

VENICE VISION  
P.O. BOX 525  
VENICE, CALIFORNIA 90294

October 21, 2020

**VIA ELECTRONIC MAIL (ira.brown@lacity.org)**

Deputy Advisory Agency  
Department of City Planning  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

**Re: 2102 - 2120 S. Pacific Avenue, 116 - 302 E. North Venice Boulevard, 2106 - 2116 S. Canal Street, and 319 E. South Venice Boulevard; VTT-82288; CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-WDI-SPR-PHP; ENV-2018-6667-SE**

Honorable Members of the Deputy Advisory Agency and City Hearing Officer:

We write regarding the developers' requests for an exemption from the California Environmental Quality Act ("CEQA") under A.B. 1197 and waiver of dedications and improvements for the Reese Davidson Community on the Venice Canals ("RDC") (VTT-82288; CPC-2018-7344-GPAJ-VZCJ-HD-SP-SPP-CDP-MEL-WDI-SPR-PHP; ENV-2018-6667-SE). The requested exemption and waivers are improper and should not be granted for numerous reasons.

First, developer Venice Community Housing Corporation ("VCHC")<sup>1</sup> has admitted that parking for the project is still in the design phase<sup>2</sup> and the City has stated that parking studies relating to the project will not be "available to the public" until 2021.<sup>3</sup> Thus, even if plans to park the project (and to provide replacement parking and new beach impact parking) were complete (which they are not), they could not be competently evaluated at this juncture. Indeed, the City Planning Department has stated that it does not have parking studies for Venice in its possession.<sup>4</sup>

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<sup>1</sup> The project has two developers: VCHC and Hollywood Community Housing Corporation ("HCHC").

<sup>2</sup> Ex. 1: Oct. 14, 2020 VCHC Zoom Presentation re: RDC.

<sup>3</sup> Ex. 2: Oct. 13, 2020 Email Chain re: Demand for Immediate Production of Venice Coastal Zone Parking Report and C-133779 (Tierra West) Parking Study at 2.

<sup>4</sup> Ex. 3: Oct. 6, 2020 Letter from B. Pachecho to C. Wrede re: Public Records Act Request for Records Regarding the Venice Coastal Zone Parking Report.

Second, no aspect of the RDC proposal can properly be approved because the RDC does not satisfy the requirements for use of the Venice Dell Pacific Site<sup>5</sup> set forth by the City in relevant City Council action and in the applicable Affordable Housing Opportunities Sites (“AHOS”) Request for Qualifications and Proposals (“RFP/Q”), which expressly require that development comply in full with the Venice Coastal Zone Specific Plan, improve public access to parking and involve significant community engagement.<sup>6</sup> Moreover, the RDC involves extravagant building costs<sup>7</sup> that directly undercut execution of the City’s Comprehensive Homeless strategy (including, without limitation, its “Housing First” component),<sup>8</sup> and violates the City’s anti-containment policy as to homeless housing, shelter and services,<sup>9</sup> as well as laws prohibiting housing discrimination based on source of income and Article 34 of the California Constitution, which was enacted to protect vulnerable communities like Venice from projects, like the RDC, whose size and divergence from neighborhood norms are unfairly amplified through easy access to poorly guarded public funds and preferential treatment in the approval process. Furthermore, allowing the RDC to move forward—despite the dizzying array of entitlements and amendments to the Venice Coastal Zone Specific Plan the developers are seeking and without legally required dedications and improvements<sup>10</sup>—would violate the equal protection rights of private landowners, including landowners in the area who have recently been barred, through extraordinary action on the City’s part, from moving forward with far more compliant projects and even “by right” development.<sup>11</sup> And frankly, it is offensive—if not downright corrupt—that the City of Los Angeles embarked on a campaign of stripping communities of longstanding protections with respect to parking, density and environmental review only after securing billions in taxpayer dollars and tagging some of the best public land in the city for supportive housing projects. When voters approved Prop HHH and Prop H, they rightly expected 10,000 units of

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<sup>5</sup> The terms “Venice Dell Pacific Site” and “LADOT Lot 731” both refer to the proposed building site for the RDC, comprising 40 lots totaling 2.65 acres in the Venice Canals Subarea and North Venice Subarea of the Venice Coastal Zone on wetlands with a high-water table straddling the Grand Canal in a flood, tsunami, sea-level-rise and methane zone. Both the Venice Canals Subarea and North Venice Subarea are in the Dual Jurisdiction Zone where development must be approved by both the City of Los Angeles and the California Coastal Commission. The designation “LADOT Lot 731” is used primarily in discussion relating to parking, whereas the term “Venice Dell Pacific Site” is used in more generalized contexts.

<sup>6</sup> See, e.g., Ex. 4: City of Los Angeles Request for Qualifications/Proposals for the Affordable Housing Opportunity Sites Issued by Office of the City Administrative Officer, Submission Deadline: September 15, 2016 at 4:00 p.m. at 37 of 61; Ex. 5, May, 11 2016, Los Angeles City Council Transportation Committee Report Relative to Request for Proposals (RFP) for Lot No. 731; Ex. 6, April 13, 2016, Los Angeles City Council Transportation Motion Presented by Mike Bonin.

<sup>7</sup> Ex.7, July 24, 2019, VCHC Board of Directors, Executive Committee Package, at pdf file pages 19 through 22 of 42; Ex. 8, Aug. 19, 2019 RDC Financial Feasibility Schedules.

<sup>8</sup> Ex. 9, City of Los Angeles, Comprehensive Homeless Strategy.

<sup>9</sup> Ex. 10, Mar. 15, 2016, Official Action of the Los Angeles City Council to Formally Reverse Policy of Containment, 16-0046.

<sup>10</sup> Ex. 11, Jan. 7, 2020 RDC Architectural Plans; Ex. 12, RDC Application, Background and Entitlements.

<sup>11</sup> See, e.g. Ex. 13, 1915 S. Ocean Front Walk Amended Petition; Ex. 14, 12444 Venice Boulevard Case Materials; Ex. 15, Venice Place Project Case Materials.

supportive housing developed in accordance with the laws and standards in effect in 2016 at a cost of roughly \$120,000 per unit. That reasonable expectation should be honored. Had voters foreseen the lawless boondoggle that has come to pass, Prop HHH, Prop H and such would never have been approved in the first place.

Third, the RDC does not qualify for an exemption from CEQA under A.B. 1197 because the developers have not shown that it satisfies requirements with respect to funding sources or requirements under Section 65650 *et seq.* of the California Government Code with respect to zoning, the percentage of floor area used for supportive services, provisions for the delivery of supportive services, and composition of the resident population.<sup>12</sup> Moreover, the East Parking Tower—which will be developed, owned and operated by the City of the Los Angeles and consist solely of public parking<sup>13</sup>—plainly comprises a separate project that is subject to a complete environmental review under CEQA in its own right, regardless of whether a CEQA exemption somehow applies to some aspect of the RDC.

Fourth, the waivers of dedications and improvements the developers are seeking cannot be approved because the only justification for them is to allow for the overdevelopment of the Venice Dell Pacific Site (which the RFP/Q expressly states need not be developed in its entirety),<sup>14</sup> and they would result in grossly substandard sidewalks and corner cuts, creating obvious safety risks, violating City mobility policy, impeding multi-modal transportation, and depriving residents and tourists alike of pleasant, safe, social sidewalk experiences of the sort called for in universally accepted mobility standards and best practices.<sup>15</sup> The Venice Dell Pacific Site sits squarely on a Transit Enhanced Network, Bicycle Enhanced Network and Neighborhood Enhanced Network in a Pedestrian Enhanced District under the City's Mobility Plan 2035.<sup>16</sup> The applicable standards with respect to sidewalk width and street width—and all necessary dedications and improvements—must be enforced strictly and unsparingly for the benefit of the Venice community and the millions of visitors Venice receives each year.<sup>17</sup>

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<sup>12</sup> Ex. 12

<sup>13</sup> Ex. 1; Ex. 11; Ex. 12.

<sup>14</sup> Ex. 4, pdf file page 37 of 61; Ex. 12, RDC Application, Background and Entitlements.

<sup>15</sup> See Ex. 16, City of Los Angeles Complete Streets Design Guide; Ex. 17, Mobility Plan 2035; Ex. 18, Coastal Transportation Corridor Specific Plan (also available at <https://planning.lacity.org/plans-policies/overlays/coastal-transportation-corridor>); Ex. 19, June 2013, Conducting Bicycle and Pedestrian Counts; Ex. 20, Department of Public Works, Bureau of Engineering, Standard Street Dimensions, Standards S-470-1, October 2015; Ex. 21, November 2008, City of Los Angeles Department of City Planning, Walkability Checklist, Guidance for Entitlement Review; Ex. 22, July 2012, Westside Mobility Plan, Venice In-Lieu Parking Fee Study Final Report.

<sup>16</sup> Ex. 17.

<sup>17</sup> Ex. 88, Los Angeles Parks Website: Venice Beach

<https://www.laparks.org/venice#:~:text=The%20Boardwalk%2C%20also%20known%20as,region%27s%20most%20popular%20tourist%20attractions> (“Venice Beach is the busiest facility operated by the Department of Recreation and Parks. This iconic site attracts visitors from all over the world and it is estimated that approximately 28,000 to 30,000 people visit the Venice Beach Boardwalk and adjacent

We address each of these topics in more detail below, but at the outset, we also want to state that proceedings relating to approval of the RDC are premature and unlawfully deprive Venice residents of their notice and hearing due process rights in connection with the RDC. One of the major issues the City will have to address in connection with the RDC, for example, is Venice's notorious parking deficit,<sup>18</sup> yet, as noted above, the City has admitted it will not make the parking study that it commissioned for the RDC available to the public until 2021 and has refused (on the grounds of "deliberative process privilege") to produce other parking studies relating to the RDC and Venice as a whole.<sup>19</sup> Further, the Planning Department has stated that it is not in possession of any parking studies relating to the RDC or Venice; the information regarding parking in the current set of plans for the RDC is inaccurate, since 196 spaces of beach replacement parking is required (not 188 spaces as the RDC plans incorrectly indicate);<sup>20</sup> and the developers admit the City is still figuring out design, financing and project management for the West Parking Tower.

Similarly, the City and developers issued an Initial Study for an Environmental Impact Report ("EIR") for the RDC in 2019 identifying numerous environmental issues requiring investigation and mitigation, and spent a year working on the EIR, after repeatedly promising to conduct an exhaustive environmental review in connection with the RDC. The City has refused, however, to make materials relating to the RDC EIR available to the public,<sup>21</sup> even though the

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Recreation and Parks property on a daily basis. The Boardwalk, also known as Ocean Front Walk, is the second most-visited destination in Southern California, with an average of over ten (10) million visitors per year. It is known as one of the region's most popular tourist attractions.") ;see also <https://www.travelandleisure.com/trip-ideas/beach-vacations/americas-most-crowded-beaches?slide=2125462#2125462> ("But it's California, famous for surfing culture, that claims the questionable honor of America's No. 1 most crowded beach: Venice Beach, to be precise, which swarms with 16 million sunbathers, fortune-tellers, street performers, and people-watchers.")

<sup>18</sup> See, e.g., Ex. 23, Nov 12, 2014, City Council Planning & Land Use Management Motion ("Venice faces continued development pressures and one of the ways the pressure is felt most acutely is through projects that worsen the area's already chronic parking shortage. The amount of parking is simply not keeping pace with the number of people who visit, live, or work in Venice."); Ex. 24, Venice Traffic and Parking Study; Ex. 25, Feb. 26, 2019, Venice Neighborhood Council, Community Impact Statement re: Parking Shortage, Council File 19-0072; Ex. 26, Oct. 18, 2019, Venice Neighborhood Council ("VNC"), Community Impact Statement re: Lot No. 731, Council File 19-0072; Ex. 27, Proposed Venice Coastal Interim Control Ordinance; Ex. 28, VNC Motion re: Scope of RDC EIR; Ex. 29, Venice Neighborhood Council, Parking and Transportation Committee Presentation; Ex. 30, January 21, 2019, Fight Back, Venice! Letter re: Reese Davidson Community, ENV-2018-6667-EIR.

<sup>19</sup> Ex. 2; Ex. 31 Oct. 14, 2020 Letter from Chen to Wrede re; Parking Study; see also, Ex. 32, Jan. 22, 2019 City Council, Transportation Committee Motion for Parking Studies, City Council File No. 19-0072; Ex. 33, Feb. 25, 2019 City Council, Transportation Committee Report on Parking Studies, City Council File No. 19-0072; Ex. 34, Documents from Los Angeles City Council File 19-0072.

<sup>20</sup> Ex. 35, VTT-82288 Planning Department Staff Report, Oct. 20, 2020 Hearing Date at 2, 3, 22 and 24; Ex. 2.

<sup>21</sup> Ex. 36, Aug. 25, 2020 Ltr. Pacheco to Wrede re: Public Records Act Request for Records Regarding the Draft Environmental Impact Report for the Reese Davidson Community Project (CPC-2018-7344 & ENV-2018-6667).

developers selectively released a traffic study for the RDC (obviously conducted before still pending plans for RDC and beach parking were complete)<sup>22</sup> and also have plans for the selective release of a putative sea-level rise study at some unspecified point *after* the DAA's October 22, 2020 hearing.<sup>23</sup> Findings of fact regarding environmental impacts are required for VTT approval, and the RDC would be a multi-level, 2.65-acre development on wetlands feeding directly into the Santa Monica Bay with a high water table in a historic district, tsunami zone, flood zone, sea-level-rise zone and methane zone directly on Grand Canal and just a block off one of the most iconic and popular beaches in the world.<sup>24</sup> A VTT determination, thus, cannot properly be made without the EIR-related materials that the developers and the City are currently withholding from Venice residents and, for that matter, additional environmental review on a panoply of topics ranging from crime and water pollution to emergency preparedness, the amplification of flooding effects and impacts on wetland habitats (to name but a few).<sup>25</sup>

Further to that point, it has also been inordinately difficult to get information regarding the RDC from the developers themselves. VCHC has repeatedly promised, for example, to push timely updates regarding the RDC out to the Venice community, but it was only through the persistent sleuthing of concerned Venice residents that updated project plans showing new project features—like the RDC's popcorn stucco (which was originally depicted as a smooth finish) and extensive roof decks with permanent decorative canopies—came to light. Similarly, timely notice was not provided as to the (manifestly invalid) traffic study the developers supposedly completed in December 2019. And the one and only presentation VCHC made to the general public regarding the RDC prior to the Zoom meeting VCHC held on October 14, 2020 to build support heading into the City approval process took place more than three years ago in March 2017—back when no drawings or details of consequence were available and VCHC as still claiming that the project would cost a mere \$340,000 per unit (which is less than half the current projected per unit construction costs, before overages and such).<sup>26</sup> Other putative informational sessions were held on an invitation only basis and limited to supporters of the project. One Venice resident—a sexagenarian approaching septuagenarian status—said he thought that given the pandemic and everything at stake, a complete set of documents regarding the project should have been made readily available to all Venice residents at the Venice Library, which, as it happens, is just a few blocks from the proposed building site. Any fair-minded person authentically concerned about fairness, transparency and core due process principles of notice and hearing would plainly agree.

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<sup>22</sup> Ex. 48.

<sup>23</sup> Ex. 1.

<sup>24</sup> See <https://www.fightbackvenice.org/venice-canals-monster/>.

<sup>25</sup> A separate comment letter addressing environmental issues in detail has been filed on behalf of Venice Vision in connection with the October 22, 2020 DAA hearing by Venice Vision's counsel, Channel Law Group. That letter is incorporated by reference in its entirety here.

<sup>26</sup> Ex. 37, Mar. 9, 2017 VCHC RDC Presentation.

Finally, Venice residents have a due process right to a meaningful forum in which to be heard on a project of this magnitude. Remote web-based forums obviously impede discourse, reduce participation and insulate officials from public passion, while improperly—and unlawfully—burdening (and, in many cases, precluding) the participation of elderly and/or less affluent members of the community to the advantage of well-financed and professionally organized developers. Given its massive size, extremely prominent location and incredibly oppressive features, the RDC could well define Venice for decades to come—if not for all time. Out of respect for Venice’s glorious heritage and the due process rights of its rank and file residents, the October 22, 2020 hearing date should be vacated and all proceedings relating to approval of the RDC should be postponed until in-person hearings—and true due process—are again possible.

We now address, in greater detail, reasons why no action should be taken on the RDC as proposed at this juncture and why the A.B. 1197 CEQA exemption and the waivers of dedications and improvements that VCHC and HCHC are seeking should be denied.

#### **I. No Action Should Be Taken Regarding the RDC at This Juncture**

No action should be taken on the RDC at this juncture because parking plans and relevant parking studies are not complete; the DAA lacks—and the City has wrongfully withheld—environmental information relating to Grand Canal and other aspects of the Venice Dell Pacific Site; the exorbitant project costs will indefensibly squander public treasure while undercutting the City’s Comprehensive Homeless Strategy (including, without limitation the “Housing First” component); the RDC does not comply with AHOS requirements for use of the Venice Dell Pacific Site; and approval of the project as proposed would violate the City’s anti-containment policy, Article 34 of the California Constitution and law prohibiting housing discrimination based on source of income,<sup>27</sup> as well as the equal protection rights of private landowners.

##### **A. Parking Plans and Relevant Parking Studies Are Not Complete**

VCHC’s executive director, Becky Dennison, stated during a meeting of the Venice Neighborhood Council (“VNC”) Land Use and Planning Commission (“LUPC”) on October 6, 2020 and during VCHC’s October 14, 2020 Zoom presentation on the RDC that the City has yet to determine whether 188 or 196 replacement beach parking spaces are required in connection with the elimination of existing beach parking and LADOT Lot 731.<sup>28</sup> She also stated that the City is still in the process of designing replacement and beach parking for the project and, more specifically, still attempting to determine whether—and to what extent—automated lift (i.e., “robotic”) parking should be utilized.<sup>29</sup> Similarly, email correspondence and other relevant materials that members of the Venice community have secured through public records requests

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<sup>27</sup> Ex. 39, Cal. Gov. Code § 12921; Ex. 40, Cal. Civ. Code § 51 (“Unruh Act”); Ex. 41, Cal. Gov. Code. § 12955; Ex. 42, S.B. 329.

<sup>28</sup> Ex. 1.

<sup>29</sup> Ex. 1.

show that project management and financing for RDC parking is still up in the air.<sup>30</sup> At one point, for example, the developers and the City apparently expected to get funding the City's general fund, but it now appears that a public-private "P3" partnership of some sort may be required, although no final determinations as to participants in or the architecture of such an arrangement have yet been made.

Moreover, Councilmember Mike Bonin brought a City Council motion regarding LADOT Lot 731 on January 22, 2019.<sup>31</sup> That motion states that the lot "is heavily utilized by the public to access recreational opportunities at Venice Beach"—in addition to stating that use of the "property must strike the right balance between affordable housing and other public benefits, including coastal access"—and directed the Department of Transportation to:

- Study the need for additional public parking at the Venice lot, including seasonal demand and potential additional revenue;
- Evaluate the relative costs and benefits of a structured and/or automated parking facility to replace and/or increase the number of public parking spaces;
- Prepare the specifications and/or requirements for an automated or partially automated parking facility, if feasible and cost-effective;
- Forecast the availability of Special Parking Revenue Fund (SPRF) and/or other appropriate funding sources for a new public parking structure;
- Evaluate the relative risks and benefits of different project delivery methods, including a public-private partnership for design and construction; and
- Study alternatives for relocating the parking and/or offsetting the parking revenue lost during construction.

Jeff Oviedo Associates was engaged to study automated parking at LADOT Lot No. 731 but the study was apparently discontinued due to lack of funding.<sup>32</sup> Tierra West was retained to study parking demand in Venice, possible parking solutions for the RDC and related topics, but the City has stated that, due to the complexity of the issues, that study will not be complete until 2021. And the Venice Coastal Zone Parking Study, which commenced back in 2018, is still not finished. The City released a draft of the Venice Coastal Zone Parking Study to VCHC, who in turned shared it with the Coastal Commission,<sup>33</sup> but the City has otherwise refused to make a draft of the Venice Coastal Zone Parking Study public. Further, the City Planning Department has stated that it does not have parking studies relating to Venice or the RDC in its possession.

Section 30252 of the California Coastal Act expressly requires that "[t]he location and amount of new development should maintain and enhance public access to the coast by...

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<sup>30</sup> Ex.43, Public Records re: Parking.

<sup>31</sup> Ex. 32.

<sup>32</sup> Ex. 43, Public Records re: Parking.

<sup>33</sup> Ex. 44, June 6, 20-19 Email from Miller to Dennison re: Parking Lot Info/Data.

providing adequate parking facilities or providing substitute means of serving the development with public transportation,” and the Venice Land Use Plan contains similar provisions.

Moreover, the significant—and increasingly severe—shortage of parking in Venice has been officially recognized on numerous occasions, and a traffic and parking study prepared for the Department of City Planning in 1990 found that, even 20 years ago, utilization of parking at LADOT Lot 731 and on surrounding streets was over 100% on weekends, “due to illegally parked vehicles parking in aisles and unmarked spaces” in the parking lot, and that high demand for parking “contribute[d] to congested traffic conditions and poor traffic circulation.”<sup>34</sup>

The Venice Neighborhood Council (“VNC”) passed a motion calling for a 600-space open-air parking structure with open space at LADOT Lot 731, as well as a motion that reads as follows:

1. The VNC has previously passed a motion indicating its preference that Lot 731 be used for public parking with a multiple story structure east of the Venice Grand Canal and creating an open space park to the west. A traffic congestion consideration that would allow westbound vehicles to cross through the median to eastbound Venice Blvd. was also recommended.
2. The Venice community west of California Route #1 (Lincoln Blvd) is considered a California Coastal Zone and in June 2001 the City-prepared Venice Coastal Zone Land Use Plan was adopted and certified by the California Coastal Commission and one of the referenced documents within this plan was a Traffic and Parking Plan prepared by Kaku Associates from the Los Angeles City Planning Department that describes a deficit of parking in the North Venice area of over 1200 cars due to the fact that many of the existing buildings were historic and constructed before parking was considered a requirement.
3. In 2012, the City of Los Angeles prepared as part of the Westside Mobility Plan an In-Lieu Fee Report. This report addresses the shortfall of public parking in the Venice region and further documents that, should public parking structures be constructed, the fees the City has been collecting since the Venice Parking Trust Fund (described in the 1988 Venice ICO) was established could be used to offset the construction costs. Furthermore, this report identifies the City properties where such parking structures could be constructed and

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<sup>34</sup> Ex. 24 at 33.

parking opportunities be expanded. The report was prepared by CDM Smith.

4. In February 2009, Venice residents voted in an official referendum of the Venice Neighborhood Council in favor of overnight restricted parking for residents. Venice is in a Coastal Zone and as such the California Coastal Commission has denied the City's prior two applications for a Coastal Development to allow permit parking. Although the residents, business operators and the City have expressed the desire to have permit zone parking, the Coastal Commission made it clear in their denials that there cannot be any reduction of on-street parking without a one-to-one replacement off-street. Parking structures similar to those found in the Venice neighboring cities such as Santa Monica and Manhattan Beach were suggested to provide off street parking.
5. The Venice Neighborhood Council in June 2017 requested the City prepare an inventory of the existing parking conditions in Venice and to include Beach Impact Parking and non-required parking spaces in commercially-zoned projects within the Venice Coastal Zone. In response to this request, the City described how such a study would be prepared as one of the elements of the upcoming Venice Coastal Zone Land Use Plan. To date no information has been published that describes the current inventory of parking conditions.
6. The community of Venice since its inception in 1905 has been a visitor destination which is often referred to as the number two tourist attraction in the entire state of California behind Disneyland. In this capacity, beach access is a priority and the number one means of transportation to this region is by single occupancy vehicles. There are no plans in the immediate or distant future to provide mass transit with remote park-and-ride lots outside the region. Autonomous self-driving automobiles might relieve some of the parking requirements but they are still many years away from wide scale adoption.
7. The commercially zoned property in the Venice Coastal Zone is underdeveloped when compared to any other growing community in Los Angeles City or neighboring communities. This is the result of conflicting conditions; on one hand, the parking demands are very high as described in both the City and State codes while on the other hand, the lot sizes are small and therefore parking consumes most, if not all, of the developable ground floor. This means historic structures that want to and should be preserved as described in the community

plan can't comply to code with onsite parking. Additionally, most of the commercial lots in Venice are undersized by all standards, averaging 2700 SF. Attempting to utilize a lot of this size in a new commercial project requires most of the entire ground floor to be consumed by parking, which makes the usable commercial space too small to be economically feasible. The solution as described in the 2012 In-Lieu plan is to create large parking structures and allow property owners to buy into the ongoing cost of a local shuttle system.<sup>35</sup>

Similarly, the Venice Coastal Land Use Plan states that: “It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control.”<sup>36</sup> It also identifies the “Los Angeles County Metropolitan Authority (MTA) bus maintenance yard located between Main Street and Pacific Avenue south of Sunset Avenue [as] a potential site for public parking,” estimating “that about 350 spaces could be provided on the approximately 3-acre site,”<sup>37</sup> but the site was instead commandeered for the Bridge Home Venice homeless shelter and will next be used for a large affordable housing project that is currently in development.<sup>38</sup>

In light these facts—including Venice’s massive parking deficit, the documented overutilization of LADOT Lot 731 and surrounding streets (which has only gotten worse over the past twenty years), the VNC’s express desire to develop LADOT Lot 731 to relieve the Venice parking shortage while enhancing the beachgoing experience for residents and visitors, and the elimination—or, at a minimum, significant diminution—of the MTA maintenance yard as a parking asset—it is plainly improper for the City to take any action whatsoever with respect to the RDC until all parking plans and parking-related studies are finalized and made public.

### **B. The DAA Lacks—and the City Has Wrongfully Withheld—Environmental Information Required to Make Competent Findings Regarding the VTT**

The developers told Venice residents for two years that they would prepare an EIR for the RDC. In December 2018, the developers released an Initial Study for the RDC identifying various issues that would have to be addressed through the EIR,<sup>39</sup> and the VNC, community groups and individual residents also submitted extensive comment as to the proper scope of the EIR for such a large, prominent and environmentally sensitive parcel.<sup>40</sup>

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<sup>35</sup> Ex. 34.

<sup>36</sup> Ex. 45, Venice Coastal Zone Certified Land Use Plan, Policy II.A.1. at III-5.

<sup>37</sup> Ex. 45, Venice Coastal Zone Certified Land Use Plan, Policy II.A.2. at III-6.

<sup>38</sup> Ex. 46 and <https://www.metro.net/projects/jd-division6/>.

<sup>39</sup> Ex. 47, EIR Materials for RDC.

<sup>40</sup> Ex. 28; Ex. 30.

The developers worked on the EIR for a year before deciding to seek a CEQA exemption under A.B. 1197,<sup>41</sup> but have not released any records relating to the EIR other than a putative traffic study.<sup>42</sup> A valid and timely request for records relating to the EIR was submitted under the California Public Records Act (“CPRA”), but the City refused to produce the record based on the so-called “deliberative process privilege.”<sup>43</sup> Moreover, aside from the dubious traffic study and a sea-level-rise report that the developers have said they will provide at some point after the October 22, 2020 hearing,<sup>44</sup> we are not aware of any environmental studies conducted in connection with the RDC or the Venice Dell Pacific Site.

As noted above, the Venice Dell Pacific Site is a 2.65-acre wetland parcel with a high water table straddling Grand Canal—and encompassing portions of a National Historic District—in a flood, sea-level-rise, tsunami and methane zone a block off one of the most iconic and most popular beaches in the world.<sup>45</sup> The RDC calls for maxing out the site, exemptions from virtually every major provision in the Venice Coastal Zone Specific Plan, and waiver of legal obligations to bring surrounding streets and sidewalks up to standard widths.<sup>46</sup>

Approving the VTT requires findings with respect to environmental impacts.<sup>47</sup> The fact that the City has not undertaken a comprehensive environmental review of the project and building site or released existing environmental records to the public simply precludes further action with respect to the project at this juncture.<sup>48</sup>

### **C. Exorbitant Project Costs of Nearly \$1 Million Per Unit Would Indefensibly Squander Public Treasure and Undercut the City’s So-Called “Housing First” Strategy**

The developers’ own financial projections for the project show total development costs for the residential portion of the East Facility of \$40,110,464 and total development costs for the residential portion of the West Facility of \$29,624,425, for a total of \$69,734,889 for the residential portion of the project as a whole.<sup>49</sup> Moreover, the City estimates the cost of new parking at \$41,587 per space.<sup>50</sup> According to the Planning Department Staff Report, the RDC has

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<sup>41</sup> Ex. 1.

<sup>42</sup> Ex. 48, RDC Traffic Study.

<sup>43</sup> Ex. 36.

<sup>44</sup> Ex. 1.

<sup>45</sup> Ex. 35; see <https://www.fightbackvenice.org/venice-canals-monster/>

<sup>46</sup> Ex. 12.

<sup>47</sup> Ex. 49, Required Findings for Vesting Tentative Tract.

<sup>48</sup> As noted above, Venice Vision’s counsel has concurrently filed a letter addressing environmental issues relating to the Venice Dell Pacific Site and RDC in detail.

<sup>49</sup> Ex. 7 at pdf file pages 19 through 22.

<sup>50</sup> Ex. 50, Sep. 25 Email Ryzhov to Miller re: HCIDLA Land Development – Replacement Parking. This \$41,587 per space figure is low compared to the City’s per-spot estimates for other supportive housing projects, which are as high as \$80,000 per spot, so in all probability, this analysis understates the cost of constructing new parking. If it does not understate the cost of new parking for RDC, one has to ask what

to replace 196 existing beach parking spaces that are being destroyed to make room for this project.<sup>51</sup> Taking as true for now the developers' (lowball) assertion that 61 parking spaces are required for residential portions of the RDC, relevant parking costs come to \$10,687,859. The building site requires consolidation of 40 lots, so conservatively valuing each lot at \$1,250,000 and attributing 70% of the buildable lot to the residential portion of the project (based on square footage in the plans),<sup>52</sup> at least \$35,000,000 in land value is properly allocable to the project (40 lots x \$1,250,000 per lot x 70% = \$35,000,000). Finally, VCHC is already 15% over budget on the nearby Rose Avenue Apartments supportive housing project (which is significantly smaller and less complicated than the RDC),<sup>53</sup> so it would be conservative to apply that overage factor here.

To summarize:

Projected Residential Development Costs:	\$69,734,889
Projected Allocable Parking Costs:	\$10,687,859
Conservative Estimate of Allocable Land Costs:	<u>\$35,000,000</u>
Projected Costs Allocable to Residential Portion (Before Overage)	\$115,422,748
15% Overage (Based on Rose Avenue Apartments)	<u>\$17,313,412</u>
Projected Costs Allocable to Residential Portion (After Overage)	\$132,736,160

There are 140 affordable and supportive units planned for the RDC totaling 64,280 square feet, for an average unit size of 460 square feet.<sup>54</sup>

Therefore, the projected project costs are \$824,448 per 460-square-foot unit (\$1,792 per square foot), before likely overages, and \$948,115 per 460-square-foot unit (\$2,061 per square foot), including likely overages.

This is twice the unit price and almost five times the per square foot of the median existing condominium in Los Angeles<sup>55</sup> and completely blows away per unit and per square foot project costs for other supportive housing projects in Los Angeles, which the Controller for the

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corners are being cut at the RDC to keep parking constructions so far below the construction costs in comparable projects. It may have to do with the fact that 28% of all RDC parking—and more than 60% of new RDC parking—comprises compact (as opposed to standard) spaces.

<sup>51</sup> Ex. 35 at 2, 3, 22 and 24.

<sup>52</sup> Ex. 11.

<sup>53</sup> Ex. 51, Jan. 15, 2020 Prop HHH Citizens Oversight Committee Memorandum, Attachment B, page 1 (pdf file page 15 of 18) (<http://cao.lacity.org/Homeless/PropHHHCOC-20200114e.pdf>).

<sup>54</sup> Ex. 11.

<sup>55</sup> Ex. 52; Ex. 53; <https://www.car.org/marketdata/data/countysalesactivity>

City of Los Angeles has already found to be indefensibly and unsustainably high,<sup>56</sup> such that at current levels of spend (to say nothing of the level of spend contemplated for the RDC) the City will simply be unable execute its “Housing First” plan or any meaningful fraction thereof.

**D. The RDC Does Not Comply with AHOS Requirements for Use of the Venice Dell Pacific Site**

The Transportation Committee Report pertaining to “a Request for Proposals (RFP) to provide an affordable housing project to serve homeless persons at City-owned Parking Lot NO. 731 located at 200 North Venice Boulevard” that was adopted by the City Council on May 24, 2016 states as follows:<sup>57</sup>

1. INSTRUCT the Los Angeles Department of Transportation (LADOT) and City Administrative Officer (CAO), with the assistance of the Housing and Community Investment Department, to prepare an RFP to provide for an affordable housing project to serve homeless persons, along with replacement parking and an appropriate mix of additional public parking and/or other uses as necessary to comply with the Venice Coastal Zone Specific Plan at the City-owned and managed Parking Lot No. 731 located at 200 North Venice Boulevard.

2 DIRECT that the RFP described above in Recommendation No. 1 require that any project:

a. To be consistent with the Venice Coastal Zone Specific Plan.

b. Include elements to ensure neighborhood compatibility, that it increase public access to parking, and that the applicant for the project undertake significant community outreach leading up to and during the project’s entitlement process.

The City of Los Angeles Request for Qualifications/Proposals for the Affordable Housing Sites issued by the Office of the City Administrative Officer for September 15, 2016 submissions, similarly, states in pertinent part that: the Venice Dell Pacific Site is zoned OS-1SL-O, with “[p]otential future” R3 zoning; plans “must assume replacement parking [at] at least

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<sup>56</sup> Ex. 77, ; <https://lacontroller.org/audits-and-reports/hhhactionplan/>

<sup>57</sup> Ex. 5; See also Ex. 6 (“I THEREFORE MOVE that the Council instruct the Los Angeles Department of Transportation, with the assistance of the Housing and Community Investment Department, to prepare and release a Request for Proposals (RFP) to provide for an affordable housing project to serve homeless persons, along with replacement parking and an appropriate mix of additional public parking and/or other uses as necessary to comply with the Venice Coastal Zone Specific Plan at the City-owned and managed Parking Lot #731 located at 200 North Venice Boulevard; I FURTHER MOVE that the RFP require any project to be consistent with the Venice Coastal Zone Specific Plan, that it include elements to ensure neighborhood compatibility, that it increase public access to parking, and that the applicant for the project undertake significant community outreach leading up to and during the project’s entitlement process.”)

a 1:1 ratio”; “[i]nnovative solutions for parking management and capacity [we]re encouraged”; “[d]evelopments must comply with the Venice Specific Plan.”<sup>58</sup>

As noted above, the only informational meeting VCHC held for the general public regarding the RDC (prior to an October 14, 2020 Zoom conference conducted to largely to build support going into the October 22, 2020 DAA hearing) was more than three years ago in March 2017, back when few details were available and VCHC projected costs of just \$340,000 per unit.<sup>59</sup> Subsequent events were held on an invitation-only basis and generally limited to supporters.<sup>60</sup> Further, the VCHC did not collect signatures from neighbors in the vicinity or present the project to the VNC—or any of its committees—prior to submitting the project application to the City Planning Department.<sup>61</sup> Thus, VCHC has plainly failed to satisfy the express requirement, adopted by the City Council itself, that “the project undertake significant community outreach leading up to and during the project’s entitlement process.”

Similarly, as set forth in Attachment A, the RDC fails to comply with the Venice Coastal Zone Specific Plan in almost all significant areas, including as to: lot consolidation (seeking to consolidate an excessive number of lots); height (doubling the applicable height limits in places); roof structures (providing for roof access structures that exceed applicable height limits by 50%); setbacks (providing no setbacks at all at the corner of N. Venice Boulevard and Pacific Avenue or above ground level, at essentially providing the minimal setback everywhere else); density (exceeding the permissible number of residential units by more than 40%); building frontage (failing to provide the ground floor community concessions required for commercial developments and multi-level parking structures); and parking (failing to provide the required number of parking spaces and making improper use of compact spaces to satisfy parking requirements).<sup>62</sup>

Further, as evidenced by its immense size, excessive height, extensive canopied roof decks, outrageous 70-foot tower with observation deck, minimal ground-level setbacks, and complete lack of setbacks above the ground floor, the project was designed with utter disregard for the community, with no attempt at all to “ensure neighborhood compatibility.”<sup>63</sup>

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<sup>58</sup> Ex. 4 at 37 of 61.

<sup>59</sup> Ex. 1; Ex. 37.

<sup>60</sup> Ex. 44.

<sup>61</sup> Ex. 54, Dec. 12, 2018 City Planning Application for RDC, pdf file page 10 of 14 (showing blanks on both portions of Neighborhood Contact Sheet).

<sup>62</sup> VCHC appears to be of the view that it is eligible for reduced parking requirements and density bonuses under state law. That is not the standard, however, established by the City for making the Venice Dell Pacific Site available for the development of affordable housing under the Affordable Housing Opportunity Site (“AHOS”) program. The City expressly required that the proposed development comply with the Venice Coastal Zone Specific Plan in order for the Venice Dell Pacific Site to be developed under the AHOS program. That requirement has not been satisfied, regardless of whether the proposed parking and density is otherwise lawful.

<sup>63</sup> Ex. 11; <https://www.fightbackvenice.org/venice-canals-monster/>

In addition, the RDC does not increase public access to parking or involve “[i]nnovative solutions for parking management and capacity.”

The project plans the developers submitted to the City provide for two multi-level parking structures, a West Parking Tower and an East Parking Tower.

The East Parking Tower is located entirely to the east of Grand Canal and is wrapped on all four sides by other buildings, “Texas-Donut” style. Reaching the beach from the East Parking Tower requires walking distances of as much as 450 feet—and crossing at least one and, in some cases, two driveways<sup>64</sup>—along either N. Venice Boulevard or S. Venice Boulevard, each of which constitutes a “Boulevard II” under the City’s classification scheme.<sup>65</sup> The sidewalk along N. Venice Boulevard between the East Parking Tower and Pacific Avenue is just 5 feet wide (with frequent obstructions like telephone poles, utility boxes and such) and the developers are seeking waiver of their legal obligation to expand it. The developers are also seeking waiver of their legal obligation to expand the sidewalk along S. Venice Boulevard, which is 12 feet wide, as well as their legal obligation to expand the sidewalk on Pacific Avenue (9 feet wide) and Dell Avenue (5 feet wide). City standards, policies and best practices call for sidewalks that are at least 15 feet wide. Furthermore, the area in question is expressly identified in the Mobility Plan 2035 as being part of a Transit Enhanced Network, Bicycle Enhanced Network, and Neighborhood Enhanced Network in a Pedestrian Enhanced District.<sup>66</sup>

The East Parking Tower would provide 188 spaces of replacement beach parking; 23 spaces of new beach impact parking; and 41 new parking spaces that the developers claim they are not required to provide, for a total of 252 parking spaces.<sup>67</sup> 65 of these parking spaces are designated compact, but the developers have made no showing that compact parking spaces are acceptable substitutes for standard parking spaces.<sup>68</sup> In fact, the City has expressly stated that “replacement parking” must be provided at “at least a 1:1 ratio.” Replacing something big with something small is not “1:1.”

The Planning Department Staff Report states that there are 196 parking spaces—not 188 parking spaces—in LADOT Lot 731.<sup>69</sup> None of those existing spaces are compact, and roughly half are west of Grand Canal.

The developers are seeking commercial zoning for the Venice Dell Pacific Site. The Venice Coastal Zone Specific Plan requires one beach impact parking space per 640 square feet of ground floor space in a commercial project. The developers’ plans show 38,525 square feet of

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<sup>64</sup> Ex. 86.

<sup>65</sup> Ex. 17 at pdf file page 21 through 23 of 202.

<sup>66</sup> Ex. 17.

<sup>67</sup> Ex. 11, G0.01.

<sup>68</sup> Ex. 11.

<sup>69</sup> Ex. 35 at 2, 3, 22 and 24.

ground floor space. Consequently, 61 beach impact parking spaces ( $38,525/640=60.2$ ) are required.

Adding the 196 replacement parking spaces required to the 61 beach impact parking spaces required shows that the East Parking Tower must provide at least 257 spaces.

And finally, City records show that LADOT Lot 731 brings in \$1 million in revenue per year, accounting for nearly 5% of all revenue from public lots citywide.<sup>70</sup> The notion that the lot is “underutilized”—as required for inclusion in the AHOS program—is ridiculous.

In short, the East Parking Tower fails to satisfy conditions for use of the Venice Dell Pacific Site because it does not provide the full number of required replacement and beach impact parking spaces and improperly purports to replace existing parking and satisfy beach impact parking requirements with compact spaces. Further, it: (i) moves a significant number of beach parking spaces from the west side of Grand Canal to the east side of Grand Canal and, thus, further away from the beach; (ii) fails to provide, due to the “Texas Donut” architecture, the views and ocean breezes typical of parking structures in beach communities like Venice, Santa Monica, Manhattan Beach and Marina del Rey; (iii) subjects the public to the increased exposure to pollution (including Proposition 65 substances) and crime necessarily associated with fully enclosed parking structures; (iv) forces a substantial percentage of beachgoers to use substandard compact parking spaces that are uniquely unsuitable for beach parking (which typically involves the loading and unloading of family and friends, as well as large quantities of beach equipment like chairs, blankets, umbrellas, surfboards, boogie boards, SUP boards and kayaks);<sup>71</sup> and (v) forces beachgoers—including elderly or infirm beachgoers and beachgoers corralling young children—to walk long distances to the beach across driveways on extremely substandard sidewalks with multiple obstacles (including telephone pole, utility boxes and two-way traffic) along boulevards heavily trafficked by cars and buses.<sup>72</sup>

Thus, the East Parking Tower fails to satisfy conditions imposed by the City Council for development of the Venice Dell Pacific Site.

The West Parking Tower, for its part, provides 61 residential parking spaces, 42 commercial parking spaces, and 5 parking spaces that the developers claim they are not required to provide, for a total of 108 parking spaces.<sup>73</sup> 38 of these spaces are compact, and like the East Tower, the West Tower would be wrapped on all-four sides, “Texas Donut” style.

The developers claim that they are entitled to rely on the reduced parking requirements in AB 744, but even assuming (without conceding) that that is true for project approval, AB 744 does not apply to this analysis because the question here is whether the RDC satisfies separate requirements established by the City for use of the Venice Dell Pacific Site under AHOS. As

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<sup>70</sup> Ex. 87, LADOT NO. 731 Revenue and Metrics.

<sup>71</sup> Ex. 55, Boats and Kayaks Photographs.

<sup>72</sup> Ex. 56, N. Venice Boulevard Photographs.

<sup>73</sup> Ex. 11, G0.01.

noted above, the City stated, without caveat, that it would only make the Venice Dell Pacific Site available for proposed developments that comply with the Venice Coast Zone Specific Plan, and thus, whatever bonuses or concessions may be available under state law are irrelevant to determining whether the parcel can be made available for development through the AHOS program.

The Venice Coastal Zone Specific Plan requires two parking spaces for each artist-in-residence space; two spaces for each unit in multiple dwelling structures; one guest space for every four units in multiple dwelling structures; one space for every 225 square feet of retail space; one space for every 75 square feet of community center space; one space for every 50 square feet of interior restaurant space; at least 10 spaces for outdoor restaurant service area; and one space for every 250 square feet of office space.<sup>74</sup>

Thus, applying the use descriptions and square footage calculations in the developers' plans, the West Parking Tower must provide 420 parking spaces.

USE	SPACES REQUIRED
Artist-in-Residence (34 units)	68
Non-Artist Residents (and Guests) (116 units)	261
Retail Space (2,255 sq. ft.)	11
Restaurant (810 sq. ft.)	17
Outdoor Restaurant Service Area (assume 10 space minimum)	10
Art Studio <sup>75</sup> (3,155 sq. ft.)	43
Supporting Office Space (685 sq. ft.)	3
Belltower Community Rooms (492 sq. ft.)	7
Total	420

Further, even assuming that AB 744 somehow applies to the determination of whether the City can make the Venice Dell Pacific Lot available for development, the RDC would still have to provide at least 152 spaces in the West Parking Tower—almost 50% more than plans currently call for.

Plus, as with the East Parking Tower, the developers improperly use compact spaces to satisfy parking requirements and the enclosed “Texas-Donut” architecture would expose people using the parking structure to elevated rates of crime and pollution while depriving parkers—and the community in general—of the views and ocean breeze experience typically associated with parking structures in beach communities.

<sup>74</sup> Ex. 57, Sec. 11.C.; <https://planning.lacity.org/plans-policies/overlays/venice-coastal-zone>.

<sup>75</sup> Major Garcetti’s office has expressly described the “Art Studio” as “multi-purpose community space” and therefore the community space parking requirements plainly apply to the “Art Studio.”

In sum, the RDC fails to comply with the requirements for use of the Venice Pacific Dell Site under the AHOS and related City Council action. Further, the proposed parking schemes are insufficient under any measure, even factoring state law putatively reducing parking requirements for supportive and affordable housing projects. Thus, the City cannot make the Venice Dell Pacific Site available for the project and the project cannot move forward.

**E. The RDC Violates Article 34 of the California Constitution, the City’s Anti-Containment Policy, Law Prohibiting Housing Discrimination Based on Occupation, and the Equal Protection Rights of Private Landowners**

As reflected in a recent study from Planning Urbanism, data from the California Tax Credit Allocation Committee (“CTCAC”),<sup>76</sup> which allocates Federal Low Income Housing Tax Credits (“LIHTC”) in the state of California, and the Los Angeles Homeless Services Agency (“LAHSA”)<sup>77</sup> show an extreme overconcentration of homeless shelters and subsidized housing in Venice relative to other parts of Council District 11.

In addition, as reflected data relating to Proposition HHH,<sup>78</sup> Proposition 279 and such,<sup>80</sup> there are 12 pending, in-process or new homeless shelters and housing projects in the Venice (which accounts for just 5% of Council District 11’s landmass),<sup>81</sup> including, for example, the Rose Avenue Apartments (12 units),<sup>82</sup> the Lincoln Apartments Project (40 units next to an elementary school),<sup>83</sup> the Thatcher Yard Project (98 units on Marina Green),<sup>84</sup> the Marian Place Project (8 units for persons with mental illness next to a pre-school),<sup>85</sup> the CDRC Project (40 units next to a high school, middle school and elementary school) and Bridge Home Venice (a 3.15-acre shelter with 154 beds a block off the beach).

As a result of the overconcentration of homeless housing, shelters and services in Venice, Venice’s homeless population has increased 133% since Prop HHH was passed and the City began implementing its Comprehensive Homeless Strategy in 2016, while declining in the rest of Council District 11 during the same period.<sup>86</sup> Further, all growth in Council District 11’s homeless population during the period in question has been in the most diverse and least affluent communities in Council District 11—Venice, Mar Vista and Sawtelle / West Los Angeles—while the most affluent and less diverse communities—Pacific Palisades and Brentwood—have

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<sup>76</sup> Ex. 59, CTCAC List of Projects; <https://www.treasurer.ca.gov/ctcac/projects.asp>

<sup>77</sup> Ex. 60, 2020 LAHSA Housing Inventory.

<sup>78</sup> <https://www.lamayor.org/HomelessnessTrackingHHH>

<sup>79</sup> <https://hcd.ca.gov/grants-funding/active-funding/nplh.shtml>

<sup>80</sup> [www.fightbackvenice.org](http://www.fightbackvenice.org)

<sup>81</sup> <http://maps.latimes.com/neighborhoods/neighborhood/venice/>

<sup>82</sup> Ex. 61, Public Records re: Rose Avenue Apartments Project.

<sup>83</sup> Ex. 62, Public Records re: Lincoln Avenue Apartments Project.

<sup>84</sup> Ex. 63, Public Records re: Thatcher Yard Project.

<sup>85</sup> Ex. 64, Public Records re: Marian Place Project.

<sup>86</sup> <https://www.lahsa.org/data?id=45-2020-homeless-count-by-community-city>

seen double-digit drops in their homeless populations since 2016.<sup>87</sup> According to data from LAHSA and the United States Department of Housing and Urban Development (“HUD”),<sup>88</sup> growth in Venice’s homeless population also greatly exceeds growth of the homeless populations in other Southern California beach communities, as well as the growth of the homeless population at the city, state and federal levels.

On March 16, 2016, the City Council formally reversed “the policy of containment that has led to over-concentrations of homeless services in certain parts of the City and County.”<sup>89</sup> The placement of yet another housing project in Venice—particularly one as massive and imposing as the RDC—plainly violates the City policy and strategy<sup>90</sup> with respect to the homeless crisis—including formal reversal of the containment policy—and, thus, the RDC project cannot be allowed to move forward.

Similarly, Article 34 of the California Constitution gives local residents the right to vote on public housing projects such as the RDC.<sup>91</sup> In the 1990s, voters approved 52,500 units of public housing in the City of Los Angeles, with an allowance of 3,500 public housing units per City Council district, through a citywide referendum, Proposition B.<sup>92</sup> Even assuming that referendum was sufficient to satisfy Article 34, Article 34 and Proposition B embody and codify the principle that the costs and burdens of public housing projects must be distributed equally across communities and taxpayers. That means that, as 5% of the CD11’s landmass, Venice should have no more than 175 of the 3,500 Article 34 housing units putatively approved under Prop B. As VCHC itself admits, there are already at least 42 Article 34 housing units in Venice,<sup>93</sup> and in the last year alone, an additional 150 units of Article 34 housing have gotten the green light in Venice at the Rose Avenue Apartments (14 units),<sup>94</sup> Lincoln Apartments (40 units)<sup>95</sup> and Thatcher Yard projects (98).<sup>96</sup> Plus, several more units are pending approval for the Marian Place Project.<sup>97</sup> Thus, Venice has exceeded the 175-unit Article 34 cap under Proposition 8, and voter approval is required for any additional projects in Venice, including the RDC.

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<sup>87</sup> <http://maps.latimes.com/neighborhoods/neighborhood/venice/>;  
<http://maps.latimes.com/neighborhoods/neighborhood/mar-vista/>;  
<http://maps.latimes.com/neighborhoods/neighborhood/sawtelle/>;  
<http://maps.latimes.com/neighborhoods/neighborhood/brentwood/>;  
<http://maps.latimes.com/neighborhoods/neighborhood/pacific-palisades/>

<sup>88</sup> <https://www.hudexchange.info/programs/coc/coc-homeless-populations-and-subpopulations-reports/>

<sup>89</sup> Ex. 10.

<sup>90</sup> Ex. 9.

<sup>91</sup> Ex. 66.

<sup>92</sup> Ex. 66.

<sup>93</sup> Ex. 37 at pdf file page 6.

<sup>94</sup> Ex. 61.

<sup>95</sup> Ex. 62.

<sup>96</sup> Ex. 63.

<sup>97</sup> Ex. 64.

Further, discriminating against tenants on the basis of occupation—or “source of income”—is prohibited by law, and policies reserving units for “artists” are suspect under federal housing law<sup>98</sup> and the Fourteenth Amendment to the United States Constitution because, empirically, such policies favor white tenants over non-white tenants.<sup>99</sup> VCHC and HCHC used “artist housing” to build local support for the RDC but that aspect of the project may well be unlawful in its own right.

Finally, the City has recently blocked a number of projects in the area that either comply fully with applicable zoning and land use plans or seek variances far less significant than those required for the RDC. For example, Councilman Bonin took jurisdiction over—and completely shut down—a “by right” mixed-use development on Venice Boulevard near his home in Mar Vista in 2018 based on his subjective view that it was “not right” for the neighborhood.<sup>100</sup> Bonin similarly took jurisdiction over the much-anticipated Venice Place Project earlier this year—after it successfully completed a grueling multi-year approval process—and is now seeking to extract entirely new concessions from the developer.<sup>101</sup> And a property owner was recently denied permission to combine two properties on Ocean Front Walk (a mere fraction of the lot consolidation required for the RDC) on the grounds that exceptions to lot consolidated rules could not be provided while the General Plan is being updated.<sup>102</sup> Failure to enforce zoning, land use plans and such with the same vigor here raises obvious equal protection issues.

## **II. The RDC Fails to Satisfy Requirements for a CEQA Exemption Under A.B. 1197 Sections 65650, et seq. of the California Government Code**

### **A. Relevant Law**

#### **1. A.B. 1197 (California Public Resources Code § 21080.27)**

A.B. 1197 was passed as a “special statute” and as an “urgency statute” in 2019 and is codified as Section 21080.27 of the California Public Resources Code.<sup>103</sup> Cal. Pub. Res. Code § 21080.27.

As relevant here, Section 21080.27<sup>104</sup> provides that CEQA “does not apply to any activity approved by or carried out by the City of Los Angeles in furtherance of providing emergency shelters or supportive housing in the City of Los Angeles.” Cal. Pub. Res. Code § 21080.27, subd. (b)(1).

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<sup>98</sup> Ex. 39; Ex. 40; Ex. 41; Ex. 42.

<sup>99</sup> Ex. 67, 2016, “The Rise of White-Segregated Subsidized Housing,” University of Minnesota Law School.

<sup>100</sup> Ex. 14.

<sup>101</sup> Ex. 15.

<sup>102</sup> Ex. 13.

<sup>103</sup> Ex. 68, California Public Resources Code, Section 21080.27.

<sup>104</sup> As used herein, “Section 21080.27” refers to Section 21080.27 of the California Resources Code, unless otherwise specified.

As used in Section 21080.27, “ [s]upportive housing’ means supportive housing, as defined in Section 50675.14 of the Health and Safety Code, that meets the eligibility requirements of Article 11 (commencing with Section 65650) of Chapter 3 of Division 1 of Title 7 of the Government Code or the eligibility requirements for qualified supportive housing or qualified permanent supportive housing set forth in Ordinance No. 185,489 or 185,492, and is funded, in whole or in part, by any of the following:

- (A) The No Place Like Home Program (Part 3.9 (commencing with Section 5849.1) of Division 5 of the Welfare and Institutions Code).
- (B) The Building Homes and Jobs Trust Fund established pursuant to Section 50470 of the Health and Safety Code.
- (C) Measure H sales tax proceeds approved by the voters on the March 7, 2017, special election in the County of Los Angeles.
- (D) General bond obligations issued pursuant to Proposition HHH, approved by the voters of the City of Los Angeles at the November 8, 2016, statewide general election.
- (E) The City of Los Angeles Housing Impact Trust Fund.”

Cal. Pub. Res. Code § 21080.27.

Ordinance No. 185,489—commonly known as the Interim Motel Conversion Ordinance (“IMCO”)<sup>105</sup>—only applies to the conversion of existing motels to supportive housing and, outside of downtown Los Angeles, Ordinance No. 185,492—commonly known as the Permanent Supportive Housing Ordinance (“PSHO”)—only applies to projects of 120 units or less.<sup>106</sup> Thus, the RDC must satisfy “the eligibility requirements of Article 11 (commencing with Section 65650) of Chapter 3 of Division 1 of Title 7 of the Government Code” to qualify for the A.B. 1197 CEQA exemption.

## 2. California Government Code Section 65650, et seq.

The “eligibility requirements for supportive housing” under Section 65650, et seq. of the California Government Code are as follows:

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

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<sup>105</sup> Ex. 70, Ordinance 185,489.

<sup>106</sup> Ex. 69, Ordinance 185,492.

- (1) Units within the development are subject to a recorded affordability restriction for 55 years.
- (2) One hundred percent of the units, excluding managers' units, within the development are restricted to lower income households and are or will be receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.
- (3) At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
- (4) The developer provides the planning agency with the information required by Section 65652.
- (5) Nonresidential floor area shall be used for onsite supportive services in the following amounts:
  - (A) For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
  - (B) For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
- (6) The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
- (7) Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

Cal. Gov. Code § 65651.<sup>107</sup>

As used in the supportive housing eligibility requirements set forth in Section 65650 of the Government code, "target population":

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<sup>107</sup> Ex. 71, Cal. Gov. Code § 65651.

means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Cal. Gov. Code § 65582, subd. (i);<sup>108</sup> see Cal. Gov. Code § 65650.<sup>109</sup>

3. California Health & Safety Code Section 50675.14

Relevant definitions in Section 50675.14 of the California Health & Safety Code are as follows:

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

“Target population” means persons, including persons with disabilities, and families who are “homeless,” as that term is defined by Section 11302 of Title 42 of the United States Code, or who are “homeless youth,” as that term is defined by paragraph (2) of subdivision (e) of Section 12957 of the Government Code.

Cal. Health & Safety Code § 50675.14, subd. (a)(2) & (a)(3)(A).<sup>110</sup>

Thus, to qualify for the A.B. 1197 CEQA exemption, the following requirements must be satisfied:

1. The RDC must show that it is using one or more of the specified sources of funding, Cal. Pub. Res. Code § 21080.27, subd. (a)(3);
2. The RDC must constitute an “activity approved by or carried out by the City of Los Angeles,” Cal. Pub. Res. Code § 21080.27, subd. (b)(1);
3. A plan for the provision of supportive services must be provided, Cal. Gov. Code §§ 65651, subd. (a)(4), 65652;

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<sup>108</sup> Ex. 72, Cal. Gov. Code § 65582.

<sup>109</sup> Ex. 73, Cal. Gov. Code § 65650.

<sup>110</sup> Ex. 74, California Health & Safety Code § 50675.14.

4. The RDC must be in a “zone[] where multifamily and mixed uses are permitted,” Cal. Gov. Code § 65651, subd. (a);
5. “One hundred percent of the units, excluding managers’ units, within the [RDC] [must be] restricted to lower income households and [must] receiv[e] public funding...,” Cal. Gov. Code §§ 65651, subd. (a)(2);
6. “At least 25 percent of the units ... [must be] restricted to residents” “with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people,” Cal. Gov. Code §§ 65650, 65582 and Cal. Health & Safety Code § 50675.14; and
7. “[A]t least 3 percent of the total nonresidential floor area [must] be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.” Cal. Gov. Code § 65651, subd. (a)(5)(B).

## **B. Exemption Analysis**

The developers have not shown that RDC satisfies the foregoing requirements and therefore does not qualify for an exemption from CEQA under A.B. 1197.

### 1. Funding Source

The Planning Department Reports states:

On February 16, 2018, the applicant received a Measure H funding commitment letter from the Los Angeles County Department of Health Services Housing for Health Division for the Project. The funding commitment provides that the Department will enter into a contract with an approved Intensive Case Management Services (‘ICMS’) provider at an estimated funding amount of up to \$367,200 per year, which will provide supportive services for 68 formerly homeless households in the Project. The term of the current supportive services funding commitment is through June 30, 2022, and includes the Department’s authority to exercise extension options.<sup>111</sup>

The February 16, 2018 letter the Los Angeles County Department of Health Services referenced in the staff report (the “February 16, 2018 Letter”) is attached as Attachment B to an

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<sup>111</sup> Ex. 35 at 6.

April 21, 2020 letter from the developers' attorneys at Latham & Watkins, LLP.<sup>112</sup> It is insufficient to satisfy A.B. 1197's "funding source" requirement for four reasons:

First, Section 21080.27, subdivision (a)(3) expressly requires that "housing" be funded from one of the five specified sources. The February 16, 2018 Letter does not pertain to—or even reference—the funding of "housing." It pertains solely to the funding of services, and thus cannot satisfy A.B. 1197.

Second, there is no indication anywhere in the letter that the funds referenced in the February 16, 2018 Letter would come from Measure H or any of the other specified sources of funding under Section 21080.27, subdivision (a)(3). That is a mere assertion by the developers' attorneys and the City erred in taking it at face value. In fact, the letter makes no reference at all to the source of funding, and the developers themselves expressly stated in writing on October 15, 2020 that project "[f]unding has not yet been secured."<sup>113</sup>

Third, the February 16, 2018 letter was issued nearly three years ago and merely states that "[t]he County intends" to provide "an estimated funding amount of up to \$367,200." This does not constitute a "commitment" to do anything, as most people understand the term, and in any event, Measure H has been rocked by epic shortfalls in recent years. Even if this were somehow construed as a commitment to expend Measure H funds on RDC housing (and it is impossible to see how it could be), some credible confirmation is required that the County intends to honor its commitment and is capable of doing so before the City can conclude that the statutory requirement with respect to funding source has been satisfied.

In light of the foregoing—including the developers' express admission that funding sources for the project have not yet been determined—A.B. 1197 has not been satisfied and the CEQA exemption cannot apply.

## 2. Provision of Supportive Services

The City Planning file for the RDC—as produced and made available for onsite inspection in response to public record requests—does not contain a supportive services plan setting forth "[t]he name of the proposed entity or entities that will provide supportive services," "[t]he proposed funding source or sources for the provided onsite supportive services," or "[p]roposed staffing levels" for supportive services.<sup>114</sup> See Cal. Gov. Code §§ 65651, subd. (a)(4), 65652.<sup>115</sup> Further, the Planning Commission Staff Report does not address this issue in any fashion. Thus, A.B. 1197 has not been satisfied and the CEQA exemption cannot apply.

## 3. Zoning

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<sup>112</sup> Ex. 75, A.B. 1197 Exemption Letter, Attach. B.

<sup>113</sup> Ex. 76, Lopez-Zubiri Email

<sup>114</sup> Ex. 78, Public Records re: RDC.

<sup>115</sup> Ex. 71A, Cal. Gov. Code § 65652.

As indicated in the Planning Department Staff Report, the Venice Dell Pacific Site is zoned OS-1XL-O, which is open space zoning that does not allow for multifamily uses.<sup>116</sup> This issue is not addressed in the Planning Department Staff Report. Thus, A.B. 1197 is not satisfied and the CEQA Exemption does not apply.

#### 4. 100% Affordable Housing

The developers claim that at least 34 of the units are to be reserved for artists. As set forth above, state law prohibits discrimination on the basis of a tenants “source of income,” and “artist housing” is suspect under federal law and the Fourteenth Amendment to the extent it favors white tenants. The developers have not shown that the 34 units it is purporting to reserve for low-income artists are lawful. This issue is not addressed in the Planning Department Staff Report. Thus, the developers have not shown that they have a plan under which 100% of units will go to affordable housing and AB 1197 has not been satisfied.

#### 5. California Government Code Section 65650 Target Population

Section 21080.27 of the Public Resources Code and Section 65650 of the California Government Code together require that “[a]t least 25 percent of the units ... [must be] restricted to residents” “with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.” Cal. Pub. Res. Code § 21080.27, subd. (a)(3); Cal. Gov. Code §§ 65651, subd. (a)(3), 65582, subd. (i).

There is no indication in the City Planning file for the RDC—as produced and made available for onsite inspection in response to public record requests—that this requirement has been satisfied and the issue is not addressed in the Planning Department Staff Report. Thus, A.B. 1197 has not been satisfied and the CEQA exemption does not apply.

#### 6. Supportive Services as a Percentage of Total Nonresidential Floor Area

The January 7, 2020 Revision 2 project plans submitted to the City and posted to the VCHC website state that the “Floor-Area Ratio” is 1.15:1, based on Buildable Area and that the Buildable Area is 97,573 sq. ft.<sup>117</sup> Thus, according to the developers themselves the total floor area for the RDC is 1.15 x 97,573, or 104,159 sq. ft. 104,140 sq. ft., similarly, is the floor area indicated in the Area Tabulation.

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<sup>116</sup> Ex. 35 at 1.

<sup>117</sup> Ex. 11, G0.01.

According to the same plans, there is 64,280 sq. ft. of residential space, including 13,640 sq. ft. of live/work micro-apartments (i.e., “artist lofts”), 16,675 of studio apartment, 13,375 of 1-bedroom apartments and 20,590 of 2-bedroom apartments.<sup>118</sup> Thus, there “total nonresidential floor area” is the total floor area—as stated by the developers—of 104,159 sq. ft minus the residential floor area—as stated by the developers—of 64,280 sq. ft., or 39,879 sq. ft.

The January 7, 2020 Revision 2 plans further state that there is 685 sq. ft. of “supporting office” space and that “[s]upporting office areas include office space for tenant supportive services and on-site storage[,] [i]ntended for use by internal staff and tenants only.”<sup>119</sup> There is no indication that “on-site storage” constitutes “supportive services” under applicable law, so according to the plans something less than 685 sq. ft. has been allocated for “supportive services.” As such, something less than 1.7% of (685 sq. ft. / 39,879 sq. ft.) of total nonresidential floor area is “provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.”

The Planning Department Staff Report does not address this issue. Thus, A.B. 1197 has not been satisfied and the CEQA exemption does not apply.

#### 7. No CEQA Exemption Under A.B. 1197 Can Apply to the East Parking Tower

As noted above, RDC parking will be in two parking structures: the East Parking Tower and the West Parking Tower. The West Parking Tower will provide residential and commercial parking for the RDC, while the East Parking Tower will provide general public parking, primarily for beach access, with no residential parking for the RDC.<sup>120</sup>

The developers stated at the October 6, 2020 LUPC meeting and at the Zoom presentation they made on October 14, 2020 that the City would own, operate, take the revenues from, and manage the development of the East Parking Tower, and that East Parking Tower was still in the design phase, as the City is still figuring out funding sources and determining the extent (if any) to which the East Parking Tower will incorporate “robotic”—or “automated lift”— parking.<sup>121</sup> These facts are further reflected in documents relating to parking produced in response to public records requests.<sup>122</sup>

As such, the East Parking Tower is plainly just another City parking lot that has nothing to do with supportive housing and thus requires complete CEQA review in its own right, even if some or all of the RDC somehow qualified for the CEQA exemption under A.B. 1197. The A.B. 1197 CEQA exemption, in other words, cannot apply.

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<sup>118</sup> Ex. 11, G0.01.

<sup>119</sup> Ex. 11, G0.01.

<sup>120</sup> Ex. 11, G0.01.

<sup>121</sup> Ex. 1.

<sup>122</sup> Ex. 43, Public Records re: Parking.

For the foregoing reasons, the A.B. 1197 CEQA exemption cannot be approved for the RDC.

### **III. Waiver of Dedications and Improvements**

#### **A. Relevant Law**

Los Angeles Municipal Code Section 12.37A provides:

No building or structure shall be erected or enlarged, and no building permit shall be issued therefor, on any lot in any R3 or less restrictive zone (as such order of restrictiveness is set forth in Subsection B of Section 12.23); or on any lot in the RD1.5, RD2 or RD3 Zones; if such lot abuts a major or secondary highway or collector street unless the one-half of the highway or collector street which is located on the same side of the center of the highway or collector street as such lot has been dedicated and improved for the full width of the lot so as to meet the standards for such highway or collector street provided in Subsection H of this section; and further provided that in the case of either a corner lot or an L-shaped interior lot abutting a major or secondary highway and a local street which intersect, that one-half of the local street, on the same side of the center of said local street as such lot, has been dedicated and improved for that portion of said lot or lots within 300 feet of the ultimate property line of said highway so as to meet the standards for local streets provided in Subsection H of this section and provide adequate right-turn ingress to and egress from the highway; or such dedication and improvement has been assured to the satisfaction of the City Engineer respectively. As used in this section, the Center/Control line of the arterial or collector street shall mean the center of those arterial or collector streets as shown on the Citywide Circulation System Map of the Circulation Element of the General Plan or, with respect to collector streets, on the adopted community plans of the Land Use Element of the General Plan on file in the offices of the Department of City Planning. (Amended by Ord. No. 184,718, Eff. 3/4/17.)<sup>123</sup>

This means that the RDC developers are required to bring the sidewalks and streets surrounding the project up to prevailing standards with respect to width and corner cuts for safety, as well as use and enjoyment, and in keeping with well-established and universally recognized best practices.

The RDC developers are seeking waiver of all such obligations, including, specifically:<sup>124</sup>

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<sup>123</sup> Ex. 79.

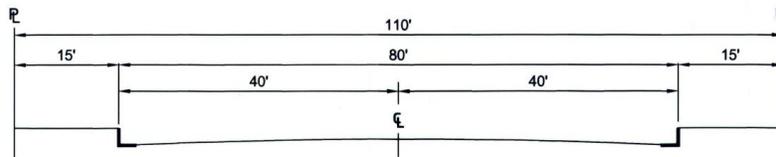
<sup>124</sup> Ex. 35 at 1.

- a. Dedication of 20.5 feet to complete a 43-foot half right-of-way along Pacific Avenue,
- b. Dedication of a 15-foot by 15-foot corner cut at the intersection of South Venice Boulevard and Pacific Avenue,
- c. Dedication of a 15-foot by 15-foot corner cut at the intersection of North Venice Boulevard and Pacific Avenue,
- d. Dedication of a 15-foot by 15-foot corner cut at the intersection of South Venice Boulevard and Dell Avenue, and
- e. Dedication of 10 feet to complete a 30-foot half right-of-way along Dell Avenue.

**B. Existing Conditions**

The Venice Dell Pacific Site is bounded by N. Venice Boulevard to the north, S. Venice Boulevard to the south, Dell Avenue to the east and Pacific Avenue to the west.

N. Venice Boulevard and S. Venice Boulevard are each classified by the City as “Boulevard II (Major Highway Class II).”<sup>125</sup> As such, each lane should measure at least 110 feet across with two lanes that are each 40 feet wide and two sidewalks—one on each side—that are each 15 feet wide.<sup>126</sup>



BOULEVARD II (MAJOR HIGHWAY CLASS II)

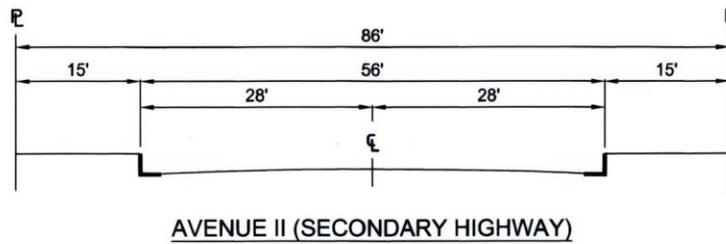
Pacific Avenue is an Avenue II.<sup>127</sup> As such, each lane should measure 28 feet across and each sidewalk should be 15-feet wide.<sup>128</sup>

<sup>125</sup> Ex. 17, pdf file page 21 and 23 of 202.

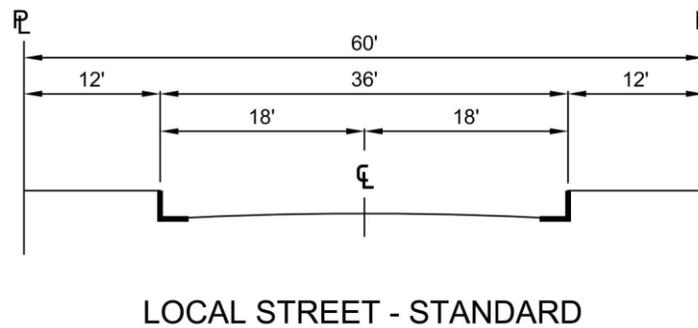
<sup>126</sup> Ex. 16 at 19.

<sup>127</sup> Ex. 17, pdf file page 21 and 23 of 202.

<sup>128</sup> Ex. 16 at 20.



Finally, Dell Avenue is a standard local street.<sup>129</sup> As such, each lane must be 18 feet wide and each sidewalk must be 12 feet wide.<sup>130</sup>



Further, by extension, there should be with 15-foot-by-15-foot corner cuts where N. Venice Boulevard and S. Venice Boulevard intersect Pacific Avenue; and a corner cut of at least 15-foot-by-12-foot (and possibly 15-foot-by-15-foot) where S. Venice Boulevard intersects Dell Avenue.

These standards are intended to ensure “safe, accessible and vibrant streets” and “to ensure that the safety, accessibility, and convenience of all transportation users – pedestrians, bicyclists, transit riders, and motorists – is accommodated.”<sup>131</sup> Further, they are meant to “encourage healthy recreational activities such as walking, running, and bicycling” and to “boost the economic activity and visibility of storefront businesses.”<sup>132</sup> And they have been adopted as part of the City’s Mobility Plan 2035 and General Plan to achieve “five goals – Safety First, World Class Infrastructure, Access for all Angelenos, Informed Choices, and Clean Environments for a Healthy Community.”<sup>133</sup>

<sup>129</sup> Ex. 17, pdf file page 21 and 22 of 203.

<sup>130</sup> Ex. 16 at 24.

<sup>131</sup> Ex. 16 at 3.

<sup>132</sup> Ex. 16 at 3.

<sup>133</sup> Ex. 16 at 4.

Further, under Mobility Plan 2035, the relevant portion of Venice Boulevard is part of a Transit Enhanced Network<sup>134</sup> and a Bicycle Enhanced Network (Low Stress Network) with Tier 1 Protected Bicycle Lanes,<sup>135</sup> in a Pedestrian Enhanced District,<sup>136</sup> while Pacific Avenue is in the West Subarea of a Neighborhood Enhanced Network.<sup>137</sup>

Transit Enhanced Networks are supposed to provide a platform for “[i]mprov[ing] the performance and reliability of existing and future bus service.”<sup>138</sup> “Transit-Enhanced streets “were selected based on a data-driven analysis of factors such as ridership, destinations, employment, and population” and are intended to “provide reliable and frequent transit service that is convenient and safe; increase transit mode share; reduce single-occupancy vehicle trips; and integrate transit infrastructure investments with the identity of the surrounding street.”<sup>139</sup>

Bicycle Enhanced Networks are supposed to “[p]rovide safe, convenient, and comfortable local and regional bicycling facilities[] for people of all types and abilities” and for “a host of slow moving modes including but not limited to scooters, skateboards, rollerblading, rideables and other future compact personal transportation technologies.”<sup>140</sup> “The Bicycle Enhanced Network is comprised of protected bicycle lanes, and bicycle paths to provide bikeways for a variety of users. This low-stress network provides a higher level of comfort than just a striped bicycle lane.”<sup>141</sup>

Moreover, the Coastal Transportation Corridor Specific Plan and West Los Angeles TIMP Specific Plan call for cycle tracks—or protected bicycle lane that are separated from vehicular traffic by a gap or barrier—on both N. Venice Boulevard and S. Venice Boulevard along the Venice Dell Pacific Site.<sup>142</sup>

The City’s pedestrian infrastructure, for its part, is intended to “recognize walking as a component of every trip, and ensure high quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.”<sup>143</sup> And Pedestrian Enhanced Districts are areas “where pedestrian improvements on arterial streets” have been “prioritized to provide better walking connections to and from the major destinations within communities.”<sup>144</sup> “Further analysis and prioritization will be done as funding and projects come

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<sup>134</sup> Ex. 17 at pdf file page 15 of 202.

<sup>135</sup> Ex. 17 at pdf file page 161 of 202.

<sup>136</sup> Ex. 17 at pdf file page 164 of 202.

<sup>137</sup> Ex. 17 at pdf file page 156 and 158 of 202.

<sup>138</sup> Ex. 17 at pdf file page 82 of 202.

<sup>139</sup> Ex. 17 at pdf file page 82 of 202.

<sup>140</sup> Ex. 17 at pdf file page 83 of 202.

<sup>141</sup> Ex. 17 at pdf file page 83 of 202.

<sup>142</sup> Ex. 18 at pdf file page 51 and 53 of 54.

<sup>143</sup> Ex. 17 at pdf file page 80 of 202.

<sup>144</sup> Ex. 17 at pdf file page 80 of 202.

through based on safety, public health, equity, access, social, and/or economic benefit objectives.”<sup>145</sup>

And finally, “[t]he Neighborhood Enhanced Network is a selection of streets that provide comfortable and safe routes for localized travel of slower-moving modes such as walking, bicycling, or other slow speed motorized means of travel” that “complements the Pedestrian Enhanced Districts and the Bicycle Enhanced Network by identifying non-arterial streets important to the movement of people who walk and bike.”<sup>146</sup>

Actual measurements of the streets and sidewalks surrounding the RDC are as follows:<sup>147</sup>

- N. Venice Boulevard: sidewalk – 5 feet wide; traffic lanes – 25 feet wide.
- S. Venice Boulevard: sidewalk – 12 feet wide; north traffic lane – 20 feet wide; south traffic lane – 26.05 feet wide.
- Pacific Avenue: sidewalk – 9 feet wide;<sup>148</sup> northbound traffic lane – 42 feet wide; southbound traffic lane – 22.5 feet wide.
- Dell Avenue: sidewalk – 5 feet wide; southbound traffic lane – 20 feet wide; northbound traffic lane – 20 feet wide.
- *Corner Cuts*
- Southeast Corner of N. Venice Boulevard and Pacific Avenue: 5-foot-by-9-foot corner cut.
- Northeast Corner of S. Venice Boulevard and Pacific Avenue: 12-foot-by-9-foot corner cut.
- Northwest Corner of S. Venice Boulevard and Dell Avenue: 12-foot-by-5-foot corner cut.

Thus, all of the sidewalk widths and corner cuts in question are dramatically substandard, and in violation of best practices, City policy and common sense, as (with one exception) are the relevant street widths. The sidewalk on N. Venice Boulevard—one of the primary corridors for pedestrian, scooter, skateboard, rollerskate, pedestrian and wheelchair traffic to Venice Beach and the Venice Boardwalk, for example—is just one-third standard width and riddled with obstacles such as telephone poles and utility boxes.

### **C. Discussion**

As noted above, standard sidewalks are necessary to ensure safety, accommodate increasing pedestrian traffic and a changing mobility mix (that increasing includes scooters, skateboard, bicycles, and such), make room for the elderly and disabled persons, and to promote

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<sup>145</sup> Ex. 17 at pdf file page 80 of 202.

<sup>146</sup> Ex. 17 at pdf file page 81 of 202.

<sup>147</sup> Ex. 11, SV1.10.

<sup>148</sup> Ex. 81, Southeast Corner, N. Venice Boulevard and Pacific Avenue.

the use of sidewalks for social and commercial purposes in addition to locomotion.<sup>149</sup> They are also integral elements of strategies to make communities more livable, promote foot traffic to retail outlets and bring urban streetscapes to life.

Standard curb cuts, similarly, are necessary because they decrease the turning radius for traffic, which decreases the risk of pedestrian-vehicle collisions by inducing slower turns, decreasing the crossing distance for pedestrians, and increasing pedestrian visibility.<sup>150</sup>

These issues are particularly important here and now because:

1. Venice Boulevard is the primary artery to and from Venice Beach and the Venice Boardwalk—two of the most heavily trafficked tourist destinations in the world;
2. The rights of way in question are in a tsunami zone, making swift, efficient, high-volume escape routes essential;<sup>151</sup>
3. As the last major parcel of open space in Venice, the Venice Dell Pacific Site is a crucial staging area for triage and emergency relief efforts, which Venice will lose if the RDC is built, making the need for robust rights of way all the more acute;
4. The rights-of-way in question are heavily trafficked by tourists and other visitors who are unfamiliar with the area and thus more likely to get confused or react slowly, reducing efficiency in the utilization of rights of way;
5. By their very nature, the beach and boardwalk invite a disproportionate amount of pedestrian traffic and unusually diverse mobility mix;
6. Traffic on the sidewalks and streets in question will frequently involve families with kids transporting all manner of beach equipment;
7. The RDC, if approved, would place new demands on the rights-of-way in question through the addition of residences, parking, retail space, community space and “artist lofts” that the developers claim are intended to encourage “window shopping” and the social use of sidewalks;
8. The RDC would negate the value of the median as a pedestrian refuge,<sup>152</sup> by forcing all pedestrian traffic, with currently flows through the open space, ground level parking lot, onto the narrow sidewalk fronting the RDC along Pacific Avenue;
9. Sidewalks on the other side of N. Venice Boulevard, S. Venice Boulevard, Pacific Avenue and Dell Avenue are also grossly substandard (and even non-existent in places)<sup>153</sup> and Pacific Avenue—including Pacific Avenue at N. Venice Boulevard—has been identified as a High Injury Network street with a high concentration of

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<sup>149</sup> Ex. 17; Ex. 18; Ex. 19; Ex. 20; Ex. 22; Ex. 80.

<sup>150</sup> Ex. 16, page Complete Street Design Guide, pdf pages 179 through 181 of 252.

<sup>151</sup> Further to this point, we note that the RDC project—and proposed waiver of dedications and improvements—is contrary to the City’s recent emphasis on Local Hazard Mitigation and, specifically, the preservation and enhancement of evacuation routes in connection with housing. Ex. 89.

<sup>152</sup> Ex. 16, pdf file page 184 of 252.

<sup>153</sup> Ex. 82; Ex. 83.

- traffic collisions involving people walking and bicycling that result in severe injury and death;<sup>154</sup>
10. As city planners are increasingly recognizing, providing adequate space for social distancing in crowded areas will be particularly important to healthy families, communities and businesses in the post-COVID era;<sup>155</sup> and
  11. All required dedications and improvements to the streets and sidewalks surrounding the Venice Dell Pacific Site are essential to the objectives and standards for Transit Enhanced Networks, Bicycle Enhanced Networks, Pedestrian Enhanced Districts and Neighborhood Enhanced Networks.

In addition, the developers have set forth no valid reason why the required dedications and improvements to rights of way on N. Venice Boulevard, S. Venice Boulevard, Pacific Avenue and Dell Avenue should not be made. In fact, at 140 units, the RDC is nearly twice the size of the average supportive housing project in Los Angeles,<sup>156</sup> many times larger than other VCHC developments in Venice (and elsewhere), and more than 40% larger than the next largest supportive housing project in Venice (the Thatcher Yard Project) — not counting its commercial uses, community space, belltower and such.<sup>157</sup> Also, the RFP/Q specifically states that, because the Venice Dell Pacific Lot is so large, proposed projects need not use the entire site,<sup>158</sup> and Venice was originally told that there would only be “up to 90 small units.”<sup>159</sup> Even so, the developers consumed the entire building site, greatly exceeding height limits, maxing out ground floor setbacks and ignoring set back above the ground floor completely. There is simply no reason on the record why the project could not have been designed in a way that allowed fully for all proper dedications and improvements with respect to surrounding rights of way so that the goals of Mobility Plan 2035 could be achieved and that residents of and visitors to Venice could enjoy the corresponding benefits in safety and quality of life.

Moreover, there is no evidence that any analysis of walkability or bikeability justifying the requested waivers has been conducted,<sup>160</sup> and the minimal (virtually nonexistent) analysis that has been conducted takes no account whatsoever of the fact that the Venice Dell Pacific Site

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<sup>154</sup>

<http://ladot.maps.arcgis.com/apps/MapJournal/index.html?appid=488062f00db44ef0a29bf481aa337cb3&webmap=6ad51e9cf42c4ef09817e4b3b4d2eeb0>

<sup>155</sup> <https://www.cbc.ca/news/canada/covid-19-cities-design-physical-distancing-1.5550401>;  
<https://ny.curbed.com/2020/4/23/21231798/coronavirus-nyc-sidewalk-widths-pedestrians-biking>;  
<https://www.theglobeandmail.com/business/industry-news/property-report/article-wide-sidewalks-key-to-help-commercial-real-estate-weather-the-pandemic/>; <https://www.cnn.com/style/article/cities-design-coronavirus/index.html>; <https://www.bloomberg.com/news/articles/2020-03-06/how-the-coronavirus-could-change-city-planning>

<sup>156</sup> Ex. 84.

<sup>157</sup> Ex. 63.

<sup>158</sup> Ex. 4, page 37 of 61.

<sup>159</sup> Ex. 85.

<sup>160</sup> Ex. 19; Ex. 21.

is part of a Transit Enhanced Network, Neighborhood Enhanced Network and Bicycle Enhanced Network in a Pedestrian Enhanced District.<sup>161</sup>

And finally, knowingly and deliberately allowing substandard rights of way that do not come close to complying with prevailing standards, City policy, best practices or common sense in such a high risk, highly trafficked area—which will only be made more congested and confusing through the introduction of hundreds of new residents and new public concessions—will almost certainly strip the City of design immunity protections<sup>162</sup> and subject the City to totally foreseeable lawsuits from tourists, RDC residents, other Venice Residents and others.

For the foregoing reasons, the requested waivers of dedications and improvements as to rights of way surrounding the Venice Dell Pacific Site are not justified and should be denied.

Thank you for taking the forgoing facts, issues and arguments into consideration in denying the A.B. 1197 CEQA exemption and the VTT for the RDC.

Sincerely,

s/ CHRISTIAN WREDE

Christian Wrede  
VENICE VISION

Attachment A: Comparative Analysis: Venice Specific Plan Matrix / RDC Plans

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<sup>161</sup> Ex. 48, pdf file page 19 and 47 of 208; Ex. 19; Ex. 21.

<sup>162</sup> Ex. 16, pdf file page 13 of 252.

**ATTACHMENT A: COMPARATIVE ANALYSIS**

**Venice Coastal Zone Specific Plan / RDC Plans**

TOPIC	REQUIREMENT <sup>1</sup>	RDC CHARACTERISTICS <sup>2</sup>
<b>GENERAL REQUIREMENTS</b>	No permit shall be issued by LADBS for any Project unless the applicant has done all of the following: 1. Submitted an application, paid the application fee(s), and complied with all requirements in this Specific Plan, including Subsection 5.C ....	RDC does not comply with at least the following requirements in the Venice Coastal Zone Specific Plan:
<b>LOT CONSOLIDATION: NUMBER OF LOTS Venice Coastal Zone Specific Plan, Section 9.A.1.</b>	<p>Lot consolidation occurs when: (1) one or more structures are built over a lot line that divided two existing lots; or (2) a lot line is abandoned, a lot line is adjusted, lots are merged, or other action is taken by the City, for the purpose of allowing a structure to be built extending over what were previously two or more separate lots. Venice Coastal Zone Specific Plan, Sec. 5 Q.</p> <p>Lot Consolidation of contiguous lots may be permitted, provided the consolidation complies with conditions specified in Subsection 1 and 2 below. Subterranean development that is entirely below street elevation is exempt from this subsection. Venice Coastal Zone Specific Plan, Sec. 9.A.</p> <p><u>Venice Canals</u></p> <p>Venice Canals and Silver Strand residentially-zoned lots: Lot Consolidation shall not be permitted. Venice Coastal Zone Specific Plan, Sec. 9.A.1.a.</p> <p><u>North Venice</u></p> <p>A maximum of two residentially-zoned lots may be consolidated, provided the Venice Coastal Development Project conforms with development standards in Section 9 A 2 below. Venice Coastal Zone Specific Plan, Sec. 9.A.1.c.</p>	<p>RDC calls for consolidation of five lots in the Venice Canals Area and consolidation of approximately 35 lots in the North Venice Subarea.</p> <p>RDC does not comply with development standards in Section 9.A.2. of the Venice Coastal Zone Specific Plan and does not conform to the existing scale and characteristics of the surrounding community.</p> <p>Moreover, a mere fraction of the parking is subterranean. The vast majority of parking is in vertical towers as must as five-stories high.</p>

<sup>1</sup> Unless otherwise indicated, citations in the “Requirement” column are to the Venice Coastal Zone Specific Plan, Ex. 57.

<sup>2</sup> Unless otherwise indicated, citations in the “RDC Characteristics” column are to the January 7, 2020 Project Plan, Ex. 11.

**ATTACHMENT A: COMPARATIVE ANALYSIS**

**Venice Coastal Zone Specific Plan / RDC Plans**

TOPIC	REQUIREMENT <sup>1</sup>	RDC CHARACTERISTICS <sup>2</sup>
	<p><u>Commercial</u></p> <p>Other Commercial Venice Coastal Development Projects: Two lots may be consolidated, provided the Venice Coastal Development Project conforms with development standards in Section 9 A 2 below; or three lots may be consolidated, provided the Venice Coastal Development Project conforms with development standards in Section 9 A 2 below and parking is subterranean with the roof at natural grade. Venice Coastal Zone Specific Plan, Sec. 9.A.1.e.(2).</p> <p><u>Mixed-Use and Multi-Family Residential</u></p> <p>Lot consolidation of more than two lots shall be permitted for mixed-use and multi-family residential Venice Coastal Development Projects, provided the project conforms to the existing scale and characteristic of the surrounding community, the required parking is on-site and the project conforms with development standards in Section 9 A 2 below. Venice Coastal Zone Specific Plan, Sec. 9.A.1.e.(4).</p>	
<p><b>LOT CONSOLIDATION: DEVELOPMENT STANDARDS Venice Coastal Zone Specific Plan, Section 9.A.2.</b></p>	<p>Access to subterranean parking shall be from an alley, where an alley exists, and all subterranean parking shall be fully below natural grade and shall not be visible from the street.</p> <p>Buildings shall be designed with visual breaks or Architectural Features, including balconies or terraces, with a change of material or a break in the plane for every 20 feet in horizontal length and every 15 vertical feet. Residential buildings shall provide habitable space on the Ground Floor, a ground level entrance, and landscaping and windows fronting the street.</p> <p>In the RD and R3 multiple-family zones, construction on the single building site may combine the density of the previously established lots.</p>	

**ATTACHMENT A: COMPARATIVE ANALYSIS**

**Venice Coastal Zone Specific Plan / RDC Plans**

TOPIC	REQUIREMENT <sup>1</sup>	RDC CHARACTERISTICS <sup>2</sup>
	<p>For residential Venice Coastal Development Projects, front porches, bays and balconies shall be provided to maximize architectural variety.</p>	
<p><b>HEIGHT</b> <b>Venice Coastal Zone Specific Plan, Section 9.B.</b></p>	<p><u>General</u></p> <p>Height shall be measured as the vertical distance from ground level, as specified below for each subarea, to the highest point of the roof or parapet wall, excluding roof deck railings that do not exceed 36 inches and are of an open design, unless specified otherwise in this Section.</p> <p><u>Venice Canals</u></p> <p>For lots in the Venice Canals Subarea, height shall be measured from the elevation of the centerline of the adjacent alleyway measured from the projection of the midpoint of the lot frontage, except where more than one building is being constructed on that lot, height for each building shall be measured from the projection of the midpoint of each building. Venice Coastal Zone Specific Plan, Section 9.B.2.</p> <p>A maximum height of 22 feet shall be permitted for any portion of a Venice Coastal Development Project which is within ten feet from the property line that faces the canal. Thereafter, an ascending height equal to one half the horizontal depth shall be permitted to a maximum height of 30 feet. Venice Coastal Zone Specific Plan, Section 10.E.2.</p> <p><u>North Venice</u></p> <p>Venice Coastal Development Projects with a Flat Roof shall not exceed a maximum height of 30 feet; or 35 feet for Venice Coastal Development Projects with Varied Rooflines, provided that any portion of the roof that exceeds 30 feet is set back from</p>	<p>The floor of the Tower is 55'; the railing and parapet walls of the Tower is 3'8"; the roof access for the Tower is 12'; and the top of the Tower structure is 67'. A3.10.</p> <p>The roof deck railings are 3'8". A3.10.</p> <p>Roof access for the bell/tower slash observation deck is 8'4." A3.10.</p> <p>The roof access structure on the West Facility is 10'. A3.10.</p> <p>Roof access structures on the East Facility are 12'. A3.11.</p> <p>The roofs on both facilities are littered with parapets, peg shaped towers, and permanent canopies. Measurements are not provided for these features by the developer, but all are well in excess of 36 inches, and many appear to be 6-feet or more in height. A3.10. &amp; A3.11.</p>

**ATTACHMENT A: COMPARATIVE ANALYSIS**

**Venice Coastal Zone Specific Plan / RDC Plans**

TOPIC	REQUIREMENT <sup>1</sup>	RDC CHARACTERISTICS <sup>2</sup>
	<p>the required front yard at least one foot in depth for every foot in height above 30 feet. Venice Coastal Zone Specific Plan, Section 10.F.3.</p>	
<p><b>ROOF STRUCTURES</b> <b>Venice Coastal Zone Specific Plan, Section 9.C.</b></p>	<p>For subareas where there is a specified Flat Roof height limit, Roof Access Structures shall not exceed the Flat Roof height limit by more than ten feet regardless of roof type. Venice Coastal Zone Specific Plan, Section 9.C.1.a.</p> <p>For subareas where there is no specified Flat Roof height limit, Roof Access Structures shall comply with LAMC Section 12.21.1 B 3. Venice Coastal Zone Specific Plan, Section 9.C.1.b.</p> <p><u>Venice Canals</u></p> <p>In the Venice Canals Subarea, Roof Access Structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal. Venice Coastal Zone Specific Plan, Section 9.C.1.f.</p>	<p>The roof deck railings are 3’8”. A3.10.</p> <p>Roof access for the bell/tower slash observation deck is 8’4.” A3.10.</p> <p>The roof access structure on the West Facility is 10’. A3.10.</p> <p>Roof access structures on the East Facility are 12’. A3.11.</p> <p>The roofs on both facilities are littered with parapets, peg shaped towers, and permanent canopies. Measurements are not provided for these features by the developer, but all are well in excess of 36 inches, and many appear to be 6-feet or more in height. A3.10. &amp; A3.11.</p> <p>There are roof access structures on the West Facility and on the East Facility within 60 horizontal feet from Grand Canal. A2.10-12; A2.23; A2.20-22; A3.11.C2.</p>
<p><b>SETBACKS</b></p>	<p>The front yard setback for all residential Venice Coastal Development Projects shall be consistent with LAMC requirements, but shall not be less than five feet. Ground level patios, decks, landscaping and railings, wall and fences that do not exceed six feet in height may encroach into this setback, provided they observe a setback of one foot. Venice Coastal Zone Specific Plan, Section 10.F.4.a.</p> <p><u>Venice Canals</u></p>	<p>The average set back on the West Facility is less than 15’.</p> <p>The lot width is almost 174’9” for the West Facility and for the East Facility. A1.11. The, required area for the Permeable yard “between the property line that faces the canal and the front of any structures” for the West Facility and for the East Facility is 2,636.25 square feet</p>

**ATTACHMENT A: COMPARATIVE ANALYSIS**

**Venice Coastal Zone Specific Plan / RDC Plans**

TOPIC	REQUIREMENT <sup>1</sup>	RDC CHARACTERISTICS <sup>2</sup>
	<p>An average setback of 15 feet, but not less than ten feet shall be maintained in the front yard adjacent to the property line which faces the canal. Venice Coastal Zone Specific Plan, Section 10.E.3.a.</p> <p>An open, Permeable yard with an area of at least 15 times the lot width and a minimum area of 450 square feet shall be maintained between the property line that faces the canal and the front of any structure. No Fill nor building extensions, including stairs and balconies, shall be placed in or over the required Permeable front yard area except fences up to 42 inches in height or Permeable decks at grade level not more than 18 inches high. Venice Coastal Zone Specific Plan, Section 10.E.3.a.</p>	<p>There is less than 2,636.25 square feet “between the property line that faces [Grand Canal]” and “the front of [] structures” for both the West Facility and the East Facility and a great deal of that space is paved or otherwise covered with materials that do not satisfy the Permeable requirement in the Venice Coastal Zone Specific Plan. A1.11; A2.20, G0.10; SV1.10; Venice Coastal Zone Specific Plan, Section 4.S.</p> <p>Also, a great deal of the square footage between the property line and “the front of [] structures” comes from the demolition of at least half of the Red Car Bridge. A1.10; A1.11.</p>
<b>ACCESS</b>	<p>Driveways and vehicular access to Venice Coastal Development Projects shall be provided from alleys, unless the Department of Transportation determines that it is not Feasible. Venice Coastal Zone Specific Plan, Section 10.F.5.a.</p>	<p>Driveways and vehicular access are from Venice Boulevard and Dell, not from alleys.</p>
<b>DRAINAGE</b>	<p>Prior to issuance of a building permit for a new dwelling unit or an expansion of the existing footprint by more than ten percent, the applicant shall submit drainage plans, subject to the review and approval of the Department of Building and Safety, for a 100 cubic foot french drain or other water filtering device which provides equivalent on-site percolation. The french drain or other water filtering device shall be constructed and maintained as shown on the final plans. The applicant and all successors in interest shall maintain the approved Venice Coastal Development Project consistent with the drainage plans approved by the Department of Building and Safety. Venice Coastal Zone Specific Plan, Section 10.E.4.</p>	<p>We have not seen drainage plans,</p>
<b>DENSITY</b>	<p><u>North Venice</u></p>	<p>Gross lot area is 115,674 square feet; net lot area is 97,050 square feet; and buildable area is 90,573.</p>

**ATTACHMENT A: COMPARATIVE ANALYSIS**

**Venice Coastal Zone Specific Plan / RDC Plans**

TOPIC	REQUIREMENT <sup>1</sup>	RDC CHARACTERISTICS <sup>2</sup>
	<p>A maximum of two dwelling units per lot shall be permitted for all Venice Coastal Development Projects on multiple-family residentially-zoned lots. However, the lot area per dwelling unit shall not be less than 1,500 square feet on RD1.5 zoned lots and 1,200 square feet on R3 zoned lots; except that Venice Coastal Development Projects on lots greater than 4,000 square feet are permitted one unit for each 1,500 square feet on RD1.5 zoned lots or one unit for each 1,200 square feet on R3 zoned lots, provided that all units beyond the first two are Replacement Affordable Units. Venice Coastal Zone Specific Plan, Section 10.F.2.a.</p> <p><u>Commercial Zones</u></p> <p>Commercial Zones. No residential Venice Coastal Development Project on a commercially-zoned lot shall exceed the density permitted in the R3 Zone. Venice Coastal Zone Specific Plan, Section 10.F.2.b.</p>	<p>115,674/140 units is 826 square feet; 97,050/140 units is 693 square feet; and 90,573/140 units is 647 square feet.</p> <p>RDC density exceeds the density permitted by the Venice Coastal Zone Specific Plan by a factor of 50% or more by every measure.</p>
<p><b>COMMERCIAL DEVELOPMENT</b></p>	<p><u>Commercial and Industrial Design Standards</u></p> <p>The Venice Coastal Development Project shall include a Street Wall[*], which shall extend for at least 65 percent of the length of the Building Frontage,** and shall be located at the lot line or within five feet of the lot line, except that commercial buildings located on Ocean Front Walk shall have the Street Wall set zero feet from the building line. If the Street Wall is adjacent to a sidewalk cafe, public plaza, retail courtyard, arcade, or landscaped area, the Street Wall may be set back a maximum of 15 feet along the portion of the Venice Coastal Development Project that consists of the cafe, plaza, courtyard, landscaping or arcade. These areas shall not be considered in calculating the buildable area of a Venice Coastal Development Project, but with the exception of areas used only for landscaping, shall be considered in calculations for required parking. The required</p>	<p>The Street Wall on Pacific Avenue is less than 13’ at the Tower and at the southwest balcony on Pacific. G0; G0.10.</p> <p>The Street Walls on N. Venice Boulevard, S. Venice Boulevard, and Dell Avenue measure 10’8” and are also non-compliant in terms of height and the placement of “pedestrian entrances, display windows or windows offering views into retail, office gallery or lobby space” (which requirements effectively preclude residential uses in commercial zoned projects in the Venice Coastal Zone Specific Plan). A3.10.C1, C3 &amp; A3; A3.11</p>

**ATTACHMENT A: COMPARATIVE ANALYSIS**

**Venice Coastal Zone Specific Plan / RDC Plans**

TOPIC	REQUIREMENT <sup>1</sup>	RDC CHARACTERISTICS <sup>2</sup>
	<p>Street Wall at the Ground Floor shall have a minimum height of 13 feet. Venice Coastal Zone Specific Plan, Section 11.B.1.a.</p> <p>At least 50 percent of the area of the Ground Floor Street Wall of a commercial Venice Coastal Development Project shall be devoted to pedestrian entrances, display windows or windows offering views into retail, office gallery or lobby space. Venice Coastal Zone Specific Plan. Section 11.B.1.b.</p> <p>Blank Walls[***] shall be limited to segments of 15 feet in length, except that Blank Walls that contain a vehicle entry door shall be limited to the width of the door plus five feet. Venice Coastal Zone Specific Plan, Section 11.A.1.c.</p> <p>*A "Street Wall" is "[a]n exterior wall of a building that faces a street." Venice Coastal Zone Specific Plan, Section 5.X.</p> <p>** "Building Frontage is the maximum length of a line or lines formed by connecting the points representing projections of the exterior building walls onto a public street or onto a courtyard that is directly accessible by pedestrians from a public street, whichever distance is greater."</p> <p>***A "Blank Wall" is a Street Wall or vehicle entry facing the street and having no architectural detailing, windows, doors or similar features. Venice Coastal Zone Specific Plan, Section 5.B.</p> <p><u>Floor Area Ratio</u></p> <p>Floor Area Ratio. In all commercial zones, floor area ratio (FAR) shall be limited to:</p> <ul style="list-style-type: none"> <li>• 0.5 to 1 for retail only, including restaurants</li> <li>• to 1 for retail/office</li> <li>• 1.5 to 1 for retail and/or office and residential</li> <li>•</li> </ul> <p>Venice Coastal Zone Specific Plan. Section 11.B.1.d.</p>	

**ATTACHMENT A: COMPARATIVE ANALYSIS**

**Venice Coastal Zone Specific Plan / RDC Plans**

TOPIC	REQUIREMENT <sup>1</sup>	RDC CHARACTERISTICS <sup>2</sup>
<b>ACCESS</b>	<p>Driveways and vehicular access to Venice Coastal Development Projects shall be provided from alleys unless the Department of Transportation determines that it is not Feasible.</p> <p>New and existing curb cuts shall be minimized in order to protect and maximize public on-street parking opportunities.</p> <p>Venice Coastal Zone Specific Plan, Section 11 B.5.a.</p>	
<b>PARKING STRUCTURES</b>	<p>In multi-level parking structures, where there is parking on the Ground Floor[*], 70 percent of the frontage of the Ground Floor along the property line that adjoins a public street shall contain financial services, neighborhood retail, neighborhood services or other related uses permitted by the zone and determined by the Director of Planning. Venice Coastal Zone Specific Plan, Section 11.D.2.</p> <p>*A "Ground Floor" is the lowest story within a building, which is accessible to the street, the floor level of which is within three feet above or below curb level, which has frontage on or is primarily facing any pedestrian oriented street, and which is at least 20 feet in depth or the total depth of the building, whichever is less. Venice Coastal Zone Specific Plan, Section 5.M.</p>	<p>Neither the West Facility or East Facility satisfy this requirement on N. Venice Boulevard, Pacific Avenue, S. Venice Boulevard or Dell Avenue. A2.10, A2.20, A3.10, A3.11.</p>
<b>PARKING</b>	<p>Except as otherwise provided below, the parking standards are those set forth in Subsection D. The Parking Requirement Table shall apply to all Venice Coastal Development Projects. Venice Coastal Zone Specific Plan, Section 13.A.</p> <p>Artist-in-residence – Two spaces for each artist-in-residence unit.</p> <p>Multiple dwelling and duplex on a lot less than 40 feet in width, or less than 35 feet in width if adjacent to an alley. -- Two spaces for each dwelling unit; plus a minimum of one</p>	<p>RDC purports to provide 34 artist-in-residence units requiring 68 units.</p> <p>116 residences (excluding artist-in-residence units) in multiple dwelling require 232 resident spaces plus 29 guest spaces – a total of 261 spaces.</p> <p>General Retail Space measuring 2,255 square feet requires 11 (10.02) spaces.</p> <p>Restaurant measuring 810 square feet requires 17 (16.2) spaces.</p>

**ATTACHMENT A: COMPARATIVE ANALYSIS**

**Venice Coastal Zone Specific Plan / RDC Plans**

TOPIC	REQUIREMENT <sup>1</sup>	RDC CHARACTERISTICS <sup>2</sup>												
	<p>guest parking space for each four or fewer units (e.g., 0.25 guest parking space per unit, any fraction shall be rounded up to require one additional guest parking space). Exception: for Venice Coastal Development Projects where all required parking spaces are fully enclosed, any required guest spaces may be paid for at the same in lieu fee rate defined for BIZ parking under Section 13 E(1)(2) of this Specific Plan.</p> <p>General Retail Store, except as otherwise provided -- One space for each 225 square feet of floor area</p> <p>Recreational Uses – Dance Hall, Pool or Billiard Parlor, Roller or Ice Skating Rink, Exhibition Hall and Assembly Hall without fixed seats, including Community Center, Private Club, Lodge Hall and Union Headquarters – One space for each 75 square feet of floor area.</p> <p>Restaurant, Night Club, Bar and similar establishments and for the sale or consumption of food and beverages on the Premises. -- One space for each 50 square feet of Service Floor (including outdoor service areas).</p> <p>Outdoor restaurant service area – Drive-Through and Window Service Restaurant providing Outdoor Eating Area or Walk-up or Drive-up Window Service -- One space for each 50 square feet of floor area, but no fewer than ten spaces.</p> <p>Office Uses -- General Office and other Business, Technical Service, Administrative or Professional Offices – One space for each 250 square feet of floor area.</p> <p>Venice Coastal Zone Specific Plan, Section 13.D.</p> <p><u>Beach Impact Zone Parking Requirements</u></p>	<p>Outdoor Restaurant Service Areas requires at least 10 spaces.</p> <p>Art Studio measuring 3,155 square feet requires 43 (42.07) spaces.</p> <p>Supporting Office Space at 685 square feet requires 2 (1.04) spaces.</p> <p>Community rooms measuring 206 square feet and 286 square feet on fourth and fifth floors of Tower respectively (combined 492 square feet) require 10 (9.84) spaces.</p> <p>Ground Floor measurements as set forth in the proposal are 12,235 for the West Facility and 26,200 for the East Facility for a total of 38,435 excluding space required for parking.</p> <p>Beach impact parking for Ground Floor of commercial projects is 1 space per 640 square feet. Plans show 38,525 square feet of ground floor space so 60 beach impact parking spaces are required.</p> <p>In addition, replacement of 196 (or, at a minimum, 188) existing parking spaces is required. (AHOS program).</p> <p>Total Parking Required per Venice Specific Plan:</p> <table data-bbox="1262 1224 1724 1414"> <tr> <td>Artist-in-Residence</td> <td align="right">68</td> </tr> <tr> <td>Non-Artist Residences</td> <td align="right">261</td> </tr> <tr> <td>Retail Space</td> <td align="right">11</td> </tr> <tr> <td>Restaurant</td> <td align="right">17</td> </tr> <tr> <td>Outdoor Restaurant Service Area</td> <td align="right">10</td> </tr> <tr> <td>Art Studio</td> <td align="right">43</td> </tr> </table>	Artist-in-Residence	68	Non-Artist Residences	261	Retail Space	11	Restaurant	17	Outdoor Restaurant Service Area	10	Art Studio	43
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**Venice Coastal Zone Specific Plan / RDC Plans**

TOPIC	REQUIREMENT <sup>1</sup>	RDC CHARACTERISTICS <sup>2</sup>										
	<p>In addition to the above requirements, all Venice Coastal Development Projects located within the Beach Impact Zone shall provide parking spaces in accordance with this Subsection.</p> <p>One parking space for each 640 square feet of floor area of the Ground Floor for commercial and industrial Venice Coastal Development Projects. In lieu of physically providing the spaces, a fee of \$18,000.00 per space may be paid for up to 50 percent of the total number of parking spaces required in this subdivision. Provided, however, that no payment shall be allowed in lieu of any parking space required by LAMC Section 12.21 A4. All fees shall be paid into the Venice Coastal Parking Impact Trust Fund.</p> <p>One parking space for each 1,000 square feet of the floor area of the Ground Floor[*] for multiple dwelling Venice Coastal Development Projects of three units or more. In lieu of physically providing the space, a fee of \$18,000.00 per space may be paid for up to 100 percent of the total number of parking spaces required in this subdivision. Provided, however, that no payment shall be allowed in lieu of any parking space required by the LAMC. All fees shall be paid into the Venice Coastal Parking Impact Trust Fund.</p> <p>In no event shall the number of Beach Impact Zone parking spaces required for Venice Coastal Development Projects of three or more dwelling units, or commercial or industrial Venice Coastal Development Projects, be less than one parking space for residential Venice Coastal Development Projects and two parking spaces for commercial and industrial Venice Coastal Development Projects.</p> <p>*"Ground Floor" is Ground floor is the lowest story within a building which is accessible to the street, the floor level of which is within three feet above or below curb level, which has</p>	<table border="0"> <tr> <td>Supporting Office Space</td> <td align="right">3</td> </tr> <tr> <td>Tower Community Rooms</td> <td align="right">7</td> </tr> <tr> <td>Beach Impact</td> <td align="right">61</td> </tr> <tr> <td>Replacement of Existing Parking</td> <td align="right"><u>196</u></td> </tr> <tr> <td>Minimum Total Parking Per Venice Coastal Zone Specific Plan</td> <td align="right">677 spaces</td> </tr> </table> <p>Parking reductions under AB 744 do not apply because the RFP/Q and the City Council motion approving the RFP / Q expressly require compliance with the Venice Coastal Zone Specific Plan. Similarly, the motion approving the RFP/Q expressly calls for improving – and not further degrading – the parking supply in Venice.</p> <p>Finally, 103 of the spaces provided in the RDC plan are compact spaces.</p> <p>Thus, netting out the replacement of 196 existing spaces (which are full-size) roughly 2 of every 3 new spaces the developer has proposed (103 of 164 spaces) comprises compact spaces.</p> <p>Neither the Venice Coastal Zone Specific Plan nor AB 744 allows parking requirements to be satisfied with compact spaces.</p>	Supporting Office Space	3	Tower Community Rooms	7	Beach Impact	61	Replacement of Existing Parking	<u>196</u>	Minimum Total Parking Per Venice Coastal Zone Specific Plan	677 spaces
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**Venice Coastal Zone Specific Plan / RDC Plans**

<b>TOPIC</b>	<b>REQUIREMENT<sup>1</sup></b>	<b>RDC CHARACTERISTICS<sup>2</sup></b>
	<p>frontage on or is primarily facing any Pedestrian Oriented Street, and which is at least 20 feet in depth or the total depth of the building, whichever is less. LAMC 13.07 C.</p> <p>Venice Coastal Zone Specific Plan, Section 13.E.</p>	