

Hydee Feldstein Soto, City Attorney (SBN 106866X)
Valerie L. Flores, Chief Deputy City Attorney (SBN 138572)
John W. Heath, Sr. Asst. City Attorney (SBN 194215)
Robert M. Mahlowitz, Deputy City Attorney (SBN 160125)
Los Angeles City Attorney's Office
200 North Main Street, 701 City Hall East
Los Angeles, California 90012
Tel: 213.978.8205
Fax: 213.978.8090
E-Mail: robert.mahlowitz@lacity.org

Attorneys for Respondent, City of Los Angeles

No Fee ~ Gov't Code § 6103

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

Fix the City, Inc., a California Nonprofit
Corporation,

Petitioner,

vs.

City of Los Angeles, a Municipal
Corporation; The City of Los Angeles
City Council; and Does 1 through 10,
inclusive,

Respondent.

Case No.: 23STCP04410

Honorable James C. Chalfant
Department 85

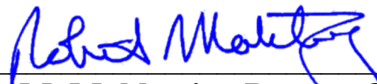
**Declaration of Marina Quiñónez Supporting
the City's Trial Brief**

Date: November 14, 2024
Dept. 85
9:30 a.m.

Respondents City of Los Angeles and City Council of Los Angeles submit the following Declaration of Marina Quiñónez and attached exhibit in support of the City's Opposition trial brief.

1 Dated: October 7, 2024

Hydee Feldstein Soto, City Attorney
Valerie Flores, Chief Dep. City Attorney
John W. Heath, Sr. Asst. City Attorney

2
3
4
5 By: 
6 **Robert M. Mahlowitz, Deputy City Attorney**
7 Attorney for Respondent, CITY OF LOS ANGELES
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **DECLARATION OF MARINA QUIÑÓNEZ**

2 I, Marina Quiñónez, declare as follows:

3 1. I am employed as a senior architect with the City of Los Angeles (“City”) Bureau
4 of Engineering, Department of Public Works. I have been employed by the City for 18 years.
5 The facts stated herein are personally known to me, and if called as a witness I would
6 competently testify to them. I make this declaration in support of the City’s opposition to the
7 request for a temporary restraining order filed in the case shown in the caption.

8 2. I directly oversee the City’s development of the tiny home village/low barrier
9 navigation center homeless shelter on two City parking lots located at the intersection of
10 Midvale Avenue and Pico Boulevard in the City at 2377 S. Midvale Ave, Los Angeles, CA
11 90064 (“Midvale Project”). I am familiar with all of the Midvale Shelter construction tasks, the
12 City’s award of a design-build construction contract for the project, the construction schedule,
13 and the design-build contract’s requirements.

14 3. The design-build contractor is responsible for obtaining all permits needed for
15 the construction of the Midvale Project. The Los Angeles Department of Building and Safety
16 (“LADBS”) determines which permits are required for the Midvale Project construction and
17 whether to issue them. I monitor the LADBS permits applied for at the LADBS website, also
18 available to the public, at <https://www.ladbsservices2.lacity.org/>. On September 24, 2024, I
19 went to that site and caused a report to be prepared showing the status of all applications
20 concerning the Midvale Project to be considered by LADBS and caused a printout of that
21 report to be saved to a PDF file, a true and correct copy of which is attached here as **Exhibit A**.
22 As Exhibit A demonstrates, these permit applications are in progress. No work dependent upon
23 these permits has occurred or will occur unless LADBS issues a necessary permit or
24 determines the permit applied for is not required.

25 4. The Midvale Shelter is designed and will be constructed to be modular and
26 **removable**. The Midvale Shelter is designed to be installed atop two existing surface-level City
27 asphalt parking lots so that when the Midvale Shelter is removed, the lots will be useable as
28 parking lots and will return to their parking lot use.

1 5. The Midvale Shelter construction contract does not include the fabrication of the
2 modular living and other units program units installed at the site. The construction contractor
3 will install units made and supplied by another entity, LifeArk SPC, under agreement with the
4 City.

5 6. I have reviewed Exhibit 15 attached to the, “Stipulation Regarding
6 Authentication of Petitioner’s Exhibits for Opening Trial Brief; Exhibits Attached” in *Fix the*
7 *City, Inc. v. City of Los Angeles*, Los Angeles County Superior Court case no. 23STCP04410,
8 filed August 27, 2024, by Fix the City. Although Exhibit 15 contains of six pages, it actually
9 presents only three unique pages from drafts of Bridging Documents concerning the Midvale
10 Project as I explain below. Bridging Documents are non-final engineering and architectural
11 plans for a project which potential contractors are provided so they can provide bids with cost
12 estimates. Here Bridging Documents were created to aid potential contractors to estimate the
13 cost to design and build the Midvale Project. The right-hand corner of each page of Exhibit 15
14 states, “NOT FOR CONSTRUCTION.” This means these plans are non-final documents, as I
15 have explained. A full set of draft Midvale Project bridging documents consisted of more than
16 25 different plan sheets.

17 7. The Bureau of Engineering did not begin to draft Midvale Project Bridging
18 Documents until well after the October 2023, City Council approval of the Midvale Project,
19 which I know, and which can be seen by the December 2023 dates at the bottom of each page
20 of the draft Bridging Document plans at Exhibit 15. The pages of Exhibit 15 are not final
21 copies of pages from a set of bridging documents presented to project bidders, as shown by the
22 fact that Exhibit 15, pages 2 and 4, show non-final comments. Further, the contractor the City
23 has since retained to design and construct the Midvale Project will alter and edit the Bridging
24 Documents to create a set of actual and final plans that will need to be approved by appropriate
25 governmental authorities. That has not happened yet and is not likely to occur for another two
26 weeks. Before that time, no Midvale Project plans are final.

27 a. **Exhibit 15 consists of the following:**

28 **Exhibit 15, pages 1 and 3:** The same GO (General Overview) coversheet

1 of a set of draft Bridging Documents for the Midvale Project.

2 **Exhibit 15, pages 2 and 4:** The same E001(Electrical Legends and Notes)
3 sheet of plans from a set of draft Bridging Documents for the Midvale Project showing
4 comments made by Bureau of Engineering, Electrical Engineering Associate III, Son Voung. I
5 know Mr. Voung made the comments because that information is shown on the electronic copy
6 of Exhibit 15 provided by Fix the City to the City and to which I have been provided access.

7 **Exhibit 15, page 6:** E001(Electrical Legends and Notes) sheet of plans
8 from a set of draft Bridging Documents for the Midvale Project with no comments showing. It
9 is impossible to tell from the pages included at Exhibit 15 if Exhibit 15 pages 2 and 4 are from
10 the same draft set of plans as page 6 of Exhibit 15.

11 8. Mr. Voung is part of the City Bureau of Engineering’s Midvale Project
12 development team, which I manage. When his comments were added to the duplicate copies of
13 the E001 draft Bridging Document sheets at Exhibit 15, he was an Electrical Engineering
14 Associate III (“EEA III), the same title he holds today. As an EEA III, Mr. Voung is a mid-
15 level engineer, supervised by three levels of more senior engineers. Mr. Voung does not have
16 the authority or expertise to determine legal authority upon which the City Council’s approval
17 of the Midvale Project could be based.

18 9. Attached hereto at **Exhibit B** is a true and correct copy of the Project Description
19 which the BOE publicly released February 14, 2024, announcing the City’s solicitation of bids
20 to perform the construction work for the Midvale Project publicly released by the Bureau of
21 Engineering. This document is a public record posted online at the Regional Alliance
22 Marketplace for Procurement (“RAMP”) website at <http://www.RAMPLA.org> and to which I
23 have access as part of my employment with the City. The Midvale Project construction,
24 design-build contract was awarded pursuant to public competitive bidding.

25 I declare under penalty of perjury under the laws of the state of California that the
26 foregoing is true and correct. Executed this 27th day of September 2024, at Los Angeles,
27 California.

28 

Marina Quiñónez

Quiñónez Decl., Exhibit A

Quiñónez Decl., Exhibit A

Los Angeles Department of Building and Safety

The information below was found on the following address:

2377 S MIDVALE AVE				
Parcel Profile Report:				1
Permit Information found:				1
<div style="background-color: #4a7c59; color: white; padding: 2px 5px; display: inline-block;"> - 2377 S MIDVALE AVE 90064 </div>				
Application/Permit #	PC/Job #	Type	Status	Work Description
24020 - 10000 - 01428	B24LA18886	Bldg-New	Quality Review Completed 8/28/2024	Emergency Homeless Shelter per Government Code Section 8698.4 and LAMC Section 91.8605. State-Approved Modular Building 1 (7 units total).
24010 - 10000 - 03634	B24LA18886	Bldg-New	Quality Review Completed 8/28/2024	Emergency Homeless Shelter per Government Code Section 8698.4 and LAMC Section 91.8605. State-Approved Modular Building 2 (7 units total). Includes laundry space and office space
24010 - 10000 - 03635	B24LA18886	Bldg-New	Quality Review Completed 8/28/2024	Emergency Homeless Shelter per Government Code Section 8698.4 and LAMC Section 91.8605. State-Approved Modular Building 3 (4 units total).
24041 - 10000 - 37550	E24LA17903	Electrical	Corrections Issued 8/20/2024	[ePlanLA] Fire Alarm System, 45 Fire Alarm Devices and 1 FACP FURNISH AND INSTALL A DEDICATED FUNCTION SMOKE ALARM SYSTEM WITH OFF-SITE MONITORING IN ACCORDANCE WITH STATE, LOCAL AND AHJ REQUIREMENTS AS SHOWN.
24041 - 10000 - 37601	E24LA17940	Electrical	Quality Review Completed 9/23/2024	FURNISH AND INSTALL A DEDICATED FUNCTION SMOKE ALARM SYSTEM WITH OFF-SITE MONITORING IN ACCORDANCE WITH STATE, LOCAL AND AHJ REQUIREMENTS AS SHOWN.
24041 - 10000 - 41610	E24LA22082	Electrical	Submitted 9/11/2024	e-PLAN, Home Village for homeless housing. Bureau of Engineering project. Provide electrical points of connection to state approved modular buildings. Provide power connections to water heaters. Provide power connections to site lighting. 400A BUS, 400A MAIN, 120/240V, 1PH, 3W, 42kA electrical service. plan check for power and energy.
24043 - 10000 - 03681	M24LA22132	Fire Sprinkler	Corrections Issued 9/16/2024	*****Note to Plan Check: Please delete this message before approval. Plan checker to verify building permit's NFPA standard number before approval. Also, plan check is for Midvale street only. Customer to submit plan check for connection to Pico Blvd.***** Plan check for underground line. 4-inch water line.
24030 - 10000 - 05400	B24LA18886	Grading	Quality Review Completed 8/28/2024	VOID NOT REQUIRED
24042 - 10000 - 15804	M24LA19987	Plumbing	Corrections Issued 8/27/2024	Plan check for potable water and building sewer systems. Two 2-inch water meters. Two 2-1/2 inch potable water lines. Reduced Pressure Principle Backflow Prevention Assembly required per LADWP Rule 16 -D.
Code Enforcement Information:				1
Certificate of Occupancy Information:				0
Retrofit Program Information:				2

Quiñónez Decl., Exhibit B

Quiñónez Decl., Exhibit B

PROJECT DESCRIPTION

CD 5 Midvale Tiny Home Village

W.O. E1909097

As adopted by the Board of Public Works on August 14, 2015, December 4, 2019, October 30, 2020, and April 9, 2021 only the following seven pre-qualified **contractors** can bid on this project:

- Access Pacific, Inc.
- Ford E.C., Inc.
- PCL Construction Services, Inc.
- Murray Company
- Clark Construction
- CS Legacy Construction, Inc
- Bernards

NOTICE TO BIDDERS

The bid documents for this project will be issued to the Bureau of Engineering's Pre-Qualified Contractors List (PQCL) for Municipal Facilities and Related Projects via the CLA Regional Alliance Marketplace for Procurement (www.RAMPLA.org). Refer to the section entitled "Bid Package" in this "Project Description" for more information on how to obtain these bid documents.

WORK DESCRIPTION:

New emergency homeless housing project on an existing LADOT parking lot 707 at 2377 S Midvale Ave (north lot) and 10909 W Pico Blvd (south lot). The project will provide modular units and beds for up to 33 individuals (18 in the north lot and 15 in the south lot). Site Amenities include modular units with restrooms, showers, and lavatories; laundry stations; administrative offices; community room; and pet relief area. Site to have perimeter fencing.

COUNCIL DISTRICT No.: 5

DESIGN AND FUNDING:

The plans and specifications were prepared by the City of Los Angeles, Bureau of Engineering's Architectural Division (ARC) and GGA Architects. The funding for this project is from CIEP.

CITY ENGINEER'S ESTIMATE: \$1,790,300.00

NOTIFICATION DATE

February 14, 2024

PRE-BID MEETING:

February 20, 2024, at 10:00 AM via Google Meet.
Join by Phone: (US) +1 530-425-6781 PIN: 414 654 837#
Or via Video Link: meet.google.com/cvp-ju-cr-aii

MANDATORYJOB WALK:

February 20, 2024, at 1:00 PM at 2377 S. Midvale Avenue,
Los Angeles, CA

BID OPENING DATE:

March 6, 2024, at 10:00 a.m. at Los Angeles City Hall;
200 N. Spring Street, Room 355; Los Angeles, CA 90012

ENVIRONMENTAL COMPLIANCE

The City has complied with the requirements of the California Environmental Quality Act (Public Resource Code, Sec. 21000 et. sec.) for the project.

CONTRACT BONDS

A “Bid Bond” is required. The successful bidder shall provide two good and sufficient surety bonds. The “Payment Bond” and “Performance Bond” shall each be for not less than 100 percent of the contract price.

BID PACKAGE

Bidders shall follow the instructions below to find this project and then obtain the bid documents for downloading from the CLA Regional Alliance Marketplace for Procurement (www.RAMPLA.org):

- Go to the CLA Regional Alliance Marketplace for Procurement (www.RAMPLA.org) and log in with your log in name and password. If you do not have a password, sign up for free on the www.RAMPLA.org website.
- Click on “Search.”
- For the drop down boxes in the “Search for Bid Opportunities” window, set “Status” to **Open** and “Department” to **Engineering Bureau, Public Works**. Leave the default setting for “Category” and “Type” as **All**, and the other drop down boxes blank.
- Click on the gray “Search” button.
- *Click on the Project entitled “CD 5 Midvale Tiny Home Village”
- Scroll to the bottom of the page to download all necessary documents.

*If you cannot locate the “CD 5 Midvale Tiny Home Village” project, change “Status” to **Amended** (as one or more addenda may have been issued on this project).

Click on each of the documents listed under “Scope of Work Documents and Standard Requirements Documents” near the bottom of the page to open each file and then save them onto your computer.

These are the documents that you will use to submit your bid for this project. If any bidders have any questions in regards to obtaining the bid documents for this project from the CLA Regional Alliance Marketplace for Procurement (www.RAMPLA.org), call the Bureau of Engineering's Plan Distribution Counter at (213) 847-0100 Monday through Friday from 9:00 a.m. to 3:00 p.m.

ADDITIONAL INFORMATION

For additional information, contact the Project Manager:

Nathan Ho
Architectural Division
1149 S Broadway,
Public Works Building
Los Angeles, CA 90015
E-MAIL: Nathan.Ho@lacity.org

1 **PROOF OF SERVICE**

2 I, the undersigned, say: I am over the age of 18 years and not a party to the within
3 action or proceeding. My business address is 200 North Main Street, 701 City Hall East, Los
4 Angeles, California 90012.

5 On October 7, 2024, I served the foregoing documents described as: **Declaration of Marina**
6 **Quiñónez Supporting the City’s Trial Brief** on all interested parties in this action as
7 follows:

8 **SEE ATTACHED SERVICE LIST**

9
10 [] **BY MAIL** – I placed a copy thereof enclosed in a sealed envelope addressed to each
11 addressee stated above. I deposited such envelope for collection, processing and
12 mailing by United States mail by my office in the ordinary course of business. I am
13 readily familiar with the business practice of my office for collection, processing, and
14 mailing of correspondence by the United States mail. Under that practice, it is
15 collected and deposited with first class postage thereon fully prepaid with the United
16 States Postal Service on that same day, at Los Angeles, California. I am aware that on
17 motion of the party served, service is presumed invalid if postage cancellation date or
18 postage meter date is more than one (1) day after the date of deposit for mailing in
19 affidavit; and/or

20 [X] **BY ELECTRONIC MAIL** – I electronically transmitted the document listed above to
21 the email address stated above which has been confirmed for each addressee stated
22 above. My electronic service address is leilany.roman@lacity.org.

23 I declare that I am employed in the office of a member of the bar of this court at whose
24 direction the service was made. I declare under penalty of perjury under the laws of the State
25 of California that the foregoing is true and correct. Executed on October 7, 2024, at Los
26 Angeles, California.

27
28

Leilany Roman

SERVICE LIST

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

Robert P. Silverstein
Esther Kornfeld
Gabby Piceno
James Link
THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Tel: (626) 449-4200
Fax: (626) 449-4205
Robert@RobertSilversteinLaw.com,
Esther@RobertSilversteinLaw.com
Gabby@RobertSilversteinLaw.com
James.S.Link@att.net

FIX THE CITY, INC.
Case Number: 23STCP04410
Attorneys for Petitioners

--

--	--