

Transportation Commission  
Room 1070, City Hall  
200 North Spring Street  
Los Angeles, CA 90012

October 10, 2023

Dear Commissioners,

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 Action Item 8 on your October 12, 2023 agenda.

You have been asked to approve the use of Special Parking Revenue Fund (SPRF) funded Lot No. 707 located at [2377 Midvale](#) as a homeless shelter. You have also been asked to determine that the Project is exempt from CEQA as stated in the [September 29, 2023 Bureau of Engineering report](#). That report improperly claims exemptions under CEQA based State CEQA Guidelines Section 15269(c), Public Resource Code Section 21080(B)(4) and PRC Section 21080.27.

Based on the evidence presented below, you should neither approve the use nor make a determination that the Project is exempt under CEQA. We ask you to vote against the Project.

### [The Emergency Declaration and All Related Directives Have Expired](#)

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To properly address if the Project can be approved under any aspect of the Mayor's [emergency declaration](#), directives, rules or procedures related to the declaration, it is critical to understand that the Mayor's emergency declaration has expired.

[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)

[Cal Govt Code Section 8630](#) reads:

8630. (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.

(b) 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.

(c) The governing body shall review the need for continuing the local emergency **at least once every 60 days** until the governing body terminates the local emergency.

(d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

As detailed below, the [emergency declared by Mayor Bass on July 7, 2023](#) under [Los Angeles Administrative Code \(LAAC\) 8.33](#) has expired, is no longer in effect and cannot be relied upon for any project approval for at least four different reasons. They are:

1. **The Declaration never took effect as the required resolution was not presented.** The Mayor declared a Local Emergency under [LAAC 8.33](#). LAAC 8.33(e) contains a requirement for presentation of a resolution as

follows:

“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. **Thereafter, the declaration shall expire unless the City Council renews it by majority vote every 90 calendar days.**” (emphasis added)

No such resolution was provided by the CLA or City Attorney. We argue that the declaration therefore became null and void due to non-compliance with LAAC 8.33 no more than 30 days after the declaration, on August 6, 2023.

2. **The Declaration expired under the clear terms of Cal. Gov. Code 8630.** Cal Gov. Code 8630(e) clearly specifies that 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. No such ratification occurred. This would result in expiration seven days after the declaration, or on July 14, 2023.
3. **The Declaration expired by its own terms by way of non-renewal under LAAC 8.33.** LAAC Section 8.33(e) clearly states: “Thereafter, the declaration shall expire unless the City Council renews it by majority vote every 90 calendar days.”

The 90-day period’s starting point is ambiguous. However, the intent of LAAC 8.33 as well as [LAAC 8.27](#) and Cal. Gov. Code 8630 is that the renewal would be measured from the day of the last ratification. In the present matter, there was no resolution presented and there was no ratification. The start date could only then be measured from the date of the declaration. The declaration was made on July 7, 2023. This would result in an expiration 90 days later, on October 5, 2023.

4. **The Declaration expired by its own terms by way of non-renewal under [Cal. Gov. Code 8630](#).** Cal. Gov. Code 8630(e) clearly states: “The governing body shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency.”

The 30-day period’s starting point is ambiguous. However, the intent of Cal. Gov. Code 8630 is that the renewal would be measured from the day of the last ratification. In the present matter, there was no ratification. The start date could only then be measured from the date of the declaration. The declaration was made on July 7, 2023. This would result in an expiration 60 days later, on September 5, 2023.

## Objections to Project Approval, Use of SPRF Lot 707

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1. **The 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 the methodology for the study and in fact the entire study has not been presented to you. In addition, despite several public records requests, the parking study underlying this assertion has not been released to the public. This has deprived the public of its due process rights related to refuting the findings of the alleged study.

Neighbors have been told by LADOT staff that the parking evaluation ended at 5p as “no one was paying for overtime.”

This is significant as [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.

Conducting a traffic study for Lot 707 that concluded at 5 PM overlooks crucial aspects of the lot's utilization dynamics. Given that the surrounding area consists primarily of restaurants, where evening business is likely to be substantial, ending the study prematurely fails to capture the full extent of peak parking demand.

Furthermore, it neglects the critical period when street parking restrictions and resident-only parking policies come into effect, potentially leading to a significant influx of vehicles into the lot. Such a limited study scope can result in an inaccurate assessment of the parking lot's capacity utilization, making it inadequate for identifying underutilization issues during its most critical hours and hindering effective parking management and optimization efforts.

Exhibit E shows historical imagery from Google Earth Pro of Lot 707. You will notice that the lot was clearly being utilized prior to Covid and utilization dropped substantively after Covid. With more businesses now returning, lot use has increased as demonstrated by Exhibit A which shows present-day common usage during weekdays at Lot 707 after 4p.

2. **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. In addition to PKG-5593 and AFF-64985, a current business had been told that they could satisfy their ADA parking requirement by referencing Lot 707.

No provision is made for resolving or addressing this issue.

3. **A careful review of the California Code Civil Procedure - [CCP § 1245.245](#) (eminent domain) should be conducted.** The original acquisition of the parcels comprising Lot 707 was done via eminent domain authorized by [CF 89-2577](#) for explicit use as a parking lot. See [Ord. 166,003](#) for Right of Way No. 32871 ("The property is to be acquired for public off-street parking facilities under the authority of [California Government Code Section 37350.5](#)."). The proposed change in use from that specified during the taking may trigger certain buy-back rights for the original owner.
4. **The Project does not comply with Cal. Gov. Code 65662.** The Project is not a "use by right" as claimed per [Cal. Gov. Code 65662](#)(b) 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. It is not a "use-by-right."

5. **The feasibility study was not conducted as required.** The City Asset Evaluation Framework is a required process under [Adopted Amendment 3D for CF 23-0360](#) (Exhibit C) which stated in part:

"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.” (emphasis added)

[CF 12-1549-S3](#) contains a specific process for asset evaluation. (See ATTACHMENT A: Asset Management Strategic Planning Asset Evaluation Framework). This process was not followed.

6. **Not Eligible Under CF 23-0360 for Waiver of SPRF Reimbursement.** The only portion of the Project that may be eligible (after the R1 parcel is removed and all appropriate procedures are followed and findings made) are the lots zoned NMU(EC) which, combined, contains 23 spaces – less than the 25 space threshold required for a waiver.
7. **There is no record of a motion requesting a feasibility study as required nor the study itself.** [CF 23-0360](#) (adopted amendment 3D) 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.”

Note that Zachary Warma of CD5, in an email dated June 23, 2023 (Exhibit G) acknowledged the need for a motion: “A very happy Friday to you both! Reaching out because CD5 has begun drafting the motion ([link here](#)) to formally put in motion the development of 2377 Midvale into an interim housing facility.”

8. **The process for “transfer within City departments” has not been followed.** [The City Right-of-Way Application Technical Procedures](#) guide contains the following:

#### 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.** This will depend on the method the other department uses for the transfer of jurisdiction. The steps in the process are as follows:

1. **A request is made by another City Department** or a private developer that property owned by the City of Los Angeles under the jurisdiction of a department other than Public Works be transferred to the jurisdiction of the Board of Public Works for public street, alley, walk, sanitary sewer, storm drain, slope or other purposes. In some cases Board of Public Works may request other departments to transfer jurisdiction to the Board of Public Works.
2. The legal description is generally prepared LGD, if requested, or LGD will verify the correctness of a legal description submitted by the other department. This legal description is prepared before the other department submits the action by their Board for BOE consideration.

3. **The other City department’s commissioners adopt a Resolution transferring their jurisdiction to the Board of Public Works.**
4. LGD Sets up a file including assemble card, backing sheet, District Map, documents, etc. and logs the project into the computer tracking system.
5. LGD send referrals to the appropriate District Office and the Department of City Planning (for street, alley or walk) for comments and recommendations. Sometime improvements are required before jurisdiction over an acquired property is accepted. If the offer is only for the dedication of sewer, storm drain or slope easements, the referral does not have to be sent to City Planning for report.
6. The City Planning referral memo must contain the Categorical Exemption from the CEQA of 1970. **Article VII Class 5** is most often used. If the Department of City Planning does not respond within 50 days, the following will be used in place of the recommendation of the Director of Planning: “The Council may consider this matter without a report from the Department of City Planning pursuant to **Section 15(E) of the Municipal Code**, because the Department of City Planning did not respond within the 50-day time limit of Section 15(D) of the Code”
7. LGD prepares a City-land dedication Ordinance and sends it to the City Attorney in duplicate for approval as to form and legality. If the transfer of jurisdiction is for street, alley, walk or other dedication which requires a City Planning Report, a copy of the Planning Action should also be transmitted to the City Attorney.
8. 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. Recommendation No. 2 should read: “A copy of this report, together with transmittals to be transmitted to the Public Works Committee (directly to Council if using accelerated procedures) with the following recommendations:”. (Use recommendations form City-land Dedication Report)
9. The dedication of the property and transfer of jurisdiction is complete after the report is adopted by the City Council and the Ordinance is published in the Daily Journal
10. LGD should complete the status card and enter the dates and information in the computer tracking system. (See Acceptance of Future Streets, Alleys or Walks as Public Streets, Alleys or Walks Section above))

At a bare minimum, Step 1 above requires a request. Step 3 requires a resolution. There is no evidence of such a request and no resolution has been agendized. Consideration of a non-agendized resolution would violate the Brown Act.

9. **The approval process failed to follow [Los Angeles Municipal Code\(LAMC\) 16.00 et seq. \(“Local Emergency Temporary Regulations”\)](#).** As detailed in our comments on CF 23-1066, the Project is inconsistent with the processes and procedures provided in LAMC 16.00 et seq. The approval process, instead of the secretive, illicit process that was used, should have been that specified in LAMC 16.02. The criteria for allowing a project during a local emergency requires the following findings from a Zoning Administrator(ZA) following a proper application:

- That the nature and short duration of the proposed temporary use **assures that the proposed use will not be materially detrimental to the character of development in the immediate neighborhood;**
- That the proposed use will **not adversely affect the implementation of the General Plan or any applicable specific plan;** and
- That the proposed use will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted during the emergency.

The ZA is further instructed as follows:

“In making a determination pursuant to this section, the Zoning Administrator shall balance the public interest and benefit to be derived from the proposed temporary use against the degree, significance of, and temporary nature of the inconvenience to be caused in the area where the temporary use is located.”

These findings have not been made nor could they be. The residential, retail and commercial neighbors have all testified that the proposed use will be materially detrimental.

10. **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 if the City is relying on a declared local emergency. 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)

11. **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 allowable 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”)

12. **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 on Zimas as not “ED1 Compatible” meaning that “ED 1 may not be applied to a project on the site.” Any use of ED1 is precluded. See Exhibit B – Parcel Profile Report for 2377 Midvale.

Mayor Bass made it clear that ED1 was never intended to and does not apply to R1 properties and [amended](#) ED1 accordingly. In fact, ED1 explicitly states: “in no instance shall the project be located in a single family or more restrictive zone.” 2377 Midvale is zoned R1-1 and is not eligible under ED1.

13. **The Project is non-compliant with the [Exposition Corridor Transit Neighborhood Plan](#).** The Specific Plan covering the which includes the Project. The Project is inconsistent with the plan in several respects including, but not limited to the following sections:

- Purpose I: “Implement the policies of the [General Plan Framework](#), which include conserving stable single-family neighborhoods and directing growth toward transit corridors.”
- 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.”
- 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.”
- 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.”
- 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.”
- 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.”

None of these procedures were followed.

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 in relation to conflicts with other LAMC sections.

14. **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.

- 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.

15. **The process is inconsistent with the Proposed Interim Housing Request for Proposal and Review Process (CF 22-1578)**. On October 4, 2023, the Housing and Homelessness Committee voted unanimously to support a September 27, 2023, the City Administrative Officer [report](#) which contains the following guidelines on Page 5:

**Operations Guidelines**

- **Bed Availability** To ensure that efficiencies of scale are considered, the recommended minimum bed count of a property is 50 beds.
- **Community Outreach** To ensure that constituents in the area surrounding the proposed location are notified of possible changes to their community, outreach efforts must be completed by the City prior to formal approvals and funding allocations. This will allow constituents to voice their opinions and lived experience, as well as provide the City with insight on occurrences within the City neighborhoods. The outreach process will provide the community the opportunity to submit feedback either verbally or in writing.

The 2377 Midvale process did not use a public RFP. It was done in secret by the council office. Outreach occurred only after the council office called the project a “done deal.” The bed count of 2377 Midvale is 33 beds, **well below the 50 recommended minimum**. There was NO community outreach prior to selection of the site, vendor or service provider.



Each of the provided CEQA exemptions cited is fundamentally flawed. Please refer to the section above titled “The Emergency Declaration and All Related Directives Have Expired” which contains reasons why any CEQA exemption which relies on a declared emergency is invalid.

The CEQA exemptions relied on are invalid as follows:

1. **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. “

The [BOE report](#) specifically stated on page 12 that the “sudden and unexpected” increase in homelessness related to the [Covid-19 declared emergency](#).

“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** for all of the reasons set forth above in Part II (Project History).

Simply stated, 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. Finally, and tragically, homelessness in Los Angeles is neither sudden nor unexpected. The exemption does not apply.

- b. Section 15269(c) has an exclusion for long term projects but [states](#) that the exclusion for 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,”

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 Katy Yaroslavsky’s office has conducted a secret process for 8 months during which time a public review could have been undertaken. Further, her office has failed to even provide a motion as required for the Project to be considered.

2. **The project is not compatible with [Cal. Govt. Code 21080\(b\)\(4\)](#).** Cal. Pub. Resources Code § 21080(b)(4) provides an exemption for “Specific actions necessary to prevent or mitigate an emergency.” The Covid-19 emergency cited by BOE in their report has expired. The Mayor’s July 7, 2023 declaration expired after seven days as it was not ratified as required by Cal. Gov. Code 8630. This matter is being litigated

In addition, the current Project is not responding to an emergency as defined in 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."

As stated above, homelessness in Los Angeles is neither sudden nor unexpected. 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.

**3. 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 Project is not a shelter as defined and required. 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)

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)

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

b. **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)

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### [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.

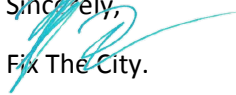
## Conclusion

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Neither Fix The City nor the residential, retail and commercial neighbors of 2377 Midvale object in any way to the concept of a shelter crisis and the need to shelter the unsheltered. Instead of merely opposing a homeless shelter (for a variety of reasons) at 2377 Midvale, we concurrently request that you consider our proposal for a homeless shelter with safe parking as required on Cotner Avenue. You can see the full proposal here: [Cotner Proposal](#).

We urge you for all of the reasons stated above to vote against the proposed project at 2377 Midvale.

Sincerely,



Fix The City.

Exhibit A: Typical Usage – LADOT Lot 707 at 6:16 PM, 10-4-23 (Source: Laura Lake, Ph.D.)





**City of Los Angeles  
Department of City Planning**

**10/8/2023  
PARCEL PROFILE REPORT**

**PROPERTY ADDRESSES**

2377 S MIDVALE AVE

**ZIP CODES**

90064

**RECENT ACTIVITY**

None

**CASE NUMBERS**

- CPC-2018-7546-CPU
- CPC-2014-1457-SP
- CPC-2013-621-ZC-GPA-SP
- CPC-2009-1536-CPU
- CPC-12653
- ORD-186402
- ORD-186108
- ORD-183497
- ORD-171492
- ORD-171227
- ORD-163205
- ORD-129279
- ORD-121731
- ZAI-1981-290-E
- ZA-1990-598-CUB
- ENV-2014-1458-EIR-SE-CE
- ENV-2013-622-EIR
- ENV-2009-1537-EIR
- ENV-2005-8253-ND
- PKG-5593
- AFF-64985

**Address/Legal Information**

PIN Number	126B157 966
Lot/Parcel Area (Calculated)	6,793.6 (sq ft)
Thomas Brothers Grid	PAGE 632 - GRID C6
Assessor Parcel No. (APN)	4322004903
Tract	TR 5609
Map Reference	M B 60-34/36 (SHTS 1-3)
Block	29
Lot	23
Arb (Lot Cut Reference)	None
Map Sheet	126B157

**Jurisdictional Information**

Community Plan Area	West Los Angeles
Area Planning Commission	West Los Angeles
Neighborhood Council	Westside
Council District	CD 5 - Katy Young Yaroslavsky
Census Tract #	2678.00
LADBS District Office	West Los Angeles

**Permitting and Zoning Compliance Information**

Administrative Review	None
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**Planning and Zoning Information**

Special Notes	None
Zoning	R1-1
Zoning Information (ZI)	ZI-2512 Housing Element Inventory of Sites ZI-2462 Modifications to SF Zones and SF Zone Hillside Area Regulations ZI-2452 Transit Priority Area In the City of Los Angeles ZI-2192 Specific Plan: West Los Angeles Transportation Improvement and Mitigation ZI-2490 Specific Plan: Exposition Corridor Transit Neighborhood Plan

**General Plan Land Use**

General Plan Note(s)	Yes
Hillside Area (Zoning Code)	No
Specific Plan Area	<b>EXPOSITION CORRIDOR TRANSIT NEIGHBORHOOD PLAN</b>
Subarea	None
Specific Plan Area	WEST LOS ANGELES TRANSPORTATION IMPROVEMENT AND MITIGATION

Affordable Housing Linkage Fee	
Residential Market Area	High
Non-Residential Market Area	High
Transit Oriented Communities (TOC)	Tier 3

**ED 1 Eligibility**

RPA: Redevelopment Project Area	None
Central City Parking	No
...	...

Motion

03D

I **MOVE** that the matter of the Housing and Homelessness and Transportation Committee Reports pertaining to a Motion (Yaroslavsky-Raman) relative to the Los Angeles Administrative Code (LAAC) parking space replacement policy for Los Angeles Department of Transportation (LADOT) parking facilities containing 25 spaces or greater, Item No. 3 on today's Council Agenda (C.F.: 23-0360), **BE AMENDED** to add the following recommendation:

4. 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.

PRESENTED BY:



KATY YAROSLAVSKY

Councilwoman, 5th District

SECONDED BY:



ORIGINAL

May 23, 2023

Exhibit D – Historical Imagery of Lot 707 - Shows extensive use pre-covid and a dramatic reduction post-covid.

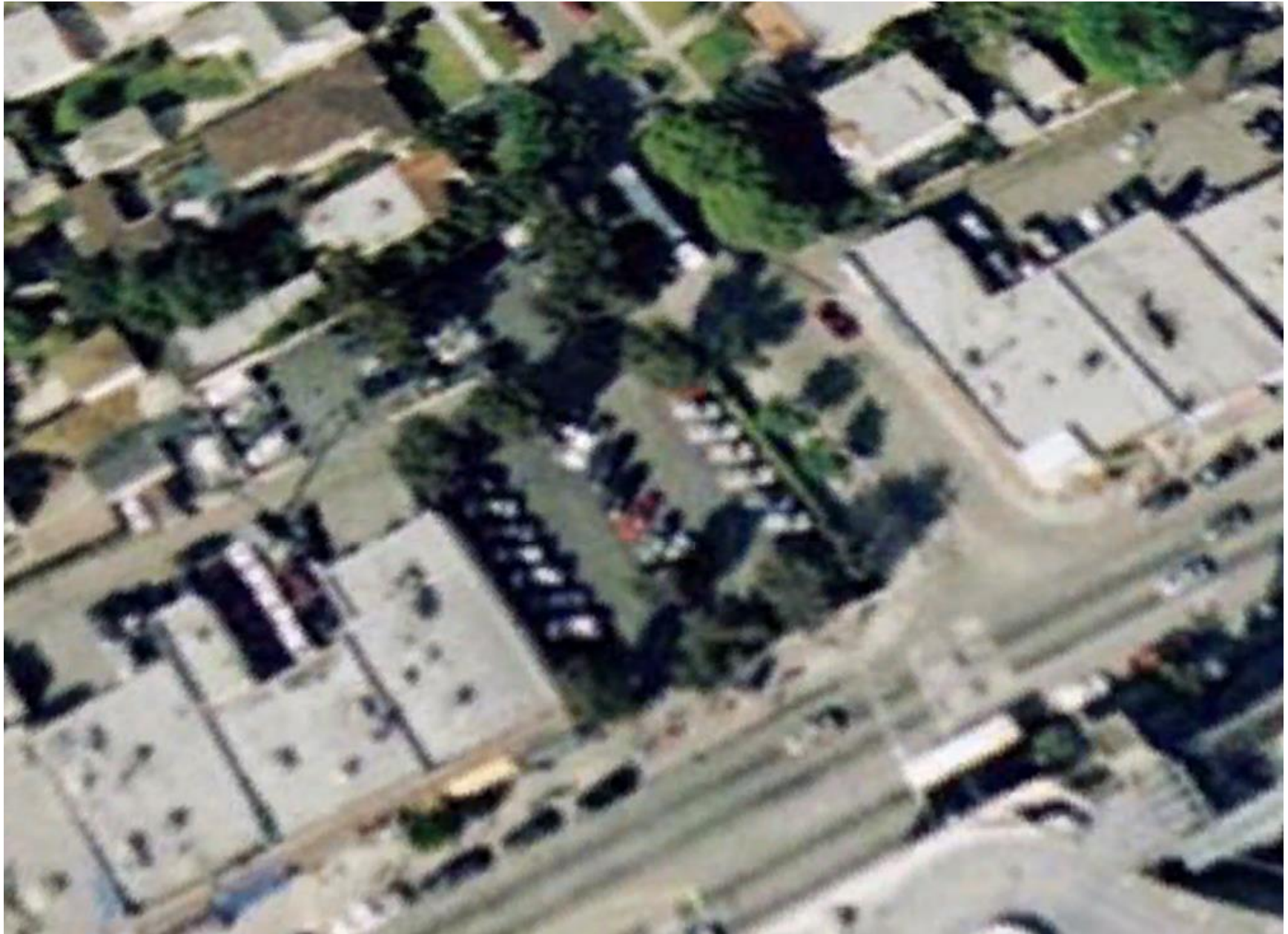
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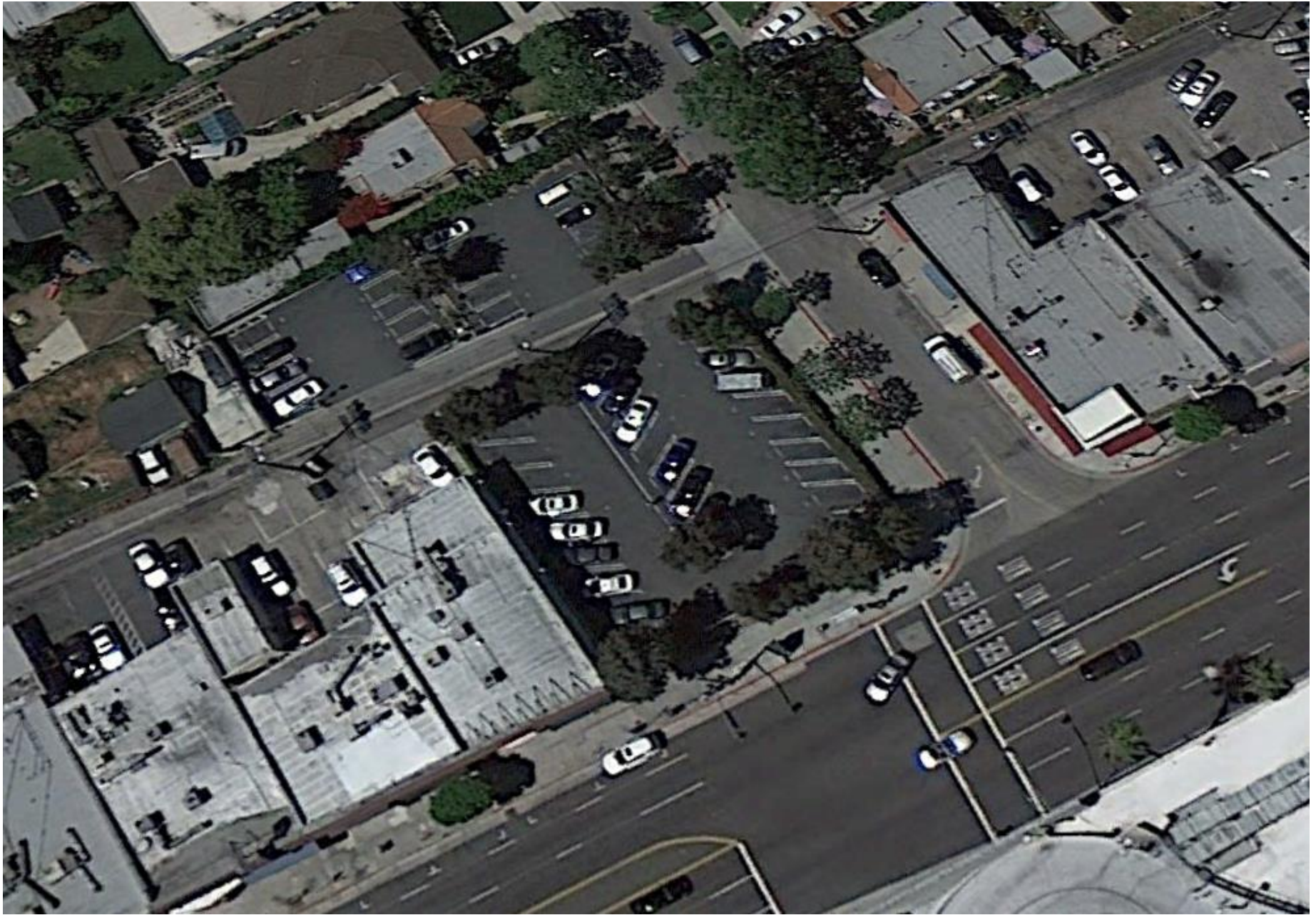


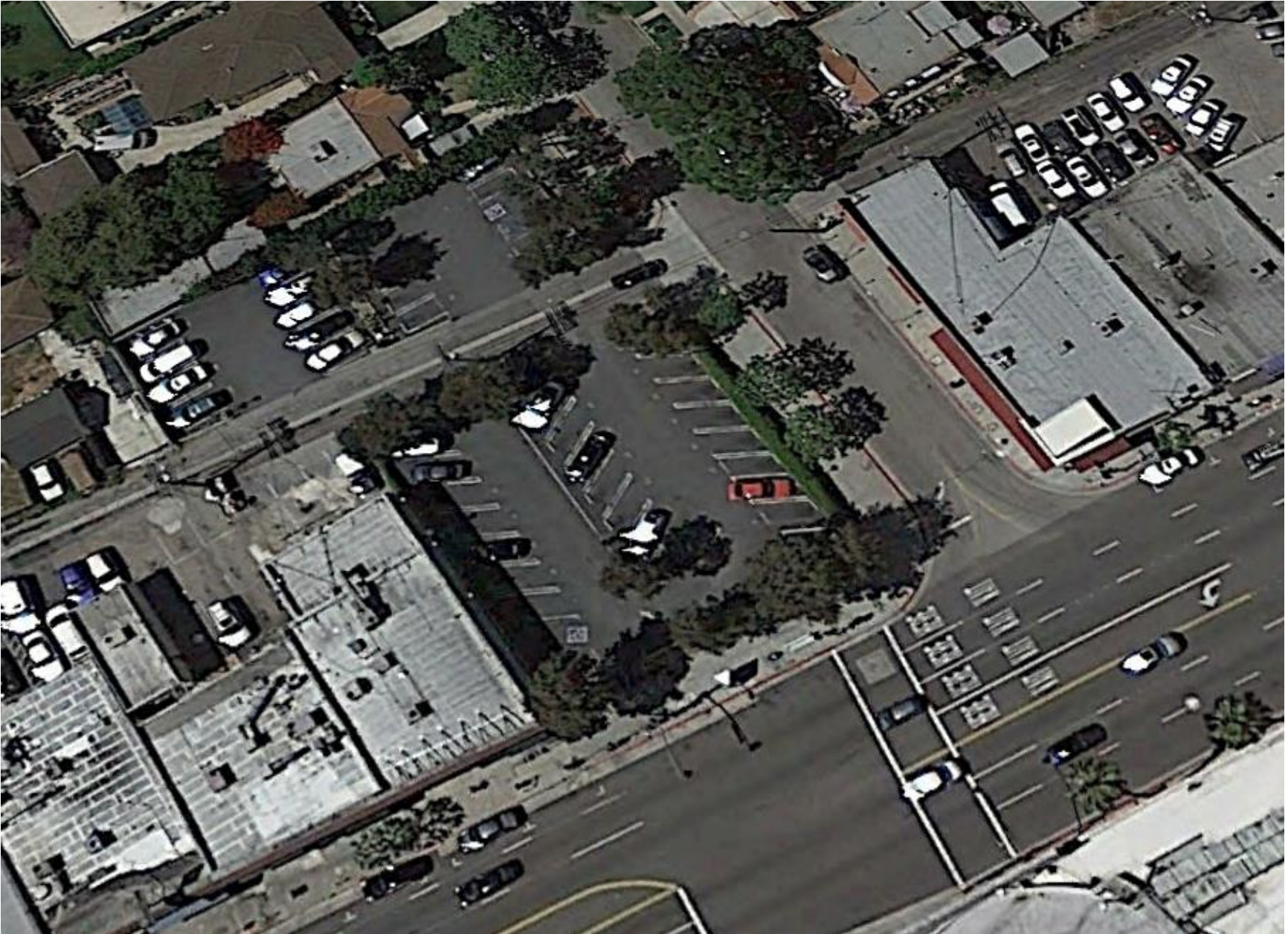










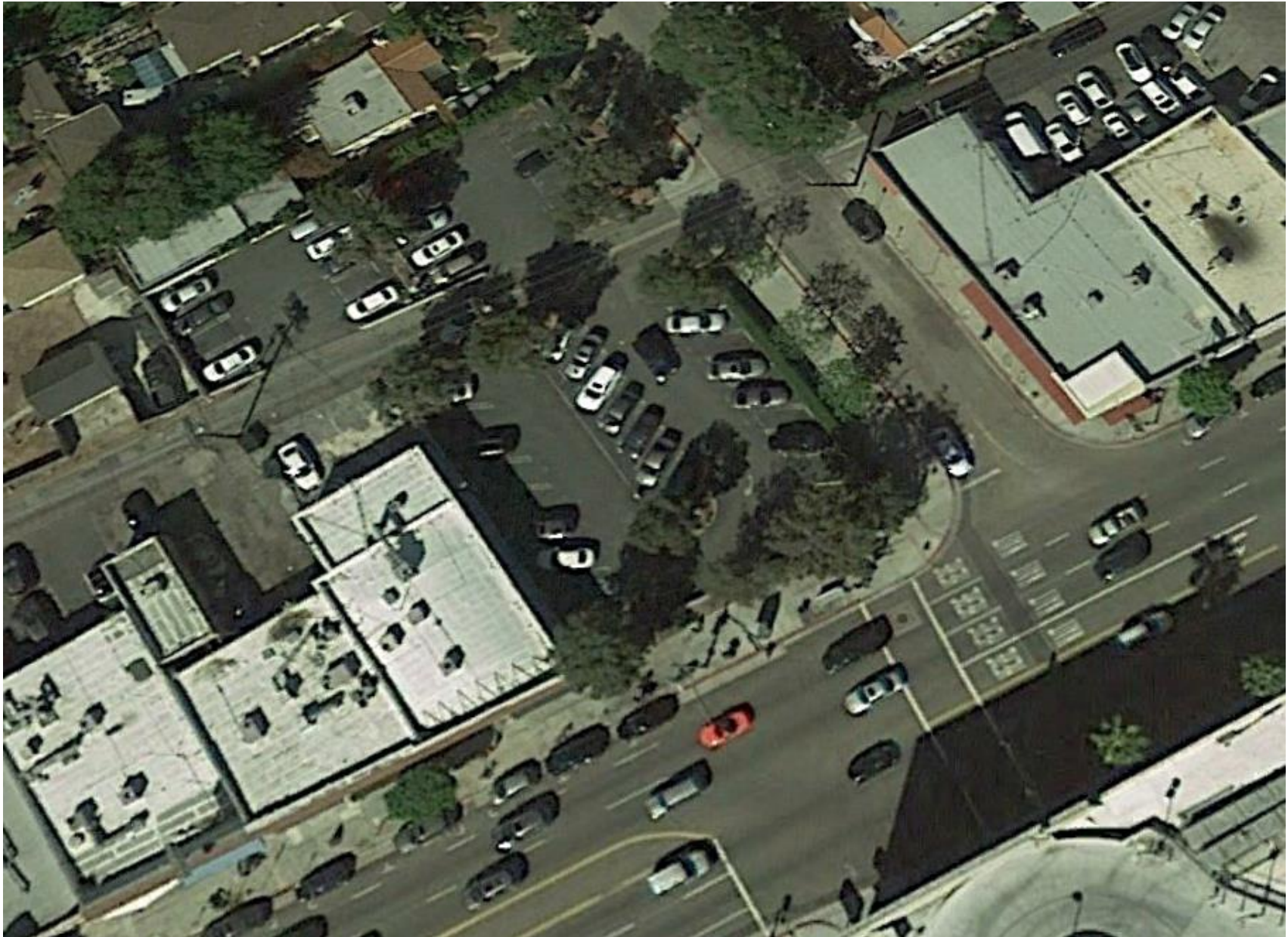


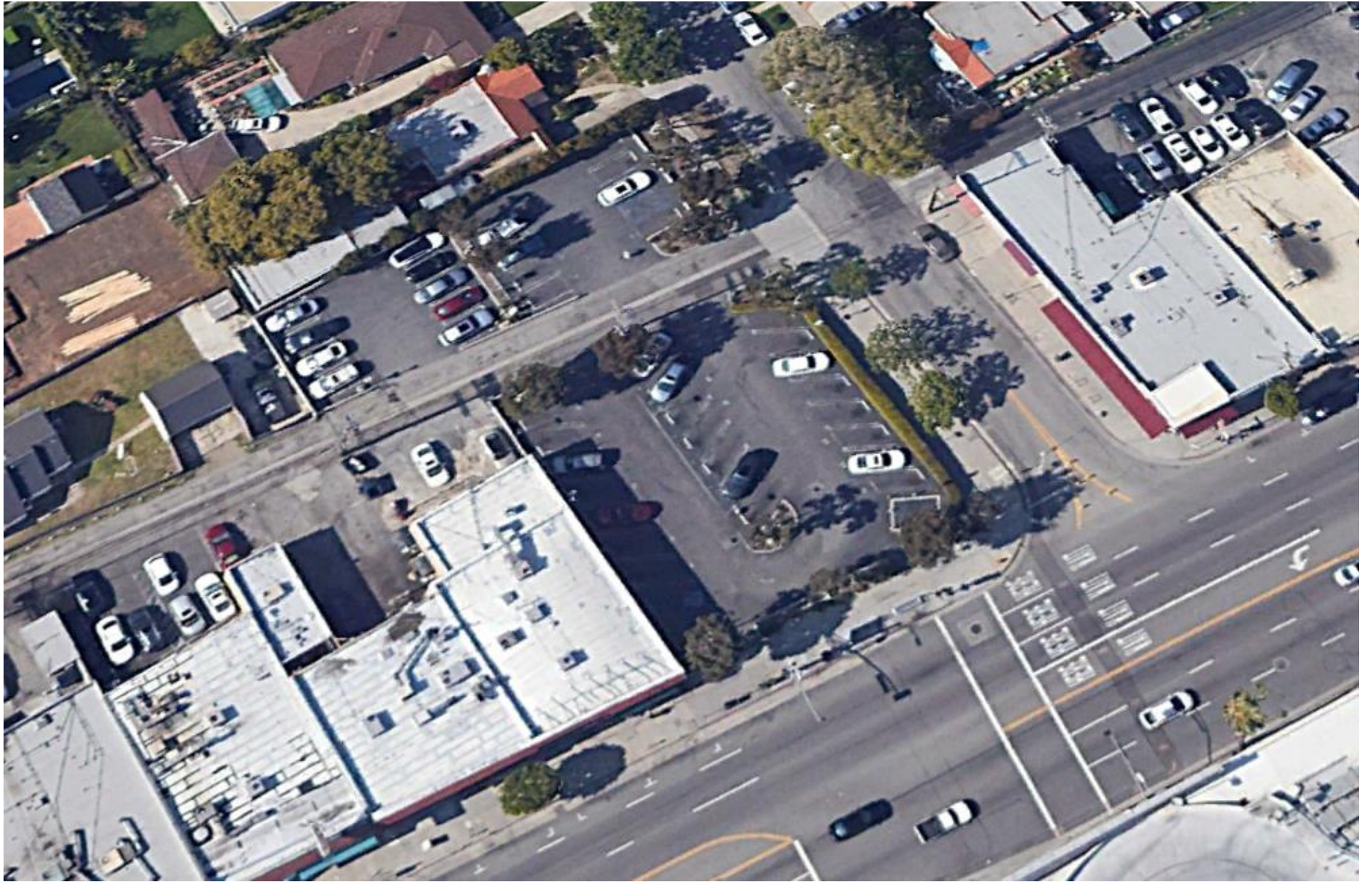


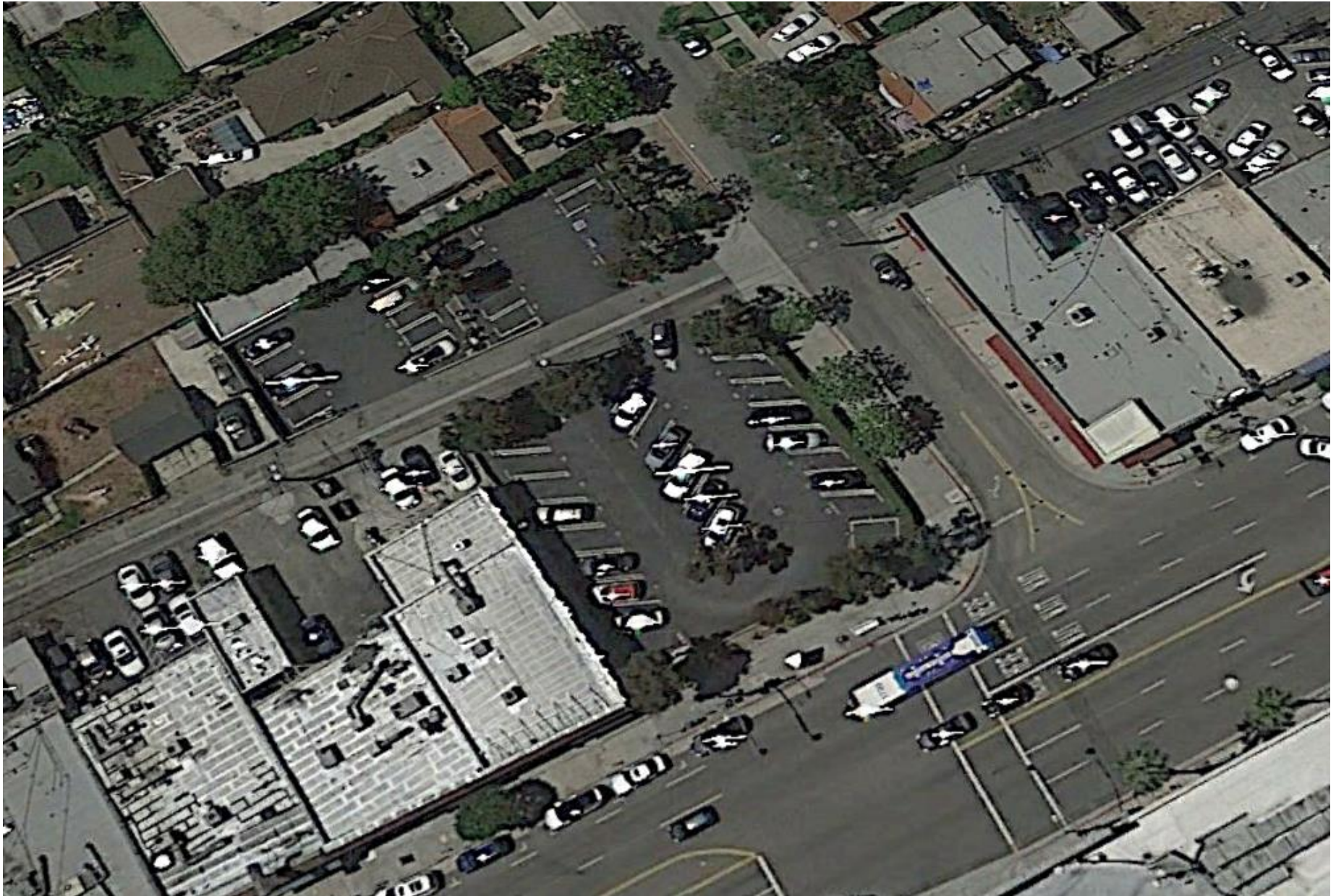


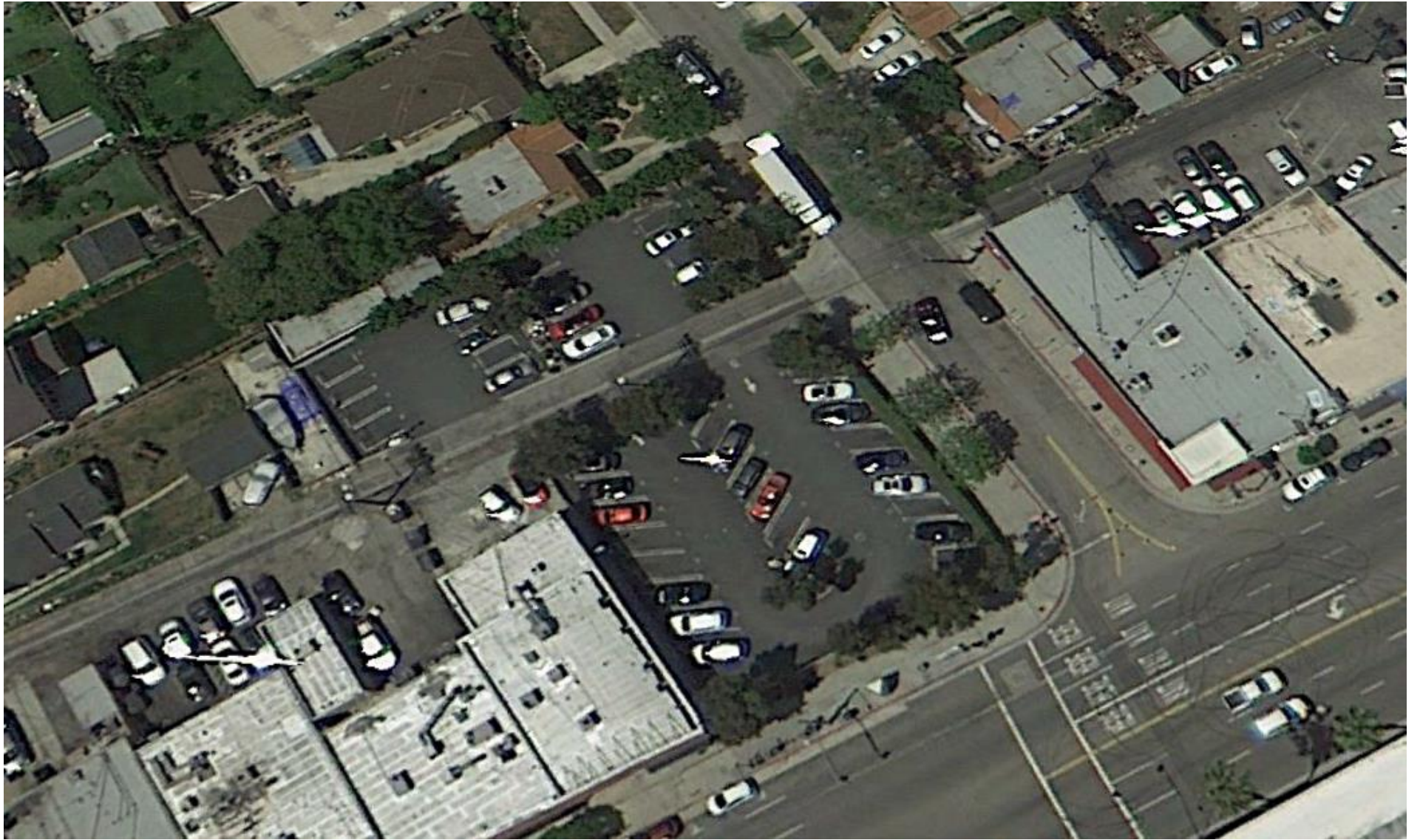




















Right of Way No. 32871

ORDINANCE NO. 166003

An Ordinance of the City of Los Angeles finding that the public interest and necessity require the "Parking Lot 707 - Pico-Midvale" Improvement Project, and the acquisition of property therefore, (Work Order No. E1560012, Right of Way No. 32871).

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS: .

Section 1. The Council of the City of Los Angeles resolves, finds and determines that the public interest and necessity require the "Parking Lot 707 - Pico-Midvale" Improvement Project (Work Order No. E1560012, Right of Way No. 32871); the project is planned and located in the manner which is most compatible with the greatest public good and the least private injury, and the property described herein is necessary for the project; and the property has been appraised and an amount has been established which it is believed to be just compensation for the property, and an offer has been made to the owner or owners of record to acquire the property for the full amount of said just compensation.

Sec. 2. The property is to be acquired for public off-street parking facilities under the authority of California Government Code Section 37350.5.

Sec. 3. The property to be acquired is located in the City of Los Angeles, County of Los Angeles, State of California. The property interest to be acquired is a fee simple absolute in the real property described as follows:

Parcel No. 12 (Fee Simple Absolute):

Lots 21, 22 and 23, Block 29, Tract No. 5609, as per map recorded in Book 60, pages 34, 35 and 36 of Maps, in the Office of the County Recorder of Los Angeles County.

Sec. 4. Notice has been given by first class mail to each person whose property is to be acquired by eminent domain, which notice advised each such person of the intent of the Council to adopt this Ordinance, of the right to appear and be heard by the Council, and each owner who so requested was given an opportunity to appear and was heard by the Council.

Sec. 5. The City Attorney is authorized to commence an action in eminent domain to acquire said property.

Description Approved  
ROBERT S. HORII, City Engineer  
LaGronie Wyatt, Division Engineer

By: James K. Johnston Date: March 20, 1991

CT5RW63

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Sec. 2 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of APR 11 1990

ELIAS MARTINEZ, City Clerk,

By *Eduardo ...*  
Deputy.

Approved APR 18 1990

*Tom Bradley*  
Mayor.

Approved as to Form and Legality

APR 3 1990

JAMES K. HAHN, City Attorney,

By *Gail C. Weingart*  
GAIL C. WEINGART, Deputy  
City Attorney

File No. C.E. Nos. 89-0996-S1  
86-0996-S2

Pursuant to Sec. 97.8 of the City Charter,  
approval of this ordinance recommended  
for the City Planning Commission

MAR 28 1990 (alm)

See attached report

*Kenneth C. Topping*  
Director of

City Clerk Form 23

LAS 401131 4/26



Annabelle Gonzales <annabelle.gonzales@lacity.org>

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**(DRAFT) Midvale Interim Housing Project Motion review**

5 messages

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Zachary Warma <zachary.warma@lacity.org> Fri, Jun 23, 2023 at 10:27 AM  
To: Annabelle Gonzales <annabelle.gonzales@lacity.org>, Kendra Leal <kendra.leal@lacity.org>  
Cc: Gary Gero <gary.gero@lacity.org>

Annabelle and Kendra:

A very happy Friday to you both! Reaching out because CD5 has begun drafting the motion ([link here](#)) to formally put in motion the development of 2377 Midvale into an interim housing facility.

While I will note that neither the housing vendor nor the service provider has been formally selected yet, decisions will be made in the very near future.

As such, our office would greatly appreciate a preliminary review of the [draft moving clauses](#), to ensure that we are directing the correct departments to undertake the necessary steps.

In addition to your team, it is our intent that the City Attorney, BOE, GSD, and CLA all review the file prior to its introduction.

Thank you so much for your assistance with this request.

Regards,

Zack Warma

—



**Zachary Warma**  
Housing & Homelessness Policy Director  
Councilwoman Katy Yaroslavsky, Council District 5  
200 North Spring Street, Room 440  
Los Angeles, CA 90012  
Tel: (213) 473-7005 - Los Angeles City Hall Office  
Email: [zachary.warma@lacity.org](mailto:zachary.warma@lacity.org)