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CRIS LIBAN
VICE PRESIDENT

JAZMIN ORTEGA
DOUGLAS TOHOM
SELIKA TALBOTT
VIGGEN DAVIDIAN
ERIN PAK

JASMIN SAN LUIS
ACTING COMMISSION EXECUTIVE ASSISTANT



KAREN BASS
MAYOR

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LOS ANGELES, CA 90012

CONNIE LLANOS
INTERIM GENERAL MANAGER

3

MINUTES
October 12, 2023
10:00 AM

CONVENED

The Board of Transportation Commissioners convened a regular meeting on Thursday, October 12, 2023 at 10:04 AM in Los Angeles, CA.

ADMINISTRATIVE ITEMS

ITEM NO. 1 – WELCOME

President Eisenberg called the meeting to order and welcomed all those present noting that those wishing to testify before the Board must fill out a speaker's form. He informed the audience that if anyone is a registered lobbyist, City ordinance requires that it should be indicated on the speaker's form.

ITEM NO. 2 – ROLL CALL

Present: Commissioners Eric Eisenberg, Douglas Tohom, Selika Talbott, and Vigen Davidian; Jay Kim, Assistant General Manager (AGM); and Michael Nagle, Deputy City Attorney (DCA) and Kevin Dufner, Deputy City Attorney (DCA)

Arrived after roll call: Commissioner Jazmin Ortega

Absent: Commissioners Cris Liban and Erin Pak

ITEM NO. 3 - MINUTES

Commissioner Davidian moved, seconded by Commissioner Tohom to approve the Minutes of September 14, 2023. Unanimously APPROVED.

ITEM NO. 4 – COMMISSION BUSINESS

Commissioner Tohom reported on the field visit of the Emergency Operations Center he attended along with Commissioners Liban and Ortega and briefly shared how the center operated and expressed how it was an engaging opportunity to learn.

Commissioner Davidian asked if there could be an opportunity to schedule another visit for those Commissioners who missed the first visit.

- Commissioner Davidian asked if the curb management program will be implemented district by district gradually or prioritized by areas.
- Mr. Carranza responded that it would be gradual and talked about how a pilot program is being conducted throughout the City.
- Commissioner Ortega asked what areas in LADOT is innovation foreseen on how we deliver service and improve service to users.
- Mr. Carranza talked about a couple of innovations such as the digital curb management and the asset management program.
- Commissioner Tohom commented how new the Office of Planning and Innovation is and asked what the thought process was that brought this office together.
- Mr. Carranza explained how and why this office was created.
- Commissioner Tohom asked how the data is shared with other bureaus and across City departments.
- Mr. Carranza stated that these are all open data and available in the LA Geo Hub.
- Mr. Davidian asked if LADOT's initiatives for the LA 28 Olympics was under Mr. Carranza's bureau.
- Mr. Carranza clarified that his bureau is involved in some of the planning work, but it is led by a different Office under AGM Dan Mitchell.

ACTION ITEM

ITEM NO. 8 – Approve the Use of Special Parking Revenue Funded (SPRF) Lot No. 707 Located at 2377 Midvale Avenue for the Use and Operation of an Interim Housing Project; DETERMINE THE PROJECT IS STATUTORILY EXEMPT from the California Environmental Quality Act (CEQA), Pursuant to State CEQA Guidelines Section 15269(C), Public Resources Code (PRC) Section 21080(B)(4), AND PRC Section 21080.27 (AB 1197) AS STATED IN THE SEPTEMBER 29, 2023 BUREAU OF ENGINEERING REPORT

RECOMMEND that the Department negotiate and enter in a Memorandum of Understanding (MOU) with the General Services Department (GSD) authorizing GSD to procure and acquire the housing units necessary for implementation of the interim housing project located at 2377 Midvale Avenue

Sontue Beacham, Sr. Management Analyst – Parking Facilities Division, presented the report.

Questions, answers, and comments were provided.

- Commissioner Eisenberg followed up on his request for an updated parking survey.
- Ms. Beacham confirmed that the survey took place and briefly described the results.
- DCA Nagle briefly discussed the report from BOE and how it was found to be exempt from CEQA and pointed out the Public Resources Code Sections, which stated the justifications.
- Commissioner Eisenberg asked DCA Nagle for his legal opinion.
- DCA Nagle shared his legal opinion.

- Commissioner Eisenberg asked if there was an ongoing ethics investigation against an employee (Zachary) on this project.
- DCA Nagle commented that he was aware of an ongoing investigation but did not have the specifics.
- AGM Kim weighed in and described how the parking impacts were considered part of the CEQA impacts in the past; explained how it has shifted recently; and parking impact is no longer part of the state mandated CEQA impact. He discussed a Council motion in support of the homeless; described the policy in the MOU between LADOT, Housing Department, and CAO recognizing that parking, although not a CEQA impact, is still an issue with the community; and added how recently the Council took action and nullified the MOU that LADOT no longer has the authority to request for replacement parking.
- Commissioner Eisenberg asked if the Department has put modular housing on DOT lots before.
- AGM Kim stated that he was not aware of any and that this might be the first one.
- Commissioner Eisenberg asked if CEQA would cover disposal of sewage and trash.
- AGM Kim stated that he was not an expert on those areas, just parking impact.
- Fernando Morales, CD 5 Deputy Chief of Staff for Housing, Homelessness, Operations, and Special Projects was present and introduced himself.
- Commissioner Ortega asked about the alternate site provided in the report and how the decision was made to pick this project.
- Mr. Morales talked about the alternate sites and shared why the alternate sites are not feasible.
- Commissioner Tohom asked if this was the only LADOT lot feasible for this type of project or if there are there any other LADOT lots.
- Mr. Morales stated that there are no other lots they are exploring.
- Commissioner Davidian expressed his concerns on the issue of the CEQA exemption.
- Mr. Morales clarified how the Councilwoman committed to bringing more parking for the businesses in the area as part of this project.
- Commissioner Eisenberg asked what the plan was for replacement parking.
- Mr. Morales explained how there has been active conversations with multiple businesses in the area that have parking lots.
- From an equity standpoint, Commissioner Talbott asked if the commitment to additional parking would be at the same cost since other private lots are generally more expensive.
- Mr. Morales shared their goal and how they are working on expending much of the energy on this and having smaller community meetings.
- Commissioner Eisenberg asked if CD 5 will make it part of the proposal to secure alternative parking before moving forward.
- Mr. Morales stated that it was the premise made to the community.
- Commissioner Eisenberg asked to describe the design of the modular housing; will each one include a restroom; and will sewer lines be installed.
- Mr. Morales confirmed that as part of the LifeArk proposal, it would include above and underground sewer lines and supply lines.
- Commissioner Eisenberg asked if there was an ongoing ethics investigation.

- Mr. Morales stated that Ethics has not had a conversation with his office about an investigation to his knowledge.
- Commissioner Davidian asked if this would have to go through the City's zoning or planning process.
- DCA Nagle confirmed that it has gone through Planning and will be going to Council shortly.
- For the record, Mr. Morales clarified that the Councilwoman directly made the decision after hearing from the community to make sure that the Westside Council would be able to weigh in before it went to full Council and that it would be heard again by this Board.
- Commissioner Eisenberg wanted to know what part of the project the Council would be approving.
- Mr. Morales stated that the Council will be approving to acquire the units and the funding for the project and will not include the component of the operations at this time.
- In response to Commissioner Davidian's question, DCA Groat stated that this is one of the initial steps in the process; this is not the only approval that will take place; will go to Council on October 22nd; multiple departments are involved; and DOT's involvement is the fact that it own, manage, and operate the parking lot.
- Commissioner Eisenberg asked that if the Commission did not make a decision on this, could Council make the decision.
- DCA Groat explained that pursuant to the Admin Code that the decision should be made by this Board.
- DCA Nagle confirmed that the City Attorney's office reviewed and approved the CEQA report/findings.
- DCA Groat added that it was reviewed and approved in consultation with Bureau of Engineering.
- DCA Nagle suggested that the Board could schedule a special meeting to include other departments if the Board does not have sufficient information.
- Commissioner Talbot wanted clarification on the procedural process if the Commission did not take action.
- DCA Groat reiterated that if the Board does not take action then the item has not been approved pursuant to the Admin Code.
- Mr. Morales added that it was their understanding that the informational hearing that occurred was the final step with this Body on the matter.
- Commissioner Eisenberg asked if anyone requested Bureau of Engineering to attend the Board meeting.
- DCA Groat commented that he did not know if anyone reached out and that the departments have been part of multiple conversations about this issue and hearing. He reiterated DCA Nagle's suggestion to Continue this item and schedule a special meeting if the Board feels it needs to hear from Bureau of Engineering to make a decision.
- Commissioner Talbott raised the issue of the ethics investigation that was mentioned earlier and asked if the Board would have the opportunity to have a statement from the investigatory Body about the investigation.
- DCA Groat could not confirm and added that the investigation is its own independent process.
- Mr. Morales briefly mentioned that any conversation or allegation from opposition of this project related to service provision and any contracting that has not

occurred related to service provision is not part of what was being discussed or would go to Council on October 22nd.

- Commissioner Talbott stated as an attorney that they have a fiduciary duty as a Board to know if there are alleged ethics investigation before they take a position.
- Commissioner Tohom asked about the timeline of the project if it goes through.
- Mr. Morales briefly explained the current general expectation of the project (Q2 of next year).
- Commissioner Tohom asked to clarify Q2, construction or completion.
- Mr. Morales confirmed that Q2 is the completion.
- Tina Backstrom, Sr. Director of Transportation - Office of Mayor Karen Bass, was present and addressed the Board. On behalf of the Mayor, she expressed how this is high priority for the Mayor and is very much in support of the project.
- Commissioner Tohom asked to clarify what would happen if the Commission did not take action and the item goes to Council in two weeks, would it come back to the Commission after the City Council has taken an action on it.
- DCA Groat discussed how this matter would have to come to the Board again to seek approval at some point in time since this Board has the authority over the parking lot and that the Admin Code does not specify as to when that has to happen other than it does need to happen before the project is completed.
- Commissioner Eisenberg talked about the different options the Board could take and would like to take action once they hear from Bureau of Engineering.
- Commissioner Davidian raised and shared his concerns on two issues based on the comments heard from the public: 1) utilization of the parking lot, impacts of it going away; and 2) potential impacts of the housing development and impacts to the residential neighborhood.
- Commissioner Tohom asked AGM Kim if this is the first project on the LADOT lot and if the Department received follow up reports regarding any safety concerns in the lot.
- AGM Kim talked about other proposals and how this project is the first of its kind due to the scope of the project and discussed how the Department no longer has the authority on the replacement parking component and an issue for the Commission. With regard to reports on safety concerns, Mr. Kim explained how if non transportation-related issues (crime), they would be reported to other departments to be addressed.
- Commissioner Tohom asked if there is an increase in concern about safety in any City-owned lots once housing has come up.
- AGM Kim commented on why he does not have visibility and that there has only been a few projects.
- Commissioner Eisenberg mentioned the Safe Parking lot project and described how it was the closest to this type of project.
- DCA Groat talked in the context of the Safe Parking lots and recalled that the Commission requested report backs and status updates on those parking lots that included similar statistics and added how this project is different.
- Mr. Morales talked about the multiple housing modalities that have gone in parking specifically within CD 5.
- Commissioner Eisenberg asked if there would be a problem to do a CEQA investigation/report.

- DCA Groat clarified that the packet before the Board includes the CEQA report from Bureau of Engineering, which was used to make the CEQA exemption determination.
- Commissioner Eisenberg asked why there was a CEQA exemption if there is a report.
- DCA Groat explained based on his understanding why the report was done.
- Commissioner Eisenberg asked what would be the process if they did not get an exemption and would need to get a CEQA approval.
- DCA Groat responded that we would have to ask Bureau of Engineering.
- Commissioner Ortega stated that she was in favor of continuing this item and scheduling a special meeting to hear from Bureau of Engineering and take a vote.
- Commissioner Talbott agreed that the Commission is not in a position to take a position without hearing from Bureau of Engineering.
- Commission Davidian commented how the full CEQA has not been done and would like to go back and do a checklist.
- Commissioner Tohom would like any updates on safety at any other parking lots.
- Commissioner Eisenberg stated that it is the consensus of the Board to not take action today and will do so at a special meeting when a member of the Bureau of Engineering is present.

Commissioner Talbott moved, seconded by Commissioner Ortega to Continue Item 8. Unanimously APPROVED.

Commissioner Eisenberg moved, seconded by Commissioner Ortega to enter into Closed Session. Unanimously APPROVED.

EXECUTIVE SESSION

ITEM NO. 9 - Appeal of David Cruz, Jr. Concerning the Department's August 16, 2023 Denial of His Motor Bus Driver Permit #627335, Pursuant to Los Angeles Municipal Code § 71.06 – Falsification of Application and Board Order 600, Rule D5 – (Amended)

Pat Barker, Sr. Transportation Investigator presented the report.

Appellant David Cruz, Jr. was present and addressed the Board.

Charles, Union Steward, was present and addressed the Board

Questions, answers, and comments were provided.

Commissioner Ortega moved, seconded by Commissioner Tohom to deny the appeal of David Cruz, Jr. Unanimously APPROVED.

ITEM NO. 10 - Appeal of Jorge Acosta Concerning the Department's September 15, 2023 Cancellation of His Motor Bus Driver Permit #627910, Pursuant to Los Angeles Municipal Code § 71.06 – Falsification of Application and Board Order 600, Rule D2 – DOT Transit

Pat Barker, Sr. Transportation Investigator presented the report.

Appellant Jorge Acosta was present and addressed the Board.

Questions, answers, and comments were provided.

Commissioner Eisenberg moved, seconded by Commissioner Talbott to grant the appeal of Jorge Acosta. Unanimously APPROVED.

Commissioner Eisenberg moved, seconded by Commissioner Ortega to exit Closed Session. Unanimously APPROVED.


DCA Dufner reported that in the Executive Session, the Board

- Denied the appeal of David Cruz, Jr.
- Granted the appeal of Jorge Acosta

ADJOURNMENT – PURSUANT TO GOVERNMENT CODE SECTION 54956.7

With no further business to come before the Board, Commissioner Eisenberg moved, seconded by Commissioner Ortega to adjourn the meeting. Unanimously APPROVED.

The meeting adjourned at 12:58 PM.

Approved: <u>11/9/2023</u>
Board of Transportation Commissioners

Commission Executive Assistant