area will be located on the P1 level. Visitors will receive a time-stamped ticket from the valet upon entry, the validated ticket will be returned to the valet who will then retrieve the car.

Upon departure a customer's ticket will be validated at the retail or restaurant visited (if validation is going to be offered by local establishments) or is surrendered at the POF kiosk. The ticket will be automatically read, validated and the fee will be calculated. If a fee is due, the payment system will allow for various types of payment, i.e., currency, credit cards, or debit cards. The validation system will provide free or discounted parking that may be offered. Upon payment of fee due at a POF station the individual will be issued a ticket that will be inserted into the ticket acceptor at the vehicular exit lane. The ticket acceptor will read the ticket and upon approval of the paid/validated ticket, the vehicular control gate will be lifted to allow exiting. This ticket acceptor can also provide payment options for any driver that fails to get validation or pay at a POF kiosk.

The hours of operation for the facility will generally be from 6:00 a.m. to 9:00 p.m. After 9:00 p.m. a roll-down grille at the vehicular entrances/exits will be activated for afterhours security. The maximum fees for public parking shall be commensurate with the rates charged at nearby City

of Los Angeles parking facilities, and as limited by the City Transportation Commission and/or Coastal Commission actions and may be adjusted whenever necessary.

### *Deliveries*

No deliveries are anticipated to be made at the site that would interrupt normal daily parking operations of the facility.

## **VI. Public Parking Garage Space Allocation**

The facility is currently designed to contain approximately 240 parking spaces, which is comprised of:

- 13 Standard Spaces
- 11 Compact Spaces
- 2 (may increase to 4-5) Boat Launch Spaces
- 60 Tandem and Aisle Spaces
- 86 Mechanical Lift Spaces (both lower and lifted spaces) (all lifts at uniform, maximized clear dimension between posts) Feb 28 email.
- 58 EV Spaces (including mechanical lift EV)
- 2 Accessible
- 1 Van Accessible
- 3 EV Accessible
- 1 EV Van Accessible
- 3 EV Comfort Spaces (Ambulatory)

There will be a total of 29 Clean Air parking spaces based on CalGreen's requirement of 12%.

Signage or devices to provide directional/way-finding information and to facilitate safe ingress and egress will be installed inside the parking facility, as well as appropriate signage at vehicular entrances (subject to review and approval by the City of Los Angeles plan check). A sign visible to vehicles exiting the garage will be installed to prohibit right-turn movements on S. Venice Blvd. and N. Venice Blvd. as both are one-way streets.

## **VII. Potential Public Parking Rates and Pricing Plan**

- Potentially offer three different prices to consumers across three tiers - Premium, Value and Economy.
- Parking rates for the economy tier is based on the Tierra West Parking Study, Table 4 which indicates prevailing rates in the area, as well as proximity of this proposed facility to competing parking supply in the area.

- The Economy tier is predicted to accommodate approximately 80% of the patronage and may carry a preliminary hourly rate of \$4 with each of those spaces predicted to turnover at a rate of 1.8.
- The Value tier is predicted to accommodate approximately 16% of the patronage and may carry a preliminary hourly rate of \$7.50 with each of those spaces predicted to turnover at a rate of 2.5.
- The Premium tier is predicted, at any given time, to accommodate just 4% of the patronage and may carry a preliminary hourly rate of \$15 with each of those spaces predicted to turnover at a rate of 6.0 per business day.
- If a customer selects “Premium” for example, and all ten of the Premium spaces are occupied, that customer will instead be sold the best available “Value” space in the tier. The following day or other time period, the system will add another space to the Premium tier, or leave the tier sized at ten spaces but increase the tier price to meet demand in real-time.
- The largest tier of parking patrons, economy, is intended to be priced so that it stays generally in line with, or slightly below prevailing parking rates in the area.

END OF PMP DRAFT

## Communication from Public

**Name:** Chris Tilly

**Date Submitted:** 06/09/2022 10:49 AM

**Council File No:** 22-0496

**Comments for Public Posting:** I'm in the meeting and not sure there will be additional time for comment on this agenda item, but just in case there is not: I'm Chris Tilly, I'm a 13-year Venice homeowner and Professor of Urban Planning at UCLA. I live about a 7-minute walk from the Venice Blvd site proposed for development by Venice Community Housing. I support the Venice Dell Pacific housing, for several reasons: • We need to provide a lot of permanent housing to get unhoused people off the street, and every neighborhood will have to provide its share. • Venice is rapidly becoming less affordable and less diverse by race and income, contributing to increases in segregation across the metro area. I personally value a diverse neighborhood, and research shows that segregation has negative social, economic, and political impacts. • Venice Community Housing manages hundreds of housing units for low income and formerly homeless folks, and it has been a good neighbor. • Some people have described this “out of scale”. However, this is a 3 story building sited on the Venice Blvd median opposite other 3-story buildings, replacing an ugly parking lot while preserving the existing city parking spaces. This housing offers a great opportunity to begin addressing the biggest problems LA is facing. Thanks, Chris Tilly



## Communication from Public

**Name:** MariaPia Altavilla

**Date Submitted:** 06/09/2022 10:50 AM

**Council File No:** 22-0496

**Comments for Public Posting:** The Venice Median project is out of character with the community. It's too large. It must go through the CEQA because of its size.

## Communication from Public

**Name:** Michael Rapkin  
**Date Submitted:** 06/09/2022 11:05 AM  
**Council File No:** 22-0496

**Comments for Public Posting:** I formerly served on the Venice Neighborhood Council's Homeless Committee. I support this beautiful and needed affordable housing project. In the words of Yogi Berra, a famous, ex-professional baseball player, it is Deja Vu all over again. It is Deja Vu because those who oppose this development on city owned land are predominately the same Venice housed residents who oppose, and have for multiple years, every single housing project in our neighborhood- affordable housing, permanent supportive housing, A Bridge Home. And then these same opponents complain that the City Council isn't solving homelessness. Show you are walking the walk and vote to approve the Permanent Development Agreement.