

# Fix The City

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

October 17, 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 the only agenda item on your October 18, 2023 agenda. We hereby include and suggest you re-read the comments we provided for your [October 12, 2023 meeting](#).

**Remember that you are being asked to approve a low-barrier homeless shelter not adjacent to an R1-single-family zone - but IN an R1-single-family zone.**

## [The Mayor's Executive Directive 1 Precludes the Project](#)

The Mayor has proclaimed that interim and affordable housing are not to be constructed on R1 property. 2377 Midvale is an R1 site that the Parcel Profile (Exhibit C) states is not eligible for ED1. In fact, ED1 mandates that such projects shall, **in no instance**, be in a single-family zone.

### [ED1 states:](#)

“By virtue of the authority vested in me as Mayor of the City of Los Angeles under Section 231(i) of the Los Angeles City Charter and the provisions of Section 8.33 of the Los Angeles Administrative Code, I hereby declare the following order to be necessary for the protection of life and property and I hereby order, effective immediately, that:

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)**

## [The Firing of the President](#)

As you are all aware, the long-time president of your commission was [abruptly fired](#) for not moving the Project forward despite a near unanimous consensus that more information was needed. 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 you, the remaining commissioners. Mr. 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.”*

We ask you to set aside the intimidation tactic and vote based on the project before you. Demand answers to each objection with substantial evidence.

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

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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

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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.

- 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.

## Evidence of Underutilization is Missing

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At the most basic level, you do not have, nor has the public seen, the parking study that proves that Lot 707 is underutilized. You have not had a chance to look at the methodology nor has the public. The public has however placed numerous photos of high utilization after 4p when Pico parking is unavailable and especially after 6p when neighborhood parking is restricted (See Exhibit A). Absent a review of the study and its methodology, you have no substantial evidence to confirm underutilization.

## Ethics Issues

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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, also does not have an active lobbying registration 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.

## CEQA

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Our previously provided communication provides clear evidence why NONE of the CEQA exemptions claimed are valid. Absent clear and convincing evidence, which was not provided in the documents presented to you, you do not have substantial evidence to support a CEQA exemption.

Under CEQA, your commission is the lead agency or at least a responsible agency. You have a responsibility to “independently review and approve the CEQA document” and “reach your own conclusions on whether and how to approve the project involved” (State CEQA Guidelines Section 15096(a)).“ You can review information about your responsibilities under CEQA [here](#).

## Replacement Parking

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During the October 12, 2023 meeting, the issue of replacement parking was raised. While it is true that CM Yaroslavsky eliminated the requirement that LADOT be compensated for parking spaces, you still must consider the physical replacement of the parking provided by Lot 707. Remember, Lot 707 is used during the day, but becomes truly essential after Pico becomes tow-away, no-parking after 4p and the neighborhood’s preferred parking begins at 6p.

It is well known that availability of parking, and especially ADA parking, is critical. We also know from the presentation by CD5, that the Project DOES NOT CONTAIN replacement parking. A few examples of parking being critical:

Quoting: <https://www.parkingindustry.ca/parking-101/parking-101-why-is-parking-important-to-a-business>

“When a consumer is seeking somewhere to find their desired products or services, both the business's location and the parking availability imply convenience and efficiency, playing a significant role in the customer's decision-making process. A convenient location with insufficient or overcrowded parking makes it difficult for customers to visit. In contrast, a good location with a large, accessible parking area can often generate more revenue than the former.”

Quoting: <https://www.superbcrew.com/the-impact-of-parking-spaces-on-businesses/>

“A parking space is necessary because if customers cannot park their cars, you will likely lose business as the customer might shift to an eatery or store with available space. They might choose your competitor over you, even if you offer better products and services. Usually, a parking space in close proximity ensures customers don’t carry too many bags of groceries or large furniture from the store to their car. Also, customers who come to restaurants find it easy when they can park their car just a few steps away.”

Quoting: <https://www.keflatwork.com/blog/parking-lots-can-make-your-business-do-better-heres-how/>

“Parking is a huge concern that many customers would rather look for another place to eat or shop if there are no available spaces near the establishment they’re at. This customer behavior emphasizes the importance of parking lots for commercial establishments, especially if customers must stay long to complete their errands or business.”

Quoting: <https://blog.getmyparking.com/2019/03/13/how-parking-space-can-affect-your-business/>

“Successful businesses require blood, sweat, and backbreaking hard work. You need strong business acumen, quick-thinking employees, and quality services or products. But this may not prove to be enough. And the reason for it may be simple – your parking facilities. No customer wants to waste time driving around for parking when they are out to shop or eat. If they can’t quickly find a spot near your store, you may well lose

business. In fact, they may choose your competitors over you, even if you offer better products, just because of a lack of adequate parking. “

#### 41.18 Effectiveness/Mitigation

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The Project makes extensive use of LAMC 41.18 (anti-camping) to mitigate homelessness and therefore 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."

We direct you to Exhibit B which shows one of many 41.18 enforcement zones which are not being enforced.

#### Project Time Frames/Emergency

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When competitive bidding has been abandoned as it has with this Project, LAAC 8.33(d)(v)(2) states contracts “may be for a term no longer than one year.” The commitment for this Project is 10 years.

#### Covenants

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There has been no substantial evidence presented regarding how existing covenants & affidavits relating to Lot 707 will be addressed. Nor has the fact that businesses in the area of Lot 707 rely on Lot 707 to provide ADA parking which is otherwise unavailable. At least one current business has been put on hold for this reason.

#### No Service Provider

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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.

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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

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You, and the public, are often told that “we have to do something” to solve the problem of homelessness. This is true. We need to do something, but we don’t have to do everything and anything, especially when it harms small, local businesses and impacts the safety of residents who are just feet away from the Project. Doing ‘anything’ also doesn’t permit violating state and local laws and procedures.

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.

We ask you to demand substantial evidence before you make a decision. We believe that there is only one conclusion that can be reached based on substantial evidence: The Project should not be approved.

Sincerely,



Fix The City



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







*An encampment in CD5 in early October 2023 directly under a 41.18 enforcement sign.*

# City of Los Angeles Department of City Planning

## 10/17/2023 PARCEL PROFILE REPORT

### 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
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Zoning	R1-1
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