

Los Angeles City Council

Re: CF: 23-1066, Item 2 on the [10/20/23 agenda](#)

October 18, 2023

Dear Councilmembers,

Please accept this letter as [Fix The City's](#) comments concerning the [SPRF Lot 707/2377 Midvale Project \(CF-23-1066\)](#) (Project). It appears as Item 2 on your October 20, 2023 agenda.

We hereby include and request that you read the detailed [first](#) and [second](#) comment letters we provided to the Transportation Commission on this matter as well as our [previous comments](#) to the city council.

As most issues are covered in the attached letters, we only wish to focus on a few key issues for your consideration.

Remember that you are being asked to approve a low-barrier homeless shelter on an R1 single-family parcel.

The Mayor's Executive Directive 1 Precludes the Project from Moving Forward

The Mayor, in response to several outrageous projects using Executive Directive 1 (ED1) and density bonus laws in single-family neighborhoods, clarified and revised ED1. The Mayor has unequivocally proclaimed that shelters are, **in no instance**, to be constructed on R1 property.

This project, 2377 Midvale, is an R1 site that the Parcel Profile (Exhibit C) states is not eligible for ED1.

[ED1 states:](#)

“Applications for ... Shelter as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) (hereinafter referred to as Shelter), shall be, and hereby are deemed exempt from discretionary review processes otherwise required by either the zoning provisions of Chapter 1 of the LAMC or other Project Review including Site Plan Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4, as long as such plans do not require any zoning change, variance, or General Plan amendment, **and in no instance shall the project be located in a single family or more restrictive zone.**” (emphasis added)

PROPERTY ADDRESSES		Address/Legal Information	
2377 S MIDVALE AVE		PIN Number	126B157 966
ORD-171227		Administrative Review	None
ORD-163205		Planning and Zoning Information	
ORD-129279		Special Notes	None
ORD-121731		Zoning	R1-1
		Transit Oriented Communities (TOC)	Tier 3
		ED 1 Eligibility	Not Eligible

Allowing this project would set a dangerous precedent for R1 zones in each of your districts.

The Firing of the Transportation Commission President

In what amounts to a Brown Act violation via strong-arm public humiliation, the Mayor summarily fired long-time and recently re-appointed Transportation Commission President Eisenberg after he, and other commissioners, simply requested more information concerning the project.

The clear message from the Mayor was: “Do anything other than approve the project and you will be fired.” That clear message was directed at the remaining commissioners. In response, former president Eisenberg [stated](#):

“I’ve never seen anything like this,” Eisenberg said. “It’s sending a message of ‘You do what we tell you or we’re going to cut you.’ That’s the wrong message. That’s not the message you want to send when you’re in a democracy.”

Such intimidation tactics cannot be encouraged or rewarded.

There Was No Motion by the Council Office for a Feasibility Analysis

There is no record of a motion requesting a feasibility study as required nor the study itself. Only with this information can you make an informed decision. [CF 23-0360](#) (adopted amendment 3D from CM Yaroslavsky) states that:

“I FURTHER MOVE that the CAO, when conducting an initial feasibility study analyzing LADOT parking facilities for repurposing as supportive or affordable housing as outlined in the City’s Asset Evaluation Framework (**C.F. 12-1549-S3**) also **include a report on the existence of any parking agreements** between the city and surrounding businesses and the **fiscal impacts of the potential repurposing**, as well as contemplation of the **mobility, livability, and commercial needs of the nearby community** if stipulated in the **Council motion initiating the feasibility analysis.**”

Not only is there no record of a motion introducing the Project and requesting a feasibility analysis as described, there is no report that has been made available that discusses parking agreements as described, fiscal impacts of repurposing, and certainly not “contemplation of the mobility, livability, and commercial needs of the nearby community.”

The Process Being Used to Transfer Lot 707 is Incorrect

The current process is not following [The City Right-of-Way Application Technical Procedures](#) guide as required and detailed in our previous letter. The steps, summarized below, have not occurred and you do not have a resolution before you or the documents to make the required findings. The procedures state:

“TRANSFER WITHIN CITY DEPARTMENTS

The transfer of City-owned property between City departments for street, alley, walk, sewer, storm drain or slope purposes require a report directly to the Public Works Committee or a report to the Board of Public Works with a recommendation that it be transmitted to the Public Works Committee.”

The procedures go on to detail the following steps, none of which have occurred:

- A request is made by another City Department.
- The other City department’s commissioners adopt a Resolution transferring their jurisdiction to the Board of Public Works.
- LGD Sets up a file including assemble card, backing sheet, District Map, documents, etc. and logs the project into the computer tracking system.
- LGD send referrals to the appropriate District Office and the Department of City Planning.
- The City Planning referral memo must contain the Categorical Exemption from the CEQA of 1970.
- LGD prepares a City-land dedication Ordinance and sends it to the City Attorney in duplicate for approval as to form and legality.
- LGD prepares a report to the Board of Public Works with instructions for the Board to transmit the report to the City Council for adoption of the Ordinance after the Board Action.

Ethics Issues Should be Investigated and Resolved

Several ethics issues have come to light during this secretive and haphazard “process.” They are:

- Zachary Warma, homeless housing advisor to Katy Yaroslavsky and weeks-before employee of LAFH, was actively involved with the selection of LA Family Housing as the service provider during the secretive portion of this process. Only after an initial CPRA exposed Warma’s involvement was the ethics issue raised. The council office first attempted to say that there was a “wall” between Warma and LAFH. CPRA documents proved otherwise. Only now, in a tacit acknowledgement of wrongdoing, is the council office saying that the service provider will be “selected later.” Warma’s ethics issue has not been resolved.
- LifeArk, the selected vendor for this Project, shows every sign of being an unregistered lobbyist as they clearly had active involvement in influencing municipal legislation, including being placed on an approved vendor list. This clear violation has not yet been resolved. There is also no evidence that LifeArk has submitted required bidder forms, another violation.
- LA Family Housing, the once-selected, “done deal” service provider for the Project per CM Yaroslavsky, also does not have an active lobbying registration for this Project despite their representatives trying to secure business.

These kinds of violations must be investigated prior to approving the Project, especially as the portion of the process involved was behind closed doors.

Further, we have just been informed via a [response to a public records request](#) that the Department of General Services Real Estate Services (RES) has no record of:

- Forms 50 and/or 55 for all bidders, project participants, subsidiaries, subcontractors, officers related to LifeArk or L.A. Family Housing.
- All communications between the City of Los Angeles Department of General Services Integrated Asset Services Division and CD5 related to the Project.

GSD/RES responded:

“This department has determined it possesses no records responsive to this request.”

CEQA

Our provided [first](#) and [second](#) communications with the Transportation Commission provide clear evidence why NONE of the CEQA exemptions claimed are valid. Absent clear and convincing evidence, which is not provided in the documents presented to you, you do not have substantial evidence to support a CEQA exemption.

Further, the phrase “discretionary exemption” was used by staff with regard to CEQA during the 10/18/23 Transportation Commission meeting. The meaning of “discretionary exemption” was not explained.

41.18 Effectiveness/Mitigation

The Project makes extensive use of LAMC 41.18 (anti-camping) as an alleged benefit local businesses and residents. However, Project proponent Yaroslavsky has clearly stated that 41.18 may not work. It should not be considered as a viable mitigation to the risks of the project. Yaroslavsky stated [here](#):

“The effectiveness of the Streets Engagement Strategy, as presently executed and overseen, has not yet been fully analyzed,”

and [here](#):

“The reality is that we don't have a clearer picture as to how 41.18, specifically as it relates to individual sites determined through council motion, has been applied and whether or not its reducing homelessness. That is a problem.”

No Service Provider

Likely because of the unresolved ethics issues regarding LA Family Housing, no service provider is included as part of the Project. No costs associated with providing services have been provided, when those costs will directly impact the availability of promised services and security provided. There is no contract or proposed contract. There is no list of required services. There is no list of rules and regulations or how such rules will be enforced.

Many of the statements made by CD5 as to the Project are aspirational at best and not binding in the least.

Inclusion of Public Records Requests, Linked Files.

We hereby include by reference the Public Records Requests and other documents listed on the [Fix The City web page](#) related to this Project as well as our previously submitted comments. We also include by reference those documents hyperlinked in this document. We also reserve the right to supplement the record as new information from already-issued public records requests is produced.

Conclusion

As you make your decision on this project, we ask you to remember that this project is located ON an R1 parcel (2377 Midvale) and that the Mayor's ED1 precludes shelters on R1 parcels. **This simple fact should dictate your decision.**

If you require additional reasons: The proposed Project is not exempt from CEQA. The proposed Project will remove a critical resource, Lot 707, which provides essential parking and especially ADA parking for dozens of small businesses employing hundreds of employees. There is no logic in sacrificing dozens of businesses and hundreds of employees to house 34 homeless when other superior alternatives supported by the community exist – just 0.73 miles away and still in CD5.

Given the above and the information in our previous letters, we ask that you vote against this project.

Sincerely,



Fix The City