

Housing & Homelessness Committee
Re: CF 23-1066
Item 5 on the October 4, 2023 Agenda

October 2, 2023

Dear Committee Members,

Please accept this letter as [Fix The City's](#) comments concerning the 2377 Midvale Project (CF-23-1066) (Project).

The 2377 Midvale Project is an ill-conceived and unlawful project which cannot and must not be approved for at least the following reasons:

1. **Los Angeles Administrative Code (LAAC) 8.33 is fatally flawed.** The Project relies on the [Mayor's emergency declaration](#) and related [executive directives](#). The [July 7, 2023 declaration](#) was based on and derives its authority from [LAAC 8.33](#).

LAAC 8.33 is in violation of [Cal. Gov. Code 8630](#) which states: "If proclaimed by an official designated by ordinance, the proclamation must be ratified by the governing body within seven (7) days." The validity of LAAC 8.33 is being litigated now and Project approval should be stayed until the case is resolved. ([Los Angeles Superior Court Case # 23STCP03519](#)).

2. **The current declaration is invalid for failure to comply with LAAC 8.33's requirements.** Even if LAAC 8.33 was valid, per [LAAC 8.33 \(e\)](#), the Chief Legislative Analyst(CLA) with the assistance of the City Attorney(CA) must submit a resolution to the council so that the council may rescind the declaration within 30 days. No such resolution has been located in the council files. The current declaration has therefore expired and is not operable and the Project should be rejected. [LAAC 8.33\(e\)](#) reads:

"Whenever the Mayor declares a local housing and/or homelessness emergency, the Chief Legislative Analyst's Office shall prepare, with the assistance of the City Attorney, a resolution ratifying the existence of a local housing and/or homelessness emergency. Such resolution **shall be submitted** by the Mayor to the City Clerk for presentation to the City Council. Within 30 days from the date of the original declaration by the Mayor, the City Council may consider the resolution and rescind it by majority vote. "

3. **The declared emergency expired.** The declared emergency was not ratified within 7 days by the council as required by state law. No action, including this Project, can rely on the declaration. [Cal Govt Code Section 8630\(b\)](#) states:

"Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency **shall not remain in effect** for a period in excess of seven days unless it has been ratified by the governing body."
(emphasis added)

4. **All Executive Directives, rules, regulations, orders and related "guidelines" have expired.** As the declared emergency under LAAC 8.33 was invalid and/or expired due to a failure to ratify the declaration within seven days and/or expired as the required resolution was never submitted to council, all Executive Directives and rules, regulations, orders and guidelines which were derived from the emergency declaration are now null and void. To the extent that the current Project relies on the declaration or any directive, rule or process related to the declaration, such reliance is flawed.

5. **The homelessness crisis does not qualify legally as an “occurrence.”** [LAAC 8.22](#) contains the definition of a “local emergency” which reads:

“The term “**local emergency**” as used in this chapter shall mean any **occurrence** which by reason of its magnitude is or is likely to become beyond the control of the normal services, personnel, equipment and facilities of the regularly constituted branches and departments of the City government.” (emphasis added)

Homelessness, while a long-enduring crisis, is not a new, unexpected occurrence as required for a local emergency in LAAC 8.22 such as earthquakes, fires and storms. The City has long acknowledged homelessness is beyond its capabilities including a declared Shelter Crisis ([CF 15-1138](#)) and ([CF 15-1138-S24](#)) and creation of the Los Angeles Homeless Services Authority (LAHSA) which was established in 1993 as a Joint Exercise of Power Agency (JPA).

6. **Not ‘sudden and unexpected’ as represented.** The current Project does not qualify as an emergency under CEQA. The California Environmental Quality Act (CEQA) ([21060.3](#)) defines an “emergency” as:

"a **sudden, unexpected occurrence**, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage."

Demonstrating that homelessness is neither sudden nor unexpected, the City [Addressed](#) the idea of declaring a State of Emergency for homelessness in 2015, rejecting the concept in favor of issuing a “[shelter crisis](#)” declaration. At the time, and hundreds of times over the years, the City has acknowledged that “Los Angeles has a tremendous lack of emergency shelter.” And that “Los Angeles has a staggering number of homeless residents.” During the 2015 deliberations, the City Attorney [report](#) stated:

“The City’s emergency power has been historically utilized in cases of natural disasters and other discrete emergencies. There is limited precedent of the City declaring a local emergency to address issues surrounding homelessness.”

The ‘limited precedent’ cited related to emergency declarations related to weather impacts on the homeless.

7. **‘Sudden and unexpected’ misapplied.** The “sudden and unexpected” increase in homelessness is cited in the [BOE report](#) as follows:

“The Project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City’s already dangerously large homeless population, **now adversely impacted by the COVID-19 Pandemic.**” (emphasis added)

The City’s own language in support of the Project indicates that the suddenness/unexpectedness of homelessness was the result of the [Covid-19 emergency](#) for which an entirely separate emergency declaration was put in place. The Covid-19 emergency was [declared over](#) as of February 1, 2023.

8. **LifeArk Issues.** The Project uses a pre-fabricated, self-sustainable, water and land-based modular building system from LifeArk. The selection of LifeArk is improper as:

- a. CD5 sought to have LifeArk placed on a list of approved vendors only after the selection of LifeArk was complete.
- b. No bidder forms have been provided by LifeArk, its officers or subcontractors as required.
- c. As indicated by the request within the Project description, a sole-source contract is being sought despite no competitive bidding being conducted as required.
- d. LAMC 48.01 et seq. includes the following definitions:

“Attempting to influence” means promoting, supporting, opposing or seeking to modify or delay any action on municipal legislation by any means, including but not limited to providing or using persuasion, information, statistics, analyses or studies. A person attempts to influence municipal legislation when he or she engages in lobbying activities for the purpose of influencing a decision.

“Lobbying activities” includes the following and similar compensated conduct when that conduct is related to a direct communication to influence any municipal legislation: 1. engaging in, either personally or through an agent, written or oral direct communication with a City official; 2. drafting ordinances, resolutions or regulations; 3. providing advice or recommending strategy to a client or others; 4. research, investigation and information gathering; 5. seeking to influence the position of a third party on municipal legislation or an issue related to municipal legislation by any means, including but not limited to engaging in community, public or press relations activities; and 6. attending or monitoring City meetings, hearings or other events.

Sec 48.07 Requirement. An individual who qualifies as a lobbyist shall register with the City Ethics Commission within 10 days after the end of the calendar month in which the individual qualifies as a lobbyist. A person, including an individual lobbyist, shall register with the City Ethics Commission as a lobbying firm within 10 days after the end of the calendar month in which a partner, owner, shareholder, officer or employee qualifies as a lobbyist. If a person is not registered as a lobbyist or lobbying firm, but is performing acts which would require that person to so register, that person may continue to act as a lobbyist or lobbying firm so long as the person registers with the City Ethics Commission within 10 days after the person knew or should have known of the obligation to register.

- e. As demonstrated by [numerous email messages](#), LifeArk’s activities clearly appear to qualify as lobbying activities.
- f. Neither LifeArk, its officers nor agents are registered as lobbyists as required despite having numerous contacts with CD5 and other city officials to secure business for LifeArk, including placement on a list of approved vendors.
- g. [LAMC 49.7.35](#) states that:

“In addition to any other penalties or remedies established by this Article, a person who is found to have violated or to have aided or abetted a violation of this Section or Charter Section 470(c)(12) shall not be eligible to bid on or be considered for a contract, extension, or amendment unless the Ethics Commission, as a body, determines that mitigating circumstances exist concerning such violation.”

As a result of the violations, LifeArk is ineligible for an award of this contract.

9. LA Family Housing (LAFH)

CD5 has declared that LAFH was selected as the service provider for the Project. Oddly, the presented Project does not mention LA Family Housing(LAFH), perhaps because of an [ongoing ethics investigation](#). This selection is improper because:

- a. Based on the above LAMC sections relating to lobbying, LAHF is not a registered lobbyist nor are any of its executives despite lobbying for the Project.
- b. No bidder forms for LAFH have been located or produced.
- c. Based on an initial review, it appears that the CEO of LAFH contributed to candidates in the past within the restricted period for previous projects.
- d. The process for the selection of LAFH as the service provider tainted the Project because the selection involved CD5 policy advisor Zachary Warma who announced the selection of LAFH. Zachary Warma's immediate previous employer was LAFH as recently as December, 2022, violating LAMC 49.5.6(B). CD5 claimed that Warma had been "walled-off" from the Project yet numerous documents show otherwise with Warma being the person to announce that LAFH had been selected as noted above and also that Warma had attended numerous meetings with LAFH senior leadership. See L.A. Municipal Code § 49.5.6(B) ("In the first 12 months of City service, a City official or agency employee shall not knowingly make, participate in making, or attempt to use his or her official position to influence a City decision directly relating to a contract when a party to the contract is a person by whom the individual was employed in the 12 months immediately prior to entering City service.").
- e. LAMC 49.7.35 states:

"In addition to any other penalties or remedies established by this Article, a person who is found to have violated or to have aided or abetted a violation of this Section or Charter Section 470(c)(12) shall not be eligible to bid on or be considered for a contract, extension, or amendment unless the Ethics Commission, as a body, determines that mitigating circumstances exist concerning such violation."

As a result, LAFH is ineligible for an award of this contract.

10. **Lobbying exemptions do not apply to LifeArk or LAFH.** The exemption listed under [LAMC 48.03.E](#) is inapplicable. The exemption clearly states:

"This exemption shall not apply to direct contracts with a City official in other than a publicly noticed meeting."

Meetings with CD5 were held in secret and were not part of a publicly noticed meeting. Further, LifeArk SPC is not a 501(c)3 corporation.

11. **Bidding and contract rules have been violated.** The award of the Project to LifeArk (and perhaps LA Family Housing) violates both City and State contracting rules. This includes the awarding of a sole-source contract as other vendors with similar products were reviewed. See [Pub. Contract Code § 20162](#), [Los Angeles Charter \(LAC\) Sec. 371.](#), [LAC Sec. 10.15](#), [LAC Sec. 10.17](#).

12. The CEQA exemption listed is invalid.

- a. Per [Public Resources Code \(PRC\) 21080\(d\)](#), there is substantial evidence that the Project may have a significant effect on the environment, namely accumulated debris, public safety impacts, noise, traffic disruptions due to parking loss and more. A report must be prepared.
- b. PRC 21080(b)(4) fails as the declared emergency expired as described above.

13. The Project is not compatible with CEQA Guidelines Section 15269(c).

- a. [Cal. Code Regs. 15269\(c\)](#) specifies the types of projects which are exempt from CEQA. Exemption (c) relates to “Specific actions necessary to prevent or mitigate an emergency. “
- b. The emergency cited by the City in its application (Covid-19) has expired. The emergency declaration by Mayor Bass has also expired as described above. The exemption does not apply.
- c. Section 15269(c) also states that the exemption “does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare,”
- d. There is no evidence that “the anticipated period of time to conduct an environmental review of such a long-term project would have created a risk to public health, safety or welfare. This appears self-evident as the council office conducted a secret process for 8 months during which time a public review could have been undertaken.

14. The Project does not comply with the definition of “Local Emergency” in CA Govt Code 8680.9.

- a. [CA Govt Code 8680.9](#), part of the California Disaster Assistance Act, defines a local emergency as follows:

“8680.9. “Local emergency” means a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected, **in accordance with Section 8630.** “ (emphasis added)

- b. The City did not comply with Section 8630 as the emergency was not ratified within 7 days.
- c. State funding should not be used as the City was required to make a request within 10 days after the actual occurrence of a disaster per [Ca Gov. Code 8685.2](#):

“An allocation may be made to a local agency for a project when, within 10 days after the actual occurrence of a disaster, the local agency has proclaimed a local emergency and that proclamation is acceptable to the director or upon the order of the Governor when a state of emergency proclamation has been issued, and if the Legislature has appropriated money for allocation for purposes of this chapter.”

15. **Political, not emergency needs.** There is no evidence that this particular parcel is needed to resolve the emergency. Many parcels would satisfy the need - far more effectively. In fact, this parcel did not meet the criteria established by the City Controller and did not make the [final list](#) of potential sites. There is no evidence that only this parcel is uniquely needed or even suited for the stated need. In fact, there is substantial evidence that the parcel is being selected for political reasons and that the council office restricted review to one single parcel – this parcel.

Zachary Warma <zachary.warma@lacity.org> Fri, Apr 7, 2023 at 11:45 AM
To: Marina Quinonez <marina.quinonez@lacity.org>
Cc: Steven Fierce <steven.fierce@lacity.org>, Deborah Weintraub <Deborah.Weintraub@lacity.org>, Gary Gero <gary.gero@lacity.org>, Fernando Morales <fernando.morales@lacity.org>, Annabelle Gonzales <annabelle.gonzales@lacity.org>, Kristen Pawling <kristen.pawling@lacity.org>, Andrew Deblock <andrew.deblock@lacity.org>

Marina:

I hope this message finds you well!

As a follow up to our conversation last month - with the CAO having finalized their property profiles of various city-owned parcels in the 5th District our office is contemplating for potential housing interventions, I want to emphasize that the [2377 Midvale Ave](#) LADOT lot #707 is the **only property for which our office requests a BOE analysis for interim housing**. Would you mind reminding me the average / approximate length of time it takes to generate one of these reports?

PRA06-CAO-000284

16. The Project is inconsistent with PRC 21080.27 (AB 1179). The Project is inconsistent with Public Resources Code Section 21080.27 (AB 1179) as follows:

a. The City is not an “eligible public agency” under 21080.27(a). PRC 21080.27(a) reads:

21080.27. (a) For purposes of this section, the following definitions apply:

(1) “Eligible public agency” means any of the following:

- (A) The County of Los Angeles.
- (B) The Los Angeles Unified School District.
- (C) The Los Angeles County Metropolitan Transportation Authority.
- (D) The Housing Authority of the City of Los Angeles.
- (E) The Los Angeles Homeless Services Authority.
- (F) The Los Angeles Community College District.
- (G) The successor agency for the former Community Redevelopment Agency of the City of Los Angeles.
- (H) The Department of Transportation.
- (I) The Department of Parks and Recreation.

b. The Project is not a shelter as defined and required.

i. PRC 21080.27(a)(2) states that:

“Emergency shelters” mean shelters, during a declaration of a shelter crisis **described in Section 8698.2** of the Government Code...” (emphasis added)

c. 8698.2 states that: “A “homeless shelter” **shall include a parking lot** owned or leased by a city, county, or city and county **specifically identified as one allowed for safe parking** by homeless and unstably housed individuals.” (emphasis added)

d. The Project does not contain safe parking, is not a shelter as defined in 8698.2 and therefore is not consistent with AB 1197.

17. The Project is inconsistent with LAAC 8.59. Under [LAAC Sec. 8.59](#). Public Welfare and Shelter Division., Los Angeles Recreation and Parks should be the lead agency. 8.59 reads:

“The Public Welfare and Shelter Division shall be under and subject to the control of the Department of Recreation and Parks of the City of Los Angeles. The Chief of this division shall be the General Manager of the Department. **The chief shall be responsible for arranging, directing and coordinating sheltering services for persons rendered homeless as a result of a local emergency.**” (emphasis added)

18. **The Project does not comply with Cal. Gov. Code 65662.** The Project is not compatible with Cal. Gov. Code 65662 which limits “use by right” as follows::

“A Low Barrier Navigation Center development is a use by right in areas **zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the requirements of this article.**” (emphasis added)

The Project is located in a residential zone (R1-1) that does NOT permit multifamily uses.

19. **The Project is not a “homeless shelter” consistent with Cal. Govt Code Section 8698.4 . [Cal Gov Code 8698.4](#)** which deals with homeless shelters during a declared ‘shelter crisis’ provides the following definition at 8698.4(c)(1):

"Homeless shelter" means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A temporary homeless shelter community may include supportive and self-sufficiency development services. **A "homeless shelter" shall include a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals.**' (emphasis added)

The Project does not contain safe parking and therefore does not meet the requirements of a “homeless shelter.”

20. **Incompatibility with Shelter Crisis LAMC Provisions.**

a. [LAMC 12.80 \(Homeless Shelters – Emergencies – City Owned and Leased Property\)](#)

- i. LAMC 12.80 provides that a shelter for the homeless (as defined in Section [12.03](#) of this Code) may be established and operated on property owned or leased by the City of Los Angeles.
- ii. LAMC Section 12.03 defines a “shelter for the homeless” as: “A facility operated by a ‘provider’, **other than** a ‘community care facility’ as defined in California Health and Safety Code Section 1502” (emphasis added).
- iii. [California Health and Safety Code 1502.3](#) defines a “community care facility” as “(a) “Community care facility” means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children...”
- iv. As a purely definitional issue, the Project as described is precluded under 12.80 which does not allow for “community care facilities.”

b. [LAMC 12.81 \(Homeless Shelters – Emergencies – City Owned and Leased Property\)](#)

- i. LAMC 12.81 is inapplicable for the same reasons as 12.80 and also in that R1 is not a listed zone (“a shelter for the homeless (as defined in Section [12.03](#) of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 zones”)

21. **Site ineligibility for Executive Directive 1 (ED1).** Even if the local emergency declaration was valid and [Executive Directive 1](#) was valid, 2377 Midvale is listed as not “ED1 Compatible” meaning that “ED 1 may not be applied to a project on the site.” Any use of ED1 is precluded.

22. **Neighborhood Plan.** The Project is not compliant with the [Exposition Corridor Transit Neighborhood Plan](#).

2377 Midvale is zoned R1-1 and does not permit the proposed Project. The other two parcels at 10907 and 10909 Pico Blvd are zoned NMU(EC)-POD.

- a. The Project is non-compliant with the Expo Plan including, but not limited to the following sections:
- i. Purpose I: “Implement the policies of the [General Plan Framework](#), which include conserving stable single-family neighborhoods and directing growth toward transit corridors.”
 - ii. 1.1.4.A. “Relationship to Other Zoning Regulations. The regulations of this Specific Plan are in addition to those set forth in the Planning and Zoning code provisions of Chapter 1 of the Los Angeles Municipal Code (LAMC), as amended, and any other relevant ordinances, and do not convey any rights not otherwise granted under the provisions and procedures contained in the LAMC or other ordinances, except as specifically provided for herein. The Specific Plan serves to establish the zoning for the properties located within its boundaries. It is intended, therefore, to serve as a zoning designation for purposes of California Public Resources Code Section 21083.3.”
 - iii. 1.1.4.E. Specific Plan Procedures. “The application requirements and procedures of LAMC Section 11.5.7 shall apply to all Projects in the Specific Plan boundaries unless stated otherwise in this Specific Plan, as set forth in Section 1.3.3.”
 - iv. 1.3.1 “Prohibition of Issuance of Permits Prior to Specific Plan Approval The Department of Building and Safety shall not issue any building, grading, demolition, or change of use permit for any Project within the Specific Plan boundaries (in whole or in part) unless the Project has been reviewed and approved in accordance with this Specific Plan.”
 - v. 1.3.2 “Filing Requirements for Multiple Approvals When an applicant applies for any discretionary approval under LAMC Chapter 1 for a property located in whole or in part within the Specific Plan boundaries, the applicant shall also apply for a Specific Plan approval pursuant to this subsection. A Director’s Determination for Alternative Compliance, a Specific Plan Adjustment, or a Specific Plan Exception shall be a quasi-judicial approval for purposes of LAMC Section 12.36 A, and shall be processed pursuant to the procedures in LAMC Section 12.36, if applicable.”
 - vi. 1.5.1 “Applicability Prior to issuance of an Administrative Clearance or other Department of City Planning approval required by this Specific Plan, all Projects within the Specific Plan boundaries shall be subject to environmental scope review as set forth in Section 5 and demonstrate compliance with all applicable environmental standards as set forth in Appendix D.”
- b. Importantly, the Expo plan addresses “conflicting regulations” as follows:

“1.1.4.C: Conflicting Regulations. Wherever this Specific Plan contains regulations that are different from, more restrictive, or more permissive than would be allowed or required pursuant to the provisions contained in the LAMC or any other relevant ordinances (including, but not limited to, standards such as heights, uses, parking, open space, Setbacks or Building Lines, or landscape requirements), this Specific Plan shall prevail and supersede the applicable provisions of the LAMC and those relevant ordinances, unless otherwise stated in this Specific Plan.”

The current Project ignores this section of the Expo Plan with regard to conflicts with other LAMC sections.

23. **General Plan Framework.** The Project is incompatible with the [General Plan Framework](#) (GPF) in several respects, but most importantly because the increase in density requires the existence of adequate public services including police and fire response times.

- a. The GPF emphasizes the importance of “Clear and Consistent Rules” as follows:

“Clear and consistent rules governing both public and private sector development are necessary to expand economic opportunity and protect the character of residential neighborhoods. These rules should provide predictability to anyone who develops property, including small businesses and individual homeowners.”

The current Project, and in fact the entire confused process relating to the emergency declaration and related directives, have rendered nearly all rules unclear and inconsistent. Aside from the current Project which violates R1 zoning, nothing makes this more clear than the tortured discussion concerning the “[5511, 5501 North Ethel](#)” project (CF 23-0835) which not only allowed a seven story, 220 unit project to be erected in an R1 zone, but also saw the City Council give up its discretion on such projects making them purely ministerial and unappealable.

- b. The GPF explicitly calls for the preservation of single-family neighborhoods as follows:

“GOAL 3B - Preservation of the City's stable single-family residential neighborhoods.

Objective 3.5: Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.”

The proposed Project will disrupt the single-family neighborhood and also violates the character and scale objective.

- c. The proposed Project is inconsistent with the mandatory mitigations approved in the [Statement of Overriding Considerations](#) by the City for the GPF. This includes:
- i. Police: “Additionally, the Framework Element includes a policy that requires the City to correlate the type, amount, and location of development with the provision of adequate supporting infrastructure and public services.”
 - ii. Recreation and Open Space: “Additionally, the Framework Element includes a policy that requires the City to correlate the type, amount, and location of development with the provision of adequate supporting infrastructure and services.”

24. **Covenants & Affidavits.** The Project fails to address several covenants/affidavits relating to Lot 707 which were required as conditions of approval for certain local businesses. No provision is made for resolving this issue.

25. **Parking study for Lot 707 appears to be flawed and hasn't been released.** One of the justifications for the Midvale site is the alleged under-utilization of Lot 707. It is important to note that despite several requests, the parking study underlying this assertion has not been released to the public. City staff indicated verbally that the evaluation ended at 5p as “no one was paying for overtime.”

Pico Boulevard is tow-away, no-stopping from 4p to 7p, eliminating all street parking. The local preferential parking district prevents parking after 6pm. This leaves Lot 707 as the only parking available after 4pm. Lot 707 is highly utilized after 5pm during dinner hours in connection with several adjacent restaurants. A study that does not evaluate after 5pm entirely misses the essential nature of Lot 707 and use of the report is arbitrary and capricious.

26. **The approval process used is wholly inconsistent with LAMC Article 6.** LAMC Article 6 titled “Local Emergency Temporary Regulations” has as its stated purpose as follows:

“It is the purpose and objective of this Article to establish reasonable and uniform regulations to protect the public welfare and to provide a streamlined method for consideration of applications for temporary use approvals and other land use approvals in an emergency, such as fire, storm, severe earthquake, civil disturbance, or other disaster declared by the Governor.”

Article 6 has the following sections:


- [16.00](#) Declaration of Purpose.
- [16.01](#) Long-term Temporary Uses.
- [16.02](#) Special Provisions for Other Land Use Proceedings.
 - [16.02.1](#) Relief from Specified Land Use Provisions.
- [16.03](#) Restoration of Damaged or Destroyed Buildings.
- [16.04](#) Critical Response Facilities.
 - [16.04.1](#) Short-term Temporary Uses.
 - [16.04.2](#) Activation and Termination of Effect.

The current Project approval process is wholly inconsistent with the provisions of Article 6 of the LAMC which was explicitly passed and designed to govern land use decisions in an emergency. This assumes that a valid local emergency was declared and has not expired. As stated above, it is clear that an emergency declared under 8.33 is unlawful and that any such emergency, if lawful, would have long since expired as described above.

Superior Alternate Site. The community, which was not consulted at all during the site selection, vendor selection and provider selection process, fully understands and embraces the need to find solutions. In response to this ill-conceived Project, the community has identified just such a site which will serve at least three times as many people. Details on the proposed site can be found [here](#) and involves using existing or new RVs to house 120 people on Cotner Avenue with supportive services and also includes a safe parking lot for approximately 15-20 cars. This alternate site is supported by a wide array of local business, residential property owners and commercial property owners.

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. 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. For at least the reasons stated above, the Midvale Project should be rejected in its entirety and a more suitable site should be selected for addressing homelessness.

Sincerely,


Fix The City