
CALIFORNIA COASTAL COMMISSION

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W18a

LCP-5-VEN-23-0037-1 (Venice Dell Extension to Accept Mods)

JUNE 10, 2025

ADDITIONAL CORRESPONDENCE

From: [Gordie, Beth](#)
To: [ExecutiveStaff@Coastal](#); [SouthCoast@Coastal](#)
Cc: [Hudson, Steve@Coastal](#); [Vaughn, Shannon@Coastal](#); [Ziff, Dani@Coastal](#); [Reed, Jessica@Coastal](#); [Seifert, Chloe@Coastal](#); [ariley@vchcorp.org](#); [sledds@hollywoodhousing.org](#); [Moore, DJ](#)
Subject: Public Comment on June 2025 Agenda Item Wednesday 18a - City of Los Angeles LUP Amendment No. LCP-5-VEN-22-0038-1 (Venice Dell, Venice)
Date: Friday, June 6, 2025 5:04:19 PM
Attachments: [image001.png](#)
[Venice Dell Community Letter to Coastal Commission.pdf](#)
[Venice Dell Attachments.pdf](#)
Importance: High

Dear Honorable Coastal Commissioners:

On behalf of our pro bono clients, the Venice Community Housing Corporation and the Hollywood Community Housing Corporation, we submit the attached letter in support of Commission staff's recommendation that the Commission extend the time limit for the City of Los Angeles to consider acceptance of the suggested modifications to Venice LUP Amendment Request No. LCP-5-VEN-22-0038-1 that the Commission unanimously approved on December 11, 2024.

Thank you.

Beth

Beth Gordie | Partner
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June 6, 2025

Honorable Commissioners
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Agenda Item W18a

Re: Venice Dell Community: Agenda Item W18a – City of Los Angeles LUP Amendment
No. LCP-5-VEN-22-0038-1

Dear Honorable Coastal Commissioners:

On behalf of our pro bono clients, the Venice Community Housing Corporation and the Hollywood Community Housing Corporation (collectively, “Affordable Housing Providers”), we appreciate and support Commission staff’s recommendation that the Commission extend the time limit for the City of Los Angeles to consider acceptance of the suggested modifications to Venice LUP Amendment Request No. LCP-5-VEN-22-0038-1 that the Commission unanimously approved on December 11, 2024. Given that the Venice Dell Community project (the “Project”) approved by the Commission promotes public access by providing a significant amount of housing for low income residents who are otherwise often excluded from living near the coast and increasing the amount of available public parking in the coastal community of Venice, there is good cause for the full, one-year extension recommended by staff pursuant to Coastal Act Section 30517 and 14 CCR Section 13535(c).

In addition, extending the deadline furthers the Commission’s Environmental Justice Policy. The Project is a needed, 100 percent affordable housing project that has been in development for nearly a decade and will provide affordable housing and supportive housing for homeless and low-income individuals in Venice, a community in the City that contains substantially fewer affordable housing units than other areas in the City of Los Angeles. In line with the City’s affordable housing policies, the Project will be built on an underutilized City owned parking lot, adding 120 affordable homes to Venice while also increasing the public parking supply in the Coastal Zone. The Project offers a unique opportunity to expand supportive and low-income housing, increase public access, and provide low-cost, visitor-serving amenities in a high demand coastal area.

Further, and as noted in the staff recommendation, the public, City, and Commission have expended significant time and resources bringing the Project to hearing, further warranting the extension. Affordable Housing Providers worked with Commission staff for over two years to refine the Project to ensure the Project is consistent with the Coastal Act. On November 25, 2024, Coastal Commission staff issued a report recommending approval of the Project’s Coastal Development Permit and the City’s LUP Amendment. At your December 11, 2024

Honorable Commissioners
June 6, 2025
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meeting, after extensive public comment and deliberation, the Commission determined that the Project promotes public access by both increasing the amount of available parking and providing housing opportunities for low income residents who are otherwise often excluded from living near the coast and unanimously voted to approve both the CDP and the LUP Amendment.¹

Moreover, the Project is one step closer to receiving critical funding that will help make it a reality. Affordable Housing Providers applied for and are competitive for an important source of construction and permanent financing: \$42.5 million the State's Multifamily Housing Program (MHP) from the State of California Department of Housing and Community Development Division of State Financial Assistance (HCD). Based on the Threshold Determination and Public Score for the Project issued by HCD (and included as Attachment A), the Project received a score of 100 out of a maximum 100 points available.

In addition, significant community and institutional support for Venice Dell continues. Included as Attachment B is the Los Angeles Times Editorial Board story titled "Stop finding ways to kill the Venice Dell homeless housing project and get it built instead" dated March 23, 2025. Included as Attachment Ci is a recent letter supporting the Project and the extension from HCD.

Assertions made by Project opponents that the Project "no longer exists" are incorrect. The City of Los Angeles City Council unanimously approved the Project's land use entitlements on December 1, 2021.² On June 15, 2022, the City Council approved a Disposition and Development Agreement (DDA) for the Project. These approvals were subsequently upheld in litigation.³ The City Council – the City's legislative body – has never taken action to rescind its approvals for the Project – and those approvals therefore remain valid.

On December 10, 2024, one day before the Coastal Commission hearing on the Project, the Los Angeles Board of Transportation Commission (BOTC) convened a Special Meeting to discuss the Project. At the conclusion of that meeting, the BOTC voted to not authorize the Project – despite the fact that BOTC has no legal authority to make such a determination. On March 7, 2025, Affordable Housing Providers filed a Petition for Writ of Mandate directed to the City of Los Angeles and BOTC to vacate the BOTC's actions at its Special Meeting because those actions exceeded the BOTC's scope of authority. The Petition is included as Attachment D. The BOTC's actions undercut and unlawfully attempt to usurp the authority of the City Council when it approved the Project. Further, on May 20, 2025, Affordable Housing Providers

¹ See Coastal Commission Staff Report, Appeal No. A-5-VEN-22-0042 and CDP App. No. 5-22-0522 (Nov. 27, 2024), pp. 22-26.

² Further action was taken by City Council on the Project in June 2022, including to correct map exhibits contained in the prior City Council approvals.

³ *Coalition for Safe Coastal Development v. City of Los Angeles* (Case No. 22STCP03359) (July 11, 2024).

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Honorable Commissioners
June 6, 2025
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submitted a Claim for Damages and Notice of Default under the DDA to the City. The Notice of Default is included as Attachment E.

As the Commission can see by the number of moving pieces to this matter, there are a number of issues that need to be resolved with the City – whether through litigation or the administrative process. However – and importantly – while those issues are being worked through, the Project and its approvals remain valid. It is therefore critically important that the Commission's approval of (including its suggested modifications to) Venice LUP Amendment Request No. LCP-5-VEN-22-0038-1 also remain valid and in effect.

We appreciate the Commission's consideration of this critically important Project. We thank Commission staff again for its extensive analysis, and respectfully request that the Commission extend the six-month time limit for one year in order for the City of Los Angeles to consider acceptance of the suggested modifications to Venice LUP Amendment Request No. LCP-5-VEN-22-0038-1 at its June 11, 2025, meeting.

Very truly yours,



Duncan Joseph Moore
of PAUL HASTINGS LLP

cc: Steve Hudson, California Coastal Commission
Shannon Vaughn, California Coastal Commission
Dani Ziff, California Coastal Commission
Jessica Reed, California Coastal Commission
Chloe Seifert, California Coastal Commission
Alison Riley, Venice Community Housing Corporation
Sarah Letts, Hollywood Community Housing Corporation
Beth Gordie, Paul Hastings LLP

Attachment A

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF STATE FINANCIAL ASSISTANCE**

651 Bannon Street, 8th Floor, Sacramento, CA 95811

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Sacramento, CA 94252-2054

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June 2, 2025

Sarah Letts, Executive Director
Venice Community Housing Corporation
5020 Santa Monica Blvd
Los Angeles, CA 90029

Erika Lee, Co-Executive Director
Hollywood Community Housing Corporation
200 Lincoln Boulevard
Los Angeles, CA 90291

Dear Sarah Letts and Erika Lee:

**RE: Multifamily Finance Super NOFA (MFSN)
February 2025 Super Notice of Funding Availability (NOFA)
Threshold Determination and Point Score
Project Name: Venice Dell Community (fka Reese Davidson Community)**

The Department of Housing and Community Development (Department or HCD) is in receipt of the project application named above. This letter includes information on the status of your application including:

- Threshold Eligibility
- Eligibility as an Emerging Developer or Community-Based Developer, if applicable
- Point Score
- Negative Points Determination, if applicable
- Tiebreaker Determination

The review of these items was performed only to determine threshold requirements and point scoring and in no way addresses project feasibility, which has yet to be reviewed.

Threshold Determination

The application for the above-named project has met threshold eligibility requirements as set forth in the 2025 MFSN Program Guidelines and NOFA dated **February 13, 2025**.

HCD-Determined Point Score

Venice Dell Community (fka Reese Davidson Community) received a point score of 100 as detailed below:

Venice Dell Community (fka Reese Davidson Community)

June 2, 2025

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POINT SCORE CRITERIA	MAX POINTS AVAILABLE	SELF SCORE	HCD SCORE
Serving Lowest Income Levels	30	30	30
State Policy Priorities	18	18	18
Project Sponsor/Applicant and Property Management Experience	20	20	20
Project Readiness	17	17	17
Adaptive Reuse / Infill / Proximity to Amenities	10	10	10
Cost Containment	5	5	5
Negative Points	N/A	N/A	0
TOTAL	100	100	100

The specific reasons for this determination are set forth as follows:

N/A

Negative Points Determination

NOFA Section IV (H) incorporates the Department's [Negative Points Policy](#), as applicable, for all applications submitted to MFSN. Negative points may be assessed to any associated Responsible Party including a grantee, recipient, Sponsor, and/or borrower, including principals, affiliates, or agents. When an application includes more than one Sponsor the negative points are cumulative across all Sponsors.

Below are the HCD-determined negative points applicable to your application.

Responsible Party	Negative Points
N/A	0
Total Negative Points	0

The specific reasons for this determination are set forth as follows:

N/A

Venice Dell Community (fka Reese Davidson Community)

June 2, 2025

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Tiebreaker Score Determination

The Department has verified the tiebreaker score in accordance with NOFA Section IV (I), and has confirmed a tiebreaker score of:

	SELF SCORE	HCD SCORE
Tiebreaker Score	1.480770	1.480770

If applicable, the tiebreaker score's cost containment factor has been corrected for the following reason:

- The factor's denominator, adjusted threshold basis limit, has been increased by the all-electric adjustment factor.

Appeal of Threshold, Point Score and Negative Points Determinations

To file an appeal, applicants must submit to the Department, by the deadline set forth below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the applicant must provide a detailed reference to the area or areas of the application that provide clarification and substantiation for the basis of the appeal. Submission of additional documents as part of an appeal for an application disqualification or point score reduction shall include evidence demonstrating either the document existed as of the **April 15, 2025** application filing deadline, or the document certifies to a condition existing at the time of the application filing deadline. No new information will be considered.

Please note that appeals related to negative points will only be accepted where the applicant has documented evidence to demonstrate that the assessment of negative points was made in error. While an applicant may submit documentation to cure a failure to submit a report or address a compliance requirement, submittal of such documentation will not impact the assessment of negative points for this application but will rather be reviewed and, if determined to be sufficient, negative points for future applications will be updated to reflect that submittal. For further inquiries related to negative points, please contact Asset Management and Compliance at complianceverification@hcd.ca.gov.

All appeals must be received by the Department no later than five (5) business days from the date of this letter as detailed in Section V of the NOFA. Appeals must be received by the Department no later than 5pm, June 9, 2025. Appeals must be submitted via email to SuperNOFA@hcd.ca.gov with a subject line "MFSN Appeal."

Venice Dell Community (fka Reese Davidson Community)

June 2, 2025

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Sincerely,

Emily Burgos

Emily Burgos
Section Chief, Multifamily Finance Super NOFA
Division of State Financial Assistance

cc: vsenna@hollywoodhousing.org; ariley@vchcorp.org

Attachment B

**Voices**

The Times Editorial Board

Stop finding ways to kill the Venice Dell homeless housing project and get it built instead



The city of Los Angeles cleared a large homeless encampment in Venice in 2023. (Irfan Khan / Los Angeles Times)

By The Times Editorial Board

March 23, 2025 5 AM PT

There are lots of reasons it's difficult to build housing for homeless people in Los Angeles. One of them shouldn't be city officials standing in the way of a project — especially one already approved twice by the City Council.

But that's the outrageous situation that has trapped the Venice Dell project in pre-development hell since 2017.

After a competitive process, city housing officials chose nonprofit developers Venice Community Housing and Hollywood Community Housing Corps to take a 2.65-acre expanse of city parking lot in Venice just blocks from the beach and turn it into housing for homeless and low-income individuals and families. It was an ideal piece of surplus city land found at a time when city officials had begun scouring their inventory for lots that could be used for affordable housing, particularly homeless housing.

Since then the developers have done everything required: They held numerous public hearings, did environmental studies, designed and reconfigured the now-120-unit project, designed and redesigned the parking garage to accommodate city officials' concerns and to allow plenty of room to keep a popular boat launch.

The City Council approved the project in 2021 and again in 2022 when the developers were awarded a development agreement.

Instead of being fast-tracked through the rest of the process, they've been slow-walked by the officials who should be helping them. Starting in the spring of 2023, at the direction of the newly elected city attorney, Hydee Feldstein Soto, who had been openly [critical](#) of the project since before she took office, city departments were told to stop working with the developers because there was pending litigation (which was resolved last year). A former official in the mayor's office who was familiar with the project said that the order was unusual and that they had not previously seen a city attorney stop work because of a lawsuit.

Since then, the departments have worked only off and on with the developers, which has jeopardized their funding and delayed by more than a year their Coastal Commission approval.

But the project has survived, prevailed in two lawsuits from a nonprofit Venice group that opposes it, and finally got the necessary Coastal Commission permit in December that will allow them to move forward. (That was despite the city attorney trying to convince the commission not to approve the project.)

Yet city officials found more obstacles to put in the project's way. The latest hurdle was a review by the Board of Transportation Commissioners, which the city attorney argued is a necessary stop for the project — even years after the City Council approved it. The commissioners — an advisory body to the city's Department of Transportation — declared the project unsuitable for the lot. Instead they recommended a nearby smaller (more awkwardly configured) lot for housing and suggested the Venice Dell site be turned into a “mobility hub.”

It turns out that the city and the developers were already sued on the grounds that the city neglected to put the project before the Board of Transportation Commissioners. In that case, the city attorney along with counsel for the developers argued that the commissioners may have control over acquiring and managing city parking lots, but the City Council did not delegate its power over the use of city property — including parking lots — for housing to the transportation commissioners. The judge agreed and ruled for the city and the developers.

Now the city attorney is arguing otherwise? This is absurd — and nothing more than another ploy to kill the project.

Councilmember Traci Park, who succeeded the project's champion, Mike Bonin, in the council district including Venice Dell, is a longtime opponent of the project. She declared it dead and introduced a motion to explore the feasibility of the smaller lot

that the Transportation Commission recommended for housing. That motion has already been through one City Council committee.

Now it must go to the city's Housing and Homelessness Committee. So far, Councilmember Nithya Raman, who chairs that committee, is rightly uncomfortable moving forward with a motion that she says "seems to be an implicit endorsement of a bad-faith effort to stop an affordable housing project that the city has already approved."

Venice Dell is not a rogue project on a piece of land haphazardly turned over to the developers by the city's Housing Department and City Council. This is a vetted, thoughtful housing project in a well-resourced area of the city where there is little permanent housing for low-income and homeless individuals and families. If Park and others believe that the nearby smaller lot would be suitable for housing, great. Build housing there, too. The Westside needs all the affordable housing it can get. And if the city wants a mobility hub, that can be set up alongside the housing on the Venice Dell site.

This is nothing more than the current City Council trying to go back in time and invalidate a decision made by a previous City Council — a decision that gave developers a contract to build Venice Dell in partnership with the city.

Meanwhile, Mayor Karen Bass, who has made housing homeless people a priority, says only that she supports affordable housing on the Westside and around the city. But she has otherwise been woefully silent on Venice Dell in particular and would not comment on the latest twist in the saga of this project. Distancing herself from this debate (for whatever political reasons) instead of supporting an already approved project only makes it more difficult to build homeless housing in the face of any kind of opposition that crops up.

It will be up to this City Council and the mayor to show city residents that they are serious about building affordable housing and getting homeless people off the streets. Killing the Venice Dell project says the opposite.

And the possibility of an alternative lot — which will entail feasibility studies, choosing a new developer, public hearings, Coastal Commission approval — is no substitute for a project that is through that process and now securing the rest of its financing.

City officials decry homeless people dying on the street as disgraceful. Letting a project die that would house some of them is just as disgraceful.

More to Read

Affordable housing in the San Fernando Valley advances despite opposition from Bass, City Council

Feb. 20, 2025



FOR SUBSCRIBERS

How fighting affordable housing nearly bankrupted one of America's richest towns

Dec. 20, 2024



Venice homeless housing development continues in limbo as councilmember declares the project dead

Dec. 13, 2024



💡 Insights

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Viewpoint ▾**Perspectives** ▾**The Times Editorial Board**

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Attachment C

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF HOUSING POLICY DEVELOPMENT**

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June 5, 2025

California Coastal Commission
South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802

Dear California Coastal Commission:

RE: Venice Dell Project – Letter of Support (Item #18a)

The California Department of Housing and Community Development (HCD) submits this letter of support to the California Coastal Commission (Commission) to extend the Commission-approved Venice Land Use Plan (LUP) Amendment Request (No. LCP-5-VEN-22-0038-1) for the Venice Dell project (Venice Dell) to one year. The extension will allow the City of Los Angeles (City) to seriously consider acceptance of the suggested modifications to the LUP amendment request, as adopted by the Commission at its December 11, 2024, hearing.

The City approved the mixed-use, 120-unit affordable housing project known as Venice Dell on June 15, 2022. Venice Dell is identified in the City's certified 6th Cycle (2021-2029) Housing Element's "Pipeline Development Projects on Public Land," it counts toward the City's affordable housing goals in compliance with Housing Element Law, and its development would be a significant step in affirmatively furthering fair housing (AFFH) in a higher resource area. The subject LUP extension will provide the City an opportunity to take the actions necessary to ensure that Venice Dell gets built, that the City follows through on the commitments it made in its certified housing element, and that the City complies with its AFFH obligations.

It is HCD's understanding that the City has yet to take the required steps following the Commission's approval. Without it, Venice Dell cannot be built because it would be inconsistent with the land use designation and zoning of the site and cannot receive a coastal development permit (CDP). Extending the timeline provides for the potential approval and development of Venice Dell by redesignating, rezoning, and creating a new subarea for the site. Furthermore, it is HCD's understanding that without an extension, the Commission's certification would expire on June 11, 2025, and the City would need to resubmit the request to the Commission as a new project. This could add several months to years on a project that is already nearing ten years in the making.

According to the Commission's staff report,¹ the Commission may, for good cause, extend any applicable time limits for up to one year. The reasons for doing so include "[the] amount of public, City, and Commission time and resources that were expended to bring the subject LUP amendment and related CDPs to hearing—and further, given that the City of Los Angeles has not communicated an intent to reject the Commission's suggested modifications and that the Commission's action furthers its Environmental Justice Policy—there is good cause to extend the deadline." HCD couldn't agree more. HCD appreciates the Commission's staff for taking prohousing steps to extend the deadline to keep a much-needed supportive housing project moving forward where it is needed most.

If you have questions or need additional information, please contact Lisa Krause at lisa.krause@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Zisser".

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability

¹ Available at <https://documents.coastal.ca.gov/reports/2025/6/w18a/W18a-6-2025-report.pdf>.

Attachment D

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9 | Attorneys for

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

12 VENICE COMMUNITY HOUSING
13 CORPORATION and HOLLYWOOD
COMMUNITY HOUSING CORPORATION,

Case No.: - 255TCP00892

Petitioners

V.

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

VERIFIED PETITION FOR WRIT OF MANDATE

Respondents.

22 Pursuant to California Civil Code sections 1085 and 1094.5, Petitioners Venice Community
23 Housing Corporation (“VCHC”) and Hollywood Community House Corporation (“HCHC”)
24 (collectively, the “Affordable Housing Developers”) petition this Court for a writ of mandate directed to
25 Respondent the City of Los Angeles and Respondent the Los Angeles Board of Transportation
26 Commissioners (“BOTC”), vacating the BOTC’s ultra vires actions at the Special Meeting on December
27 10, 2024 (the “Ultra Vires Actions”) because they exceeded the BOTC’s scope of authority. By this
28 verified Petition, Affordable Housing Developers allege as follows:

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PARTIES

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

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

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

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

JURISDICTION AND VENUE

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

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

FACTS

The Venice Dell Community Project

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26
27
28 ⁴ The BOTC holds regularly scheduled meetings on the second Thursday of each month.

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

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

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

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

26 40. The BOTC’s vote at the Special Meeting was an ultra vires attempt to undo valid City
27 approvals and entitlements in favor of the Project that have been repeatedly upheld in litigation. The
28

1 BOTC is a lower arm of the City, yet, through its Ultra Vires Actions, it acted to usurp the authority of
2 the City Council.

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

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

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

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

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

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

20 **FIRST CAUSE OF ACTION**

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

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

24 47. Under section 1085 and/or 1094.5 of the Code of Civil Procedure, the trial court reviews
25 the BOTC's conduct to determine whether the BOTC's Ultra Vires Actions were, among other things,
26 unlawful, procedurally unfair, or whether the agency failed to follow the procedure or acted in excess of
27 its legal authority.

1 48. LAAC section 22.484(g) outlines the powers and duties of the BOTC. Section
2 22.484(g)(1) provides that “The [BOTC]’s relationship to the General Manager of [LADOT] shall be
3 advisory.”

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

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

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

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

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

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

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

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

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

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

5 **SECOND CAUSE OF ACTION**

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

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

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

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

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

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

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

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

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

66. Affordable Housing Developers have no available administrative remedies.

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

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

THIRD CAUSE OF ACTION

(FOR DECLARATORY RELIEF)

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

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

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

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

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

PRAYER FOR RELIEF

WHEREFORE, Affordable Housing Developers pray for judgment as follows:

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

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

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

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

78. For other and further relief as may be just and proper.

Dated: March 7, 2025

Respectfully submitted,

LEGAL AID FOUNDATION OF LOS ANGELES

By: Anna Hales

Anna Hales

Kevin Mitchell

VERIFICATION

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

1. I am a party to this action.

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

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

Sarah Letts

Sarah Letts
Executive Director
Hollywood Community Housing
Corporation

VERIFICATION

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

1. I am a party to this action.

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

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

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

Erika Lee
Co-Executive Director
Venice Community Housing Corporation

Attachment E

CLAIM FOR DAMAGES

TO PERSON OR PROPERTY

<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> 1. Claims for death, injury to person or to personal property must be filed not later than six months after the occurrence. (Gov. Code Sec. 911.2) 2. Claims for damages relating to any other type of occurrence must be filed not later than one year after the occurrence. (Gov. Code Sec. 911.2) 3. Read the entire claim and fill out all mandatory fields (* = mandatory) before filing. (Gov. Code Sec. 910, 910.2) THE FAILURE TO INCLUDE MANDATORY INFORMATION MAY RESULT IN YOUR CLAIM BEING RETURNED AS INSUFFICIENT. (Gov. Code Sec. 910.8) 4. If necessary, attach separate sheets to provide full details, referencing the appropriate claim section number. SIGN EACH SHEET. 5. Attach any relevant documents or reports supporting your claim. 6. Claim must be signed at the bottom of page 2. 7. Claims can only be filed with the City Clerk. (Gov. Code Sec. 915a) Claims can be filed online at https://claims.lacity.org/, in person or mailed to: CITY CLERK, 200 NORTH SPRING STREET, ROOM 395, CITY HALL, LOS ANGELES, CA 90012 8. FAXED OR EMAILED CLAIMS WILL NOT BE ACCEPTED. 	<p>RESERVE FOR FILING STAMP CLAIM NO. _____</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------

TO: CITY OF LOS ANGELES

<p>1. CLAIMANT INFORMATION:</p> <p>*Name: <u>Venice Dell, L.P.; Venice Community Housing Corp.; Hollywood Community Housing Corp.</u> Date of Birth: _____ Email Address: _____ *Phone Number: <u>310.399.4100</u> *Address: <u>200 Lincoln Blvd., Venice, CA 90291</u></p> <p><input type="checkbox"/> Indicate if claim notices or communications should be sent to someone other than the claimant (e.g. attorney or insurance representative). If checked, complete the information below:</p> <p>*Name: <u>Daniel Silverman, Venable LLP</u> *Relationship to Claimant: <u>Attorney</u> Email Address: <u>DSSilverman@Venable.com</u> *Phone Number: <u>310.229.0373</u> *Address: <u>2049 Century Park East, Ste. 2300, Los Angeles, CA 90067</u></p>	
<p>2. FACTUAL ALLEGATIONS:</p> <p>*How did damage or injury occur? See attached Notice of Default.</p> <p>*Please provide the date and time of the damage or injury. See attached Notice of Default *Where did damage or injury occur? Please provide the closest street address or cross-street and use the diagram on page 2. See attached Notice of Default.</p> <p>*Why do you claim the City of Los Angeles is responsible for your damage or injury? See attached Notice of Default.</p>	

SEE PAGE 2 (OVER)

THIS CLAIM MUST BE SIGNED ON REVERSE SIDE

3. WITNESSES AND INVOLVED PARTIES:

*Give the names of City employees and their contact information, City vehicle license plate numbers, and the City department or bureau responsible for the act or omission you claim caused the damage or injury, if known.

Ann Sewill, Daniel Hunyh, Maya Aboot, Eric Claros, LAHD; Ken Husting, DOT; Yolanda Chavez, CAO; Los Angeles City Clerk; Mayor Bass; City Attorney Hydee Feldstein Soto; all City Council members.

Did you report the act or omission? If so, please identify who you reported it to, provide their contact information and any report, service or claim numbers.

Yes, including by correspondence with Mayor Bass, the City of Los Angeles Housing Department, and the City of Los Angeles Board of Transportation Commissioners.

Please list the names and contact information for Witnesses, Doctors and Hospitals

4. DAMAGES:

*What damage or injuries do you claim resulted? Contractual damages in excess of \$10,000

*What is the total amount of your claim: \$ _____

*Itemize your damages: Property Damages: \$ _____ Bodily Injury: \$ _____

Other (specify) Contractual damages in excess of \$10,000 : \$ _____

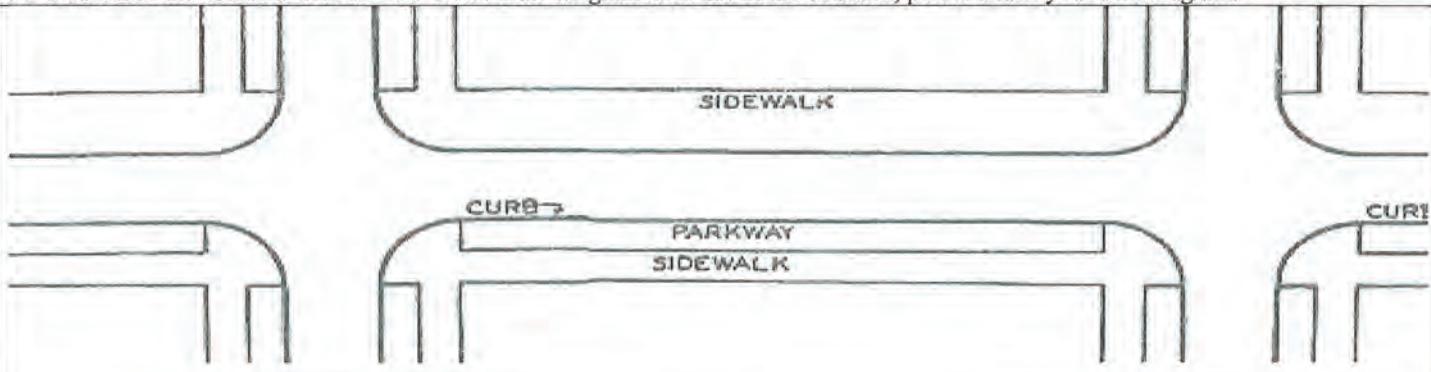
Attach any relevant documents or reports supporting your claimed damages.

5. INSURANCE:

If you had insurance at the time of the act or omission, please give the name and contact information for your insurance company, handling representatives and any amounts paid:

6. ACCIDENT DIAGRAM:

For all accident claims, place the street names where the accident occurred and the nearest cross-streets on the diagram, while indicating the location of the accident with an "X". Note: if the diagram does not fit the situation, please attach your own diagram.



I declare under penalty of perjury that the foregoing, including any attachments, is true and correct:



*Signature of Claimant or Person Filing
on Claimant's Behalf

Attorney

Relationship to Claimant

CRIMINAL PENALTY FOR PRESENTING A FALSE OR FRAUDULENT CLAIM IS IMPRISONMENT OR FINE
OR BOTH. (PENAL CODE §72)

Daniel Silverman

Print Name

May 20, 2025

Date

May 20, 2025

t 310.229.0373
f 310.229.9901
DSSilverman@Venable.com

VIA FEDERAL EXPRESS

The Hon. Karen Bass
Mayor, City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Tiana Johnson Hall
General Manager
Los Angeles Housing Department
1910 W. Sunset Blvd, Suite 300
Los Angeles, CA 90026

VIA USPO – PRIORITY MAIL – EXPRESS

City of Los Angeles
Housing and Community Investment Department
P.O. Box 532729
Los Angeles, CA 90053-2729
Attention: Asset Management

Re: Notice of City's Default under Disposition and Development Agreement

Dear Hon. Mayor Bass and Ms. Hall:

We write on behalf of Venice Community Housing Corporation (VCH) and Hollywood Community Housing Corporation (HCH), regarding the Venice Dell Community (Venice Dell or Project). Venice Dell is a 100% affordable housing and permanent supportive housing development to be constructed on a City-owned parking lot (Lot #731) at 200 North Venice Boulevard, Venice, California 90291 (Site) that the Los Angeles City Council unanimously approved on December 1, 2021.¹ On June 30, 2022, the City of Los Angeles (City) entered into a Disposition and Development Agreement (DDA or Agreement) with Venice Dell, L.P., the Project's ownership entity formed by VCH and HCH, for the purpose of pursuing the Project. The Project as amended through the California Coastal Commission's approval on December 11,

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

May 20, 2025

Page 2

2024, will include 120 affordable residential units to be occupied by 68 households who previously experienced homelessness, 49 low-income households, and 3 onsite resident managers.

The City has impermissibly breached the DDA. This letter documents the ways in which the City has unreasonably withheld, delayed, or conditioned required approvals and actions, in violation of Section 11.7(a) of the DDA, and has failed to act in good faith to perform its contractual obligations.

The DDA Requires the City to Promptly Issue Approvals for the Project.

The DDA sets out the parties' agreement for the construction of Venice Dell. In executing the DDA, the City agreed:

- The "disposition, development, financing and use of the Site pursuant to this Agreement, and the fulfillment generally of this Agreement, are in the vital and best interests of the City of Los Angeles and the health, safety, morals, and welfare of its residents, and in accord with the public purposes and provisions of applicable federal, state, and local laws and requirements." DDA, § 1.1(a) at 1.
- "The City's conveyance of a leasehold interest in the Site to the Developer for the development of the Site pursuant to this Agreement is in the vital and best interests of the Project Area and the health, safety, morals and welfare of the residents therein, and is in accord with the public purposes and provisions of applicable state and local laws." DDA, § 1.1(f) at 3.
- "The City intends by this Agreement to cause the redevelopment of the site to occur and to preserve and improve the community's supply of affordable housing for Moderate, Low, and Very Low Income households." DDA, § 1.1(g) at 3.
- The City would "obtain valuable benefits from this Agreement" and that "in entering into this Agreement, each Party is relying on the performance of the other Party." DDA, § 1.1(h) at 3.

The DDA requires the City to expeditiously issue the approvals required for the Project. Specifically, approvals required of the City in the Agreement and its attachments "shall not be unreasonably withheld, delayed, or conditioned." DDA, § 11.7(a) at 80. The City explicitly authorized "LAHD's General Manager to deliver such approvals or consents as are required by the Agreement" without "further authorization required from the City Council and Mayor." DDA, § 11.7(b) at 80. The City also agreed that "[t]ime is of the essence with respect to the performance of each of the covenants and agreements contained in this Agreement." DDA, § 11.10 at 82.

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Failure or delay to perform or comply with any term of the DDA constitutes default, and the defaulting party “must commence to cure, correct or remedy such failure or delay and shall complete such cure, correction or remedy with reasonable diligence.” DDA, § 10.1(a) at 72.

The City has Repeatedly Defaulted on its Obligations.

Initially after executing the DDA, Venice Dell, L.P., VCH, and HCH (collectively, Affordable Housing Developers, or Developer) and the City worked together to move the Project forward. The Affordable Housing Developers have continued to diligently pursue approvals required and performed their obligations under the Agreement. But in early 2023, the City began taking steps to obstruct and delay the Project. The first indication that the City intended to violate the DDA occurred in March 2023, when most City staff stopped responding to Developer emails. In April 2023, the Affordable Housing Developers were advised by City staff that they had been instructed to cease communications regarding the Project. City staff referred the Developers to Chief Assistant City Attorney John Heath, who, despite repeated requests, did not authorize a resumption of work in accordance with the DDA. In August 2023, an employee of the Mayor’s office authorized City staff to commence work, however, obstructionist actions continued to occur at the direction of the City Attorney’s office.

The City’s pattern of obstructive conduct continues to this day. Pursuant to § 10.1 of the DDA, Affordable Housing Developers give notice that the City is in default of its obligations under the Agreement. The City’s acts of default include, but are not limited to:

1. Ultra vires “denial” by the Los Angeles Board of Transportation (Board).

a. Background to selection of Lot 731 for affordable housing.

In 2016, in response to a multi-decade affordability and homelessness crisis, the City adopted a Comprehensive Homeless Strategy. The goal was to dramatically expand the amount of affordable housing in the City to mitigate the homelessness crisis. The Comprehensive Homeless Strategy found that it is necessary for the City to consider putting underutilized City properties to work as affordable and supportive housing. In response, in 2016, the City Administrative Officer launched the Affordable Housing Opportunity Sites (AHOS) initiative and conducted initial reviews of City-owned properties, including unimproved or underused parking lots, to determine which properties could be utilized for supportive housing developments. Through the AHOS process, the City identified an underutilized asphalt parking lot in Venice, Lot 731, as a suitable site for affordable housing.

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

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City Council unanimously voted to enter into an exclusive negotiating agreement with Affordable Housing Developers. Affordable Housing Developers spent over eight years advancing the Project, conducting substantial community engagement through a variety of methods throughout the design, application, and public hearing processes. Affordable Housing Developers incorporated community feedback into the design and development process, seeking to create a Project that would center and serve the Venice community.

b. The City Council and Coastal Commission approve the Project.

On December 1, 2021, the City Council unanimously approved the Project, including a Coastal Development Permit (CDP), Site Plan Review, Vesting Tentative Tract Map, Vesting Zone Change and Height District Change, and Specific Plan Amendment, among other approvals.² On June 15, 2022, the City Council approved the DDA for the Project.

The City's approval of the Project's CDP in December 2021 was appealed to the California Coastal Commission. For the next three years, Affordable Housing Developers worked closely with the Coastal Commission to ensure the Project aligned with the Coastal Commission's aims of protecting coastal resources and safeguarding public access to the California coast. Coastal Commission staff conducted an extensive, multi-year review process of the Project. During this time, neither the Commission nor the City suggested that Lot 731 was not suitable for housing, nor did they suggest that a different parking lot would be more suitable. Moreover, neither the City nor the Commission suggested that Lot 731 should be used for a transportation hub.

At a hearing on December 11, 2024, the Coastal Commission unanimously approved the Project. The Coastal Commission determined the Project promotes public access by increasing available parking and providing housing opportunities in a high-demand coastal area. Indeed, Venice has a severe housing shortage, with only 70 affordable housing units permitted from 2009 to 2020.

c. The Board intervenes in an apparent attempt to undercut the authority of the City Council.

However, on December 5, 2024, the Board noticed a Special Meeting for December 10, 2024 to consider "The Proposed Redevelopment of Municipal Parking Lot No. 731 in Venice for Affordable Housing." Despite the fact the Board had a regular meeting scheduled on December 12, 2024, it deliberately scheduled the Special Meeting one day before the Coastal Commission was due to consider the Project.

² Further action was taken by City Council on the Project in June 2022, including to correct map exhibits contained in the prior City Council approvals.

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Before the Special Meeting, the Los Angeles Department of Transportation (LADOT) sent the Board a report recommending that the Board: (i) not authorize the use of Lot No. 731 for the Project; and (ii) recommend that the Los Angeles Housing Department (LAHD) determine the feasibility of relocating the Project to a different lot. This was contrary to prior approvals from City Council. After the City’s years of cooperation with Affordable Housing Developers and successive approvals of the Project, this LADOT report was the first public, official action by the City against the Project.

There was no process for the Board to act on the Project in this way. The Board is granted authority by the Los Angeles Administrative Code (LAAC) over “coordinating, directing, and managing all matters respecting the acquisition, and thereafter management, of all public off-street parking places by the City except for those parking facilities which are under jurisdiction or control of departments controlling their own funds,” among other traffic and parking-related duties. LAAC § 22.484.(g)(2)(A)(7). The Board has an advisory relationship to the General Manager of LADOT. LAAC § 22.484.(g)(1). However, no Project component was before the Board for consideration when the Special Meeting was scheduled. This was simply an *ultra vires, sua sponte* action intended to undermine the existing Project approvals.

On December 3 and 9, 2024, counsel for the Developers wrote to the Board, clarifying the Board’s limited role in the Project and expressing concern over the Special Meeting, given that no Project component was before the Board. Developers urged the Board to take no action at the Special Meeting.

At the Special Meeting, the Board considered issues outside the scope of its authority, including the Project’s potential impacts on parking, affordable housing, and public access. The Board is not charged with protecting—or even analyzing—public access, nor is it charged with regulating affordable housing. The Board voted to adopt LADOT’s recommendations, in a transparent and unlawful attempt to undo the valid City approvals and entitlements that have been issued for the Project.

2. Obstruction of the Coastal Commission process.

The City substantially delayed and continues to interfere with the Coastal Commission’s consideration of the Project, and even urged the Coastal Commission to deny approval of the Project. Namely, for over two years, the City consistently delayed in answering or simply failed to answer questions posed by Coastal Commission staff. For example, the City never responded to one of the Coastal Commission’s Notices of Incomplete Application. The Coastal Commission proceeded to approve the Project, despite the City’s obstruction.

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On December 11, 2024, the Coastal Commission had a public hearing scheduled to review the Project's City-approved Coastal Development Permit, Coastal Commission Coastal Development Permit, and request for a Land Use Plan amendment. In advance of that hearing, City Attorney Feldstein Soto sent a letter dated November 26, 2024 to the Commissioners, personally recommending that the Commission "defer its decision" or "deny the Application at this time."

During the Coastal Commission's public hearing on December 11, 2024, representatives from the City's Planning Department did not speak to the Commission, as is the normal process. Instead, John Heath participated remotely and effectively claimed that, due to the Board's vote the day before, the Project was dead and there was nothing for the Commission to consider. These comments illustrate that the Board's hasty, ultra vires vote to decline the use of Lot #731 for affordable housing was a transparent pretext to oppose the Project before the Coastal Commission. The Coastal Commissioners unanimously approved the Venice Dell project, with modifications. The Commission determined the Project promotes public access by increasing available parking and providing housing opportunities in a high-demand coastal area, where only 70 affordable housing units were permitted from 2009 to 2020.

In January 2025, Coastal Commission staff notified the City that the City has six months from the date of the Coastal Commission hearing on December 11, 2024 to affirm amendments made by the Commission to the Project, or per the regulations the City may request a 12-month extension. The City has not taken steps to adopt the modifications, or request an extension of time despite multiple requests to the Planning Department that the matter be placed on the agenda for the Los Angeles City Council.

3. Unreasonable and chronic delays of Project approvals.

In addition to the above violations, the City has unreasonably delayed and obstructed other approvals required under the DDA, including:

- Refusal to process the Ellis Act Application. The City has refused to process an application to relocate the four existing households at Site and remove the units from the rental market in order to build Venice Dell. The Affordable Housing Developers first submitted this application to the City in January 2023. Up through October 2024, the Developers did everything necessary to prepare and update an accurate and complete Ellis Application, but LAHD refused to sign the application because of obstructionist practices by the City.

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- Slow progress, and for certain periods of time no progress, on the public parking structure contract. The City has stopped work twice on the contract for the Project's public parking, which the DDA states will be separately documented between LADOT and Affordable Housing Developers. The first time was during the work stoppage mandated by John Heath in April 2023 and the second time was after the BOTC hearing in December 2024.
- Lack of progress on the ground lease. The Agreement contemplates the parties will enter into a ground lease for the Site. Despite repeated requests from Affordable Housing Developers, the City has not engaged with Developers regarding the drafting and execution of the ground lease.
- Failure to extend funding award. The Project was admitted to the City's Affordable Housing Managed Pipeline (AHMP) in 2022 and received an award letter for \$6.3 million in funding. During the fall of 2024 and winter of 2025, the Developers repeatedly asked LAHD to extend the award letter, which was set to expire on January 31, 2025. During a virtual meeting on January 23, 2025, LAHD Director Elizabeth Selby stated to Affordable Housing Developers that the extension of the \$6.3M funding award for Venice Dell was in the LAHD Transmittal that would ultimately go to City Council for approval, but when the LAHD Transmittal was finally made public, Venice Dell had been stripped from it. VCH and HCH have subsequently requested an extension of the \$6.3M funding award, but have not yet received the extension.
- Failure to move forward with funding opportunity. VCH and HCH were working with LAHD to proceed with an Affordable Housing and Sustainable Communities (AHSC) funding application to the State of California. At the direction of LAHD, Affordable Housing Developers reached out to Council Office 11 to discuss potential bicycle and traffic calming improvement ideas on April 3 and April 16, 2025. On May 1, 2025, Craig Bullock, Planning Deputy for CD 11, responded that the Project will not be moving forward due to the Board's decision, and therefore there was no reason to engage regarding AHSC.

Not only has the City demonstrably failed to issue the approvals required of it under the DDA, it is actively working to undermine the Project's very existence. All votes by the City Council, the legitimate governing body, have directed City staff to move forward with this Project, yet that directive is being ignored and subverted. This pattern of willful obstruction constitutes default under the DDA and also violates the City's duty of good faith and fair dealing in the performance of its contractual obligations.

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Unless the City Remedies its Defaults, Affordable Housing Developers will Incur Significant Damages.

Section 10.1(a) of the DDA provides that failure or delay to perform or comply with any term of the DDA constitutes default, and the defaulting party “must commence to cure, correct or remedy such failure or delay and shall complete such cure, correction or remedy with reasonable diligence.” DDA, § 10.1(a) at 72.

Affordable Housing Developers request that the City immediately reverse course and work with them to progress the required approvals for the Project. The City must initiate corrective actions without delay, including but not limited to: adopting the Coastal Commission’s suggested modifications (or requesting an extension of time); unwinding the Board’s unlawful disapproval of the Project; processing the Ellis Act application; finalizing and executing the public parking structure contract; approving the ground lease; resuming work on the AHSC funding application; and extending the \$6.3 million loan that was previously awarded.

If the City does not remedy its defaults, Affordable Housing Developers will incur significant monetary damages, including in actual costs, developer fees to be received for 9 years of working in good faith, and the opportunity cost of not pursuing other projects. Developers’ damages would be in excess of \$10 million. If the City continues to violate the DDA, Developers will pursue the City for full payment of these damages.

Monetary damages aside, there is a very real human cost to the City’s default. The Project will provide desperately needed affordable housing, in a neighborhood that has priced out minority and low income communities. While the City plays political games to obstruct the Project, tens of thousands of unhoused people remain on the streets. In executing the DDA, the City recognized the Project is “in the vital and best interests of the City of Los Angeles and the health, safety, morals, and welfare of its residents” and committed to issuing the required Project approvals. The City must make good on its commitments.

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Please get back to us by **May 30, 2025**, regarding what action you intend to take. If the City does not agree to take immediate corrective action, Affordable Housing Developers intend to promptly file suit to enforce the DDA.³

Sincerely,



A handwritten signature in blue ink, appearing to read "Daniel S. Silberman".

Daniel S. Silberman

³ Although not required by the DDA or statute, for the avoidance of doubt Affordable Housing Developers have also provided notice of its claims under the Government Claims Act in parallel with this notice of default.