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Kathleen L. Coates, and Gary Williams*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

LA FORWARD INSTITUTE, a non-profit
organization; SYLVIA AROTH, an individual;
KATHLEEN L. COATES, an individual; and
GARY WILLIAMS, an individual,

Plaintiffs,

v.

CITY OF LOS ANGELES; LOS ANGELES
CITY COUNCIL; LOS ANGELES HOUSING
DEPARTMENT; LOS ANGELES
DEPARTMENT OF TRANSPORTATION; and
DOES 1 through 100, inclusive,

Defendants.

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County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By C. Cervantes, Deputy Clerk

Case No. **24STCV17156**

**COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF**

1 Plaintiffs LA FORWARD INSTITUTE, a 501(c)(3) organization, SYLVIA AROTH,
2 KATHLEEN L. COATES, and GARY WILLIAMS, by and through their attorneys Public Counsel,
3 Western Center on Law & Poverty, and Strumwasser & Woocher LLP, hereby complain and allege
4 against Defendants CITY OF LOS ANGELES, LOS ANGELES CITY COUNCIL, LOS ANGELES
5 HOUSING DEPARTMENT (LAHD), and LOS ANGELES DEPARTMENT OF
6 TRANSPORTATION (LADOT) (collectively, “Defendants” or the “City”), and each of them, as
7 follows:

8 INTRODUCTION

9 1. This case challenges the ongoing efforts of elected officials in the City of Los Angeles
10 (LA) to intentionally obstruct the development of a large affordable and permanent supportive housing
11 project for chronically homeless¹ and low-income people on City-owned land in the affluent Westside
12 community of Venice, known as the Venice Dell Community (“Venice Dell” or the “Project”). By
13 blocking the construction of much-needed housing for vulnerable populations in LA’s City Council
14 District 11, Defendants City of Los Angeles, Los Angeles City Council (the “City Council”), Los
15 Angeles Housing Department (LAHD), and Los Angeles Department of Transportation (LADOT)
16 (together, “Defendants” or the “City”) are engaged in housing discrimination under California’s Fair
17 Employment and Housing Act (FEHA).

18 2. While Mayor Karen Bass and the City Council have publicly supported and adopted
19 policies to expedite housing solutions citywide to address the City’s devastating housing and
20 homelessness crisis, as demanded by LA voters, some of the same elected officials are now covertly
21 thwarting those efforts. Since taking office in 2023, Councilmember Traci Park and City Attorney
22 Hydee Feldstein Soto, acting on animus against the Project and the chronically homeless, disabled, and
23 Black and Brown Angelenos it would house, have pursued a number of backdoor strategies to thwart
24 and obstruct Venice Dell. These efforts not only undermine the City’s own stated policies, but they
25 violate state law.

26
27 ¹ The term “chronically homeless” is defined by the U.S. Department of Housing and Urban
28 Development as any person with a disability who has been homeless for 12 months or more in the last
three years.

1 3. Venice Dell is a fully entitled, 100% affordable housing and permanent supportive
2 housing development to be constructed on a City-owned site currently used as a surface parking lot
3 located at 200 North Venice Boulevard, Venice, California 90291, in City Council District 11. The
4 Project has been in the works since 2016, when the City first identified the parking lot as a potential
5 site for housing, as part of a policy to prioritize the development of affordable housing on City-owned
6 land. Once complete, the Project will provide 68 supportive units for individuals and families
7 experiencing chronic homelessness and 68 affordable units for low-income households and artists,
8 along with supportive services and ground floor commercial space. It also proposes to replace all the
9 parking spaces currently at the lot.

10 4. Between 2017 and 2022, Venice Community Housing and Hollywood Community
11 Housing Corporation, the Project’s nonprofit affordable housing developers (together, the
12 “Developers”), conducted substantial community outreach and the City considered the Project at 18
13 public meetings, at most of which public comment was heard, received and considered. After all these
14 public meetings and review, the City and Developers executed a Disposition and Development
15 Agreement (“DDA”) on June 30, 2022.

16 5. Since Councilmember Park and the City Attorney took office in 2023, progress on
17 Venice Dell has, however, grinded to a halt, despite the best efforts of the Developers to finalize and
18 execute the Project’s remaining approvals. After years of collaboration between City agencies and the
19 Developers, the sudden standstill is attributable not to routine bureaucratic snags, but to the intentional
20 efforts of Councilmember Park and the City Attorney—both vocal opponents of the Project—to
21 squash the Project. Most alarmingly, Councilmember Park and the City Attorney seek to defeat the
22 Project not by democratic means in the City Council, but to use their offices to tie the Project up in red
23 tape outside of public view. Since 2023, the City Attorney has been using her role as the attorney for
24 the City to not only stop City departments from signing off on the remaining necessary approvals for
25 the Project, but to prevent City staff from communicating with the Developers on Project details. Most
26 recently, even after two court decisions upheld the official approvals of the Project against NIMBY²

27 ² The term “NIMBY” is an acronym for “Not In My Backyard,” and is defined by Merriam-
28 Webster dictionary as “opposition to the locating of something undesirable (such as a prison or

1 challenges, the City reversed course, with staff telling the Developers in a private meeting that the
2 Project must be completely redesigned. This proposal would not only delay the construction of
3 desperately needed housing on the Westside by unwinding all of the Project’s existing entitlements,
4 but, astonishingly, would also reduce the number of affordable and permanent supportive housing
5 units at Venice Dell. This delay would likely kill the project altogether, as it jeopardizes funding and
6 ultimately will make the Project too expensive to build.

7 6. Rather than expediting the construction of housing, the City is rapidly moving
8 backward. City officials, including the Mayor, have granted Councilmember Park de facto veto power
9 over a fully-entitled Project, ceding power to a well-resourced, predominantly White minority that
10 does not want the chronically homeless housed in their wealthy Venice neighborhood. These
11 opponents, many of whom supported the elections of Councilmember Park and the City Attorney,
12 have made discriminatory statements on the public record, complaining about how the Project will
13 change the “character” of the neighborhood and endanger the community. These statements exhibited
14 thinly-veiled racism and outright animus against people with disabilities. Reversing course on the
15 construction of housing in response to such animus is exactly the sort of rank housing discrimination
16 that FEHA prohibits.

17 7. By capitulating to the animus of this well-resourced opposition, the City’s obstruction
18 and delay of Venice Dell have made housing unavailable in a manner that discriminates—in both
19 intent and impact—against persons of color and persons with disabilities under FEHA and the
20 California Constitution’s guarantee of equal protection. The obstruction of the Project is also
21 consistent with a history of official and de facto discriminatory housing practices that have resulted in
22 Los Angeles being, by the City’s own assessment, extremely racially and socioeconomically
23 segregated. Allowing this obstruction to continue has a chilling effect on affordable housing
24 development in areas of LA where there is vocal and well-resourced opposition like in Venice. The
25 City’s actions to halt Venice Dell entrench existing patterns of segregation in the City, sending the
26 message that affluent Council Districts are not required to participate in solving our housing and

27 _____
28 incinerator) in one’s neighborhood.” It is colloquially used to describe those who oppose real estate and
infrastructure developments in their neighborhoods.

1 homelessness crisis.

2 8. This is not the first time that legal action has been required to change the City’s
3 practices and culture regarding affordable housing approvals. Before 2018, the City had a practice of
4 requiring a Letter of Acknowledgement from Councilmembers before low-income housing could be
5 built in their respective districts, creating in effect a “pocket veto” system. In 2018, a community
6 group sued the City over the illegal and unconstitutional practice, resulting in swift action by the
7 California Legislature to pass a ban on pocket vetoes for affordable housing receiving state funding.
8 (*Alliance of Californians for Community Empowerment (ACCE Action) v. City of Los Angeles* (Super.
9 Ct., Los Angeles County, 2018, No. BS174427).)

10 9. Despite the City’s cessation of the formal Letter of Acknowledgement policy, the City
11 is currently engaged in a policy or practice that allows a single Councilmember—who, not
12 coincidentally, represents a wealthy, predominantly White Council District—and the City Attorney to
13 obstruct the construction of sorely needed affordable housing in a wealthy area of the City in defiance
14 of the City Council. This policy or practice makes it less likely that affordable housing and permanent
15 supportive housing will be constructed in wealthy, White areas of the City like Council District 11,
16 where well-resourced populations can organize to oppose the housing of chronically homeless and
17 low-income Angelenos in their own “backyards.” This de facto Councilmember veto system over
18 affordable and permanent supportive housing allows wealthy Council Districts to decline to participate
19 in the solutions to our most urgent housing and homelessness crisis. This practice violates FEHA, state
20 statutes prohibiting discrimination against affordable housing, the Los Angeles City Charter, the Los
21 Angeles City Administrative Code, and the California Constitution.

22 10. Plaintiffs have demanded without success that the City cease to obstruct and delay
23 Venice Dell. Plaintiffs now turn to this Court to enjoin the City from any further delays and to order
24 the City to take all affirmative steps to allow Venice Dell to be constructed, operated, and maintained
25 as permanent supportive and affordable housing as set forth in the DDA; and to enjoin the City, its
26 officers, employees, agents, successors, and all other persons in active concert or participation with it,
27 from obstructing the development of City Council-approved supportive and affordable housing in a
28 manner that discriminates against persons of color and persons with disabilities.

PARTIES

PLAINTIFFS

11. Plaintiff LA Forward Institute is a 501(c)(3) non-profit entity whose mission is to make local government accessible and to advance accountability through civic education, leadership development, and coalition building. It is dedicated to a vision of Los Angeles County as a fair, flourishing region where public institutions ensure that all people can live in dignity and reach their fullest potential as human beings. It advances racial and economic justice across a wide range of issues including housing, climate, transportation, unarmed crisis response, and good government.

12. LA Forward Institute’s organizational mission has been frustrated by Defendants’ actions to obstruct development of affordable and supportive housing. Strengthening housing justice and the creation of new affordable housing, especially in middle- and upper-class neighborhoods like those on LA’s Westside, has been important to LA Forward Institute’s mission since it began operating in 2016. Since its founding, it has participated in efforts to incentivize the development of affordable housing near public transit.

13. As some examples of its work in advocating for affordable housing, LA Forward Institute, along with its 501(c)(4) arm, has:

- a. Engaged community members and submitted comments around increasing housing;
- b. Organized its members into regional groups, including on the Westside of Los Angeles, to speak out in favor of affordable housing at neighborhood council meetings, both as to specific projects and to try to engage neighborhood councils to identify sites for affordable housing in their neighborhoods;
- c. Organized its members to speak out in favor of affordable and bridge housing at various public hearings and through contacting city officials;
- d. Organized its members to comment on the update of the Westside community plans in support of more affordable housing;
- e. Organized the launch of the Westside field campaign for Yes on ULA in Venice in August 2022;
- f. Hosted two canvasses of voters in favor of Measure ULA in Venice in October 2022,

1 along with eight in other parts of the Westside; and

2 g. Organized two constituent meetings for Council District 11 residents with
3 Councilmember Traci Park and her staff in May and June 2023 where Venice Dell and
4 other housing issues were discussed.

5 More recently, LA Forward Institute hosted a teach-in about the stalling of the Venice Dell Project on
6 August 14, 2023; facilitated community member outreach to the Mayor expressing disapproval of
7 stalling of the Venice Dell Project and asking her to publicly support the Project; spoke at a press
8 conference outside City Hall about the stalling of the Venice Dell Project on September 13, 2023; and
9 has organized frequent Westside gatherings where community members have discussed how to take
10 action on pressing issues with an emphasis on housing and homelessness.

11 14. Through these activities, LA Forward Institute has devoted significant time and
12 resources to increasing affordable and supportive housing throughout the City of Los Angeles. As
13 alleged herein, LA Forward Institute brings suit under FEHA, as the City's current policies regarding
14 low-income and homelessness housing are a significant barrier to its efforts to increase affordable and
15 supportive housing in LA, and, thus, LA Forward Institute has been injured and will continue to be
16 injured by those policies in the future. As a result of the City's efforts to obstruct supportive and
17 affordable housing development in LA, LA Forward Institute also continues to divert its finite
18 resources towards assisting community members facing eviction and homelessness.

19 15. Plaintiff Kathleen L. Coates is a 60-year-old resident of the City of Los Angeles. Ms.
20 Coates and her partner, a 50-year-old African-American man, became unhoused in 2023, when they
21 became unable to afford the monthly rent of their previous apartment in Mar Vista. They currently live
22 in a motor home, which they often park in and around Venice.

23 16. Ms. Coates has a mental health condition that substantially impacts major life activities,
24 including working. Her partner receives Social Security Disability Insurance (SSDI). Ms. Coates and
25 her partner desire to live in supportive housing in Venice, so that they can both be close to where they
26 work and where they receive medical care. Since becoming unhoused in 2023, Ms. Coates has been
27 unable to find stable affordable or supportive housing in Venice or its vicinity. Ms. Coates has been
28 injured and will continue to be injured by the City's efforts to obstruct and delay the construction of

1 the Project's supportive and affordable housing, as Ms. Coates and her partner are chronically
2 homeless, and would gladly live in supportive housing at Venice Dell if offered a residence there.

3 17. Plaintiff Kathleen L. Coates also brings suit as a taxpayer within the meaning of Code
4 of Civil Procedure section 526a in that she lives within the City of Los Angeles and has paid sales
5 taxes to the City of Los Angeles within one year prior to the commencement of this action.

6 18. Plaintiff Sylvia Aroth is an individual who has lived in Venice for over 50 years. She is
7 a current homeowner in Venice who recognizes the need for affordable housing in Venice and
8 supports the construction of Venice Dell. Ms. Aroth brings suit as a taxpayer within the meaning of
9 Code of Civil Procedure section 526a in that she lives within the City of Los Angeles and has paid
10 property tax, business license fees, and sales taxes to the City of Los Angeles within one year prior to
11 the commencement of this action.

12 19. Plaintiff Gary Williams is Professor of Law and Johnnie L. Cochran, Jr. Chair in Civil
13 Rights at Loyola Law School. Professor Williams grew up in Venice and only left to attend Stanford
14 Law School. Two of his sisters still live in the ever-shrinking African-American neighborhood within
15 Venice. Professor Williams brings suit as a taxpayer within the meaning of Code of Civil Procedure
16 section 526a in that he works within the City of Los Angeles and has paid sales taxes to the City of
17 Los Angeles within one year prior to the commencement of this action.

18 **CITY DEFENDANTS**

19 20. Defendant City of Los Angeles is a charter city and municipal corporation organized
20 under the laws of the State of California. The City is a legal entity with the capacity to sue and be
21 sued.

22 21. Defendant Los Angeles City Council is the legislative body of the City and is
23 responsible for carrying out the Constitution and laws of the State of California, and conforming the
24 ordinances, regulations, policies, and actions of the City to the requirements of state law.

25 22. Defendant Los Angeles Housing Department (LAHD) is the department of the City
26 government responsible for the production, preservation, and protection of affordable housing in the
27 City of Los Angeles.

28 23. Defendant Los Angeles Department of Transportation (LADOT) is the department of

1 the City government responsible for transportation planning, project delivery, and operations in the
2 City of Los Angeles. In this capacity, LADOT is the current operator of the City-owned parking lot
3 which the City has designated for affordable housing. Under the terms of the DDA, LADOT is
4 responsible for entering into a separate agreement with the Developers or their affiliate to construct a
5 public parking structure at the Project site.

6 24. Plaintiffs are unaware of the true names and capacities of Defendants Does 1 through
7 100, inclusive, and they are therefore sued by such fictitious names pursuant to Code of Civil
8 Procedure section 474. Plaintiffs allege on information and belief that each such fictitiously named
9 Defendant is responsible or liable in some manner for the events and happenings referred to herein,
10 and Plaintiffs will seek leave to amend this Complaint to allege their true names and capacities after
11 the same have been ascertained.

12 **JURISDICTION AND VENUE**

13 25. This Court has jurisdiction to hear the subject matter of this complaint. This Court also
14 has jurisdiction over each Defendant, which are all government entities in Los Angeles County, as the
15 acts and omissions alleged herein occurred in California.

16 26. Venue is proper in this Court pursuant to Code of Civil Procedure section 394 because
17 all the violations of law alleged herein occurred and are occurring in Los Angeles County.

18 **FACTUAL ALLEGATIONS**

19 **The Dire and Worsening Homelessness Crisis in the City of Los Angeles**

20 27. A recent major study found that more than 171,000 people experience homelessness
21 daily in California. (Kushel, M., Moore, T., et al., *Toward a New Understanding: The California*
22 *Statewide Study of People Experiencing Homelessness*, UCSF Benioff Homelessness and Housing
23 Initiative (2023).) The state is home to 12 percent of the nation’s population, 30 percent of the nation’s
24 homeless population, and half the nation’s unsheltered population.

25 28. The 2024 Greater Los Angeles Homeless Count (the “2024 Homeless Count”)
26 identified over 45,000 people experiencing homelessness in the City of LA in 2024—29,275
27 unsheltered and 15,977 sheltered. 18,936 individuals—or 42%—are considered chronically homeless.
28

1 ³ (See Los Angeles Homeless Services Authority, 2024 Greater Los Angeles Homeless Count – City
2 of LA Data Summary (data as of May 17, 2024), available at
3 <https://www.lahsa.org/documents?id=8152-city-of-los-angeles-hc2024-data-summary>.)

4 29. While the City’s unsheltered population declined by 10.4% from 2023 to 2024, its
5 sheltered population—those living in housing unstable situations such as emergency shelters—has
6 increased by 17.7%. These trends indicate that the City has successfully been moving unhoused people
7 off the streets and into interim shelter, but not moving them into permanent housing or out of
8 homelessness fast enough.

9 30. Housing unaffordability and economic factors are a key driver of homelessness.
10 According to the Los Angeles Homeless Services Authority (LAHSA), 54% of people who became
11 homeless in the last year cited economic hardship as one of the main reasons they lost their home.
12 Unaffordable rents are also a key driver of homelessness. LAHSA’s 2024 Homeless Count identified a
13 deficit of nearly 500,000 affordable homes according to the California Housing Partnership, and that
14 there were 33% fewer multi-family housing permits in January and February 2024 compared to the
15 same period in 2023. (LAHSA, 2024 Greater Los Angeles Homeless Count Results (Long Version)
16 (June 28, 2024), p. 29, available at [https://www.lahsa.org/documents?id=8164-2024-greater-los-](https://www.lahsa.org/documents?id=8164-2024-greater-los-angeles-homeless-count-results-long-version-.pdf)
17 [angeles-homeless-count-results-long-version-.pdf](https://www.lahsa.org/documents?id=8164-2024-greater-los-angeles-homeless-count-results-long-version-.pdf).) A key takeaway for LAHSA was that “we must
18 keep building” to keep making progress. (*Id.* at p. 38.)

19 31. Homelessness is an issue in every one of the 15 Council Districts in the City. Table 1
20 below contains the most recent raw homeless count data for the City by area of the City. (See LAHSA,
21 2024 Greater Los Angeles Homeless Count Raw Data Totals (June 28, 2024), available at
22 <https://www.lahsa.org/hc24-raw-totals>.)

27
28 ³ Except where otherwise noted, data cited herein from the 2024 Homeless Count estimates the number and demographic characteristics of the homeless population on a single night in January 2024.

Table 1: 2024 Homeless Count – City of Los Angeles⁴

Council District	Actual Persons Counted (Sheltered + Unsheltered)	Sheltered	Unsheltered	Improvised Dwellings ⁵ Counted
1	1353	711	642	1145
2	864	504	360	710
3	698	456	242	401
4	598	432	166	200
5	607	262	345	421
6	1846	1554	292	683
7	497	346	151	624
8	1986	1583	403	1156
9	2590	1943	647	1209
10	751	338	363	578
11	849	303	546	930
12	135	48	87	404
13	1541	1132	409	833
14	4448	2826	1622	2321
15	776	399	377	1102

32. The City’s crisis is driven primarily by a lack of affordable housing. In 2023, California had only 24 units of housing available and affordable for every 100 extremely low-income households. (Kushel, et al., *Toward a New Understanding: The California Statewide Study of People Experiencing Homelessness, UCSF Benioff Homelessness and Housing Initiative* (2023), p. 83.) The Kushel study’s lead policy recommendation to alleviate the crisis is to “[i]ncrease access to housing affordable to extremely low income households.” Because of its deficit of affordable housing, the City is legally obligated to plan for 456,643 housing units in the 2021-2029 Housing Element cycle, including 184,721 lower income units. (Los Angeles City Planning, Housing Element Update, available at <https://planning.lacity.gov/node/133011>.)

33. In addition to the need for more affordable housing, permanent supportive housing is

⁴ According to LAHSA, the raw data presented in Table 1 reflect actual counts of the persons and improvised dwellings and have not been adjusted by a multiplier to estimate the persons living in the counted dwellings. These actual counts of persons and improvised dwellings include data collected by volunteers the night of the Homeless Count along with data collected by special outreach teams who canvass hard-to-reach and/or dangerous areas. Sheltered counts in Table 1 do not include clients sheltered with vouchers or in programs with confidential addresses.

⁵ Improvised dwellings includes cars, vans, RVs, tents, and makeshift shelters.

1 also critical for those experiencing homelessness to get the housing, services, and stability they need.
2 Chronically homeless individuals in particular benefit significantly when provided with supportive
3 housing. Since the 1970s, supportive housing has been identified as a key component for ending
4 homelessness for the chronically homeless—which the U.S. Department of Housing & Urban
5 Development (HUD) defines to include any person with a disability who has been homeless for 12
6 months or more in the last three years. Supportive housing combines permanent shelter with services,
7 which may include mental and physical health services, drug and alcohol treatment, and education and
8 job training. When properly implemented, supportive housing results in chronically homeless residents
9 becoming permanently sheltered and provides residents with opportunities to better access healthcare
10 resources and pursue their educational or career goals. Participants in supportive housing programs
11 access housing faster and are more likely to remain stably housed. (See Gulcur et al., *Housing,*
12 *Hospitalization, and Cost Outcomes for Homeless Individuals with Psychiatric Disabilities*
13 *Participating in Continuum of Care and Housing First Programs*, 13 J. of Community & Appl. Social
14 Psychology 176 (2003); Tsemberis & Eisenberg, *Pathways to Housing: Supported Housing for Street-*
15 *Dwelling Homeless Individuals with Psychiatric Disabilities*, 51 Psychiatric Services 487 (2000).)

16 **Approval of Ballot Measures to Build Supportive and Affordable Housing**

17 34. To address the growing crisis of homelessness, voters have adopted Proposition HHH,
18 Measure H, and Measure ULA to facilitate the generation of local funding for the development of
19 supportive housing and affordable housing. There will also be at least one additional voter-initiated
20 measure on the ballot in November 2024 to raise additional revenue for affordable housing in the
21 County.

22 35. On November 8, 2016, City of Los Angeles voters approved Proposition HHH,
23 authorizing \$1.2 billion in general obligation bonds to build 10,000 units of supportive and affordable
24 housing. The ballot initiative passed by a wide margin, with 77 percent of voters voting in favor.

25 36. Proposition HHH was proposed to generate local funding for the development of
26 shelter, permanent supportive housing and affordable housing for low-income persons and those who
27 are homeless or at risk of becoming homeless. As of May 2024, Proposition HHH funded 8,669 units
28 of permanent supportive housing. (See LAHD, Proposition HHH Progress Dashboard (June 27, 2024),

1 available at <https://housing2.lacity.org/housing/hhh-progress-dashboard>.) Along with federal, state,
2 and county funded programs, the City’s permanent supportive housing pipeline is 12,012 units.

3 37. In March 2017, 69 percent of Los Angeles County voters approved a second ballot
4 measure, Measure H, to increase the county sales tax to fund services to address homelessness.
5 Measure H was proposed to “adopt a retail transactions and use tax ordinance for the specific purpose
6 of preventing and combatting homelessness within Los Angeles County.” (Measure H § 4.73.030.)
7 Measure H was intended to prevent homelessness for families and individuals, to provide subsidized
8 housing to homeless disabled individuals, and to promote the development of affordable housing for
9 homeless families and individuals. (*Id.*)

10 38. In November 2022, LA City voters passed Measure ULA with nearly 60 percent of the
11 vote. The Measure enacted a 4 percent tax on properties sold or transferred for more than \$5 million
12 and a 5.5 percent tax on properties sold or transferred for more than \$10 million, and it established the
13 House LA Fund within the city treasury to collect tax revenue and allocate funds to homelessness
14 prevention programs and affordable housing development.

15 39. According to the Los Angeles Office of Finance, Measure ULA has generated
16 \$312,238,763 to date to support all of the House LA programs, 70 percent of which will be allocated
17 to housing production programs per the measure. (Los Angeles Office of Finance, Real Property
18 Transfer Tax and Measure ULA FAQ [providing link for ULA Monthly Transactions], available at
19 <https://finance.lacity.gov/faq/measure-ula>.)

20 **Mayor Karen Bass’ Emergency Declarations**

21 40. To address the City’s homelessness crisis, almost immediately after being elected, the
22 Mayor of Los Angeles, Karen Bass, issued a Declaration of Local Emergency on December 12, 2022
23 that the “impacts of a lack of housing warrant and necessitate that I declare the existence of a local
24 emergency.” The Declaration, among other things, directed all City agencies, in coordination with the
25 City Council, to take steps to provide “[r]egulatory relief from other jurisdictions and within Los
26 Angeles City agencies to create flexibility to address the crisis.” The very next day, the City Council
27 adopted the Declaration.

28 41. Pursuant to the Declaration, Mayor Bass issued Executive Directive 1, entitled

1 “Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types” on
2 December 16, 2022. Executive Directive 1 directed all City departments to develop plans to provide a
3 ministerial, streamlined review process for any application that proposes a 100 percent affordable
4 housing development project.⁶

5 42. At a press conference where she announced the executive order, Mayor Bass stated:
6 “Everyone knows that time is money. Over the last year, I can’t recount the number of times I have
7 talked to people who try to build affordable housing and they talk about the reason why it cost so
8 much is because of the length of time it takes.”

9 43. On February 10, 2023, Mayor Bass also issued Executive Directive 3, entitled
10 “Emergency Use of Viable City-Owned Property” to “maximize the use of City-owned property for
11 temporary and permanent housing.” The Directive requires that the Mayor be provided within 20 days
12 an inventory of unused and underutilized city property that could be used for temporary or permanent
13 housing with on-site services; that a formal assessment of each site follow; that based on the
14 assessment, the Mayor’s Office designates what type of housing should be built on which locations;
15 and that City departments prioritize temporary and permanent housing with on-site services and
16 eliminate unnecessary reviews, paperwork and red tape. On March 28, 2024, the Mayor expanded
17 ED3. The updated directive accelerates the building of permanent and interim housing on publicly
18 owned land that is owned by the Housing Authority of the City of Los Angeles, Metro and the Los
19 Angeles Community College District, in addition to land owned by the City of Los Angeles.

20 44. Consistent with these aspirations, the City’s 2021-2029 Housing Element identifies
21 policies to “[a]llocate citywide housing targets across Community Plan areas in a way that seeks to
22 address patterns of racial and economic segregation” (Los Angeles City Planning, 2021-2029 Housing
23 Element, p. 246, available at <https://planning.lacity.gov/plans-policies/housing-element> [Policy
24 1.1.6]), “[p]rioritize the development of new Affordable Housing in all communities, particularly
25 those that currently have fewer Affordable units” (*id.* at p. 248 [Policy 1.3.2]), and “[p]rioritize the
26

27 ⁶ Executive Directive 1 has been revised, most recently on July 1, 2024. The third revised
28 Executive Directive 1 is available at https://planning.lacity.gov/odocument/4bdff0d5-a458-4bcc-a8c5-451e4af45ea7/ED1_revised_memo_3.pdf.

1 development of Affordable Housing on public land” (*id.* at p. 247 [Policy 1.2.10]). To do this, the City
2 committed to “[i]dentify publicly owned housing opportunity sites and issue [Requests for Proposals]
3 to develop the sites by 2023” and “[r]ezone PF (Public Facility) zoned land to allow affordable
4 housing by-right by 2024.” (*Id.* at p. 269.)

5 **The Venice Dell Community Project**

6 45. Previously, on February 10, 2016, then-Mayor Eric Garcetti approved the City of Los
7 Angeles’s Comprehensive Homeless Strategy. Strategy 7d of the Comprehensive Homeless Strategy
8 “Using Public Land for Affordable and Homeless Housing,” states:

9 Due to the pace at which housing units are created in the City and the sheer quantity of
10 homeless individuals who need housing it is not feasible to find immediate long-term housing
11 solutions for all, or even most of the homeless in the City without additional resources or
12 options. In order to hasten the pace at which additional housing opportunities are developed, it
13 is necessary to consider use of existing City properties, including unimproved lots and those
14 with facilities that are either surplus or underused that could be developed for affordable
15 housing and/or housing for the homeless.

16 (City of Los Angeles, *Comprehensive Homeless Strategy* (Feb. 9, 2016), available at
17 https://clkrep.lacity.org/onlinedocs/2015/15-1138-s1_misc_03-21-2016.pdf.)⁷

18 46. Shortly after the plan was released, the City Administrative Officer (CAO) launched the
19 Affordable Housing Opportunity Sites Initiative to identify City-owned sites for affordable housing.
20 Since 2016, the LAHD and the CAO have collaborated on the Land Development and Affordable
21 Housing Opportunity Sites Initiative by developing common processes and regulations. In general, the
22 CAO is responsible for identifying and evaluating City-owned sites for development, and the LAHD is
23 responsible for selecting developers and negotiating disposition development agreements.

24 47. Following an April 13, 2016, motion from then-Councilmember Mike Bonin, the City
25 Council adopted a May 11, 2016, Transportation Committee report instructing the Department of
26 Transportation and the Office of the City Administrator, with the assistance of the Housing
27 Department, to prepare a Request for Proposals for an affordable housing project to serve unhoused
28

⁷ Subsequently, in December 2019, the City Council adopted a motion that restricts development of housing on City-owned land to 100% affordable housing, unless it is determined by the City Council that an increased number of affordable units can be achieved through a different business model. (*See* Los Angeles City Council File (hereinafter, “Council File”) No. 19-1362.)

1 people at the city-owned parking lot at 200 North Venice Boulevard, located in City Council District
2 11. The report acknowledged, “[i]n Venice, with the skyrocketing costs of real estate, using publicly-
3 owned property may be one of the only ways affordable housing can be built.” Among other things,
4 the Council’s May 24, 2016, action directed that the Requests for Proposals (RFPs) must include
5 requirements that any project be consistent with the Venice Coastal Zone Specific Plan, be compatible
6 with the existing neighborhood, increase public access to parking, and involve significant community
7 outreach up to and during the entitlement process. (Council File No. 15-1138-S9.)

8 48. In July 2016, the CAO released the RFP for the site at 200 North Venice Boulevard,
9 with the purpose of maximizing the use of the City-owned parking lot for the development of
10 affordable housing. (See below at Figure 2.) The property is located between two one-way streets—
11 North Venice Boulevard and South Venice Boulevard—and is bounded by Dell Avenue and South
12 Pacific Avenue. It is located within walking distance of Venice’s beaches and canals, near local and
13 regional public transit opportunities, and with a surrounding area that is a mix of commercial, retail,
14 and residential uses. In addition to a parking lot, the City-owned project site consists of a four-unit
15 multi-family residential building.



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25 *Figure 1: A picture of the City-owned parking lot at which Venice Dell
26 has been proposed, as of June 2024.*

27 49. In December 2016, the CAO recommended the selection of Venice Community
28 Housing (VCH) and Hollywood Community Housing Corporation (HCHC) (together, the

1 “Developers”), after reviewing and scoring their joint application.

2 50. The Developers have proposed to build a 104,140-square foot, mixed use, 100-percent
3 affordable project consisting of 140 units, including 68 permanent supportive housing units, 34 low-
4 income units, 34 live-work units, 4 manager units, supportive services, and commercial space. (See
5 below at Figure 2.) The Project includes a public on-site parking garage that would provide 196
6 replacement parking spaces, since the 196 surface parking spaces currently operated by LADOT
7 would be eliminated to make way for development.



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15 *Figure 2: A rendering of Venice Dell by the architectural firm*
16 *Eric Owen Moss.*

17 51. The Project will also provide social services and support for its tenants, including
18 assistance with employment and educational pursuits and on-site therapeutic and community groups
19 for housing support and stability, mental health support, harm reduction and recovery.

20 52. In December 2016, the City Council and the Mayor approved their selection and
21 authorized LAHD to execute an Exclusive Negotiation Agreement with the Developers. (Council File
22 No. 16-0600S145.) On January 12, 2017, LAHD entered into the Exclusive Negotiation Agreement
23 with the Developers and they provided a \$50,000 good faith, non-refundable site control fee. (*Id.*)

24 53. Between 2017 and 2022, the Project was considered at 18 public meetings, including
25 two meetings before the City Planning Commission, two joint public hearings with the Deputy
26 Advisory Agency, five meetings before the City Council Planning and Land Use Management
27 Committee, three meetings before the City Council Homelessness and Poverty Committee, one
28 meeting before the City Council Housing Committee, and five meetings before the full City Council.

1 At many of these meetings, the Project was the subject of departmental reviews and reports, and public
2 comment was heard, received, and considered.

3 54. During this five-year period, the Developers worked diligently with the City’s
4 cooperation to successfully move the Project through the entitlements process. In July 2021, the City
5 Planning Commission determined the Project was statutorily exempt from the California
6 Environmental Quality Act (CEQA). In December 2021, the City Council approved entitlements for
7 the Project, including a finding of a CEQA exemption, vesting a tentative tract map, coastal
8 development permit, site plan review, Mello Act compliance, project permit compliance, General Plan
9 amendment, zone change, height district change, and special plan amendment. In April 2022, LAHD
10 recommended that the City Council execute the DDA with VCH and HCHC. In May 2022, the CAO
11 requested authority to execute the DDA. All of the entitlements heard in December 2021 were re-
12 heard in June 2022 for a technical issue, and on June 24, 2022, the City Council issued the approvals
13 necessary for the DDA to be signed.

14 55. The Project was selected for funding in the City’s Affordable Housing Managed
15 Pipeline, which the City created to streamline and oversee the various federal, state, and local funding
16 streams for affordable housing development administered by the City. On June 29, 2022, LAHD
17 issued a funding award to the Project for \$6.3 million.

18 56. On June 30, 2022, the Developers executed the DDA with LAHD, as authorized by the
19 City Council.

20 **Then-Candidates Traci Park and Hydeec Feldstein Soto Oppose the Project,**
21 **Echoing Animus from a Vocal Minority of Local Residents**

22 57. For many years, a small but vocal group of Venice residents has expressed animus for
23 the Project and its anticipated residents. For example, the President of the Venice Stakeholders
24 Association wrote in an op-ed: “Finally, as we have seen with other permanent supportive facilities,
25 many of the tenants arrive in the grip of *addiction or mental illness* and continue their noxious and, on
26 occasion, violent behavior. . . . Concentrating 90 chronically homeless individuals in this one location
27 is a recipe for disaster for this neighborhood.” (Ryavec, *Homeless Strategy Misses the Mark*, The
28 Argonaut, May 5, 2016.) The same Association submitted a public comment to the City Council

1 stating: “Other homeless serving facilities in Venice have a long history of being an extreme burden to
2 nearby residents [W]e conclude that this project will place an unacceptable burden on residents
3 and thus should be sited elsewhere.” (Council File No. 15-1138-S9, Public Comment, May 11, 2016
4 by Mark Ryavec.)

5 58. Public opposition to the Project frequently reflected prejudice and bias against
6 unhoused and low-income people. Opponents repeatedly decried that the Project would “destroy the
7 character of the neighborhood.” (Council File No. 22-0496, Public Comment, June 14, 2022, by
8 individual; see also *id.*, Public Comment, June 8, 2022, by individual [stating that the Project will
9 “irrevocably change the character of our neighborhood”]; *id.*, Public Comment, June 8, 2022, by
10 individual [stating Project will “ruin our neighborhood” and requesting city “end this bight [*sic*] on our
11 peaceful Abbott Kinney paradise.”].)

12 59. Even though opponents did not frame their statements in terms of race, their concern
13 for the neighborhood “character” reflects coded race-based discrimination—particularly when
14 considering that the City’s homeless and low-income populations are disproportionately comprised of
15 people of color. Opponents made little effort to hide their prejudice against the people who would be
16 eligible for housing at Venice Dell: “None of these extremely mentally ill or drug addicted or violent
17 people who have taken over our streets, will be helped or leave these streets. It is not easy to qualify
18 for low income housing and the people living on the streets here will not qualify. Instead you will
19 bring more low income people changing the neighborhood . . . You will just turn [Venice] back into a
20 low income neighborhood and people who do pay taxes to pay for their services will be the ones
21 leaving.” (*Id.*, Public Comment, June 6, 2022, by individual.) Another person wrote, “All day and
22 night I am confronted by homeless persons acting in bizarre and obscene manners, defecating in the
23 streets as well as urinating.” (*Id.*)

24 60. Public comments also targeted persons with disabilities. (See, e.g., Council File No. 21-
25 0829-S1, Public Comment/Letter, Nov. 30, 2021, by the Channel Law Group [complaining that our
26 “gateway to the beach” will become a “mental institution for half of the residents”]; *id.*, Public
27 Comment, Oct. 22, 2020 by individual [stating that “ugly brutalist bunker” will bring “an influx of yet
28 more mentally ill people to our little community”]; *id.*, Public Comment, Oct. 21, 2020 by individual

1 [stating that a “large permanent supportive housing project for ‘mentally ill’ and drug addicted people
2 is not safe within our residential community”].) Opponents’ opposition to the Project also contained
3 negative stereotypes about homeless individuals: “Given their current lifestyles and personal habits,
4 how can you put them in housing and expect them to maintain civilized behavior.” (Council File No.
5 21-0829, Public Comment, May 26, 2021, by individual.) For example, opponents frequently invoked
6 fears of violence wrought by their potential new neighbors. (See, e.g., Council File No. 21-0829-S1,
7 Public Comment, June 6, 2022, by individual [stating that Venice Dell would “pos[e] health and safety
8 risks to nearby homeowners” by “providing housing to persons with no sobriety to alcohol or drugs”];
9 *id.*, Public Comment, Jan. 13, 2021, by individual [“Many of our homeless are mentally ill and present
10 a danger to the local residents.”]; Council File No. 21-0829, Oct. 15, 2021, by individual [stating that
11 the Project will “create a crime haven that will be extremely unsafe after dark & possible a no go area
12 at night”].

13 61. One commenter asserted that the City should ignore the will of the City Council and
14 instead empower the local Councilmember to have the final decision on the Project: “I don’t care how
15 the Council FEELS about the homeless issue. I am appealing to your rational minds and your duty to
16 Venice, and the logic of giving the new CD11 councilperson the final say in what happens here.”
17 (Council File No. 21-0829-S1, Public Comment, May 30, 2022, by individual.)

18 62. Then-candidate Traci Park’s opposition to the Project was central to her campaign to
19 replace Mike Bonin as Council District 11’s representative on the City Council. At a candidate forum
20 in April 2022, Park made no secret of her intent to block the Project by whatever means necessary: “I
21 will squash this on day one. Not only did the VNC vote it down, over 1,000 community members have
22 objected to this, it violates the Venice Local Plan, it violates CEQA, it violates the Coastal Act, it’s a
23 waste of money, it’s wrong for the community, it’s a no go, it’s done.” (Rosin, *Changing the*
24 *Conversation on the Venice Median with the CD11 Candidates*, Westside Current (May 15, 2022),
25 available at [https://www.westsidcurrent.com/opinion/changing-the-conversation-on-the-venice-
median-with-the-cd11-candidates/article_88eae04-d4bd-11ec-9034-87451743471d.html](https://www.westsidcurrent.com/opinion/changing-the-conversation-on-the-venice-
26 median-with-the-cd11-candidates/article_88eae04-d4bd-11ec-9034-87451743471d.html).)

27 63. In expressing her opposition to the Project, Park echoed the language used by
28 neighborhood opponents, evoking animus against the homeless and disabled populations that would be

1 eligible for housing at Venice Dell. Her May 25, 2022 opposition letter to the City Council utilized the
2 refrain of the neighborhood opponents—that the Project would “forever change the character of the
3 historic Venice Canal Community.” (Council File No. 22-0496, May 25, 2022.) Her campaign also
4 released a video in which she described the Project using language that reflected the animus of the
5 neighborhood opponents. In a subsequent comment to the Westside Current, Park added: “As this
6 project will forever change the look and character of the historic Venice canal community, I urge the
7 Council to defer any action until after the new Mayor and CD11 Councilmember take office in
8 January 2023 in order to bring new vision, collaboration, and leadership to resolution of the
9 outstanding issues.” (Rosin, *supra*, Westside Current.) Park was elected to office in November 2022,
10 with campaign backing from the organized opposition to the Project, including Chuck Rosin of Venice
11 Vision and the Coalition for Safe Coastal Development, and other prominent NIMBYs.

12 64. Los Angeles City Attorney Hydee Feldstein Soto was also an outspoken opponent of
13 the Project while she was a candidate. On May 25, 2022, she took the position in public comment
14 before the City Council’s Homelessness and Poverty Committee that Venice Dell not be accelerated
15 because outgoing Councilmember Mike Bonin, who was a Project proponent, was “on his way out the
16 door” and for other purported procedural reasons. (Council File No. 22-0496, May 25, 2022.) She also
17 earned the financial backing of the same NIMBYs who supported Park’s campaign, including Chuck
18 Rosin.

19 65. Although a minority of Venice residents vocally opposed the Project, a large number
20 supported Venice Dell. Over 2,000 community members from across the City submitted letters of
21 support for the Project. In May 2023, 75 prominent community members, including Ms. Aroth, signed
22 on to a letter to Mayor Bass in support of Venice Dell. In addition, 252 community members sent
23 support letters to the Mayor using a link that LA Forward created. The Project’s supporters noted the
24 limited supply of affordable and permanent supportive housing in Venice and the City’s coastal zones,
25 and the need to ensure *every* council district has permanent supportive housing opportunities so that
26 homeless Angelenos can continue living in the neighborhoods where they have existing social support.
27 (*Id.*)

28 66. In addition, the Developers conducted substantial community engagement over three

1 and a half years, from December 2016 to January 2020, reaching thousands of people to inform them
2 about the Project and engaging hundreds of people in substantive discussion and feedback sessions.
3 These efforts included creating an email list with over 700 subscribers, sending dozens of updates to
4 that list, sending regular updates to a separate list with over 2,500 contacts, regularly updating a
5 Project website, holding large community meetings with public testimony that were well publicized,
6 holding design workshops with the community, conducting smaller meetings in homes and local
7 venues, conducting door-to-door outreach about the Project, and creating other written materials,
8 updated and expanded regularly, about the Project.

9 67. With widespread support and alignment with city policy, the City Council continued to
10 move forward with approvals of the Project despite the opposition of the vocal group of Venice
11 residents described above, executing the DDA on June 30, 2022.

12 **The City Stops Work on the Project at the Direction of the City Attorney**

13 68. For several months after executing the DDA, the Developers and the City worked
14 cooperatively and met regularly to move the Project forward. The DDA contemplates that the
15 Developers and the City will meet several terms and conditions before executing a ground lease with
16 the approval of the City Council.

17 69. Beginning in February 2023, however, after years of working with the Developers to
18 advance the Project and shortly after Councilmember Park and the City Attorney took office, the City
19 abruptly cancelled monthly all-hands meetings between key City staff and the Developers, and began
20 to undertake actions that have intentionally created delay and obstructed the Project's progress. On
21 information and belief, the City has taken these actions—which contradict and undermine the DDA
22 and the other official approvals of the Project by the City—to intentionally impede the Project, in
23 deference to the opinions and desires of a vocal minority, as represented by Councilmember Park and
24 City Attorney Feldstein Soto. The City's discriminatory treatment of the Project is obstructing the
25 Developers' ability to satisfy terms and conditions precedent that would allow the City Council to
26 approve the Project and the Developers to execute a ground lease with the City. The actions detailed
27 below jeopardize the Project's ability to apply for or adequately compete for necessary public funding,
28 as well as seriously risk unlawfully unwinding the Project's entitlements and other City Council

1 approvals.

2 70. By March 2023, City staff stopped responding to Developer emails related to the
3 parking structure at Venice Dell, for which an executed agreement with the City remained outstanding.

4 71. In April 2023, the Developers were informed by City staff, including within the City's
5 Bureau of Engineering and the Mayor's office, that they had been instructed to cease any and all
6 contact regarding the Project and to direct all communication through the City Attorney's Office until
7 further notice. City staff referred the Developers to Chief Assistant City Attorney John Heath for any
8 further communications related to the Project. Despite their repeated requests for a meeting, Mr. Heath
9 never agreed to a meeting with the Developers and never provided them with any explanation for the
10 work stoppage.

11 72. Meanwhile, the City never informed the public that it was stopping work on the Project.
12 To date, the City has not provided the Developers or the public with the legal basis for the work
13 stoppage.

14 73. In August 2023, mayoral staff directed city staff to resume communication with the
15 Developers. Nevertheless, on information and belief, LAHD and LADOT remain instructed to delay
16 or obstruct the Project by senior City staff or officials, and to date, the City has not approved
17 applications or contracts necessary to move the Project forward. On information and belief, the City is
18 engaged in a policy or practice of delaying and obstructing the Project in response to instruction given
19 by Councilmember Park, Mayor Bass, and/or the City Attorney. Since August 2023, the City has not
20 taken *any* actions to affirmatively advance the Project, despite regular attempts by the Developers to
21 resume cooperation.

22 74. As a result of this work stoppage, four necessary prerequisites to breaking ground on
23 the Project have been indefinitely delayed:

24 ***Prerequisite No. 1 - Obstruction of the Ellis Act Application Process***

25 75. LAHD staff have refused to process an application to initiate relocation assistance for
26 the four existing households at the Project site and remove the units from the rental market in order to
27 build Venice Dell (the "Ellis Act Application"), which the Developers first prepared and submitted to
28 the City in January 2023.

1 ***Prerequisite No. 2 - Obstruction of the Contract with LADOT on the Public Parking***
2 ***Structure***

3 76. The City has also stopped work on a contract, including a project labor agreement, for
4 the development of the Project’s public parking, which the DDA stipulates will be separately
5 documented by LADOT and the Developers. LADOT has refused to move forward on this contract
6 and has not provided the Developers or the public with the legal basis for its refusal to engage in
7 conversations with the Developers regarding the public parking garage, let alone enter into the
8 contemplated contract.

9 77. At a July 3, 2024 meeting with LADOT, the Bureau of Engineering, LAHD, and CAO,
10 Principal Transportation Engineer for LADOT’s Bureau of Parking Management, Ken Husting,
11 abruptly and with no notice, told the Developers that LADOT would be recommending a new
12 approach for the Project, which would move all public parking to the west parcels and have no
13 interaction with the housing units, which would all be on the east parcels. When pressed for the reason
14 for this change, Ken Husting stated that “administrations had changed since the Project’s approvals”
15 and LADOT would be recommending that the Project be changed. On information and belief, this
16 change would delay the Project by two more years as it would require a total redesign, would require
17 all existing approvals and entitlements to be undone by the City Council, require new entitlements, and
18 put new entitlements at risk of new legal challenge. This redesign would also reduce the number of
19 affordable and supportive housing units.

20 ***Prerequisite No. 3 - Interference with the Coastal Commission Process***

21 78. The City has also interfered with the California Coastal Commission’s (“Coastal
22 Commission”) review of the Project, notwithstanding the City Council’s previous actions approving
23 the Coastal Development Permit and Land Use Plan amendment that the City subsequently submitted
24 to the Coastal Commission for review in July 2022.

25 79. In August 2023, the City Attorney told the Coastal Commission that she had significant
26 concerns about, and was potentially directly opposed to, the Project’s pending Coastal Development
27 Permit and Land Use Plan amendment. The City subsequently withdrew and resubmitted the Land Use
28 Plan amendment application associated with the Project (see Coastal Commission Record No. LCP-5-
VEN-23-0037-1), which indefinitely extended the timeline to act on the application.

1 80. Immediately following the City’s withdrawal and resubmission, on September 11,
2 2023, the Coastal Commission issued a Notice of Incomplete (NOI) for the Land Use Plan
3 amendment, which requires the City’s response. The City has no justifiable explanation for needing
4 more than ten months to respond to the NOI, which merely seeks project clarifications. As part of the
5 City’s ongoing failure to respond to this NOI, the City has refused to comply with the Coastal
6 Commission’s request that either: (a) LADOT become a co-applicant and submit more information
7 regarding the operation and management of the existing LADOT surface parking lot, as well as the
8 proposed replacement parking garage, or (b) the City apply for an amendment to the Coastal
9 Development Permit. By refusing to participate in the Coastal Commission’s request for additional
10 information related to the public parking garage, the City has effectively brought the Coastal
11 Commission’s process—as well as the development of Venice Dell—to a standstill.

12 81. In September 2023 the *Los Angeles Times* published an editorial describing the City’s
13 obstructionist action before the Coastal Commission as “ridiculous,” noting:

14 [I]f the mayor cares about expediting housing projects and is concerned that not enough people
15 have transitioned into permanent housing, as she has said publicly, then she needs to tell city
16 officials to agree to take responsibility for the parking garages as they have been designed,
17 resolve any other outstanding issues that the Coastal Commission staff has, and get this project
18 the approval it needs. Let’s not spend another year waiting.

19 L.A. Times Editorial Board, *When Will L.A. Leaders Stop Getting in the Way of a Venice Homeless*
20 *Housing Project?* L.A. Times (Sept. 13, 2023), available at

21 <https://www.latimes.com/opinion/story/2023-09-13/editorial-mayor-karen-bass-venice-dell-delayed>.

22 82. The City has provided no information or updates to the Developers or the public with
23 respect to issues pending before the Coastal Commission, nor a timeline to resolve them.

24 ***Prerequisite No. 4 - Obstruction of the Ground Lease***

25 83. The City has also refused to advance the drafting of a ground lease between the City
26 and the Developers, which would then be taken to the City Council for approval. In March 2024,
27 LAHD took the position that a ground lease would only be drafted after “project design changes are
28 finalized,” even though no such changes were under consideration. More recently, Chief Assistant
City Attorney John Heath has pointed to the lack of progress on the drafting of a ground lease as a

1 reason for why the Project has not advanced.

2 **The City Has Failed to Offer a Legally Justifiable Explanation for the Work Stoppage**

3 84. The City’s delays have caught the attention of the State Department of Housing and
4 Community Development (HCD) Housing Accountability Unit, which sent a letter to LAHD on
5 February 13, 2024, requesting a status update on the Project. (Letter from Shannon West, Hous.
6 Accountability Unit Chief, Dep’t of Hous. & Cmty. Dev., to Daniel Huynh, Assistant Gen. Manager,
7 Los Angeles Hous. Dep’t (Feb. 13, 2024), available at
8 [https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/losangeles-venicedell-
10 hau-495-loi-02132024.pdf](https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/losangeles-venicedell-
9 hau-495-loi-02132024.pdf).) HCD reminded the City of its obligations under the State Housing
11 Element Law, that Program 15 of the City’s 6th Cycle Housing Element commits to facilitating the
12 development of affordable housing on public land, and that the City had identified the Project as in the
13 development pipeline for public land.

14 85. LAHD’s March 13, 2024 response to the HCD inquiry confirms that the City has not
15 taken any actions to affirmatively advance the Project since the work stoppage was ordered. The
16 General Manager of LAHD, Ann Sewill, took the position that the City could not move forward with
17 (i) processing the Ellis Act Application; (ii) updating its applications to the Coastal Commission; (iii)
18 revising the contract with LADOT for the public parking structure; (iv) or drafting the ground lease,
19 purportedly because of ongoing mediation regarding unspecified Project design changes between the
20 parties to a litigation brought by opponents to the Project under CEQA and the Coastal Act—the
21 opponents, on the one hand, and the Developers and the City, on the other. Two years after the City
22 approved the Project design, this assertion was an abrupt change in position for the City.

23 86. The litigation referenced by LAHD was filed against the City in 2022 by the Coalition
24 for Safe Coastal Development (CSCD), a coalition that includes the NIMBY group Venice Vision, the
25 lead appellant in the unsuccessful administrative appeal of the City’s approvals of the Project.
26 Members of Venice Vision and CSCD were responsible for much of the race and disability-based
27 animus expressed towards potential residents of the Project. (See above at ¶¶ 57-61.)

28 87. CSCD filed its first lawsuit on January 13, 2022, challenging the Project’s approvals
under the Mello Act and other laws. (See *Coalition for Safe Coastal Development v. City of Los*

1 *Angeles* (Super. Ct. L.A. County, 2024, No. 22-STCP-00162, consolidated with No. 22-STCP-
2 03626).⁸ On September 13, 2022, CSCD filed another lawsuit, challenging the City’s approval of the
3 DDA. (See *Coalition for Safe Coastal Development v. City of Los Angeles* (Super. Ct. L.A. County,
4 2024, No. 22-STCP-03359.) Both petitions for writ of mandate were denied after trial, with the result
5 that the City’s approvals of the Project, the DDA, and the various land use entitlements have now been
6 upheld by the courts. (See Decision Denying Petition for Writ of Mandate, *Coalition for Safe Coastal*
7 *Development v. City of Los Angeles* (Super Ct. L.A. County, May 21, 2024) (No. 22-STCP-00162);
8 Entry of Judgment, *Coalition for Safe Coastal Development v. City of Los Angeles* (Super. Ct. L.A.
9 County, July 3, 2024) (No. 22-STCP-03359) [lodging proposed final judgment following June 4, 2024
10 hearing at which petition for writ of mandate was denied].) CSCD has already agreed not to appeal the
11 judgment in the DDA lawsuit.

12 88. With the conclusion of the litigation, the City has no reason, pretextual or otherwise, to
13 continue to delay or obstruct the Project, and its continuing efforts to do so are discriminatory and
14 unlawful. Neither court opinion required the City or the Developers to make any changes to the
15 Project; rather, the courts have validated that the Project’s entitlements were properly approved. To
16 date, there is no ongoing mediation and a single design change (removal of the mechanical lifts from
17 the public parking garage) has been voluntarily submitted to the Coastal Commission and the City by
18 the Developers.

19 89. At present, the City has yet to demonstrate any good-faith effort to advance the Project.

20 **The Work Stoppage Is Discriminatory**

21 90. Whatever explanations LAHD or the City Attorney’s Office have offered for the
22 Project’s delays are belied by the obvious efforts of Councilmember Traci Park and City Attorney
23 Feldstein Soto to fulfill their campaign promises to “squash” Venice Dell.

24 91. Once Councilmember Park was elected, the Developers tried to meet with her to
25 discuss the Project. Councilmember Park’s staff ignored requests for meetings, and the Project’s
26 supporters were forced to resort to asking her and her staff about Venice Dell in public forums. At one

27 _____
28 ⁸ Case No. 22-STCP-00162 was ultimately related to and consolidated with another case filed by
CSCD against the City, which challenged its exemption from CEQA, Case No. 22-STCP-03626.

1 such meeting with Council District 11 constituents, organized by Plaintiff LA Forward Institute in
2 May 2023, when asked about Venice Dell, Councilmember Park stated that she opposed the Project,
3 but otherwise refused to comment further, on the ground that Venice Dell was the subject of ongoing
4 litigation. However, at a follow-up meeting in June 2023, Councilmember Park’s housing deputy, Jeff
5 Khau, stated that Councilmember Park wanted to change the Project, but since she knew she did not
6 have the votes to stop the Project in the full City Council, her staff was recommending other options to
7 satisfy her, such as cutting the Project’s size in half.

8 92. On July 6, 2023, in response to a question during a radio interview, Mayor Karen Bass
9 took the position that the Project could not advance in its current form without the support of
10 Councilmember Park: “I’m familiar with [the Project] from the campaign and I will say it’s one of
11 those projects that’s a very large project. It’s going to have to be worked out with the city council
12 member [(Traci Park)]. It is very, very controversial in Venice. Now, I’m a big believer, and I know
13 the councilwoman is too, in understanding that housing needs to be built everywhere. Right now, the
14 majority of the affordable housing is being built in South LA. It needs to be built citywide. She
15 supports that but there’s an evaluation that’s going on right now about that specific project.”

16 93. At a more recent event in May 2024, Mayor Bass was asked when she would publicly
17 support Venice Dell and help expedite the Project. In response, Mayor Bass said she supported
18 housing on the site, and while the previous councilmember supported the Project, the current one
19 (Councilmember Park), does not. Mayor Bass stated that, because the Project is located in Council
20 District 11, the Project’s future is outside her control in her capacity as mayor and is instead in the
21 hands of Councilmember Park.

22 94. With the above comments, Mayor Bass not only admits that the City has delayed and
23 obstructed the Project at the behest of Councilmember Park, but she also abdicates her own
24 responsibilities and undermines her commitments to expedite affordable housing projects by cutting
25 through “red tape” bureaucracy to address the City’s severe housing and homelessness crises,
26 including her Executive Directive 1 and Executive Directive 3, as well as the City’s 2021-2029
27 Housing Element. (See above at ¶¶ 40-43.)

28 95. While Mayor Bass effectively maintains that her hands are tied, it is the City Attorney’s

1 Office that has been responsible behind the scenes for directing the work stoppage that has caused
2 progress on necessary prerequisites for Venice Dell’s construction to grind to a halt. As alleged above,
3 city staff were apparently instructed to refer any of the Developers’ inquiries regarding the Project to
4 Chief Assistant City Attorney John Heath, who successfully slow-walked their requests for meetings
5 for months. The City Attorney’s Office only lifted the “official” work stoppage in August 2023 after
6 the L.A. Times Editorial Board asked whether Mayor Bass and the City Attorney were trying to
7 sabotage the Project. (See The L.A. Times Editorial Board, *Are L.A. leaders trying to sabotage*
8 *homeless housing in Venice?* (July 31, 2023).) A de facto work stoppage, however, has persisted.

9 96. In October 2023, Mr. Heath responded to a letter from counsel for the Developers⁹,
10 citing “the City’s continuing concerns regarding the legality, feasibility, and processes of the Project.”
11 Mr. Heath attributed delay to the fact that the Developers had failed to reach necessary agreements
12 with the City regarding the proposed public parking structure—despite the fact that the Developers
13 had been working with City staff in the Bureau of Engineering since the execution of the DDA on
14 plans for this structure, as contemplated by the DDA. Those conversations only ceased to progress
15 when the City Attorney’s office instructed City staff to route all communications through Mr. Heath
16 and his office (see above at ¶ 71), and Mr. Heath subsequently ignored the Developers’ requests for
17 meetings to discuss his office’s purported concerns *for months*.

18 97. While Mr. Heath was referencing “the City’s continuing concerns regarding the legality”
19 of the Project, his office was simultaneously defending the City’s approvals of the Project in court. For
20 example, Mr. Heath asserted that the public parking structure is subject to further environmental review;
21 meanwhile, the City submitted its opposition brief in the CEQA challenge arguing that the Project—
22 parking structures and all—are exempt from CEQA review. (See Respondent’s Opposition to Petition
23 for Writ of Mandate, dated Sept. 11, 2023, at pp. 9, 15-20, *Coalition for Safe Coastal Development v.*
24 *City of Los Angeles*, (Super. Ct. L.A. County) (2024) No. 22-STCP-00162.)

25 98. Despite the City’s duty to uphold and defend the City’s own approvals and exemptions

26 ⁹ Counsel for the Developers had addressed their October 2, 2023, letter from the Developers to
27 Mayor Bass and LAHD General Manager Sewill, but were instructed by Mr. Heath to direct “all future
28 correspondence intended for the City in connection with the Project to my attention,” indicating that, as
a practical matter, the work stoppage was still in effect.

1 for Venice Dell, actions from City officials since February 2023—including LAHD, LADOT, the
2 Mayor’s Office, and the City Attorney—constitute a dereliction of duty.

3 99. While homelessness is an issue in every one of the City’s 15 Council Districts, the raw
4 data from the 2024 Homeless Count shows an increase in both sheltered and unsheltered persons in
5 Council District 11, from 201 to 303 sheltered persons and 460 to 546 unsheltered persons between
6 2023 and 2024, while citywide numbers have otherwise fallen. It is Councilmember Park’s District—
7 Council District 11—that lags far behind every other district in building affordable housing except
8 Council District 12, which is the only district with a higher median income than Council District 11.
9 Of the 9,353 units of affordable housing proposed under Executive Directive 1 across all 15 Council
10 districts, only 82 units, or 0.88%, have been proposed in Council District 11. In addition, data from
11 Inside Safe placements shows that unhoused people cleared from encampments in Council District 11
12 have been relocated to *other* Council districts – namely, Council Districts 1, 8, 10, which are lower
13 income than Council District 11. This is no coincidence. The City’s discriminatory practice of
14 allowing Councilmember Park to hold affordable housing hostage, based on the animus of a vocal
15 minority of constituents, is banishing unhoused people from the District while rendering housing
16 unavailable for Council District 11’s unhoused and low-income residents, who are disproportionately
17 Black, brown, and disabled. It is no coincidence that this discriminatory practice serves the interests of
18 a wealthy and White constituency. To allow such housing to be built in Council District 11 might
19 “change the character of the neighborhood.”

20 100. Venice Dell would create 136 units of much-needed housing on the Westside for
21 Angelenos in the most precarious and vulnerable housing situations. 68 units would be deemed
22 permanent supportive housing, open to any person experiencing chronic homelessness. The remaining
23 68 units would be deemed affordable housing, open to residents or individuals making below 60
24 percent Area Median Income. Unable to block politically popular housing via democratic vote in the
25 City Council, Councilmember Park and her allies in the City have made it their mission to fulfill a
26 discriminatorily motivated campaign promise behind closed doors.

27 101. The City’s delay tactics jeopardize LAHD’s funding award to the project, which
28 expires January 31, 2025, and which would likely require the approval of the City Council in order to

1 be extended.

2 **The Project Would Provide Much Needed Supportive and Affordable Housing in West LA, and**
3 **Obstructing the Project Disproportionally Impacts People of Color and People With Disabilities**

4 102. As acknowledged by the City, the high cost of housing in Los Angeles restricts access
5 to housing for the City’s lower-income households, which are disproportionately Black or African
6 American (“Black”), and Hispanic or Latino (“Latino”). (City of Los Angeles, 2023-2028 Assessment
7 of Fair Housing (hereinafter “LA Assessment of Fair Housing”) (Jan. 2024), p. 4, available at
8 https://drive.google.com/file/d/11ZrYuwgFkSP_P5DR6YIF6c2NFXG5oOC1/view.)

9 103. While 55 percent of all Angelenos report at least one housing problem, members of
10 protected classes—including persons with disabilities, Black, and Latino households—are at greater
11 risk of experiencing housing problems. Black households, closely followed by Latino households,
12 have the highest incidence of “cost burden,” which means spending more than 30 percent of income
13 on housing.

14 104. Black residents make up only 8.3 percent of LA’s total population but comprise 13.5
15 percent of the City’s low-income renter families and 39 percent of all publicly supported housing
16 residents. (*Id.* at p. 153.) They are also disproportionately represented, at 16.3 percent, among LA’s
17 poorest families earning 30 percent or less of the Area Median Income (AMI).

18 105. The City’s homeless population is also disproportionately comprised of people of color
19 and individuals with disabilities. In 2024 Black individuals and families represented 35 percent of the
20 City’s homeless population. (*See* 2024 Homeless Count). Latinos, who represent 48 percent of the
21 City’s overall population, remain the largest ethnic group experiencing homelessness by population
22 number. (*See* LA Citywide Demographic Profile.) Together, Black and Latino individuals now make
23 up 77 percent of the City’s homeless population. (2024 Homeless Count.) In addition, 25 percent of
24 homeless individuals report having a serious mental illness, 20 percent report having a physical
25 disability, and 8 percent report having a developmental disability. (*Id.*)

26 106. Because the City’s current policy is blocking and delaying the development of
27 supportive and affordable housing, for which people of color and people with disabilities
28 disproportionately qualify, its efforts to obstruct the Project have a discriminatory disparate impact on

1 these protected classes of individuals.

2 **The Venice Dell Project Would Disrupt Segregation Patterns in Los Angeles**

3 107. By the City’s own assessment, “Los Angeles is extremely segregated among ethnic and
4 racial groups. . . . According to HUD’s data, Los Angeles’ segregation is high between Black or
5 African American and white residents, and high between Hispanic or Latino and white residents.” (LA
6 Assessment of Fair Housing, *supra* at p. 3.) As a result of these racial segregation patterns, Black and
7 Latino residents of Los Angeles are more likely to live in neighborhoods that lack access to
8 community assets, such as healthcare, fresh food, education, reliable broadband/Wi-Fi, employment,
9 proximity to jobs, and access to vehicles. (*Id.*) The City’s segregated housing patterns are the legacy of
10 decades of exclusionary zoning and land use policies that favored more expensive, single-family
11 housing, while also impeding the development of affordable housing and limiting housing choice.
12 Combined with the historical practices of redlining and racially restrictive covenants, these historical
13 zoning policies contributed not only to the separation of immigrant and Black residents from white
14 middle-and upper-income residents, but the inequitable distribution of City services and resources, as
15 well as economic opportunity. (*Id.* at pp. 232-233.) The City’s policies continue to contribute to these
16 inequities—74 percent of the City remains zoned for single-family homes. An increase in zoning for
17 single-family homes is associated with a decline in the percentage of Black and Latino residents.
18 (Menendian, et al., *Single Family Zoning in Greater Los Angeles*, Othering & Belonging Institute
19 (Mar. 2, 2022), available at <https://belonging.berkeley.edu/single-family-zoning-greater-los-angeles>.)

20 108. Over 50 years after the passage of the Fair Housing Act, the City’s Black population
21 remains concentrated in Downtown and South Los Angeles. (See LA Assessment of Fair Housing,
22 *supra*, at p. 67 [Map 5], attached hereto as **Exhibit A**.) A smaller percentage of Black residents live on
23 the Westside of Los Angeles, which is overwhelmingly white. While the City’s Latino population is
24 more evenly distributed throughout the City, the Westside is an exception, with census tracts
25 containing less than 10 percent Latino residents concentrated in West LA. (See *id.* at p. 63.) Los
26 Angeles is also segregated by disability. (See *id.* at p. 73.)

27 109. One measure of racial segregation is the “dissimilarity index,” which indicates the
28 degree to which racial and ethnic groups are evenly geographically distributed, on a scale of 0

1 (complete integration) to 100 (complete segregation). HUD considers values over 55 as high
2 segregation. According to HUD, as of 2020, segregation in Los Angeles is high between Black and
3 white residents (58.7) and between Latino and white residents (60.7).

4 110. The identification of “racially and ethnically concentrated areas of poverty” (R/ECAPs)
5 in Los Angeles further illustrates racial segregation in the City. Census tracts that are considered
6 R/ECAPs must meet two criteria: (1) have a majority non-white population of over 50 percent, and (2)
7 have 40 percent or more of individuals living at or below the poverty line, or have three or more times
8 the average tract poverty rate for the metropolitan/micropolitan areas, whichever is lower. R/ECAPs in
9 the City tend to be located within or near Downtown and South Los Angeles.

10 111. By contrast, census tracts that are considered racially concentrated areas of affluence
11 (RCAAs) have a population that is disproportionately white, affluent, and living without a disability.
12 The City’s RCAAs tend to be located on the Westside, where the City’s white population is
13 concentrated, in areas such as Brentwood, Pacific Palisades, Bel-Air, and certain parts of the San
14 Fernando Valley. Persons with disabilities can be found in nearly every part of Los Angeles—except
15 for West LA, where persons with disabilities are notably absent from most RCAA census tracts. (*Id.* at
16 p. 73 & 74 [Map 9].)

17 112. Currently, the City’s supply of supportive and affordable housing is disproportionately
18 situated in segregated, low-income parts of the City, such as the R/ECAPs referenced above. A March
19 5, 2018 report from LAHD (formerly the Los Angeles Housing & Community Investment
20 Department) to the City Council, which looked at the current and potential siting of permanent
21 supportive housing, found that the majority of completed permanent supportive housing are in “high
22 segregation and poverty resource area[s]” or “low resource area[s]” noting that “high segregation and
23 poverty and low resource areas have been the prime investment locations for siting [permanent
24 supportive housing] projects *for over a decade.*”

25 113. Most publicly supported housing is also located near or within R/ECAPs. Conversely,
26 areas designated as RCAAs typically have little to no publicly supported housing. The vast majority of
27 the Westside is zoned for single-family residential homes. (Menendian, *supra.*)

28 114. In 2022, only 15 percent of affordable housing units financed by the City were located

1 in Higher Opportunity Areas. (Los Angeles City Planning, Housing Element 2021-2029, Annual
2 Progress Report (2022), p. 9, available at [https://planning.lacity.gov/odocument/13ce399a-f29e-4c1c-
3 b0e6-17ac66577700/LosAngeles2022_Program_124_AFFH_Status_Update.pdf](https://planning.lacity.gov/odocument/13ce399a-f29e-4c1c-b0e6-17ac66577700/LosAngeles2022_Program_124_AFFH_Status_Update.pdf).)

4 115. Venice Dell is located on the Westside, in Census Tract 273902, which is identified as
5 an RCAA. (LA Assessment of Fair Housing, *supra*. at p. 62 [Map 1], attached hereto as **Exhibit B**
6 [marking Census Tract 273902 with an asterix].) Census Tract 273902 is adjacent to two other
7 RCAAs—Census Tracts 273600 and 274100—and is entirely surrounded by census tracts that are
8 predominately white. (*Id.* at p. 64 [Map 2].) As alleged above at paragraph ¶ 100, the Project’s Council
9 District 11 lags behind all but one other council district in the construction of affordable housing under
10 Executive Directive 1.

11 116. The City’s policy of obstructing the Project is perpetuating the segregation of people of
12 color, people with disabilities, and lower income households in Los Angeles by ensuring that
13 supportive and affordable housing continues to be concentrated in already segregated, low-income
14 parts of the City. The policy disparately impacts people of color and persons with disabilities, who
15 would be eligible for housing at Venice Dell, by preventing them from living in a higher opportunity
16 neighborhood of the City.

17 **Declaratory and Injunctive Relief**

18 117. Defendants’ expenditure of federal, state, county, or municipal funds to delay and
19 obstruct the Project in contravention of the California Constitution as well as various provisions of the
20 Government Code, Los Angeles City Charter and Administrative Code as challenged herein, is
21 unlawful and thus constitutes an illegal and wasteful expenditure of taxpayer dollars.

22 118. There is an actual controversy between the Plaintiffs and Defendants concerning their
23 respective rights and duties. Plaintiffs contend that Defendants’ policies or practices violate FEHA,
24 Government Code section 65008, subdivisions (b) and (d), Government Code section 8899.50, Los
25 Angeles City Charter section 244, California Constitution, Article XI, section 7, City of Los Angeles
26 Administrative Code, section 2.1, and Code of Civil Procedure section 526a, whereas Defendants are
27 likely to contend in all respects to the contrary.

28 119. Unless and until Defendants’ unlawful policies and practices are declared unlawful or

1 enjoined by this Court, they will continue to cause great and irreparable injury to the Plaintiffs.

2 **FIRST CAUSE OF ACTION**

3 **(Fair Employment and Housing Act, Cal. Gov. Code, § 12955, et seq.)**
4 **(Plaintiffs LA Forward Institute and Ms. Coates Against All Defendants)**

5 120. Plaintiffs LA Forward Institute and Ms. Coates (the “FEHA Plaintiffs”) incorporate by
6 reference herein each and every allegation contained in the previous paragraphs.

7 121. The Fair Employment and Housing Act (Gov. Code, § 12955 et seq.) (FEHA) makes it
8 unlawful for Defendants to “discriminate through public or private land use practices, decisions, and
9 authorizations,” because of protected characteristics, including “race, color, . . . disability, . . . national
10 origin, source of income, or ancestry.” (*Id.*, § 12955, subd. (l).) FEHA defines “source of income” to
11 include money “paid to a housing owner or landlord on behalf of a tenant, including federal, state, or
12 local public assistance, and federal, state, or local housing subsidies.” (*Id.*, § 12955, subd. (p)(1).)

13 122. Discrimination under FEHA includes, but is not limited to, restrictive covenants,
14 zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law .
15 . . . ***that make housing opportunities unavailable.***” (*Id.* at § 12955, subd. (l), emphasis added.)

16 123. Discrimination under FEHA is intentional when “race, . . . source of income, [or]
17 disability . . . is a motivating factor in committing a discriminatory housing practice ***even though other***
18 ***factors may have also motivated the practice.***” (*Id.*, § 12955.8, subd. (a), emphasis added.) A housing
19 practice is also unlawful when it has the effect, regardless of intent, of unlawfully discriminating on
20 the basis of “race, . . . source of income, [or] disability.” (*Id.*, subd. (b).)

21 124. A practice has a discriminatory effect “where it actually or predictable results in a
22 disparate impact on a group of individuals, or creates, increases, reinforces, or perpetuates segregated
23 housing patterns, based on membership in a protected class....” (Cal. Code Regs., tit. 2, § 12060, subd.
24 (a).) A public land use “that is proven . . . to create, reinforce, or perpetuate segregated housing
25 patterns also is a violation of the [FEHA] independently of the extent to which it produces a disparate
26 effect on protected classes.” (Cal. Code Regs., tit. 2, § 12060, subd. (b).)

27 125. FEHA provides that it is unlawful for any person “to aid, abet, incite, compel, or coerce
28 the doing of any of the acts or practices declared unlawful in this section, or to attempt to do so.”

1 (Gov. Code, § 12955, subd. (g).)

2 126. Defendants’ delay and obstruction of Venice Dell constitutes a practice, decision,
3 and/or policy subject to FEHA. For Venice Dell, City officials have effectively granted
4 Councilmember Park the power to stop or renegotiate the terms of the Project, even after the full City
5 Council approved the Project and an executed DDA is in place. By allowing a single Councilmember
6 to veto or renegotiate an approved housing project—without ever putting the Project to a vote of the
7 City Council—and by publicly endorsing that power, Defendants are allowing a single councilmember
8 to exercise a de facto individual Councilmember veto system, thereby imposing different requirements
9 on housing that will disproportionately serve members of protected classes under FEHA.

10 127. Defendants’ delay and obstruction of Venice Dell is motivated by discriminatory intent,
11 made in response to the vocal opposition of neighborhood residents who exhibited virulent animus
12 against persons of color, persons with disabilities, and persons receiving public housing assistance.

13 128. Defendants have committed unlawful housing practices with the purpose and effect of
14 discriminating on the basis of race, disability, and source of income, including by perpetuating
15 segregation in the City of Los Angeles, in violation of FEHA.

16 129. The FEHA Plaintiffs are aggrieved persons who have been, and continue to be injured,
17 by Defendants’ discriminatory housing practices. Defendants’ discriminatory housing practices have
18 injured LA Forward Institute by frustrating its organizational mission, and by requiring it to divert its
19 resources to combat Defendants’ unlawful housing practices. Defendants’ discriminatory housing
20 practices have injured Ms. Coates, who has been unable to find housing affordable to her and her
21 partner in Venice or its environs. Ms. Coates feels vulnerable in her motor home but feels safer
22 residing there than in a street encampment or temporary shelter. Ms. Coates desires to live in Venice,
23 where she and her partner can access social services and other supports for their disabilities and would
24 move into Venice Dell if given the opportunity. By virtue of Defendants’ discriminatory housing
25 practices, Ms. Coates and her partner are being deprived of supportive housing opportunities and
26 excluded from residing in the predominantly white, affluent, and non-disabled community of Venice.

1 **SECOND CAUSE OF ACTION**

2 **(Violation of Article I, Section 7(a) of the California Constitution – Intentional Discrimination**
3 **on the Basis of Race and Disability; Code of Civil Procedure section 526a)**
4 **(Ms. Coates, Ms. Aroth, and Mr. Williams Against All Defendants)**

5 130. Plaintiffs Ms. Coates, Ms. Aroth, and Mr. Williams incorporate by reference herein
6 each and every allegation contained in the previous paragraphs.

7 131. Article I, section 7(a) of the California Constitution provides that a person “may not be
8 deprived of life, liberty, or property without due process or be denied equal protection of the laws.”

9 132. A plaintiff alleging intentional discrimination need only show that discriminatory
10 purpose was a “motivating factor” behind the challenged action; it need not be the “dominant” or
11 “primary” consideration.

12 133. Ascertaining discriminatory purpose demands a sensitive inquiry into such
13 circumstantial and direct evidence of intent as may be available. A non-exhaustive list of factors
14 relevant to ascertaining discriminatory purpose includes (1) evidence of disparate impact, (2) the
15 decision’s historical background, (3) the sequence of events leading up to the decision, (4) the
16 decisionmaker’s departures from normal procedures or substantive conclusions, and (5) the decision’s
17 legislative or administrative history.

18 134. Applying these factors demonstrates that the City has intentionally delayed and
19 obstructed the Project with the purpose of discriminating against people of color and people with
20 disabilities, including people like Ms. Coates and her partner. Despite initially supporting and
21 facilitating the Project, the City has reversed course to appease political opponents of the Project, who
22 protest the housing of people of color and people with disabilities in their neighborhoods. Not only
23 does obstruction of the Project have a disparate impact on people of color and people with
24 disabilities—who disproportionately comprise the homeless and low-income populations who are
25 eligible for supportive and affordable housing at the Project—but the City’s abrupt reversal of its
26 treatment of the Project is motivated by racial hostility and animus towards people with disabilities, as
27 seen in the events leading up to the Work Stoppage.

28 135. Under Article I, Section 7(a) of the California Constitution, Defendants are required to
ensure that people of color and people with disabilities receive the equal protection of the laws. This

1 requires Defendants to ensure that supportive and affordable housing for homeless and low-income
2 individuals—who are disproportionately people of color, people with disabilities, and people receiving
3 public housing assistance—is not treated differently than housing for other individuals, and that
4 housing development decisions are not made on the basis of animus against the potential residents of
5 supportive and affordable housing.

6 136. By delaying and obstructing the Project, Defendants have knowingly violated and
7 continue to violate the equal protection rights, pursuant to Article I, Section 7(a) of the California
8 Constitution, of the potential residents of Venice Dell, including Ms. Coates and her partner—
9 homeless and low-income Angelenos, who are disproportionately people of color and people with
10 disabilities.

11 **THIRD CAUSE OF ACTION**

12 **(Violation of Government Code section 65008(b); Code of Civil Procedure section 526a)**
13 **(Plaintiffs Ms. Coates, Ms. Aroth, and Mr. Williams Against All Defendants)**

14 137. Plaintiffs Ms. Coates, Ms. Aroth, and Mr. Williams incorporate by reference herein
15 each and every allegation contained in the previous paragraphs.

16 138. Government Code section 65008, subdivision (b)(1) states that no city shall, “in the
17 enactment or administration of ordinances pursuant to any law, including this title, prohibit or
18 discriminate against any residential development or emergency shelter” because of the occupation,
19 age, or a protected characteristic such as physical disability, mental disability, race, color, national
20 origin, ancestry, or veteran status of the intended occupants of the residential development or
21 emergency shelter or “because the development or shelter is intended for occupancy by persons and
22 families of very low, low, or moderate income”

23 139. Defendants have violated these prohibitions by delaying and obstructing the Project
24 while allowing other housing projects, typically in less affluent districts in the City, to continue to
25 progress to completion. Defendants have stopped progress on the Project because of the stated animus
26 that the councilmember, City Attorney, and some local residents have towards the intended occupants
27 of the residential development, who are disproportionately people of color and people with physical or
28 mental disabilities and because the development is intended for occupancy by persons and families of

1 very low, low, or moderate income or persons and families of middle income.

2 140. Additionally, Defendants' delay and obstruction of the Project prevents the construction
3 of much-needed affordable housing in West LA, which has a disparate impact on people of color and
4 people with physical or mental disabilities.

5 **FOURTH CAUSE OF ACTION**

6 **(Violation of Government Code section 65008(d)(1); Code of Civil Procedure section 526a)**
7 **(Ms. Coates, Ms. Aroth, and Mr. Williams Against All Defendants)**

8 141. Plaintiffs Ms. Coates, Ms. Aroth, and Mr. Williams incorporate by reference herein
9 each and every allegation contained in the previous paragraphs.

10 142. Government Code section 65008, subdivision (d) prohibits any city from imposing
11 different requirements on a residential development or emergency shelter that is subsidized, financed,
12 insured, or otherwise assisted by the federal or state government or by a local public entity than those
13 imposed on nonassisted developments. The prohibition explicitly extends to the denial or conditioning
14 of a residential development or emergency shelter based in whole or in part on the fact that the
15 development is subsidized, financed, insured, or otherwise assisted by the federal or state government
16 or by a local public entity.

17 143. For Venice Dell, Mayor Karen Bass and City Attorney Hydeec Feldstein Soto have
18 publicly admitted that Councilmember Park has the power to stop or renegotiate the terms of the
19 Project, even after the full City Council approved the Project and an executed DDA is in place.

20 144. This practice amounts to a de facto individual Councilmember veto system. By
21 allowing a single Councilmember to veto or renegotiate an approved low-income housing project, and
22 by publicly endorsing that power, the City is imposing different requirements on a residential
23 development or emergency shelter that is subsidized, financed, insured, or otherwise assisted by the
24 federal or state government or by a local public entity. The City's de facto individual Councilmember
25 veto system has also allowed the City to deny or condition the Project's development based in part on
26 the fact that the development is subsidized, financed, insured, or otherwise assisted.

1 **FIFTH CAUSE OF ACTION**

2 **(Violation of Government Code section 8899.50; Code of Civil Procedure section 526a)**
3 **(Ms. Coates, Ms. Aroth, and Mr. Williams Against All Defendants)**

4 145. Plaintiffs Ms. Coates, Ms. Aroth, and Mr. Williams incorporate by reference herein
5 each and every allegation contained in the previous paragraphs.

6 146. In 2018, the Legislature enacted a statute requiring local governments to affirmatively
7 further fair housing (AFFH). “The mandatory AFFH duty greatly increases the responsibilities on
8 local governments in administering their land use and housing policies. . . . “[C]ompliance requires
9 more than simply refraining from discrimination.” (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th
10 193, 283.)

11 147. Government Code section 8899.50, subdivision (b)(1), provides that “[a] public agency
12 shall administer its programs and activities relating to housing and community development in a
13 manner to affirmatively further fair housing, **and take no action that is materially inconsistent with**
14 **its obligation to affirmatively further fair housing.**” (Emphasis added.) Compliance with this AFFH
15 provision is “a mandatory duty.” (Gov. Code, § 8899.50, subd. (b)(2).)

16 148. The statute further defines “affirmatively furthering fair housing” as “taking
17 meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and
18 foster inclusive communities free from barriers that restrict access to opportunity based on protected
19 characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions
20 that, taken together, address significant disparities in housing needs and in access to opportunity,
21 replacing segregated living patterns with truly integrated and balanced living patterns, transforming
22 racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and
23 maintaining compliance with civil rights and fair housing laws.” (*Id.* at § 8899.50, subd. (a)(1).)

24 149. By obstructing and delaying the Project, the City has taken an action that is materially
25 inconsistent with its obligation to affirmatively further fair housing.

26 150. Compliance with AFFH “requires more than simply refraining from discrimination,”
27 but the City has not even cleared that low bar. As alleged above, the City has actively discriminated
28 against the Project because it is intended for residents of low and moderate income and has

1 discriminated against individuals of color and those with disabilities in violation of FEHA and state
2 Equal Protection principles. Because of these other legal violations, Defendants have failed to foster
3 and maintain compliance with fair housing laws.

4 **SIXTH CAUSE OF ACTION**

5 **(Violation of Los Angeles City Charter, § 244; California Constitution, art. XI, § 7; City of Los**
6 **Angeles Administrative Code, § 2.1; and Principles of Non-Delegation of Police and Municipal**
7 **Powers; Code of Civil Procedure section 526a)**
8 **(Ms. Coates, Ms. Aroth, and Mr. Williams Against All Defendants)**

9 151. Plaintiffs Ms. Coates, Ms. Aroth, and Mr. Williams by reference herein each and every
10 allegation contained in the previous paragraphs.

11 152. Section 244 of the City Charter provides that, except as otherwise provided by the City
12 Charter, action by the City Council “shall be taken by a majority vote of the entire membership of the
13 Council.”

14 153. Section 2.1 of the City of Los Angeles Administrative Code vests all legislative power
15 of the City, except as otherwise provided in the Los Angeles City Charter, in the City Council and
16 requires all legislative power to be exercised by ordinance, subject to the power of veto or approval by
17 the Mayor as set forth in the Charter. Section 2.2 provides that the Council is the governing body of
18 the City and section 2.7 states that two-thirds of the members of the Council constitute a quorum and
19 that action by the Council shall be taken by a majority vote of the entire membership of the Council.

20 154. The Los Angeles City Charter and City of Los Angeles Administrative Code thereby
21 prohibit the City from delegating the power to approve or deny a development project from the City
22 Council to the City Attorney or an individual City Councilmember.

23 155. The de facto individual City Councilmember veto, which the City is currently using,
24 with the assistance of the City Attorney, to delay and obstruct Venice Dell, unlawfully operates to
25 delegate the legislative and executive power derived from the police power of the California
26 Constitution, as set forth in Article XI, Section 7, from the City Council to the individual
27 Councilmember of the Council District where the Project is proposed and to the City Attorney.

28 156. This delegation of authority is inconsistent with the City Charter and impermissibly
limits the City Council’s exercise of its police and municipal powers given to it by the California

1 Constitution.

2 157. Defendants have knowingly violated and continue to violate the City Charter and
3 Article I, Section 7(a); Article XI, Section 7 of the California Constitution; City of Los Angeles
4 Administrative Code, section 2.1; and controlling non-delegation principles by continuing to rely on
5 its de facto individual Councilmember veto system and by allowing the City Attorney to dictate
6 whether City staff may continue to make progress on the Project.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs pray for judgment as follows, that:

9 1. This Court declare that the City's policy of intentionally obstructing and delaying the
10 Project is unlawful and in conflict with the FEHA; Government Code section 65008, subdivisions (b)
11 and (d); Government Code section 8899.50; Los Angeles City Charter section 244; California
12 Constitution, Article XI, section 7; City of Los Angeles Administrative Code, section 2.1; and
13 California Code of Civil Procedure section 526a.

14 2. This Court declare that the City's policy of intentionally obstructing and delaying the
15 Project is an illegal and wasteful expenditure of taxpayer dollars under Code of Civil Procedure
16 section 526a;

17 3. This Court declare that the City's policy or practice of allowing the City Attorney and
18 Councilmember Park to stop, delay, or renegotiate the Project that has already been approved by the
19 City Council is unlawful and in conflict with Government Code section 65008, subdivisions (b) and
20 (d); Los Angeles City Charter section 244; California Constitution, Article XI, section 7; and City of
21 Los Angeles Administrative Code, § 2.1;

22 4. This Court enjoin the City from any further delays and order the City to take all
23 affirmative steps to allow Venice Dell to be constructed, operated, and maintained as permanent
24 supportive and affordable housing as set forth in the DDA, including by, but not limited to, the
25 following: that the City (i) immediately and efficiently work to process the Ellis Act Application for
26 the four units on the Project's property; (ii) approve the Project's parking plans by date certain and
27 enter into a separate Public Parking Agreement as necessary to construct the public parking structure
28 on behalf of the City as set forth in the DDA; (iii) cooperate with the Coastal Commission's requests

1 related to the Project by date certain; and (iv) draft a ground lease with Developers for the Project site
2 by date certain and agendize the ground lease before the City Council;

3 5. This Court enjoin the City, its officers, employees, agents, successors, and all other
4 persons in active concert or participation with it, from obstructing the development of City Council-
5 approved supportive and affordable housing in a manner that discriminates against persons of color
6 and persons with disabilities;

7 6. This Court order the City to take all affirmative steps to ensure its compliance with
8 FEHA.

9 7. This Court award Plaintiffs costs and attorneys' fees pursuant to California Code of Civil
10 Procedure section 1021.5, Government Code section 12965, subdivision (c), and any other applicable
11 provision of law; and

12 8. This Court grant Plaintiffs such other, different, or further relief as the Court may deem
13 just and proper.

14
15 DATED: July 10, 2024

Respectfully Submitted,

PUBLIC COUNSEL

Faizah Malik

Mark Rosenbaum

WESTERN CENTER ON LAW & POVERTY

Nisha N. Vyas

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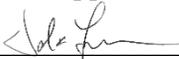
Robert Newman

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Salvador E. Pérez

Caroline Chiappetti

By  _____

Dale K. Larson

25 *Attorneys for Plaintiffs LA Forward Institute,*
26 *Sylvia Aroth, Kathleen L. Coates, and Gary Williams*

EXHIBIT A

MAP 5. BLACK OR AFRICAN AMERICAN POPULATION IN THE CITY OF LOS ANGELES AREA

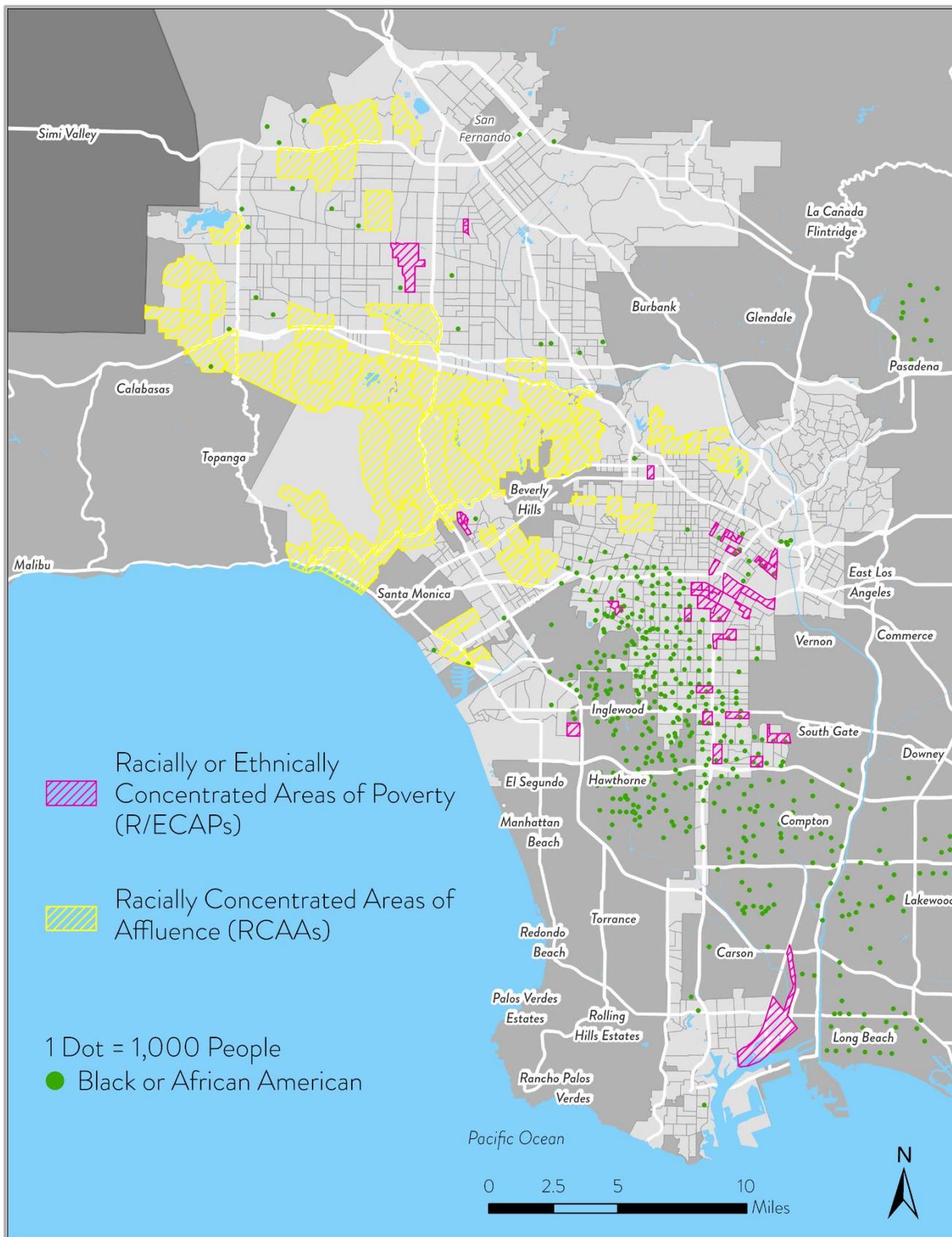


EXHIBIT B

MAP 1. R/ECAPS AND RCAAS IN THE CITY OF LOS ANGELES

