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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

FIX THE CITY, INC., a California
Nonprofit Corporation,

Petitioner and Plaintiff,

vs.

CITY OF LOS ANGELES, a municipal
corporation; the CITY OF LOS ANGELES
CITY COUNCIL; and DOES 1 through
10, inclusive,

Respondents and Defendants.

Case No. 23STCP04410

**VERIFIED PETITION FOR WRIT OF
MANDAMUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

**[Code Civ. Proc. §§ 1060, 1085;
California Environmental Quality Act
(CEQA), Pub. Res. Code § 21000, et seq.]**

1 Code § 20162, and that fails to follow state law regulating the adoption of emergency
2 declarations, as required by Govt. Code § 8630. As demonstrated below, LAAC 8.33
3 should be declared invalid.

4 4. Govt. Code § 8630 contains minimum requirements for initial and ongoing
5 ratification of a declared “local emergency.” The proclamation must be:

- 6 • Ratified by the governing body within 7 days; and
- 7 • Renewed by the governing body every 60 days until terminated.

8 5. LAAC 8.33 fails to comply with these requirements in ways that impair or
9 eliminate the public’s ability to understand, participate in and affect what their government
10 is doing.

11 6. The extraordinary powers granted by LAAC 8.33 demand public
12 accountability. Among the powers claimed by the Mayor under LAAC 8.33 are the
13 powers to:

- 14 • Promulgate, issue and enforce rules, regulations, orders and
15 directives that take effect immediately upon their issuance.
- 16 • Commandeer property deemed necessary to meet interim and
17 temporary housing needs and bind the City for the fair value thereof.
- 18 • Suspend competitive bidding.

19 7. Govt. Code § 8630’s requirements for local emergencies are not trivial. An
20 emergency declaration “shall not” remain in effect for a period in excess of seven days
21 unless it is ratified, and must be re-authorized every 60 days. Ratification by the
22 legislative branch in an initially short period of seven days provides a crucial check on
23 executive power. Regular and recurring ratifications within 60 days, with the mandate that
24 the emergency be declared over as soon as possible, provides a further check on executive
25 power. Ratification performs another critical function: It provides, indeed forces, the
26 opportunity for public participation initially and for as long as the “emergency” continues
27 because the act of ratification is the subject of a public hearing.

28

1 12. The Project site is approximately 16,860 square feet and is actually two
2 small parcels² bisected by an alley, with frontages along Pico Boulevard and Midvale
3 Avenue. Parcel 2, north of the alley is zoned R1 to be used for single-family residential
4 projects only; Parcel 1, south of the alley, is zoned NMU(EC)-POD to be used for mixed-
5 and multi-family uses.

6 13. Parcel 2 abuts single-family homes to the east, west and north.

7 14. Rather than conduct preliminary entitlement and environmental review to
8 assess whether the intensive new use was appropriate for or even legally allowed on the
9 Project site, and to inform the public of the Project’s potentially significant environmental
10 effects, the City invoked exemptions to CEQA based on AB 1197 and the California
11 Emergency Services Act using the Mayor’s LAAC 8.33 Emergency Declaration,
12 foreclosing any environmental analysis for a proposal that has generated considerable City-
13 wide attention.

14 15. Specifically, on July 24, 2023, Council District 5 announced the Project
15 **after** site selection had been completed and after a vendor and provider had already been
16 selected. There had been no prior Council file, Council action of any type, application or
17 project initiation prior to the announcement.

18 16. On October 20, 2023, the City Council approved the Project and a CEQA
19 statutory exemption under Pub. Res. Code § 21080(b)(4) and CEQA Guidelines §
20 15269(c), as an action necessary to prevent or mitigate an emergency; and also citing Pub.
21 Res. Code § 21080.27 (AB 1179) as a basis for exempting the Project from environmental
22 review under CEQA.

23 17. On November 1, 2023, the City’s Department of Public Works, Bureau of
24 Engineering, issued a CEQA Notice of Exemption (“NOE”), again citing Pub. Res. Code
25 §§ 21080(b)(4), 21080.27 and CEQA Guidelines § 15269(c).

26
27

28 ² APNs 4322-004-902 (Lot 1) and 4322-004-903 (Lot 2).

1 rights because of the Emergency Declaration, the City’s failure to present a resolution, and
2 the City Council’s failure to ratify the Emergency Declaration.

3 26. LAAC 8.33 places vast powers in the hands of the Mayor allowing the
4 taking of private property, the change of use of public property to the detriment of a broad
5 range of citizens, approval of the development of property and operation of facilities
6 behind the closed doors of City Hall, and the expenditure of City funds without the benefit
7 of competitive bidding. Fix the City brings this action because of the weighty public
8 interest of the citizens of the City in open governance and how their tax dollars are spent.
9 Fix the City has a substantial interest in ensuring that the City’s decisions are in conformity
10 with the requirements of law, and in having those requirements properly executed and the
11 public duties of the City enforced. Fix the City and its board members will be adversely
12 affected by impacts resulting from the City’s actions and approvals, and is aggrieved by
13 the acts, decisions and omissions of the City as alleged herein. Fix the City is suing on
14 behalf of itself, its board members, and on behalf of all others who will be affected as well
15 as all citizens of the City of Los Angeles.

16 27. Respondent City of Los Angeles is a California charter city located in the
17 County of Los Angeles, California.

18 28. Respondent Los Angeles City Council is the elected governing body of the
19 City, and is the body responsible for decisions at issue herein.

20 29. Petitioner is ignorant of the true names of respondents sued herein as DOES
21 1 through 10, inclusive, and therefore sues said respondents by those fictitious names.
22 Petitioner will amend the petition to allege their true names and capacities when the same
23 have been ascertained. Petitioner is informed and believes, and based thereon alleges, that
24 each of these fictitiously named respondents is in some manner responsible for the
25 wrongful conduct alleged in this petition. Petitioner is informed and believes, and based
26 thereon alleges, that these fictitiously named respondents were, at all times mentioned in
27 this petition, the supervisors, agents, servants, and/or employees of their co-respondents
28

1 and were acting within their authority as such with the consent and permission of their co-
2 respondents.

3 **JURISDICTION AND VENUE**

4 30. Jurisdiction over Respondents, and each of them, exists because each of the
5 Respondents named in this litigation are present and operating within the jurisdictional
6 limits of the County of Los Angeles.

7 31. Venue is proper because all of the acts and omissions complained of in this
8 litigation took place within this judicial district.

9 **GENERAL ALLEGATIONS AND PROCEDURAL BACKGROUND**

10 32. The California Emergency Services Act is contained in Govt. Code §§
11 8550-8668. The Legislature enacted the California Emergency Services Act in 1970
12 (Stats. 1970, ch. 1454) to replace the similar California Disaster Act which was then found
13 in §§ 1500-1601 of the Military and Veterans Code.

14 33. The California Emergency Services Act is comprehensive and has as its
15 purpose the assurance that state and local entities will adequately prepare for and deal with
16 the effects of natural, manmade, or war-caused emergencies through the requisite
17 coordination of the resources available at the state and local level. To this end, the
18 California Emergency Services Act's purpose is also to confer emergency powers upon the
19 Governor, the chief executives and governing bodies of local governments and to establish
20 the California Office of Emergency Services within the Governor's Office. (Govt. Code §
21 8550.)

22 34. Declarations of emergency, even local ones, are matters of statewide
23 concern. "The state has long recognized its responsibility to mitigate the effects of natural,
24 manmade, or war-caused emergencies that result in conditions of disaster or in extreme
25 peril to life, property, and the resources of the state, and generally to protect the health and
26 safety and preserve the lives and property of the people of the state." (Govt. Code §
27 8550.)
28

1 35. The California Emergency Services Act by Govt. Code § 8558 establishes
2 three conditions or degrees of emergency, including “Local emergency,” which in relevant
3 part,

4 “means the **duly proclaimed** existence of **conditions of disaster or**
5 **of extreme peril to the safety of persons and property** within the
6 territorial limits of a county, city and county, or city, caused by
7 conditions such as air pollution, fire, flood, storm, epidemic, riot,
8 drought, cyberterrorism, sudden and severe energy shortage,
9 deenergization event, electromagnetic pulse attack, plant or animal
10 infestation or disease, the Governor’s warning of an earthquake or
11 volcanic prediction, or an earthquake, or other conditions, other than
12 conditions resulting from a labor controversy, **which are or are**
13 **likely to be beyond the control of the services, personnel,**
14 **equipment, and facilities of that political subdivision and require**
15 **the combined forces of other political subdivisions to combat... .”**
16 (Govt. Code § 8558(c)(1); emphasis added.)

17 36. By definition, local emergencies involve assistance from other cities and
18 counties beyond the city declaring the emergency³ and from the State, further
19 demonstrating the California Emergency Services Act addresses matters of statewide
20 concern.

21 37. LAAC 8.22 that is based on the California Emergency Services Act defines
22 a “local emergency” in Los Angeles as “**an occurrence**, which by reason of its magnitude
23 is or likely to become beyond the control of normal services, personnel, equipment, and
24 facilities of the regularly constituted, branches and departments of city government.”
25 (Emphasis added.) While tragic, homelessness and affordable housing concerns are not

26 _____
27 ³ “‘Political subdivision’ includes any city, city and county, county, tax or
28 assessment district, or other legally authorized local governmental entity with jurisdictional
boundaries.” Govt. Code § 12650.

1 “an occurrence,” and are instead chronic conditions which have plagued the city for
2 decades. Govt. Code Section 8558 cannot be read to include as local emergencies long-
3 standing and chronic conditions.

4 38. By way of example, it would be unlawful for the City to declare an “old
5 pipe” emergency because pipes that have not been repaired have started to rupture at an
6 increasing rate as they age. Aging infrastructure and deferred maintenance are well
7 known, chronic problems. The harm caused by deferred maintenance over decades
8 including loss of water to parts of the city, while tragic, would not constitute an emergency
9 as there is no “occurrence” and the rupture of aged pipes is not unexpected.

10 39. Indeed, the Initial Emergency Declaration itself shows that the intent is to
11 continue ongoing efforts, not to respond to a sudden, unexpected occurrence:
12 “WHEREAS, declaring this emergency will enable the City to **continue to** mobilize local
13 resources, coordinate inter-agency response, accelerate procurement of housing units, use
14 mutual aid, and seek assistance and potential reimbursement by the State and Federal
15 governments – all critical to the **ongoing efforts** to respond forcefully and successfully to
16 this housing and homelessness crisis.” (Emphasis added.)

17 40. Further showing that homelessness is neither sudden nor unexpected: “In
18 December of 1993, the Los Angeles County Board of Supervisors and the Los Angeles
19 mayor and City Council created the Los Angeles Homeless Services Authority (LAHSA)
20 as an independent, joint powers authority. LAHSA is the lead agency in the Los Angeles
21 Continuum of Care, which is the regional planning body that coordinates housing and
22 services for homeless families and individuals in Los Angeles County.” Citing:
23 <https://www.lahsa.org/about>

24 41. Further showing that homelessness is neither sudden nor unexpected, on
25 January 24, 2012, then-Los Angeles County Supervisors Zev Yaroslavsky and Mark
26 Ridley-Thomas stated that “Los Angeles County remains the homeless capital of the
27 country.”
28

1 42. Further showing that homelessness is neither sudden nor unexpected, the
2 City has been filing annual progress reports on the ongoing declared Shelter Crisis since
3 calendar year 2018/2019 and published a “Comprehensive Homeless Strategy” on January
4 7, 2016.

5 43. The City’s interpretation of the California Emergency Services Act, Section
6 8558, by the use of the word “occurrence”, demonstrates that longstanding and chronic
7 conditions are not “local emergencies” in the City of Los Angeles. Webster’s Dictionary
8 defines “occurrence” as “something that takes place; [especially] something that happens
9 unexpectedly and without design.” (Webster’s New Internat. Dict. (3d ed. 1981) p. 1561.)
10 Similarly, Black’s Law Dictionary defines “occurrence” as “[a]ny incident or event,
11 especially one that happens without being designed or expected.” (Black’s Law Dict. (5th
12 ed. 1979) p. 974.)

13 44. The California Emergency Services Act by Govt. Code § 8630 further
14 provides for the authority of local government to issue a proclamation of local emergency,
15 and states as its procedural requirements:

16 “(a) A local emergency may be proclaimed only by the governing
17 body of a city, county, or city and county, or by an official designated
18 by ordinance adopted by that governing body. [¶] (b) Whenever a
19 local emergency is proclaimed by an official designated by
20 ordinance, the local emergency shall not remain in effect for a period
21 in excess of seven days unless it has been ratified by the governing
22 body. [¶] (c) The governing body shall review the need for
23 continuing the local emergency at least once every 60 days until the
24 governing body terminates the local emergency. [¶] (d) The
25 governing body shall proclaim the termination of the local emergency
26 at the earliest possible date that conditions warrant.”

27 45. Article I, Section 19 of the California Constitution provides:
28

1 “(a) Private property may be taken or damaged for a public
2 use and only when just compensation, ascertained by a jury
3 unless waived, has first been paid to, or into court for, the
4 owner. The Legislature may provide for possession by the
5 condemnor following commencement of eminent domain
6 proceedings upon deposit in court and prompt release to the
7 owner of money determined by the court to be the probable
8 amount of just compensation.”

9 46. Controlling state law also provides: “When the expenditure required for a
10 public project exceeds five thousand dollars (\$5,000), it shall be contracted for and let to
11 the lowest responsible bidder after notice.” (Pub. Contracts Code § 20162.)

12 47. State law provides for spending in cases of emergency:
13 “In case of an emergency, the legislative body may pass a
14 resolution by a four-fifths vote of its members declaring that
15 the public interest and necessity demand the immediate
16 expenditure of public money to safeguard life, health, or
17 property. Upon adoption of the resolution, it may expend any
18 sum required in the emergency without complying with this
19 chapter. If notice for bids to let contracts will not be given,
20 the legislative body shall comply with Chapter 2.5
21 (commencing with Section 22050).” (Pub. Contracts Code §
22 20168.)

23 48. LAAC § 8.22 defines a “local emergency” as “any occurrence which by
24 reason of its magnitude is or is likely to become beyond the control of the normal services,
25 personnel, equipment and facilities of the regularly constituted branches and departments
26 of the City government.”

27 49. LAAC § 8.27 empowers the Mayor, consistent with the ratification
28 requirements of the California Emergency Services Act, to declare the existence of a local

1 emergency or disaster when he or she finds that any of the circumstances described in
2 LAAC § 8.22 exist. When the Mayor issues an emergency declaration under LAAC §
3 8.27, the General Manager of the Emergency Management Department shall prepare a
4 resolution ratifying the existence of a local emergency and the need for continuing the state
5 of local emergency. The resolution shall be approved or disapproved within seven days
6 from the date of the original declaration by the Mayor and at least every ten regular City
7 Council meeting days, but no longer than 30 calendar days thereafter unless the state of
8 local emergency is terminated sooner. (LAAC § 8.27.)

9 50. By Ordinance No. 187,922, effective July 5, 2023, the City Council created
10 LAAC 8.33, Local Housing and/or Homelessness Emergency. By LAAC 8.33, the Mayor
11 may declare a local emergency when

12 “(i) The City’s housing supply is projected to be at least 40 percent
13 below its annual housing production goals as established in the
14 Housing Element approved by the State Department of Housing and
15 Community Development and reported in the City Planning
16 Department’s quarterly Housing Production Report; and/or (ii)
17 Homelessness in the City has reached a crisis as indicated by either:
18 (1) The unhoused population in the City is greater than two times the
19 total number of interim beds as established in the annual Homeless
20 Inventory Count submitted to the federal Department of Housing and
21 Urban Development; or (2) There is a citywide increase by more than
22 20 percent in a single year as reported in the annual Point-in-Time
23 Count.” (LAAC 8.33(b).)⁴

24 51. However, contrary to the California Emergency Services Act emergency
25 declaration procedural requirements, LAAC 8.33(e) allows:

26 _____
27 ⁴ Each of the criteria listed were already satisfied when LAAC 8.33 was passed,
28 raising the specter of chronic conditions being used as justification for declarations of
emergency.

1 “(e) Whenever the Mayor declares a local housing and/or
2 homelessness emergency, the Chief Legislative Analyst’s Office
3 shall prepare, with the assistance of the City Attorney, a resolution
4 ratifying the existence of a local housing and/or homelessness
5 emergency. Such resolution shall be submitted by the Mayor to the
6 City Clerk for presentation to the City Council. Within 30 days from
7 the date of the original declaration by the Mayor, the City Council
8 **may consider** the resolution and rescind it by majority vote.
9 Thereafter, the declaration shall expire unless the City Council
10 renews it by majority vote every 90 calendar days.” (Emphasis
11 added.)

12 52. LAAC 8.33(d) in part empowers the Mayor to:

13 “(ii) Commandeer property deemed necessary to meet interim and
14 temporary housing needs and bind the City for the fair value thereof.”

15

16 “(v) Suspend competitive bidding restrictions enumerated in
17 Charter Section 371(e)(6) and Los Angeles Administrative Code
18 Sections 10.15 and 10.17 for contracts entered into by City
19 departments and offices in response to the emergency and mitigation
20 efforts related to the emergency, subject to the following:

21 “(1) Such suspension may remain in effect until the Mayor
22 terminates the suspension or the City Council finds the suspension is
23 no longer needed and acts to terminate the suspension;

24 “(2) Contracts using the suspended competitive bidding
25 restrictions specified in this subsection may be for a term no longer
26 than one year; thereafter, further contracting for the same need shall
27 be accomplished by competitive bidding whenever applicable;
28

1 “(3) The City Council may terminate a contract awarded
2 under this subsection and require competitive bidding; and

3 “(4) The City Administrative Officer shall evaluate and
4 report monthly to the City Council on the reasons justifying why each
5 contract let pursuant to this subsection was necessary to respond to
6 the emergency, including why the emergency did not permit a delay
7 resulting from a competitive solicitation for bids or proposals and
8 why competitive proposals or bidding was not reasonably practicable
9 or compatible with the City’s interests.”

10 53. On December 12, 2022, Mayor Bass issued a Declaration of Local
11 Emergency pursuant to LAAC 8.27 regarding the unhoused (CF 22-1545). A true and
12 copy of the declaration from the City’s website is attached at **Exhibit 1**. The following
13 day, on December 13, 2022, the City Council adopted and ratified the aforementioned
14 declaration of local emergency.⁵

15 54. On December 16, 2022, Mayor Bass issued Executive Directive No. 1
16 (ED1) titled “Expedition of Permits and Clearances for Temporary Shelters and Affordable
17 Housing Types,” pursuant to LACC § 8.29. A true and copy of ED1 from the City’s
18 website is attached at **Exhibit 2**.

19 55. On December 21, 2022, Mayor Bass issued Executive Directive No. 2
20 (ED2) known as the “Inside Safe Initiative.” This directive cited both LAAC § 8.29 and
21 the declaration of local emergency made on December 12, 2022. A true and copy of ED2
22 from the City’s website is attached at **Exhibit 3**.

23 56. On February 9, 2023, the General Managers of the Planning Department,
24 Building and Safety, and Housing issued “Implementation Guidelines for Executive
25 Directive 1: Expedition of Permits and Clearances for Temporary Shelters and Affordable
26

27 _____
28 ⁵ The Initial Emergency Declaration was renewed per LAAC § 8.27 and California
Emergency Services Act, Govt. Code § 8630, until it was allowed to expire.

1 Housing Types.” A true and correct copy of these Guidelines from the City’s website is
2 attached at **Exhibit 4**.

3 57. On February 10, 2023, Mayor Bass promulgated Executive Directive No. 3
4 (ED3) titled “Emergency Use of Viable City-Owned Property,” pursuant to LAAC § 8.29.
5 A true and copy of ED3 from the City’s website is attached at **Exhibit 5**.

6 58. On June 12, 2023, Mayor Bass re-issued ED1, maintaining its original title
7 “Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing
8 Types” in reliance on LAAC § 8.29 and adding “**and in no instance shall the project be**
9 **located in a single family or more restrictive zone.**” (Emphasis added.) A true and copy
10 of the re-issued ED1 from the City’s website is attached at **Exhibit 6**.

11 59. On June 16, 2023, Councilmember Paul Krekorian moved that the City
12 Attorney draft a new LAAC 8.33 for form and legality and prepare and present an
13 ordinance with an urgency clause to effectuate this section. (CF 23-0652.) A true and
14 correct copy of the motion from the City’s website is attached at **Exhibit 7**.

15 60. On June 20, 2023, the City Council amended and adopted the motion. A
16 true and correct copy of the motion from the City’s website is attached at **Exhibit 8**.

17 61. On June 27, 2023, City Council adopted the item as amended. A true and
18 correct copy thereof from the City’s website is attached at **Exhibit 9**.

19 62. On June 27, 2023, the City Council formally requested a draft ordinance to
20 codify the provisions of ED1 (CF 23-0623). The City Council sought insights into the
21 effectiveness and impact of ED1, along with related matters. A true and correct copy of
22 the motion requesting an ordinance from the City’s website is attached at **Exhibit 10**.

23 63. On June 27, 2023, the City Council adopted LAAC 8.33, as amended,
24 forthwith. The Ordinance was effective on July 5, 2023. A true and correct copy thereof
25 from the City’s website is attached at **Exhibit 11**.

26 64. On July 7, 2023, Mayor Bass issued a new Emergency Declaration, a
27 Declaration of Local Housing and Homelessness Emergency under the newly adopted
28 LAAC 8.33 (CF 22-1545). In this Emergency Declaration, Mayor Bass stated that all prior

1 directives were to be retroactively included under this new Emergency Declaration. A true
2 and correct copy of that Emergency Declaration from the City’s website is attached at
3 **Exhibit 12.**

4 65. No resolution ratifying the existence of a local housing and/or homelessness
5 emergency was presented to the City Council within 30 days as required by LAAC 8.33.

6 66. No ratification of the Emergency Declaration occurred within seven days as
7 required by Govt. Code § 8630.

8 67. On the same day, July 7, 2023, Mayor Bass re-issued ED1, titled
9 “Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing
10 Types,” basing its authority on the newly enacted LAAC 8.33 and retaining the language
11 “and in no instance shall the project be located in a single family or more restrictive
12 zone. A true and correct copy of this re-issued ED1 from the City’s website is attached as

13 **Exhibit 13.**

14 68. On July 9, 2023, the original December 12, 2022 declaration expired.

15 69. On August 4, 2023, Mayor Bass issued “Housing and Homelessness
16 Emergency Action Plan.” A true and correct copy of Mayor Bass’ August 4, 2023 letter
17 (as obtained from the City’s website) is attached at **Exhibit 14.**

18 70. On August 10, 2023, the Los Angeles Board of Transportation
19 Commissioners held an “informational” session on the Project. The informational session
20 did not provide the public with a meeting agenda staff report. The Board took no action at
21 the informational session.

22 71. On September 29, 2023, the Bureau of Engineering issued its CEQA
23 exemption report.

24 72. On October 4, 2023, the Los Angeles Housing and Homeless Commission
25 held a public hearing to approve Project funding for the purchase of the sleeping huts.

26 73. October 5, 2023 marked 90 days since the Mayor’s Emergency Declaration.

27 74. On October 12, 2023, the Board of Transportation Commissioners held a
28 public hearing on the Project. The Commission President continued the item to October

1 18, 2023 for lack of information on the Project, including lack of information on the
2 CEQA exemptions.

3 75. On October 16, 2023, the Mayor fired the President of the Board of
4 Transportation Commissioners.

5 76. In an October 17, 2023 article, the former president of the Board of
6 Transportation Commissioners is quoted saying: “I’ve never seen anything like this,”
7 Eisenberg said. ‘It’s sending a message of “You do what we tell you or we’re going to cut
8 you.” That’s the wrong message. That’s not the message you want to send when you’re in
9 a democracy.’”

10 77. On October 18, 2023, the Board of Transportation Commissioners held a
11 public hearing on the Project and approved use of Lot 707 for the Project and approved a
12 CEQA statutory exemption under Pub. Res. Code § 21080(b)(4) and CEQA Guidelines §
13 15269(c) as a specific action necessary to prevent or mitigate an emergency, as well as
14 based on Pub. Res. Code § 21080.27 (AB 1179).

15 78. On October 20, 2023, the City Council approved the Project and CEQA
16 statutory exemption under Pub. Res. Code § 21080(b)(4) and CEQA Guidelines § 15269(c)
17 as a specific action necessary to prevent or mitigate an emergency, as well as based on
18 Pub. Res. Code § 21080.27 (AB 1179).

19 79. On October 31, 2023, the City Council voted to “renew” the already-expired
20 July 7, 2023 Emergency Declaration, using a revised Resolution.

21 80. On November 1, 2023, the Bureau of Engineering filed a NOE and
22 accompanying narrative for the Project for both the Board of Transportation
23 Commissioners and the City Council.

24 **FIRST CAUSE OF ACTION**

25 **(Petition for Writ of Mandamus)**

26 81. Petitioner realleges and incorporates herein by reference the allegations of
27 Paragraphs 1 through 80, inclusive, of this Petition and Complaint.
28

1 82. Pursuant to the California Emergency Services Act, Govt. Code § 8630(b),
2 the declaration of local emergency shall not remain in effect for a period in excess of seven
3 days unless it has been ratified by the governing body. The July 7, 2023 Emergency
4 Declaration issued by Mayor Bass (**Exhibit 12**) was not ratified within seven days and is
5 therefore ineffective and void. As a consequence, Respondents have no discretion to act
6 other than to vacate the Emergency Declaration as well as ED1, ED2, ED3, ED1
7 Guidelines, LADWP Project Powerhouse, ED6, the Housing and Homelessness
8 Emergency Action Plan Action Plan and any other rules, regulations promulgated by any
9 City department based thereon.

10 83. Pursuant to LAAC 8.33, whenever the Mayor declares a local housing
11 and/or homelessness emergency, the Chief Legislative Analyst’s Office shall prepare, with
12 the assistance of the City Attorney, a resolution ratifying the existence of a local housing
13 and/or homelessness emergency. Such resolution shall be submitted by the Mayor to the
14 City Clerk for presentation to the City Council. No such resolution was presented to the
15 City Council despite an understanding of the word “shall” in that requirement. As the City
16 acknowledged: “SO we have prepared a Resolution for presentation. We can submit it
17 and the Council can do nothing with it to be compliant with the ordinance or hear it in 90
18 days. But it seems we are required to prepare and submit. **The word ‘SHALL’ either**
19 **means something or it doesn’t.**” (July 28, 2023 mail from John Wickham, Office of the
20 Chief Legislative Analyst, in response to Petitioner’s Public Records Act request to the
21 Chief Legislative Analyst. (Emphasis added; ellipses in original; capitalization in
22 original.)

23 84. Even assuming that the 7-day ratification under Govt. Code Section 8630
24 was not required for the July 7, 2023 Emergency Declaration, which it was, pursuant to the
25 California Emergency Services Act, Govt. Code § 8630(b), the declaration of local
26 emergency shall review the need for continuing the local emergency at least once
27 every 60 days until the governing body terminates the local emergency. The City Council
28 did not conduct such a review within 60 days.

1 85. Even assuming that neither the 7-day nor 60-day ratification under Govt.
2 Section 8630 is required, which they were, LAAC 8.33(e) states: “Thereafter, the
3 declaration shall expire unless the City Council renews it by majority vote every 90
4 calendar days.” As further supported by the admission contained in Ms. Gin’s July 31,
5 2023 communication alleged at ¶ 9 above, the Mayor’s Emergency Declaration expired 90
6 days later on October 5, 2023. Attached hereto at **Exhibit 15** is a true and correct copy of
7 this email. The City Council failed to renew it by majority vote on or before October 5,
8 2023.

9 86. On October 31, 2023, the City Council purported, via Council File 22-1545,
10 to renew the July 7, 2023 Emergency Declaration. The Emergency Declaration expired on
11 October 5, 2023 as discussed above. That attempt and any subsequent attempted
12 “renewal” by the City Council was and will be void ab initio and ultra vires acts. The
13 Emergency Declaration had already expired and any purported renewal by the City
14 Council after October 5, 2023 was or will be invalid and of no force or effect.

15 87. A clear, present and ministerial duty exists for Respondents to act in
16 compliance with Govt. Code § 8630 and LAAC 8.33 in their declaration of a “local
17 emergency.” Petitioner has no plain, speedy or adequate remedy available to it in the
18 ordinary course of law to redress the claims alleged in this Petition. Petitioner and the
19 public generally will suffer irreparable harm if the Court does not issue mandamus
20 directing the City to comply with the California Emergency Services Act, Govt. Code §
21 8630(b), and to declare the Emergency Declaration vacated. Mayor Bass has issued and
22 threatens to proceed with directives such as ED1 proclaimed pursuant to LAAC 8.33 and
23 the Emergency Declaration, which among other things, exempts from discretionary review
24 permits for 100% affordable housing, i.e., which in turn eliminates public hearings, due
25 process and the right of appeal.

26 88. The City has a clear, present and ministerial duty arising from the terms of
27 LAAC 8.33 to void the Emergency Declaration and vacate all contracts, approvals, and
28

1 building entitlements based thereon because the Emergency Declaration was not timely
2 renewed by the City Council.

3 **SECOND CAUSE OF ACTION**

4 **(Declaratory Relief)**

5 89. Petitioner realleges and incorporates herein by reference the allegations of
6 Paragraphs 1 through 88, inclusive, of this Petition and Complaint.

7 90. “It is well established that parties may seek declaratory relief with respect to
8 the interpretation and application of local ordinances.” *Action Apartment Assn., Inc. v.*
9 *City of Santa Monica* (2007) 41 Cal.4th 1232, 1250, fn. 5.

10 91. LAAC 8.33 violates the California Emergency Services Act because
11 housing and/or homelessness are not, as a matter of definition, local emergencies pursuant
12 to Govt. Code Section 8558. Housing and/or homelessness are long-standing and chronic
13 conditions.

14 92. LAAC 8.33 also violates the California Emergency Services Act, Govt.
15 Code § 8630, including because LAAC 8.33 does not require City Council ratification or
16 rescission in 7 days; it gives 30 days during which the City Council may consider the
17 resolution and rescind it. It does not require an affirmative vote to make the declaration
18 valid.

19 93. LAAC 8.33 also violates the California Emergency Services Act, Govt.
20 Code § 8630, because LAAC 8.33 does not require City Council review of the necessity
21 for an emergency declaration within 60 days; rather, it requires review every 90 days.

22 94. LAAC 8.33 also violates Article 1, Section 19 of the California
23 Constitution, and the panoply of procedural and substantive rights and protections
24 embodied in the Eminent Domain Law, Code of Civil Procedure §§ 1230.010, *et seq.*, by
25 granting the Mayor the power to commandeer property and to set the value of the taking.

26 95. LAAC 8.33 also violates controlling State Law, including Pub. Contracts
27 Code § 20162, by empowering the Mayor to suspend competitive bidding and allow sole-
28 source contracting. LAAC 8.33’s empowerment of the Mayor to administratively suspend

1 competitive bidding restrictions is not only a direct conflict with state competitive bidding
2 laws, but undermines the state’s objective of ensuring fairness, transparency, and fiscal
3 responsibility in public procurement. Further, suspending competitive bidding will likely
4 bypass City and state ethics laws. This is particularly concerning when considering
5 Measure H, overwhelmingly adopted by the City’s voters, aimed to restrict campaign
6 contributions and fundraising by bidders on certain City contracts. By bypassing bidding,
7 the protections of State Law and Measure H would be rendered moot.

8 96. LAAC 8.33 also violates LAAC § 8.22 in that it allows for a “local
9 emergency” to be declared for chronic conditions instead of for occurrences as provided.

10 97. An actual and present controversy has arisen and now exists between
11 Petitioner and citizens of the City of Los Angeles on the one hand, and the City on the
12 other, respecting the legality of LAAC 8.33 and the application of state codes and
13 constitutional provisions to that municipal code, that is, LAAC 8.33 violates, *inter alia*, the
14 controlling requirements of the California Emergency Services Act, Article I, Section 19 of
15 the California Constitution, and the Pub. Contracts Code. Petitioner seeks a declaratory
16 judgment from this Court invalidating LAAC 8.33, the Emergency Declaration, and ED1,
17 ED2, ED3, ED1 Guidelines, LADWP Project Powerhouse, ED6, the Housing and
18 Homelessness Emergency Action Plan and any other rules, regulations promulgated by any
19 City department based thereon.

20 98. Petitioner and the public generally will suffer irreparable harm if the Mayor
21 is not restrained from exercising the emergency powers of LAAC 8.33. Those powers may
22 and likely will continue for years to come and will have long-lasting impacts on the City of
23 Los Angeles and its citizens.

24 99. Eight years prior to the adoption of LAAC 8.33, the City Council had
25 already declared a Shelter Crisis (CF 15-1138) under Govt. Code § 8698.4. This
26 continuing Shelter Crisis declaration, and the six shelter crisis annual reports sent to the
27 State, is a testament to the long-standing, chronic nature of the homelessness issues facing
28 the City. Housing stock in general and affordable housing are also chronic in nature.

1 100. The City began the process of forming the Los Angeles Housing Service
2 Authority (LAHSA) 31 years ago in 1991 (CF 91-0975). LAHSA was then formed in
3 December of 1993 by the Los Angeles County Board of Supervisors and the Los Angeles
4 Mayor and City Council as an independent, joint powers authority that coordinates housing
5 and services for homeless families and individuals in Los Angeles County.

6 101. Rather than being sudden or unexpected developments, these challenges
7 have been persistent and recognized as severe for decades. LAAC 8.33's expansive scope,
8 granting the Mayor authority to address a vast array of issues under the umbrella of a Local
9 Housing and/or Homelessness Emergency, goes far beyond the plight of the homeless, and
10 marginalizes existing Constitutional and statutory laws and the safeguards contained
11 therein. LAAC 8.33's sweeping delegation of authority not only threatens the balance and
12 separation of governmental powers, but jeopardizes the public's rights as guaranteed by
13 various Constitutional, statutory and regulatory protections.

14 102. Mayor Bass has already issued ED1 pursuant to LAAC 8.33, which among
15 other things exempts from discretionary review permits for 100% affordable housing. By
16 doing so, the Mayor permits years of construction for which development planning
17 oversight is non-existent.

18 103. The method by which billions of tax dollars are spent on affordable and
19 interim housing is at stake. Under LAAC 8.33 and the expired July 7, 2023 Emergency
20 Declaration, transparency and accountability are sacrificed, thus putting valuable tax
21 dollars at risk⁶. These are just two long term impacts on the citizens of the City of Los
22 Angeles.

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⁶ <https://www.nbclosangeles.com/investigations/la-mayor-inside-safe-homeless-housing-program/3281201/>: NBC: LA mayor's Inside Safe effort: \$67 million spent, only 255 homeless people permanently housed.

GENERAL CEQA ALLEGATIONS

1
2 104. The Project site is Los Angeles Special Revenue Parking Fund (hereinafter
3 “SPRF”) City Parking Lot 707, a 16,860 square-feet and is actually two small parcels
4 bisected by an alley, with frontages along Pico Boulevard and Midvale Avenue. Parcel 2
5 is zoned R1 (single-family projects only), and Parcel 1 is zoned NMU(EC)-POD (mixed-
6 and multi-family uses) and is located within the Exposition Corridor Neighborhood Transit
7 Plan area.

8 105. Currently both parcels are used as a City-owned parking lot, Lot 707, which
9 provides critical customer parking and ADA parking to small businesses along and around
10 nearby Pico Boulevard’s commercial district. Pico Boulevard is a “tow away” zone with
11 no stopping from 4:00 pm to 7:00 pm, daily. A neighborhood preferential parking permit
12 system prevents non-residents from parking in the neighborhood north of the alley after
13 6:00 pm. Accordingly, the two City-owned lots are vital to local small businesses with
14 evening clientele such as restaurants.

15 106. The parcel north of the alley abuts single-family homes on its eastern,
16 western and northern boundaries. The parcel south of the alley has commercial uses on its
17 eastern and western boundaries and Pico Boulevard on its southern boundary.

18 107. The Project would construct and operate a “low-barrier”⁷ tiny-home shelter
19 comprised of 33 sleeping units, two of which would be Americans with Disabilities Act
20 accessible, with restrooms in each unit; three on-site laundry units, storage bins and a
21 storage module, pet area, office/case management conferencing space, dining
22 area/community space, security fencing, and approximately two staff parking spaces.

23 _____
24 ⁷ “Low-barrier” definition: In Los Angeles, low barrier shelters are part of the City’s
25 strategy to address homelessness. They are designed to be accessible to as many homeless
26 individuals as possible, including: Those without identification or proof of homelessness.
27 Individuals under the influence of alcohol or drugs, provided they do not pose a danger to
28 themselves or others. People with mental health issues who might not be able to comply
with more stringent shelter rules. Homeless individuals with pets, as pets are often a
significant barrier to shelter access.

1 108. The Project would result in an intensive use of the single-family-zoned site
2 by providing 24-hour services such as emergency shelter, hygiene, storage, food services
3 and case management. Additional services would include job training, group therapy,
4 resume building and other workshops. Project operations will include approximately six to
5 eight employees scheduled in shifts throughout the day, approximately three employees
6 onsite at one time; with site security provided on a 24/7 basis or per a security plan
7 consistent with Los Angeles Homeless Services Authority’s (LAHSA) standards.

8 109. According to the CEQA Notice of Exemption (“NOE”) and its narrative, a
9 third-party service provider would operate the Project for the City and it is anticipated that
10 a 10-year lease or similar operating and/or funding agreements may be executed in the
11 future with the service provider, County, and/or LAHSA. In the future, the City may
12 execute a lease or similar operating and/or funding agreements with the service provider,
13 County, and/or LAHSA. The Project would be operated under LAHSA’s program
14 requirements for crisis and bridge shelters.

15 110. The City has invoked an emergency CEQA exemption using the expired
16 Emergency Declaration for the Project.

17 111. CEQA and its implementing regulations (Cal. Code Regs., tit.14, § 15000 *et*
18 *seq.* (“CEQA Guidelines”) embody California’s strong public policy of protecting the
19 environment. The basic purposes of CEQA are to: (1) Inform governmental decision
20 makers and the public about the potential, significant environmental effects of proposed
21 activities. (2) Identify ways that environmental damage can be avoided or significantly
22 reduced. (3) Prevent significant, avoidable damage to the environment by requiring
23 changes in projects through the use of alternatives or mitigation measures when the
24 governmental agency finds the changes to be feasible. (4) Disclose to the public the
25 reasons why a governmental agency approved the project in the manner the agency chose
26 if significant environmental effects are involved. (*Tomlinson v. County of Alameda* (2012)
27 54 Cal.4th 281, 285-286; CEQA Guidelines § 15002.)
28

1 112. To achieve these goals, CEQA provides a three-step process. In the first
2 step, the public agency must determine whether the proposed development is a “project,”
3 that is, “an activity which may cause either a direct physical change in the environment, or
4 a reasonably foreseeable indirect physical change in the environment” undertaken,
5 supported, or approved by a public agency. (*Tomlinson*, 54 Cal.4th at 286 *citing* Pub. Res.
6 Code § 21065.) If the proposed activity is a “project,” the second step requires the public
7 agency to decide whether it is exempt from compliance with CEQA **under narrow**
8 **circumstances**. (*Id. citing* Pub. Res. Code §§ 21080, 21084(a); Guidelines § 15300.) “If a
9 project does not fall within a CEQA exemption, the lead agency conducts an initial study
10 to determine whether the project may have a significant impact on the environment.
11 (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 380;
12 CEQA Guidelines §§ 15063(a); 15002(k)(2).)

13 113. CEQA contains both “categorical” and “statutory exemptions.” The
14 California Legislature has deemed certain projects statutorily exempt from CEQA
15 requirements. Among CEQA’s statutory exemptions, and the two cited in the NOE, is
16 Pub. Res. Code § 21080(b)(4), which provides that the Act does apply to “specific actions
17 necessary to prevent or mitigate an emergency,” and statutory exemption at Pub. Res. Code
18 § 21080.27, which pertains only to the City of Los Angeles’ activities in furtherance of
19 emergency shelters and support housing.

20 **CEQA Statutory Emergency Exemption Pub. Res. Code § 21080(b)(4)**

21 114. Regarding the exemption claimed under § 21080(b)(4), the administrative
22 record does not contain substantial evidence that supports each element of the definition of
23 an “emergency.”

24 115. CEQA defines an emergency as “a **sudden, unexpected occurrence**,
25 involving a clear and imminent danger, demanding immediate action to prevent or mitigate
26 loss of, or damage to, life, health, property, or essential public services.” (Pub. Res. Code
27 § 21060.3; *emphasis added*.) Further, emergencies are defined as occurrences such as fire,
28

1 flood, earthquake, landslide, riot, accident or sabotage. (*Id.*) The § 21060.3 exemption
2 only applies to a sudden, unexpected occurrence.

3 116. The exemption does not extend to correction of an ongoing socioeconomic
4 condition when there is no sudden, unexpected occurrence and no immediate action in
5 response to imminent danger from that occurrence, i.e., a specific event such as an
6 earthquake or fire, even if corrections might assist those experiencing that condition.

7 117. While tragic, homelessness is neither sudden nor unexpected. It is a
8 chronic, long-standing condition. Homelessness has existed in the City for decades, and is
9 thus not a “sudden, unexpected occurrence” that requires clear and immediate action in the
10 way of a natural disaster, riot or sabotage.⁸

11 118. Nearly nine years ago, the Los Angeles City Council declared a shelter
12 crisis to address homelessness. The 2015 shelter crisis is clear evidence that the problem
13 of homelessness in Los Angeles is long-standing and chronic, as is the lack of availability
14 of affordable housing in the City. Rather than being sudden or unexpected developments,
15 these challenges have persisted and have been deemed severe for decades. (*See* 2015
16 Shelter Crisis (CF 15-1138).) Multiple other adopted City declarations and reports on the
17 long-standing homelessness and shelter crisis issues exist continually and yearly from at
18 least 1991 through early 2023.

19 119. The Mayor’s December 12, 2022 Declaration of Local Emergency proves
20 the point. The Initial Emergency Declaration was based on the number of unsheltered
21 people in the City of Los Angeles, noting that homelessness increased dramatically during
22 the COVID-19 pandemic.⁹ According to the Mayor, the emergency declaration was
23 necessary because the “homelessness crisis has *strained* the City’s public safety
24

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26 ⁸ In a [motion](#) on January 24, 2012, Los Angeles County Supervisors Zev
27 Yaroslavsky and Mark Ridley-Thomas stated that “Los Angeles County remains the
homeless capital of the country.”

28 ⁹ Note that the declared Covid-19 emergency expired in February, 2023.

1 resources.” The Declaration went on to justify a City-wide emergency on grounds that
2 homelessness has “grown both *incrementally* and exponentially, leading to death, illness,
3 and deplorable living conditions....” (Declaration of Local Emergency, Dec. 12, 2023, at
4 pp. 2-3; emphasis added.) This shows a chronic condition, not a sudden, unexpected
5 occurrence.

6 120. The NOE and its narrative cite two exemptions, one under AB 1197 (shelter
7 crisis) and one for an emergency. The simple fact that the NOE and its narrative cited an
8 exemption related to a shelter crisis that has been officially recognized for at least nine
9 years precludes the concept that homelessness is sudden or unexpected.

10 121. The NOE and its narrative omitted any evidence that the homelessness crisis
11 is equivalent to the sudden occurrences enumerated in Pub. Res. Code § 21060.3 such as
12 fire, flood or earthquake. Rather, as if to prove the opposite, the NOE cited articles and
13 studies from 1988, 2003, 2009, 2014, 2015, 2016, 2017, 2018, 2019, 2020 showing that
14 homelessness is a chronic rather than sudden and unexpected occurrence. While much of
15 the data presented is distressing, the studies show the conditions do not qualify as an
16 “emergency” under CEQA sufficient to exempt agency actions from CEQA analysis.

17 122. The City’s proposed measures to reduce homelessness are attempted
18 corrective actions for an ongoing condition, but the CEQA definition limits an emergency
19 to an “occurrence,” not a condition, and that the occurrence must involve an “imminent
20 danger” due to a “sudden, unexpected occurrence.”

21 123. The City’s record does not contain substantial evidence sufficient to support
22 CEQA’s emergency exemption, including because the relied-upon Emergency Declaration
23 had expired prior to the date that the City approved the Project. Moreover, the City’s
24 reliance on an emergency CEQA exemption for the Project was required to have been, but
25 was not, supported by lawful legal underpinnings and findings as conditions precedent to
26 justifying the existence of an emergency as defined in the first place.

27
28

1 **CEQA’s Statutory Los Angeles-Specific Exemption,**
2 **Pub. Res. Code § 21080.27 (“A.B. 1197”)**

3 124. As shown for emergency exemptions, to lawfully invoke another CEQA
4 statutory exemption, the City’s administrative record must contain substantial evidence
5 supporting every element of the asserted statutory exemption, here Pub. Res. Code §
6 21080.27.

7 125. Under this exemption, CEQA does not apply to projects that are shown to be
8 both an:

9 (1) “activity approved by or carried out by the City of Los Angeles in
10 furtherance of providing emergency shelters or supportive housing in the City of Los
11 Angeles”; and,

12 (2) “action taken by an eligible public agency to lease, convey, or encumber
13 land owned by that agency, or to any action taken by an eligible public agency to facilitate
14 the lease, conveyance, or encumbrance of land owned by that agency, or to any action
15 taken by an eligible public agency in providing financial assistance, in furtherance of
16 providing emergency shelters or supportive housing in the City of Los Angeles.” (Pub.
17 Res. Code § 21080.27(b)(1), (2).)

18 126. The Project does not meet either of the above criteria, rendering invocation
19 of this exemption invalid.

20 127. Pub. Res. Code § 21080.27 begins with a definition section that defines
21 what an “eligible public agency” is for purposes of seeking to apply the exemption. The
22 lead agency for an exempt project must be an “eligible public agency.” The definition
23 section of the exemption does *not* include the Los Angeles Department of Public Works,
24 Bureau of Engineering, a City agency that the NOE stated was the lead agency for the
25 Project. For purposes of Pub. Res. Code § 21080.27, the NOE’s identified lead agency,
26 Department of Public Works, Bureau of Engineering, is not a lawful eligible public
27 agency.

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1 128. Second, Lot 707 is not a qualified location under AB 1197. The NOE is
2 invalid with regard to AB 1197: 2377 Midvale is not a “qualified location” under AB
3 1197.

4 129. To be a qualified location for an emergency shelter, the Project must meet
5 the definition for an “emergency shelter” under Pub. Res. Code § 21087.27(a)(2). The
6 Project site at 2377 Midvale does not. The definition of “Emergency Shelters” under Pub.
7 Res. Code § 21080.27(a)(2) has several requirements, namely: a) the description of what a
8 political subdivision may do upon declaration of a shelter crisis; b) meet the definition of
9 “low-barrier navigation center” set forth in Govt. Code § 65660; and c) meet the
10 requirements of Govt. Code § 65662. Each required element is described below.

11 Govt. Code § 8698.2(b) states that:

12 “Upon a declaration of a shelter crisis pursuant to subdivision (a), the
13 political subdivision may allow persons unable to obtain housing to
14 occupy **designated public facilities** during the duration of the state
15 of emergency.” (Emphasis added.)

16 The definition of “public facility” in Govt. Code § 8698 is:

17 “Public facility” means any facility of a political subdivision
18 including parks, schools, and vacant or underutilized facilities which
19 are owned, operated, leased, or maintained, or any combination
20 thereof, by the political subdivision **through money derived by**
21 **taxation or assessment.**” (Emphasis added.)

22
23 130. The Project Site (Lot 707) was purchased exclusively with funds coming
24 from the Special Parking Revenue Fund per [CF 89-2577/Ord 166,003](#). The funding source
25 of the Special Parking Revenue Fund (“SPRF”) in Los Angeles does not come from taxes
26 or assessments. It is funded by revenue generated from parking meters and public off-
27 street parking facilities. (CF 89-2577: “1-12-90 - Mo adopted to approve commun rec
28 from Tran Comt, subj to approval of Mayor, to **appro \$2,592,000 (2592000) from**

1 **Special Parking Revenue Trust Fd to fully finance acquisition** of three parcels at 10909
2 W Pico Blvd for Off St Parking Lot 707 in Pico Westwood Parking Meter Zone”).

3 131. The revenue for the SPRF comes from user fees and fines related to parking,
4 rather than from general taxes or assessments on properties or individuals. Lot 707 is
5 therefore not a “public facility” as defined.

6 132. Third, the Project does not comply with the definition of emergency shelter
7 as required by this exemption. Emergency shelters are “shelters, during a declaration of a
8 shelter crisis described in Section 8698.2 of the Government Code, that meet the definition
9 of low barrier navigation center set forth in Section 65660 of the Government Code and
10 meet the requirements of Section 65662 of the Government Code” (Pub. Res. Code §
11 21080.27(a)(2).)

12 133. The Project violates Govt. Code § 8698.2. While there has been a
13 declaration of shelter crisis per § 8698.2(a), the Project does not qualify as a “public
14 facility” as required under § 8698.2(b): “Upon a declaration of a shelter crisis pursuant to
15 subdivision (a), the political subdivision may allow persons unable to obtain housing to
16 occupy designated **public facilities** during the duration of the state of emergency.”
17 (Emphasis added.)

18 134. A “Public facility means any facility of a political subdivision including
19 parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or
20 maintained, or any combination thereof, by the political subdivision through money
21 derived by taxation or assessment.” (Govt. Code § 8698(c).) Lot 707 is not a public
22 facility as defined because it is not “owned, operated, leased, or maintained, or any
23 combination thereof, by the political subdivision through money derived by taxation or
24 assessment.” Instead, that occurs from user fees and fines related to parking.

25 135. Fourth, the Project violates Pub. Res. Code § 21080.27 because a “low
26 barrier navigation center” within the meaning of Govt. Code § 65662 defines such a center
27 as a “use by right in areas zoned for **mixed use and nonresidential zones permitting**
28 **multifamily uses**, if it meets the requirements of this article.” (Emphasis added.)

1 However, the Project has been approved on single family-zoned property, not mixed use or
2 multifamily zoning.

3 **THIRD CAUSE OF ACTION**

4 **(CEQA Violations of Pub. Res. Code § 21060.3 & CEQA Guidelines § 15269)**

5 136. Petitioner realleges and incorporates herein the allegations of Paragraphs 1
6 through 135, inclusive, of this Petition and Complaint.

7 137. Before invoking an emergency statutory exemption, the City was required to
8 show its actions were triggered by “a sudden, unexpected occurrence” such as a fire, flood,
9 earthquake, landslide, riot, accident, or sabotage. (Pub. Res. Code § 21060.3.)

10 138. Likewise, the City needed to provide substantial evidence that all of the
11 specific actions the City took “were necessary to prevent or mitigate an emergency,” rather
12 than simply proffering evidence showing a need to correct ongoing tragic conditions
13 associated with chronic homelessness. (CEQA Guidelines §15269; *Western Mun. Water*
14 *Dist.*, 187 Cal.App.3d at 1111.)

15 139. A clear, present and ministerial duty exists for the City to act in compliance
16 with the California Environmental Quality Act, Pub. Res. Code §§ 21000, *et seq.*
17 Petitioner has no plain, speedy or adequate remedy available to it in the ordinary course of
18 law to redress the claims alleged in this Petition. Petitioner and the public generally will
19 suffer irreparable harm if the court does not issue mandamus directing the City to comply
20 with CEQA, and to invalidate the Project approvals, which were illegally based upon
21 inapplicable CEQA exemptions.

22 **FOURTH CAUSE OF ACTION**

23 **(CEQA Violations of Pub. Res. Code § Section 21080.27)**

24 140. Petitioner realleges and incorporates herein by reference the allegations of
25 Paragraphs 1 through 139, inclusive, of this Petition and Complaint.

26 141. Before invoking Pub. Res. Code § 21080.27’s statutory exemption, the City
27 needed to provide substantial evidence showing it had met all elements of the exemption.
28

1 142. LADOT does not meet the enumerated criteria for this exemption because
2 LADOT cannot lease, convey or encumber Lot 707 in furtherance of providing the
3 proposed emergency shelter because the City purchased Lot 707 exclusively with funds
4 from the Special Parking Revenue Fund. The funding source for the SPRF is not from
5 local taxes or special assessments; rather, the funding source comes from revenue
6 generated from parking meters and user-paid public off-street parking facilities. Because
7 the funding source for the SPRF, and hence for Lot 707, is user fees and fines related to
8 parking, rather than from general taxes or assessments on properties or individuals, Lot
9 707 is therefore not a “public facility” as defined under Pub. Res. Code § 21080.27, and is
10 ineligible for the claimed exemption.

11 143. The Project also does not comply with the definition of “emergency shelter”
12 under this exemption. “Emergency shelters’ mean shelters, during a declaration of a
13 shelter crisis described in Section 8698.2 of the Government Code, that meet the definition
14 of low barrier navigation center set forth in Section 65660 of the Government Code and
15 meet the requirements of Section 65662 of the Government Code, that is located in either a
16 mixed-use or nonresidential zone permitting multifamily uses or infill site, and that is
17 funded, in whole or in part, by any of the following....” (Pub. Res. Code §
18 21080.27(a)(2).) Lot 707 is not a public facility as defined because it is not “owned,
19 operated, leased, or maintained, or any combination thereof, by the political subdivision
20 through money derived by taxation or assessment.” Additionally, the Project does not
21 qualify as a low barrier navigation center within the meaning of the exemption from
22 CEQA.

23 144. Govt. Code Section 8698.4 defines a “homeless shelter” as “a facility with
24 overnight sleeping accommodations, the primary purpose of which is to provide temporary
25 shelter for the homeless that is not in existence after the declared shelter crisis. A
26 temporary homeless shelter community may include supportive and self-sufficiency
27 development services. **A “homeless shelter” shall include a parking lot owned or**
28

1 leased by a city, county, or city and county specifically identified as one allowed for
2 safe parking by homeless and unstably housed individuals.”

3 145. The Project does not qualify as a “homeless shelter” because it does not
4 have safe parking as required.

5 146. A clear, present and ministerial duty exists for the City to act in compliance
6 with the California Environmental Quality Act, Pub. Res. Code §§ 21000, *et seq.*
7 Petitioner has no plain, speedy or adequate remedy available to it in the ordinary course of
8 law to redress the claims alleged in this Petition. Petitioner and the public generally will
9 suffer irreparable harm if the court does not issue mandamus directing the City to comply
10 with CEQA, and to invalidate the Project approvals, which were illegally based upon
11 inapplicable CEQA exemptions.

12 FIFTH CAUSE OF ACTION

13 **(Violation of ED1’s Prohibition of Approving a Homeless Shelter on Single Family- 14 Zoned Property)**

15 147. Petitioner realleges and incorporates herein by reference the allegations of
16 Paragraphs 1 through 146, inclusive, of this Petition and Complaint.

17 148. “It is well established that parties may seek declaratory relief with respect to
18 the interpretation and application of local ordinances.” *Action Apartment Assn., Inc. v.*
19 *City of Santa Monica* (2007) 41 Cal.4th 1232, 1250, fn. 5.

20 149. Assuming ED1 were otherwise legal, which it is not as alleged above, ED1
21 issued by Mayor Bass was revised on July 7, 2023. Revised ED1 under which the Project
22 was approved provides: “Applications for 100% affordable housing projects, or for Shelter
23 as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) (hereinafter
24 referred to as Shelter), shall be, and hereby are deemed **exempt from discretionary**
25 **review processes** otherwise required by either the zoning provisions of Chapter 1 of the
26 LAMC or other Project Review including Site Plan Review as described in LAMC Section
27 16.05 and LAMC Section 13B.2.4, **as long as such plans do not require any zoning**
28 **change, variance, or General Plan amendment, and in no instance shall the project be**

1 located in a single family or more restrictive zone.” (Emphasis added.)

2 150. The Project site is 16,860 square-feet and is actually two parcels bisected by
3 an alley, with frontages along Pico Boulevard and Midvale Avenue. Parcel 2 is zoned R1
4 (single-family projects only), and Parcel 1 is zoned NMU(EC)-POD (mixed- and multi-
5 family uses).

6 151. The City Council approved the Project without any application for the
7 Project on record, without any staff report on record, and without any discretionary review.
8 The City Council’s approval of the Project violated an express prohibition in ED1 because
9 the Project is located partly on single family-zoned property, i.e., Parcel 2.

10 152. An actual and present controversy has arisen and now exists between
11 Petitioner and citizens of the City of Los Angeles on the one hand, and the City on the
12 other, respecting the legality of the application of City codes, Executive Directives and
13 City policies to the Project. Petitioner seeks a declaratory judgment from this Court
14 invalidating the Project and all contracts and approvals based thereon.

15 153. Petitioner has no plain, speedy, and adequate remedy at law. An injunction
16 is necessary to enjoin Respondents from development and construction of the Project, and
17 to enjoin all contracts and approvals based thereon.

18 154. Assuming ED1 were otherwise legal, which it is not, a clear, present and
19 ministerial duty exists for Respondents to act in compliance with ED1 and its express
20 prohibition against locating the Project “in a single family or more restrictive zone.”
21 Petitioner has no plain, speedy or adequate remedy available to it in the ordinary course of
22 law to redress the claims alleged in this Petition. Petitioner and the public generally will
23 suffer irreparable harm if the Court does not issue mandamus directing the City to revoke
24 its approvals of the Project and all contracts and approvals based thereon.

25 **SIXTH CAUSE OF ACTION**

26 **(Violation of ED1’s Requirement for Discretionary Review)**

27 155. Petitioner realleges and incorporates herein by reference the allegations of
28 Paragraphs 1 through 154, inclusive, of this Petition and Complaint.

1 156. Assuming ED1 were otherwise legal, which it is not as alleged above, ED1
2 requires discretionary review of a homeless shelter project when the Project requires a
3 variance, zone change or general plan amendment.

4 157. The Project was not exempt from discretionary review, including because
5 the Project is inconsistent with the requirements of the Exposition Corridor Transit
6 Neighborhood Plan (Exposition Specific Plan), an adopted specific plan of the City. The
7 Exposition Specific Plan in its Sections 1.14.A, 1.14.E, 1.31, 1.32, and 1.5.1 require
8 specific review procedures for construction in the plan area, including but not limited to
9 the application requirements and procedures of LAMC Section 11.5.7, review and approval
10 of any building, grading, demolition, or change of use permit in accordance with the
11 Exposition Specific Plan, and environmental scope review as set forth in Section 5 of the
12 Exposition Specific Plan and demonstrated compliance with all applicable environmental
13 standards.

14 158. Fundamentally, the Exposition Specific Plan requires in Section 1.3.3: “All
15 Project applicants shall file an application with the Department of City Planning, on a form
16 provided by the Department, and shall include all information required by the instructions
17 on the application. The application requirements and procedures of LAMC Section 11.5.7
18 shall apply to all Projects (as defined in Section 1.2.1) within the Specific Plan boundaries
19 unless otherwise stated in this Specific Plan.”

20 159. The City should have been a Project applicant within the meaning of the
21 Exposition Specific Plan. The Specific Plan requires filing of an application. “Project
22 applicants **shall file an application** with the Department of City Planning, on a form
23 provided by the Department, and shall include all information required by the instructions
24 on the application. The application requirements and procedures of LAMC Section 11.5.7
25 shall apply to all Projects (as defined in Section 1.2.1) within the Specific Plan boundaries
26 unless otherwise stated in this Specific Plan.” (Specific Plan, Section 1.3.3; emphasis
27 added.)

28 160. But nothing in record for the Project shows the City’s filing of an

1 application with the Department of City Planning for review, processing, consideration or
2 approval of the Project.

3 161. None of the Exposition Specific Plan procedures were followed by the City
4 in approving the Project. These procedures are required for the Project including because
5 Section 1.1.4.C of the Exposition Specific Plan provides: “Wherever this Specific Plan
6 contains regulations that are different from, more restrictive, or more permissive than
7 would be allowed or required pursuant to the provisions contained in the LAMC or any
8 other relevant ordinances (including, but not limited to, standards such as heights, uses,
9 parking, open space, Setbacks or Building Lines, or landscape requirements), this Specific
10 Plan shall prevail and supersede the applicable provisions of the LAMC and those relevant
11 ordinances, unless otherwise stated in this Specific Plan.” The Project was not exempt
12 from discretionary review by virtue of ED1 or any other ground, and its approval without
13 review is unlawful.

14 162. Additionally, the Project is incompatible with the General Plan Framework
15 (GPF). The increase in density brought about by the Project requires the existence of
16 adequate public services, including related to police and fire response times. The GPF
17 requires: “Clear and consistent rules governing both public and private sector development
18 are necessary to expand economic opportunity and protect the character of residential
19 neighborhoods. These rules should provide predictability to anyone who develops
20 property, including small businesses and individual homeowners.” The Project, and in fact
21 the entire confused process relating to the Emergency Declaration and related Directives,
22 have rendered nearly all rules unclear and inconsistently applied or disregarded altogether.

23 163. The GPF explicitly calls for the preservation of single-family neighborhoods
24 as follows: “GOAL 3B - Preservation of the City’s stable single-family residential
25 neighborhoods. Objective 3.5: Ensure that the character and scale of stable single-family
26 residential neighborhoods is maintained, allowing for infill development provided that it is
27 compatible with and maintains the scale and character of existing development.” The
28 Project will disrupt the single-family neighborhood where the Project has been approved

1 for construction and operation, and also violates the character and scale objective. In
2 addition to the fact that the Project is expressly disallowed by ED1’s prohibition on being
3 “located in a single family or more restrictive zone,” pursuant to ED1, the Project also
4 could not be approved or built without discretionary review to assure compliance with the
5 GPF.

6 164. An actual and present controversy has arisen and now exists between
7 Petitioner and citizens of the City of Los Angeles on the one hand, and the City on the
8 other, respecting the legality of the application of City codes, Executive Directives and
9 City policies to the Project. Petitioner seeks a declaratory judgment from this Court
10 invalidating the Project and all contracts and approvals based thereon.

11 165. Petitioner has no plain, speedy, and adequate remedy at law. An injunction
12 is necessary to enjoin Respondents from development and construction of the Project, and
13 to enjoin all contracts and approvals based thereon.

14 166. Assuming ED1 were otherwise legal, which it is not, a clear, present and
15 ministerial duty exists for Respondents to act in compliance with it. Petitioner has no
16 plain, speedy or adequate remedy available to it in the ordinary course of law to redress the
17 claims alleged in this Petition. Petitioner and the public generally will suffer irreparable
18 harm if the Court does not issue mandamus directing the City to revoke its approvals of the
19 Project and all contracts and approvals based thereon.

20 SEVENTH CAUSE OF ACTION

21 **(Violation of ED1’s Limitation of Construction of Homeless Shelters as Defined)**

22 167. Petitioner realleges and incorporates herein by reference the allegations of
23 Paragraphs 1 through 166, inclusive, of this Petition and Complaint.

24 168. Assuming ED1 were otherwise legal, which it is not as alleged above, ED1
25 permits construction of homeless shelters, with “Shelter” defined in LAMC Section 12.03.
26 Shelter for the Homeless is defined in Section 12.03 as “A facility operated by a
27 ‘provider’, **other than a ‘community care facility’ as defined in California Health and**
28 **Safety Code Section 1502**, which provides temporary accommodations to homeless

1 persons and/or families and which meets the standards for shelters contained in Title 25,
2 Division 1, Chapter 7 of the California Code of Regulations.” (Emphasis added.)

3 169. The City Council’s approval of the Project pursuant to ED1 violates the
4 provisions of LAMC Section 12.03. The Project is not a Shelter; rather, it is a community
5 care facility as defined in California Health and Safety Code Section 1502.

6 170. Health and Safety Code Section 1502 defines “community care facility” as
7 “any facility, place, or building that is maintained and operated to provide nonmedical
8 residential care, day treatment, adult daycare, or foster family agency services for children,
9 adults, or children and adults, including, but not limited to, the physically handicapped,
10 mentally impaired, incompetent persons, and abused or neglected children, and includes
11 the following: (1) ‘Residential facility’ means any family home, group care facility, or
12 similar facility determined by the department, for 24-hour nonmedical care of persons in
13 need of personal services, supervision, or assistance essential for sustaining the activities of
14 daily living or for the protection of the individual.”

15 171. The Project is a community care facility as established in the Project
16 description, which provides in pertinent part: “This interim housing facility will provide
17 emergency shelter, hygiene, storage, food services and case management for
18 approximately 33 individuals experiencing homelessness. Additional services may include
19 job training, group therapy, resume building and other workshops. Project operations will
20 include approximately six to eight employees scheduled in shifts throughout the day,
21 approximately three employees on site at one time; with site security provided on a 24/7
22 basis or per a security plan consistent with the Los Angeles Homeless Services Authority’s
23 (LAHSA) standards.”

24 172. Because the Project is a community care facility as defined in Health and
25 Safety Code Section 1502, and LAMC Section 12.03 allows for projects **other than** those
26 defined in Health and Safety Code Section 1502, the Project on this additional ground does
27 not qualify for exemption from discretionary review granted by the Mayor in ED1. As a
28 result, the City further approved the Project without any authority to do so.

1 173. An actual and present controversy has arisen and now exists between
2 Petitioner and citizens of the City of Los Angeles on the one hand, and the City on the
3 other, respecting the legality of the application of City codes, Executive Directives and
4 City policies to the Project. Petitioner seeks a declaratory judgment from this Court
5 invalidating the Project and all contracts and approvals based thereon.

6 174. Petitioner has no plain, speedy, and adequate remedy at law. An injunction
7 is necessary to enjoin Respondents from development and construction of the Project, and
8 to enjoin all contracts and approvals based thereon.

9 175. Assuming ED1 were otherwise legal, which it is not, a clear, present and
10 ministerial duty exists for Respondents to act in compliance with it. Petitioner has no
11 plain, speedy or adequate remedy available to it in the ordinary course of law to redress the
12 claims alleged in this Petition. Petitioner and the public generally will suffer irreparable
13 harm if the Court does not issue mandamus directing the City to revoke its approvals of the
14 Project and all contracts and approvals based thereon.

15 **EIGHTH CAUSE OF ACTION**

16 **(Violation of ED3’s Requirement for Discretionary Review Pursuant to State**
17 **and Local Law)**

18 176. Petitioner realleges and incorporates herein by reference the allegations of
19 Paragraphs 1 through 175, inclusive, of this Petition and Complaint.

20 177. Assuming ED3 were otherwise legal, which it is not as alleged above, ED3
21 provides in pertinent part: “The construction, emergency installation, use, and operation of
22 temporary or permanent housing on such designated sites shall be and hereby are deemed
23 exempt for the duration of this order from discretionary review processes otherwise
24 required by either the zoning provisions of Chapter I of the LAMC or Project Review as
25 described in LAMC Section 16.05 and LAMC Section 13B.2.4; **or other ordinance;**
26 **provided, however, that any temporary or permanent housing shall comply with**
27 **applicable state law** including Government Code Section 8698, *et seq.*, to the extent those
28 sections apply.” (Emphasis added.)

1 178. Govt. Code Section 8698(a)(2)(A)(i) provides: “The city, county, or city
2 and county, **in lieu of compliance with local building approval procedures** or state
3 housing, health, habitability, planning and zoning, or safety standards, procedures, and
4 laws, **may adopt by ordinance reasonable local standards and procedures for the**
5 **design, site development, and operation of homeless shelters and the structures and**
6 **facilities therein**, to the extent that it is determined at the time of adoption that strict
7 compliance with state and local standards or laws in existence at the time of that adoption
8 would in any way prevent, hinder, or delay the mitigation of the effects of the shelter
9 crisis.” (Emphasis added.)

10 179. The City adopted by ordinance such local standards.

11 180. No permit is allowed pursuant to Govt. Code Section 8698(c)(5), which
12 states: “No new permits shall be authorized pursuant to this subdivision on and after
13 January 1, 2023.”

14 181. An actual and present controversy has arisen and now exists between
15 Petitioner and citizens of the City of Los Angeles on the one hand, and the City on the
16 other, respecting the legality of the application of City codes, Executive Directives and
17 City policies to the Project. Petitioner seeks a declaratory judgment from this Court
18 invalidating the Project and all contracts and approvals based thereon.

19 182. Petitioner has no plain, speedy, and adequate remedy at law. An injunction
20 is necessary to enjoin Respondents from development and construction of the Project, and
21 to enjoin all contracts and approvals based thereon.

22 183. A clear, present and ministerial duty exists for Respondents to act in
23 compliance with ED3, assuming it is otherwise legal, which it is not, with Govt. Code
24 Section 8698(a)(2)(A)(i) and Govt. Code Section 8698(c)(5). Petitioner has no plain,
25 speedy or adequate remedy available to it in the ordinary course of law to redress the
26 claims alleged in this Petition. Petitioner and the public generally will suffer irreparable
27 harm if the Court does not issue mandamus directing the City to revoke its approvals of the
28 Project and all contracts and approvals based thereon.

1 **NINTH CAUSE OF ACTION**

2 **(Violation of the Competitive Bidding Mandates of ED3, Public Contracts Code**
3 **Section 20162, City Charter Section 371(e)(6), LAAC Sections 10.15 and 10.17, And**
4 **LAAC Section 8.333(d)(v)(2))**

5 184. Petitioner realleges and incorporates herein by reference the allegations of
6 Paragraphs 1 through 183, inclusive, of this Petition and Complaint.

7 185. Assuming ED3 were otherwise legal, which it is not as alleged above,
8 approval of the Project violates ED3 and applicable state law, including Public Contracts
9 Code Section 20162, which requires competitive bidding for contracts over \$5,000. The
10 Project failed to include or implement competitive bidding. Petitioner is informed and
11 believes and based thereon alleges that the City never issued Requests for Proposals or
12 Requests for Qualifications.

13 186. LAAC Section 8.33 purportedly empowers the Mayor to suspend
14 competitive bidding pursuant to a homeless and housing emergency. While allegedly so
15 empowered, the Mayor has not issued an Executive Directive suspending competitive
16 bidding. As a result, the failure to require competitive bidding as part of the Project
17 approvals violated City requirements for competitive bidding under City Charter Section
18 371(e)(6), and LAAC Sections 10.15 and 10.17, as well as Public Contracts Code Section
19 20162.

20 187. City Charter Section 371(a) requires contracts to be awarded through
21 competitive bidding, except in specified exceptions not applicable here.

22 188. LAAC 10.15 and Public Contracts Code Section 20162 necessitate
23 competitive bidding for public project expenditures over \$100,000 and \$5,000,
24 respectively. LAAC 10.17 further provides: "Except as otherwise provided by ordinance,
25 in all cases where bids are not required by the Charter, competitive proposals or bids shall
26 be obtained as far as reasonably practicable and compatible with the City's interests. In all
27 cases, a public record of these proposals and agreements shall be kept. The right to reject
28 any and all proposals or bids shall be reserved in all cases." Petitioner is informed and

1 believes and based thereon alleges that the procurement of tiny homes for the Project
2 surpasses those thresholds. Any decision by the City to procure tiny homes without
3 competitive bidding, and in disregard of the recommendations for competitive bidding by
4 various City employees, is a further violation of the law.

5 189. The City and Council District 5 rejected the calls for competitive bidding for
6 the Project by City employees from the Bureau of Engineering (BOE), including Jose
7 Fuentes, Deborah Weintraub, and Erik Villanueva. They recommended a competitive
8 bidding process, citing the feasibility and financial prudence of such an approach.

9 190. Jose Fuentes from BOE, in an email obtained through a Public Records Act
10 request, recommended following the CD1 Cypress project's process, which did not involve
11 sole-sourcing; he emphasized the feasibility of competitive bidding: "We should be
12 following the same process we used for the CD1 Cypress (New Beginnings) project...."

13 191. Marina Quinones of BOE, in a further email obtained through a Public
14 Records Act request, highlighted CD5's prioritization of expediency over proper
15 procedure: "CD5 would like to take advantage of the ordinance to sole source, **they did**
16 **not want to spend the time in advertising.**" (Emphasis added.)

17 192. Fuentes responded to Quinones, emphasizing the financial prudence of
18 competitive bidding: "Honestly, we are better off letting the small group of contractors
19 compete for the project. **A sole source proposal will come with a significant premium.**"
20 (Emphasis added.)

21 193. In an email obtained through a Public Records Act request, Deborah
22 Weintraub of BOE echoed these concerns: "As we still have to do 30% design drawings,
23 isn't it possible the current emergency authorization will expire?¹⁰ I am asking re: sole
24 sourcing the design/build contractor. I do agree with Jose that the City is better served by a
25 short competitive bidding period from our list of approved contractors. It will mean the
26 contractors and their associated architects & engineers will give competitive pricing. I

27 ¹⁰ As stated above and throughout, the Initial Emergency Declaration and the
28 Emergency Declaration did expire.

1 think you need the CAO’s support to discuss this with the Council office. From the
2 perspective of the Council office, **the units they are using are already more costly per**
3 **bed than the tiny homes**, and if there is no competition for design/build, they could end
4 up with **very high costs per bed.**” (Emphasis added.)

5 194. In an email obtained through a Public Records Act request, Erik Villanueva
6 recommended competitive bidding on August 8, 2023: “BOE reviewed the motion....
7 BOE’s main comment is to recommend a short competitive bidding period from our list of
8 approved contractors rather than sole sourcing the construction contract. This will better
9 serve the City, providing us a better competitive price without jeopardizing any schedule.”

10 195. The lack of competitive bidding risks significantly higher costs due to the
11 absence of market competition. The approach taken by the City and CD5 violates both
12 City and state law pertaining to public procurement practices, further rendering the Project
13 and its approvals illegal.

14 196. Further increasing improprieties with regard to the Project, current CD5
15 Homeless and Housing Deputy Zachary Warma was hired by CD5 in January 2023.
16 Petitioner is informed and believes and based thereon alleges that immediately prior to
17 joining CD5, Warma was a Policy Director for L.A. Family Housing. Starting in January
18 2023, Mr. Warma was extensively involved in recommending his prior employer, L.A.
19 Family Housing, as a services provider for the Project. If L.A. Family Housing has been,
20 or will be, awarded a contract related to the Project, this may give rise to yet another
21 violation of the law. LAMC Section 49.5.6.B states: “In the first 12 months of City
22 service, a City official or agency employee shall not knowingly make, participate in
23 making, or attempt to use his or her official position to influence a City decision directly
24 relating to a contract when a party to the contract is a person by whom the individual was
25 employed in the 12 months immediately prior to entering City service.”

26 197. In addition, Petitioner is informed and believes and based thereon alleges
27 that the City and/or CD5 intend that the service contract for the Project will continue for as
28 long as 10 years. LAAC Section 8.333(d)(v)(2) precludes sole source contracting where

1 the contract may be for a term longer than one year: “Contracts using the suspended
2 competitive bidding restrictions specified in this subsection may be for a term no longer
3 than one year; thereafter, further contracting for the same need shall be accomplished by
4 competitive bidding whenever applicable.”

5 198. An actual and present controversy has arisen and now exists between
6 Petitioner and citizens of the City of Los Angeles on the one hand, and the City on the
7 other, respecting the legality of the application of City codes, Executive Directives and
8 City policies to the Project. Petitioner seeks a declaratory judgment from this Court
9 invalidating the Project and all contracts and approvals based thereon.

10 199. Petitioner has no plain, speedy, and adequate remedy at law. An injunction
11 is necessary to enjoin Respondents from development and construction of the Project, and
12 to enjoin all contracts and approvals based thereon.

13 200. A clear, present and ministerial duty exists for Respondents to act in
14 compliance with ED3, assuming it is otherwise legal, which it is not, and other state and
15 local laws requiring competitive bidding for the Project. Petitioner has no plain, speedy or
16 adequate remedy available to it in the ordinary course of law to redress the claims alleged
17 in this Petition. Petitioner and the public generally will suffer irreparable harm if the Court
18 does not issue mandamus directing the City to revoke its approvals of the Project and all
19 contracts and approvals based thereon.

20 **TENTH CAUSE OF ACTION**

21 **(Violation of City Financial Policy 32)**

22 201. Petitioner realleges and incorporates herein by reference the allegations of
23 Paragraphs 1 through 200, inclusive, of this Petition and Complaint.

24 202. Approval of the Project also violates City of Los Angeles Financial Policy
25 32, which provides: “Reports to the Mayor and City Council shall include Fiscal Impact
26 Statements that include the full cost of the program or service in the current year, plus the
27 future annual costs.” The City Administrative Office fiscal report dated September 29,
28 2023 states: “The recommendations in this report will be funded with the City’s General

1 Fund previously approved for homelessness interventions and the Homeless Housing,
2 Assistance, and Prevention Round 1 funds. There is no additional impact to the General
3 Fund as a result of the recommendations in this report. **Funding for operations of the site**
4 **will be programmed in a future funding report.**” (Emphasis added.) The Project’s
5 approval violates the legal requirements set forth in Policy 32 for full disclosure of the
6 budget, including operations. Policy 32 establishes a legal requirement that reports to the
7 Mayor and City Council shall include Fiscal Impact Statements covering the full cost of a
8 program or service in the current year, as well as future annual costs. Approval of the
9 Project without accounting for its operational expenses constitutes a breach of the legal
10 obligation to provide a complete financial picture to the City Council and the public,
11 further rendering the Project and its approvals illegal.

12 203. According to a staff report prepared by the Department of Transportation,
13 “The operation and maintenance of Lot No. 707 while used for the MIHF will be the **sole**
14 **responsibility of CD5.**” (Emphasis added.) The costs associated with this responsibility
15 were not disclosed and the DOT staff report was never presented to the City Council.

16 204. In the same report, it is disclosed that “**shall be responsible for the**
17 **restoration of Lot No. 707 back to its existing condition as a parking lot,** or better,
18 prior to the construction of the MIHF; or, in the alternative, **CD5 shall compensate the**
19 **SPRF for costs associated with restoring the parking lot** by the Department, or other
20 City agency, or independent contractor selected by the Department to perform the work.”
21 (Emphasis added.) The costs associated with this responsibility were not disclosed and the
22 DOT staff report was never presented to the City Council.

23 205. In the same report, it is disclosed that “Should the Board approve the
24 conversion of Lot No. 707 to a MIHF, LADOT expects an annual loss of \$53,000 to the
25 SPRF based on pre-pandemic revenue. With the MIHF expected to remain in place for the
26 next 10 years, the cumulative estimated SPRF revenue impact is a loss of \$530,000.” The
27 losses to the SPRF were not disclosed to the City Council.

28 206. An actual and present controversy has arisen and now exists between

1 Petitioner and citizens of the City of Los Angeles on the one hand, and the City on the
2 other, respecting the legality of the application of City codes, Executive Directives and
3 City policies to the Project. Petitioner seeks a declaratory judgment from this Court
4 invalidating the Project and all contracts and approvals based thereon.

5 207. Petitioner has no plain, speedy, and adequate remedy at law. An injunction
6 is necessary to enjoin Respondents from development and construction of the Project, and
7 to enjoin all contracts and approvals based thereon.

8 208. A clear, present and ministerial duty exists for Respondents to act in
9 compliance with Los Angeles Financial Policy 32. Petitioner has no plain, speedy or
10 adequate remedy available to it in the ordinary course of law to redress the claims alleged
11 in this Petition. Petitioner and the public generally will suffer irreparable harm if the Court
12 does not issue mandamus directing the City to revoke its approvals of the Project and all
13 contracts and approvals based thereon.

14 **ELEVENTH CAUSE OF ACTION**

15 **(Violation of LAAC Section 8.59)**

16 209. Petitioner realleges and incorporates herein by reference the allegations of
17 Paragraphs 1 through 208, inclusive, of this Petition and Complaint.

18 210. The Project violates LAAC Section 8.59. The City's Public Welfare and
19 Shelter Division reads: "The Public Welfare and Shelter Division shall be under and
20 subject to the control of the Department of Recreation and Parks of the City of Los
21 Angeles. The Chief of this division shall be the General Manager of the Department. The
22 chief shall be responsible for arranging, directing and coordinating sheltering services for
23 persons rendered homeless as a result of a local emergency."

24 211. Petitioner is informed and believes and based thereon alleges that the
25 General Manager of the Department of Recreation and Parks Project was not consulted for
26 the planning or implementation of the Project. CD5 and the City exceeded their authority
27 and otherwise committed *ultra vires* acts by planning and implementing a homeless shelter
28 project without following the established and required procedures proscribed in LAAC

1 Section 8.59. LAAC Section 8.59 exists to ensure efficient and organized responses to
2 such situations. The bypassing of the General Manager of the Department of Recreation
3 and Parks as the responsible authority for coordinating sheltering services is a further
4 violation of a mandatory provision in the LAAC, which further renders the Project and its
5 approvals illegal.

6 212. An actual and present controversy has arisen and now exists between
7 Petitioner and citizens of the City of Los Angeles on the one hand, and the City on the
8 other, respecting the legality of the application of City codes, Executive Directives and
9 City policies to the Project. Petitioner seeks a declaratory judgment from this Court
10 invalidating the Project and all contracts and approvals based thereon.

11 213. Petitioner has no plain, speedy, and adequate remedy at law. An injunction
12 is necessary to enjoin Respondents from development and construction of the Project, and
13 to enjoin all contracts and approvals based thereon.

14 214. A clear, present and ministerial duty exists for Respondents to act in
15 compliance with LAAC 8.59. Petitioner has no plain, speedy or adequate remedy available
16 to it in the ordinary course of law to redress the claims alleged in this Petition. Petitioner
17 and the public generally will suffer irreparable harm if the Court does not issue mandamus
18 directing the City to revoke its approvals of the Project and all contracts and approvals
19 based thereon.

20 **TWELFTH CAUSE OF ACTION**

21 **(Violation of the City's Asset Evaluation Framework Mandate)**

22 215. Petitioner realleges and incorporates herein by reference the allegations of
23 Paragraphs 1 through 214, inclusive, of this Petition and Complaint.

24 216. The City failed to undertake the required evaluation for the repurposing of
25 City Parking Lot 707 for the Project. The City's Asset Evaluation Framework (C.F. 12-
26 1549-S3) advances the City's economic development and housing efforts by establishing a
27 uniform procedure to evaluate and designate City-owned properties for economic
28 development, housing opportunities, and/or other City purposes. Another goal of the Asset

1 Evaluation Framework is to identify higher and better uses for such properties in order to
2 maximize the value of City-owned assets and to address priority concerns such as job
3 creation and affordable housing.

4 217. CD5 and the City failed to undertake the required City Asset Evaluation
5 Framework evaluation, as expressly detailed in CD5's Amending Motion 3D in CF 23-
6 0360. CD5 and the City's failure contradicts the directives outlined in Motion 23-0360,
7 including Amending Motion 3D proposed by CD5. The City Asset Evaluation Framework
8 involves several vital elements, including fiscal impact assessments, comprehensive
9 reporting on existing parking agreements, and the imperative consideration of the mobility,
10 livability, and commercial needs of the surrounding community.

11 218. The conversion of City Parking Lot 707 into a homeless shelter site has far-
12 reaching and deleterious implications for local businesses. The general lack of street
13 parking after 4 PM in the vicinity could inflict significant harm on commerce. The
14 planned establishment of a low-barrier homeless shelter essentially surrounded by a single-
15 family neighborhood and business district also raises genuine concerns about safety and
16 community compatibility. The loss of Parking Lot 707 will also result in the unavailability
17 of the only street-level American's with Disability Act (ADA) parking in the vicinity. The
18 availability of ADA parking at Lot 707 will be removed as a resource for businesses, new
19 and old, needing to prove ADA accessibility. The City's failure to conduct the required
20 City Asset Evaluation Framework on these critical issues further renders the Project and its
21 approvals illegal.

22 219. An actual and present controversy has arisen and now exists between
23 Petitioner and citizens of the City of Los Angeles on the one hand, and the City on the
24 other, respecting the legality of the application of City codes, Executive Directives and
25 City policies to the Project. Petitioner seeks a declaratory judgment from this Court
26 invalidating the Project and all contracts and approvals based thereon.

27 220. Petitioner has no plain, speedy, and adequate remedy at law. An injunction
28 is necessary to enjoin Respondents from development and construction of the Project, and

1 to enjoin all contracts and approvals based thereon.

2 221. A clear, present and ministerial duty exists for Respondents to act in
3 compliance with the City’s Asset Evaluation Framework (C.F. 12-1549-S3). Petitioner has
4 no plain, speedy or adequate remedy available to it in the ordinary course of law to redress
5 the claims alleged in this Petition. Petitioner and the public generally will suffer
6 irreparable harm if the Court does not issue mandamus directing the City to revoke its
7 approvals of the Project and all contracts and approvals based thereon.

8 **PRAYER**

9 WHEREFORE, Petitioner prays for judgment as follows:

10 1. For a peremptory writ of mandamus directing the City and City Council to
11 vacate, set aside and invalidate: LAAC 8.33, the July 7, 2023 Declaration of Local
12 Housing and Homelessness Emergency (Emergency Declaration) issued under LAAC 8.33,
13 and ED1, ED2, ED3, ED1 Guidelines, LADWP Project Powerhouse, ED6, the Housing
14 and Homelessness Emergency Action Plan and any other rules or regulations promulgated
15 by any City agency or department based thereon and/or issued pursuant to the Emergency
16 Declaration.

17 2. That the Court enjoin the City, City Council, their officers, employees,
18 agents, boards, commissions, the mayor and other subdivisions from enforcement of any
19 existing and future Executive Directives issued pursuant to LAAC 8.33 or the Emergency
20 Declaration, from enforcement of ED1, ED2, ED3, ED1 Guidelines, LADWP Project
21 Powerhouse, ED6, the Housing and Homelessness Emergency Action Plan and any other
22 rules or regulations promulgated by any City agency or department based thereon and/or
23 issued pursuant to the Emergency Declaration, and from in any manner pursuing the
24 Project or any contracts or other approvals for or in furtherance thereof.

25 3. That the Court grant a peremptory writ of mandamus invalidating, and grant
26 declaratory relief to Fix the City finding and declaring, that LAAC 8.33, the Emergency
27 Declaration, the ED’s, and the Project are invalid, *ultra vires*, and illegal.

28 4. As to the CEQA causes of action, Petitioner further respectfully prays that

1 the Court issue a writ of mandamus ordering Respondents, and each of them:

2 (a) To set aside and void the Notice of Exemption, the Project, and all
3 related approvals that rely thereon.

4 (b) To conduct a fully legal and proper CEQA review for the Project.

5 (c) To take all further specific actions as shall be necessary to bring
6 Respondents' decisions, determinations and findings into full compliance with CEQA, the
7 CEQA Guidelines, LAMC, LAAC, as well as all other laws applicable to any Project
8 activity.

9 5. That the Court preliminarily and permanently enjoin Respondents, and each
10 of them, from granting or issuing any discretionary or ministerial entitlements relating to
11 the Project, and further enjoin any Project construction, funding, contracts or other
12 approvals pursuant to the City's purported approval of the CEQA exemptions and any
13 other Project approvals, until Respondents have taken all actions as shall be necessary to
14 bring their environmental review, decisions, determinations and findings into full
15 compliance with CEQA and the CEQA Guidelines, as well as all other laws applicable to
16 any Project activity and the Project site.

17 6. For attorney fees, including pursuant to Code of Civil Procedure § 1021.5.

18 7. For costs of suit; and

19 8. For such other and further relief as the Court may deem just and proper.

21 Dated: December 5, 2023

THE SILVERSTEIN LAW FIRM, APC

22
23 By: /s/ Robert P. Silverstein
24 ROBERT P. SILVERSTEIN
25 Attorneys for Petitioner
26 FIX THE CITY, INC.
27
28

EXHIBIT 1

DECLARATION OF LOCAL EMERGENCY

WHEREAS, Section 231(i) of the Los Angeles City Charter and Ch. 3, Section 8.27 of the Los Angeles Administrative Code provide that the Mayor of the City of Los Angeles has the authority to declare the existence of a local emergency as a result of 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 City government; and

WHEREAS, the City of Los Angeles has at any given time approximately 41,980 people experiencing homelessness Citywide; and

WHEREAS, the number of unhoused people in the City of Los Angeles has increased dramatically in recent years, nearly doubling in the past decade, with the number of unhoused families increasing by 238 percent since 2007; and

WHEREAS, the City of Los Angeles represents 9.6 percent of the State of California's population but 25 percent of the State's unsheltered population, and the City represents only 1.2 percent of the total United States population but 7.2 percent of the United States population of people experiencing homelessness; and

WHEREAS, as a percentage of its population, the number of unsheltered people in the City of Los Angeles is approximately 18 times higher than the number in New York City and 14 times higher than the number in Chicago; and

WHEREAS, there are more people currently experiencing homelessness in the City of Los Angeles than were displaced by Hurricane Harvey in Houston (30,000) or the 1994 Northridge Earthquake (20,000); and

WHEREAS, homelessness has disproportionately impacted Black, Indigenous and Immigrant Angelenos. Black people comprise only 8 percent of the population of the City of Los Angeles but, in the most recent homelessness count, accounted for 33 percent or more of people experiencing homelessness; and

WHEREAS, homelessness has increased dramatically and disproportionately among Hispanic and Latino Angelenos during the COVID-19 pandemic. The share of the population of people experiencing homelessness who are Hispanic or Latino increased by 30 percent between 2020 and 2022 and now constitute 42 percent of unhoused individuals. Black and Brown Angelenos comprise 75 percent of people experiencing homelessness; and

WHEREAS, the homelessness crisis has had unacceptable consequences for Angelenos, including a significant death toll that has rapidly increased since the start of the COVID-19 pandemic. The Los Angeles County Department of Public Health has reported an average of over 5 deaths per day of unhoused persons as of March 2021, a 200 percent increase in the death rate of persons experiencing homelessness over the past decade and a 56 percent increase over just one year prior; and

WHEREAS, women now comprise about a third of people experiencing homelessness and at least 60 percent of those women have experienced violence, and more than a third of LGBTQ+ women experiencing homelessness have experienced sexual assault; and

WHEREAS, a disproportionate share of youth experiencing homeless identify as LGBTQ+ and lack adequate access to resources; and

WHEREAS, the murder rate for people experiencing homeless is at the highest recorded levels, and increased by 47 percent in 2021 alone; and

WHEREAS, severe overcrowding in Los Angeles has also led to increased deaths from COVID-19. In neighborhoods with 40 percent overcrowding as compared to a national average of 3 percent, residents are 11 times more likely to die because of COVID-19; and

WHEREAS, shelter and housing is particularly important during these coming winter months when people experiencing homelessness in the City are likely to face heightened exposure and dangers from living outdoors, and heightened dangers from the combination of COVID-19, flu outbreak and respiratory syncytial virus (RSV). It is projected that the City will face an acute shortage of winter homeless shelters through March 2023, with fewer than half the number of shelter sites available as in the winter of 2021-2022 and nearly two-thirds fewer shelter beds; and

WHEREAS, the City's eviction moratorium, which has protected many Angelenos from falling into homelessness, ends concurrently with the end of the City's State of Local Emergency regarding the COVID-19 pandemic on February 1, 2023; and

WHEREAS, the State of California's COVID-19 State of Emergency, which has provided resources to keep many Angelenos from falling into homelessness, ends in February of 2023, thus requiring immediate action in order to create replacement and additional housing and shelter, and in order to support the necessary infrastructure and laws required to protect and provide that shelter and housing; and

WHEREAS, people experiencing homelessness suffer disproportionately from mental and physical health ailments, the treatment of which has strained the City's ability to provide appropriate shelter and housing and which require assistance from the County

Health Department to provide the necessary public services. Specifically, it is estimated that 47 percent of unsheltered people in the City of Los Angeles are affected by a health condition, 46 percent are affected by substance abuse, 34 percent are affected by a serious mental illness, 29 percent are affected by physical disabilities, 17 percent are affected by post-traumatic stress disorder, 7 percent are affected by developmental disabilities, and 6 percent are affected by traumatic brain injuries. Recent studies differ on the exact percentages but dramatic increases over time are prevalent in all of the data. The prevalence of extreme need significantly stress the City's public services; and

WHEREAS, notwithstanding that the State of California has enacted a CARE Court to address the crisis of untreated mental illness, the beds and necessary access to acute and subacute care is in development and steps must be taken in the interim to provide increased access to care; and

WHEREAS, the homelessness crisis has strained the City's public safety resources. Among other things, occurrences of fires related to homelessness have nearly tripled between 2018 and 2021, averaging 24 fires a day in the first quarter of 2021, and now constitute a majority of all fires to which the Los Angeles Fire Department responds; and

WHEREAS, paramedic calls to address the crisis on our streets and in our other public spaces are increasing at alarming rates and unhoused residents are 19 times more likely to require an emergency room transport by paramedics than housed residents; and

WHEREAS, the homelessness crisis confronting Los Angeles has grown both incrementally and exponentially, leading to death, illness, and deplorable living conditions even worse than those that created emergencies due to persistent and worsening conditions from prison overcrowding, deterioration in water quality, or fire risk due to climate change; and

WHEREAS, the conditions in December 2022 are even more dire than when Mayor Bradley declared a local emergency due to the upcoming winter weather and its effects on the people experiencing homelessness in 1987; and

WHEREAS, the displacement of the number of people living on the streets of the City of Los Angeles today is a daily recurring emergency, empowering the Mayor to declare a state of emergency, no less than if the emergency was caused by an earthquake, fire, or flood; and

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of housing units, use mutual aid, and seek assistance and potential reimbursement by the State and Federal governments will be critical to successfully responding to this homelessness crisis; and

WHEREAS, during the pendency of the existence of a local emergency, the Los Angeles City Council shall retain its full authority to consider a variety of City ordinances to codify the measures necessary to address this homelessness crisis; and

WHEREAS, during the COVID-19 pandemic the City Council created the COVID-19 Homelessness Roadmap and committed the funding and resources needed to produce 6700 housing options in 18 months; and

WHEREAS, the City currently has 14,475 interim housing beds and the City Council continues to prioritize the building of interim and permanent supporting housing and yet need outpaces demand; and

WHEREAS, the City projects it will soon have a total of 12,908 supportive and affordable units, of which 3,861 have been completed already, 5,171 are currently under construction, and 3,876 are in pre-development; and

WHEREAS, notwithstanding that Council has been and is acting with urgency, including implementing a roadmap to house thousands of Angelenos and building an unprecedented number of supportive housing units and shelters, an emergency declaration is necessary to mobilize resources, save lives, and provide for the public health, welfare, and safety of all; and

WHEREAS, the City of Los Angeles has responded to the rapid increase in its homeless population with unprecedented investments into homelessness solutions, including a nearly \$1.2 billion commitment in the 2022-2023 City budget for the construction of thousands of units of supportive housing, the expansion of bridge housing, and the hiring of professionals to address the homelessness crisis and, notwithstanding these efforts, the number of those experiencing homelessness in the City continues to increase and outstrip the resources and services that the City has provided; and

WHEREAS, the magnitude of loss of life, the persistent and disproportionate impact of the COVID-19 pandemic, and the persistent discriminatory impacts of a lack of housing warrant and necessitate that I declare the existence of a local emergency; and

WHEREAS, the benefits of this emergency declaration, coupled with past and future actions by the Los Angeles City Council to address the homelessness crisis, will help ensure that this local emergency will be of a temporary nature;

NOW, THEREFORE, I hereby declare the existence of a local emergency and direct all Divisions of the Emergency Operations Organization (EOO) and all other City Departments to take necessary steps for the protection of life, health and safety in the City of Los Angeles.

I REQUEST, that the City Council adopt resolutions pursuant to the Los Angeles Administrative Code Sections 10.1.1, 10.2.1, 10.5(a)(8), and 10.5.5 to expedite the procurement and contracting process for materials, equipment, and services necessary to respond rapidly to the homelessness crisis.

I DIRECT that, as Director of the EOO, I shall coordinate Citywide planning and response with respect to unsheltered individuals in conjunction with the City Administrative Officer, Los Angeles Homeless Services Authority, Los Angeles City Housing Department, Los Angeles City Planning Department and any and all necessary departments and agencies.

I FURTHER DIRECT that the City coordinate its efforts to address this declared emergency with the County of Los Angeles, the State of California, and the federal government.

I FURTHER DIRECT, that the continuing state of emergency shall be regularly evaluated, in coordination with City Council, by reference to key performance indicators of progress in addressing the emergency, including, but not limited to:

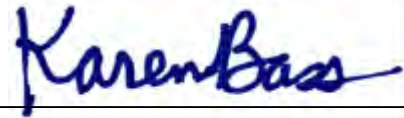
- Decrease in the number and size of encampments;
- Regulatory relief from other jurisdictions and within Los Angeles City agencies to create flexibility to address the crisis;
- Relaxation in the restraints that limit the ability of the City's proprietary departments to create flexibility to address the crisis;
- Increased housing placements;
- Increased starts on new affordable housing options;
- An increase in temporary and permanent housing units;
- Increased outside aid through access to mental health and substance use beds;
- A decrease in the number of persons being evicted from existing housing units;
- A decrease in the number of persons falling into homelessness.

I FURTHER DIRECT that this Emergency Declaration sunset in six months subject to being renewed. The setting of a specific time frame allows for actions to be taken to make permanent, necessary structural changes.

I FURTHER DIRECT that all relevant City departments and agencies compile and deliver to the Mayor information about the specific and necessary resources and support that the

City should request from Los Angeles County, the State of California and the Federal government to address this crisis.

I THEREFORE DIRECT that the Declaration of Local Emergency shall take effect immediately and that notice shall be given of said Declaration through the most feasible means.



Karen Bass, MAYOR

Dated: December 12, 2022
at Los Angeles, California
Time: 9:20 a.m.

Filed with the City Clerk
Date: December 12, 2022
Time: 9:25 a.m.
By: *Melinda Abreu*

EXHIBIT 2



KAREN BASS
MAYOR

EXECUTIVE DIRECTIVE NO. 1

Issue Date: December 16, 2022

Subject: Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types

INTRODUCTION

To aid in swiftly sheltering people who are unhoused in the City of Los Angeles, and 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 8.29 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:

1. Applications for 100% affordable housing projects, or 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. All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law.
2. An application for the development of a 100 percent affordable housing project or Shelter may use the density permitted for that site either by the applicable zoning or the General Plan Land Use Designation, consistent with state law. In addition, a project may utilize the State Density Bonus and LAMC bonuses,

incentives, waivers and concessions if such are in compliance with the applicable requirements.

3. I further direct all applicable City Departments to process clearances and utility releases related to building permit applications, certificates of occupancy, or temporary certificates of occupancy within 5 business days for 100 percent affordable housing projects and within 2 business days for Shelters.

4. I further direct all applicable City Departments to conduct and conclude all reviews and inspections required for 100 percent affordable housing projects or Shelters and to issue all appropriate approvals for such projects or Shelters within 60 days following the submission of the completed application. City Departments shall provide the applicant with all required changes or amendments on or before the 30th day following the submission of a completed application for such projects. To the extent practicable, all required reviews and approvals shall be conducted simultaneously, not sequentially, by all City departments so as to meet the 30 day and 60 day periods specified for such projects in this paragraph.

5. I hereby direct the Los Angeles Housing Department (LAHD) to coordinate with the Los Angeles City Controller to track and process all affordable housing projects and expedite payments thereon. LAHD shall track each pending pay application, initial submittal date, approval date, reasons for rejection or modification of submitted payment applications, and issuance of payment, and shall provide reports to the Mayor on all such payments at least monthly with the goal of expediting payments due for affordable housing projects.

6. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System as they apply within the City of Los Angeles be expanded, changed, or suspended, as allowed by federal law. Rules, guidelines and regulations will be developed to expedite the placement of unhoused neighbors into housing in the City of Los Angeles.

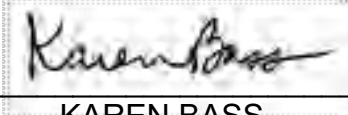
7. I hereby direct all City departments to prioritize and streamline compliance with the provisions of the Building Homes and Jobs Act – Government Code section 27388.1 in order to maximize the City's eligibility for state and federal funds to support the development of emergency shelters, transitional housing, and supportive housing. The City shall seek to comply with or otherwise meet all criteria specified under all applicable state and federal laws that provide for increased resources, funding, access or allowance for temporary or affordable housing.

8. Effective February 28, 2023, in accordance with the end of the State of California COVID-19 emergency, I hereby rescind the Public Order Under City of Los Angeles Emergency Authority issued on January 28, 2022 (January 28, 2022 Order). Notwithstanding this action, all entitlements already approved and still

valid as of this date, or approved during the effective period of the January 28, 2022 Order, shall remain valid for the extended time period(s) as if such January 28, 2022 Order were still in effect with respect to such entitlements. Furthermore, local decision-makers, including the Director of Planning and the Chief Zoning Administrator, are authorized to continue to hold all required public hearings under the Los Angeles Municipal Code in a manner consistent with the Governor's Executive Order N-29-20, and any subsequent orders or published guidance pertaining to local legislative bodies.

9. The City Planning and Housing Departments shall issue guidelines as necessary to implement the provisions of this Executive Directive.

Executed this 16th day of December, 2022.

A rectangular box containing a handwritten signature in black ink that reads "Karen Bass".

KAREN BASS

Mayor

EXHIBIT 3



KAREN BASS
MAYOR

EXECUTIVE DIRECTIVE NO. 2

Issue Date: December 21, 2022

Subject: Inside Safe Initiative

INTRODUCTION

On December 12, 2022, my first day as Mayor of the City of Los Angeles, I issued a Declaration of Local Emergency regarding the crisis of homelessness that exists in the City of Los Angeles.

It is imperative that we immediately begin to move people living in encampments indoors. Once in interim housing, social service agencies will provide wrap-around care to each participant to transition those previously living in encampments into permanent housing, improve their wellbeing, and promote their stability. Such an effort will simultaneously enhance the safety and hygiene of our neighborhoods for all residents, businesses, and neighbors.

Accordingly, I am launching the City of Los Angeles Inside Safe Initiative. This initiative is a housing-focused solution to combating homelessness. All outreach and engagement efforts will be coupled with immediate interim housing and linkage to a permanent housing resource.

This effort is dependent on collaboration between the City and County of Los Angeles and our Social Service Providers. Therefore, I hereby direct the Mayor's Chief of Housing and Homelessness Solutions to coordinate with:

- Emergency Management Department
- Social Service Providers
- People with lived experience of homelessness
- Los Angeles City Council
- Los Angeles County government

- All other appropriate City Departments
- Other key local, state, and federal government partners
- Experts in other sectors
- Community Organizations

This coalition will design and implement a strategy that effectively expands the Inside Safe model across the City of Los Angeles. Through this effort we will be able to bring thousands of Angelenos living on our streets into housing and on to the path to wellbeing and stability.

GOALS

Inside Safe will support the following five goals:

1. Reduce the loss of life on our streets
2. Increase access to mental health and substance abuse treatment for those living in encampments
3. Eliminate street encampments
4. Promote long-term housing stability for people experiencing homelessness
5. Enhance the safety and hygiene of neighborhoods for all residents, businesses, and neighbors

This initiative will support and advance the following citywide outcomes:

1. Decrease the number and size of encampments across the city
2. Decrease the time of moving someone from an encampment into housing
3. Increase interim and permanent housing placements
4. Increase access to mental health care and substance use treatment for people experiencing homelessness

I hereby create the Inside Safe Initiative.

This initiative will be led by my Chief of Housing and Homeless Solutions and is comprised of a Cabinet including: the General Manager of the Emergency Management Department; the CEO of Los Angeles Homeless Services Authority; the Chief Administrative Officer; and the General Managers or their designees of the following City Departments:

- Department of Housing
- Department of Transportation
- Housing Authority of the City of Los Angeles
- Department of Public Works
 - Bureau of Engineering
 - Bureau of Street Services
 - Bureau of Sanitation

The Cabinet will also seek insight and expertise from lead Social Service Providers and relevant County Departments.

I direct the Cabinet to work closely in this effort with METRO, Los Angeles Department of Water and Power, Los Angeles World Airports, Los Angeles Port, state agencies, and Los Angeles County agencies that serve people experiencing homelessness.

I request all other City Departments, Bureaus, Agencies, Boards and Commissions to support the Cabinet as needed and to review all regulations and processes that may be hindering access to housing for people experiencing homelessness.

Inside Safe Action Plan:

- Create a strategy of large scale, citywide coordination
- Identify criteria and strategies for determining the highest need encampments across the city, especially focusing on encampments that are chronic and have a high demand for services
- Identify interim housing for each person in encampments
- Identify permanent housing resources for each person in encampments
- Assure that the Inside Safe Action Plan integrates equity principles in its design and implementation
- Consult with people who have lived experience of homelessness on development and implementation of all relevant strategies
- Centralize data collection on all relevant matters, including but not limited to encampments, needs surveys, housing availability, housing placements and retention, and designate a lead team to track progress
- Set metrics and benchmarks as indicated in my Emergency Declaration of December 12, 2022
- Create a unit acquisition strategy, including master leasing for both interim and permanent housing options
- Develop a comprehensive funding strategy that includes consideration of measure ULA

Finally, I direct the Cabinet to submit a report to the Mayor's office on all items related to the Inside Safe Action Plan by March 31, 2023.

Executed this 21st day of December, 2022.



KAREN BASS
Mayor

EXHIBIT 4



**CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE**

Date: February 9, 2023

To: City Departments
Interested Parties

From: Vincent P. Bertoni, AICP, Director of Planning
Department of City Planning

Osama Younan, General Manager
Department of Building and Safety *O.Y.*

Ann Sewill, General Manager
Housing Department *A.S.*

Subject: IMPLEMENTATION GUIDELINES FOR EXECUTIVE DIRECTIVE 1:
EXPEDITION OF PERMITS AND CLEARANCES FOR TEMPORARY SHELTERS
AND AFFORDABLE HOUSING TYPES

On December 16, 2022, Mayor Karen Bass issued [Executive Directive 1 \(ED 1\)](#) to facilitate the expeditious processing of Shelter projects and 100 Percent Affordable Housing Projects to address the housing and homelessness crisis in Los Angeles. Effective immediately, the project review procedures in the Department of City Planning (City Planning), the Department of Building and Safety (LADBS), and the Housing Department (LAHD) are modified in response to ED 1. As directed by ED 1, City Planning shall provide guidelines on the implementation of ED 1 related to applications and permitting processes. This memorandum provides guidance for applicants seeking to file an application for projects that are eligible for the ED 1 Ministerial Approval Process—summarizing eligibility criteria and exceptions, general procedures, project review timelines, filing requirements, City Planning fees, development standards, additional tools and resources, and contact information.

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- I. [ED 1 Eligibility Criteria](#)
- II. [City Planning Procedures](#)
- III. [Building & Safety Procedures](#)
- IV. [Housing Department Procedures](#)
- V. [Development Standards, Tribal Consultations, and Labor Standards](#)
- VI. [Additional Resources and Tools](#)
- VII. [Contact Information](#)

I. ED 1 ELIGIBILITY CRITERIA

ED 1 applies to all Shelter projects and 100 Percent Affordable Housing Projects with an active or valid City Planning application or referral form filed with City Planning, and any ED 1 eligible projects under review by LADBS or LAHD. These projects shall hereafter be referred to as ED 1 projects within this memo.

For the purposes of implementing ED 1, “100 Percent Affordable Housing Project” is defined as:

A housing project with five or more units, and with all units affordable either at 80% of Area Median Income or lower (U.S. Department of Housing and Urban Development (HUD) rent levels), or at mixed income with up to 20% of units at 120% AMI (California Department of Housing and Community Development (HCD) rent levels) and the balance at 80% AMI or lower (HUD rent levels), as technically described here: A Housing Development Project, as defined in California Government Code Section (§) 65589.5, that includes 100% covenant-restricted affordable units (excluding any manager's units) for which rental or mortgage amounts are limited so as to be affordable to and occupied by Lower Income households, as defined in California Health and Safety Code §50079.5, or that meets the definition of a 100% affordable housing development in CA Government Code §65915(b)(1)G)2, as determined by the Los Angeles Housing Department (LAHD).

This definition is limited to projects that are for rent, as opposed to affordable for-sale projects. Rent Schedules with the applicable rents by unit size and income category are maintained by LAHD and are updated annually. Rent schedules can be seen at <https://housing.lacity.org/partners/land-use-rent-income-schedules>.

As stated in ED 1, projects requiring a legislative action (e.g., General Plan Amendment, Zone Change, Height District Change) or projects seeking a deviation from development standards (e.g., adjustment, variance, specific plan exception, waiver of dedication/Improvement) are ineligible for the ED 1 Ministerial Approval Process. Projects that require consideration of a Coastal Development Permit or are subject to the Subdivision Map Act are also ineligible.

If a project changes at any time in the review and construction process such that it no longer meets ED 1 eligibility criteria, the project becomes disqualified from ED1 streamlining and all prior determinations on the project become inapplicable. For projects requiring a City Planning application, if a project changes at any point during the City Planning review or post-approval process such that the project would no longer qualify for ED 1 streamlining, a new City Planning application will be required, including new referral forms, the submission of all required filing documents and payment of fees for a new project. For projects submitted to LADBS, applicants should contact the plan check engineer and supervisor to go over the changes and obtain instructions on how to proceed as a regular project outside of the ED 1 processes.

II. CITY PLANNING PROCEDURES

In order to implement ED 1, all ED 1 projects will be reviewed through the *ED 1 Ministerial Approval Process*. The ED 1 Ministerial Approval Process provides ED 1 projects with project review streamlining enhancements, shortened review periods at all stages of the City Planning project review process, and reduced filing fees. Projects eligible for the ED 1 Ministerial Approval Process may use the ED 1 Case Intake Instructions and Checklist when available to guide the preparation of project applications.

Pre-Application Timelines and Procedures

Pre-application referrals within the department shall be reviewed concurrently for ED 1 projects, provided that the request for the referrals along with the applicable materials are submitted through the City Planning's [Online Application System \(OAS\)](https://plncts.lacity.org/oas) (<https://plncts.lacity.org/oas>). City Planning affordable housing referral forms, Redevelopment Project referral forms, Project Planning referral forms, Historic Preservation Overlay Zone referral forms, and Housing Crisis Act Vesting Preliminary Applications shall be assigned to staff for review within two (2) business days of receipt of all required documents and payment of fees (when applicable). Within ten (10) business days of receiving a complete set of information, staff will either issue the applicable referrals or provide the applicant with all information required in order to issue the referrals.

Case Filing Appointments, Fees, and Requirements

Projects using the ED 1 Ministerial Approval Process may submit a City Planning application through OAS or in-person. Applications for ED 1 projects will receive priority scheduling for case filing appointments.

Visit the [BuildLA](https://appointments.lacity.org/apptsys/Public/Account) website (<https://appointments.lacity.org/apptsys/Public/Account>) to schedule an in-person or virtual appointment to file a City Planning application. Priority case filing appointments will be provided to applicants for projects that qualify for the ED 1 Ministerial Approval Process.

Case filing fees shall be set at “Administrative Review - Major,” plus surcharges, pursuant to Los Angeles Municipal Code (LAMC) Section 19.04 regardless of the number and type of City Planning requests made for the project.

A Preliminary Zoning Assessment (PZA) from the Department of Building and Safety (LADBS) and a Replacement Unit Determination (RUD) from LAHD are not required to be completed at the time of City Planning application filing. In lieu of a completed PZA or RUD, proof of filing of each will be accepted for concurrent review and must be provided in order to deem the application complete for review. Proof of filing for the PZA can include a copy of the applicable plan check application along with the assigned permit application number and the receipted invoice. Proof of filing for the RUD can include a copy of the applicable, dated RUD application along with the assigned Housing Information Management System (HIMS) number.

The public counters may be reached at planning.figcounter@lacity.org and planning.mbc2@lacity.org for information and questions on application filing requirements and procedures.

City Planning Application Timelines and Procedures

No later than thirty (30) days after a City Planning application is submitted and fees are paid, City Planning shall provide the applicant a list of all changes, amendments, corrections, amplifications, clarifications, or missing documents necessary to deem an application complete (“deemed complete date”). Ministerial ED 1 approvals shall be decided no later than sixty (60) days after the deemed complete date.

Projects eligible for the ED 1 Ministerial Approval Process shall be exempt from California Environmental Quality Act (CEQA) as a ministerial project and from Site Plan Review procedures, pursuant to LAMC §16.05 (or Project Review, pursuant to LAMC §13 B.2.4, as the Site Plan Review process will be referred to after the July 2023 operative date of Chapter 1A of the new Zoning Code). In addition, no public hearings will be required, and the Administrative Compliance Letter will not be subject to appeals.

Through the ED 1 Ministerial Approval Process, City Planning will review only the objective development standards of the Zoning Code and of any applicable Specific Plans, Redevelopment Plan, Historic Preservation Overlay Zone, Community Plan Implementation Overlay or other Zoning Overlay areas. Any requested State Density Bonus and LAMC bonuses, incentives, waivers and concessions that are allowable through the incentive programs may be used to achieve compliance with applicable objective zoning standards.

Building Permit Clearance and Case Condition Clearance Timelines and Procedures

A clearance to City Planning for Site Plan Review shall not be required for ED 1 projects during the permitting process. In addition, the LAHD affordable housing covenant required for City Planning case condition clearance shall be satisfied with a copy of the signed affordable housing covenant from LAHD at the time of building permit clearance. A copy of the final recorded

covenant shall be submitted to City Planning for inclusion in the case file upon receipt from the Los Angeles County Registrar-Recorder.

In order to obtain permit clearances from City Planning, applicants may submit a single request for all clearances through [OAS \(https://plncts.lacity.org/oas\)](https://plncts.lacity.org/oas), where the relevant staff will be notified of a request for clearance from an ED 1 project.

Priority appointments will be provided for ED 1 project applicants to complete Case Condition Clearance and/or Landscape Review and electronic stamping will be provided, when applicable.

For additional information on ED 1 implementation in the processes administered by LADBS, please refer to LADBS' ED 1 implementation guidelines, below.

Previously Approved City Planning Cases

Any previously approved projects that qualify for ED 1 streamlining will not be converted into Administrative Review cases, CEQA cases will not be terminated, and cases will not be eligible for refunds of paid fees. However, previously approved projects that qualify for ED 1 streamlining, will be eligible to receive City Planning building permit clearances or feedback within five (5) business days of applicant request and submittal of required documents and payment of applicable fees, and within two (2) business days of applicant request and submittal of required documents any any applicable fees for Shelters.

III. BUILDING AND SAFETY (LADBS) PROCEDURES

Permit Applications and Procedures

All plan check and inspection procedures will be expedited for review and approvals in the permitting and inspection process within the given applicable timelines of ED 1 and within the boundaries of state and local guidelines.

To apply for a permit for a ED 1 project, applicants can submit complete plans and supporting documents to LADBS using the online permitting system ePLanLA (<https://eplanla.lacity.org>). Once all the required application and submittal documents are submitted, a payment link will be emailed to the applicant. Once plan check fees are paid, the application is deemed complete and officially submitted. Alternatively, the applicant can submit in-person by making an appointment, although online submittals are highly encouraged. Once the plans for the project are officially submitted, the plans will be assigned to a plan check engineer within the LADBS Affordable Housing Section for review. After project review, the applicant will be notified of any comments to address, and relevant clearances will be issued to obtain approval from other Sections and other City Departments. Applicants are encouraged to reach out to the other Sections and City Departments as soon as possible to obtain clearance approvals. Once all comments are addressed and clearances approved, a permit will be issued after final permit fees are paid.

As stated in the above section, a clearance to City Planning for Site Plan Review shall not be required for ED 1 projects.

The Affordable Housing Section has highly experienced Plan Check Engineers who specialize in affordable housing projects and can provide guidance to applicants and consultants regarding the projects under their review.

Development Service Case Management

The Development Services Case Management office (DSCM) is composed of Case Managers from the Department of Building and Safety, City Planning, Department of Public Works Bureau of Engineering, Department of Transportation, and Department of Water and Power. Each project is assigned a Case Manager representing each of these departments as necessary. Case Managers work together as a team to guide a project from pre-development to completion, each providing their expertise in one of the City's major processes – permitting, City Planning approvals, public improvements, and utility design.

ED 1 projects and Shelters will receive priority scheduling of DSCM meeting requests. To schedule a meeting with DSCM, submit a Service Request Form at <https://ladbs.org/services/special-assistance/dscm>.

Inspection Timelines and Procedures

After a permit has been issued, Contractors can schedule inspections online at <https://ladbs.org/services/core-services/inspection> or by phone. Inspections happen at various stages of construction to ensure compliance with the approved plans. Once the construction is complete and all clearances/approvals are obtained from the City Departments, a Temporary Certificate of Occupancy or a Certificate of Occupancy will be issued.

IV. HOUSING DEPARTMENT PROCEDURES

For all ED 1 projects, the following processes in LAHD will be expedited and simplified wherever possible: (1) Replacement Unit Determinations (RUDs), (2) Affordability Covenants, and (3) Accessible Housing Program (AHP) Accessibility Plan Review and Clearances.

Replacement Unit Determinations

ED 1 applies to the RUD process required by the Housing Crisis Act of 2019 (California Senate Bills 330 (SB 330) and SB 8). In order to expedite the RUD, LAHD will utilize a simplified RUD application and review process, implement concurrent review of a RUD application, and

implement other related process improvements. These improvements apply to applications already in process, as well as any applications submitted for ED 1 projects going forward.

RUD Process Streamlining

- A. **Prioritization of ED 1 Projects:** Land Use Unit staff is responsible for processing RUD applications for both ED 1 projects as well as projects that are not eligible for ED 1 streamlining. Therefore, staff will prioritize and closely track ED 1 projects in order to meet expedited timelines.
- B. **Concurrent Review:** Applicants for ED 1 projects may now apply for RUDs at the same time as applying for review by the City Planning, instead of waiting for the RUD to be approved by LAHD in order to submit their application to City Planning. Processing of RUDs will be undertaken concurrently with City Planning application reviews and completed prior to the issuance of an Administrative Compliance Letter from City Planning.
- C. **Vacancy Verification:** Because all units to be demolished in an ED 1 project will be replaced with a project that is 100% affordable per the definition of an ED 1 project, LAHD will no longer require verification of vacant units through correspondence with the Los Angeles Department of Water and Power (LADWP).
- D. **Simplified requirements and forms.** Land Use Unit staff have revised forms for easier understanding and completion to confirm the level of affordability for required replacement units. Tenants can now complete the Tenant Declaration form by indicating their monthly income without the need to submit backup income documentation. Additionally, LAHD has prepared FAQs and will make them available to tenants to address the most commonly asked questions regarding the process and information needed to ensure the replacement unit requirements satisfy applicable law.

Affordability Covenants

City-subsidized or incentivized projects must record a covenant to guarantee the affordability of the housing units provided for the duration of the covenant period, which is typically 55 years. In order to expedite the covenant processing timeline, LAHD will utilize a simplified application process and implement concurrent review and processing, among other related process improvements. These improvements apply to applications already in process, as well as any applications submitted for ED 1 projects going forward.

Affordability Covenant Process Streamlining

- A. **Prioritization of ED1 Projects:** Land Use Unit staff is responsible for processing Affordability Covenant applications for both ED 1 projects as well as projects that are not eligible for ED 1 streamlining. Therefore, staff will prioritize and closely track ED 1 projects in order to meet expedited timelines.
- B. **Concurrent Review:** Applicants for ED 1 projects may now apply for both the RUD and Affordability Covenant at the same time, at the beginning of an ED 1 project's review process. This will allow Applicants for ED1 Projects to apply for necessary

LAHD review at the same time as applying for their building permit or City Planning review, as applicable. Because the Affordability Covenant requirements must match the final mix of affordable units proposed for a project, the specific terms of the covenant, such as the number of and level of affordability for the covenanted units, will be finalized upon issuance of a final City Planning or LADBS approval for an ED 1 project, and will be in place prior to the commencement of construction.

- C. **Standardization of Affordability Covenants:** Terms and conditions for affordability covenants will be standardized to the extent feasible for each funding and regulatory source that requires an affordability covenant to be recorded.
- D. **Affordability Covenant Recording:** City Planning will accept an unrecorded covenant with Owner/Applicant's signature, instead of requiring a final recorded covenant before issuing City Planning clearance for an ED 1 project applicant's building permit clearance. This will allow other steps in the development process to proceed while the covenant is recorded.

Accessible Housing Program

The City's AcHP applies to specified housing development projects that are, in main part, financially supported with City funding or financed with state or federal funds through a program administered by the City (Covered Housing Projects). These Covered Housing Projects must comply with the requirements of AcHP, which include compliance with the terms of the Corrected Settlement Agreement (CSA) between the City and private plaintiffs (CSA), the terms of the Voluntary Compliance Agreement (VCA) between the City and HUD, and local, state, and federal accessibility standards. These requirements are identified at the plan review stage, and all Covered Housing Projects must show compliance with applicable accessibility requirements in their approved plans prior to receiving building permits. Once under construction, a Covered Housing Project must be built in compliance with the approved plans and in accordance with the applicable accessibility requirements. Therefore, a Covered Housing Project must receive AcHP clearance prior to the issuance of a Temporary Certificate of Occupancy (TCO) and approval through AcHP confirming the project as in compliance with the CSA and VCA prior to receiving a final Certificate of Occupancy (COO).

AcHP staff will expedite the review and approval process for accessibility plans, expedite clearances for TCOs, and expedite the process for final COO approvals. This will accelerate the construction and occupancy of ED 1 projects that are also Covered Housing Projects, while still enabling the projects to meet the requirements of the CSA and VCA.

Accessibility Plan Review and Approval Process Streamlining

Review and approval of plans for compliance with the accessibility requirements that apply to projects covered by AcHP will be undertaken concurrently with the plan review process of other City departments whenever feasible unless sequential review is requested by the applicant. The following steps and timeframes will apply to the AcHP Accessibility Plan Review process:

1. Screening and Assignment of Accessibility Plan Review Package - 8 Business Days. Applicants shall submit a complete Accessibility Plan Review package to AcHP in order for accessibility plan review to proceed. To ensure application packages are complete, within 8 business days of the initial submittal, AcHP will assign a lead staff person, conduct a screening review of the materials, and inform the applicant for an ED 1 project of any missing or incomplete materials necessary to conduct the full Accessibility Plan Review. Applications for Accessibility Plan Review shall be submitted electronically via lahd.retrofit@lacity.org and, to trigger concurrent review, shall be submitted to AcHP at the same time as submitted to LADBS or any other department for that department's plan review. A complete Accessibility Plan Review package shall include:
 - a. 80-100% construction documents (plans),
 - b. Accessibility design review by the ED1 Project's Certified Access Specialist (CAsp),
 - c. Technical Services Request Form (TSR), and
 - d. Copies of any applicable loan applications or funding source documents necessary to verify the accessibility standards that apply to the project, including documentation of Enhanced Accessibility Program features where applicable.
2. Full Accessibility Plan Review - 25 Business Days. Within 25 business days after a complete Accessibility Plan Review package is submitted, assigned AcHP staff will complete the review of the Accessibility Plan Review package, and prepare necessary corrections for the ED 1 project. The corrections will be transmitted to an AcHP supervisor for review and confirmation prior to release to the ED1 Applicant.
3. Supervisor Review and Release of Corrections to Applicant - 5 Business Days. Within 5 business days after the completion of the full Accessibility Plan Review, the AcHP supervisor shall review the materials, and the corrections shall be provided to the applicant. Corrections are issued directly to the ED 1 project applicant.

Corrections shall be made by the applicant for an ED 1 project and returned directly to the AcHP staff assigned to the ED 1 project. When corrections are complete and accessibility plans are ready to be approved, AcHP staff will sign and/or stamp the plans electronically to indicate approval.

TCO Clearances and COO Approvals Process Streamlining

TCO Clearance

Clearances are required from AcHP prior to issuance of a Temporary Certificate of Occupancy (TCO), which is a necessary step for tenants to occupy ED 1 projects. During construction of an ED 1 project, the City's Neutral Accessibility Consultant (NAC), which is the accessibility expert retained by the City pursuant to the terms of the CSA and VCA, will inspect the ED 1 project and issue any necessary corrections to ensure compliance with applicable accessibility requirements. These inspections are concurrent with other construction progress inspections of the project.

It should be noted that final inspection and verification by the NAC is not a precondition for AcHP to issue its clearance for a TCO. Therefore, AcHP staff will issue a clearance for a TCO within 5 business days of receiving a complete request for a TCO from an applicant for an ED 1 project.

The NAC will concurrently conduct any necessary reinspections of the ED 1 project to confirm corrections have been made in accordance with applicable requirements.

COO Approval

Approval of a COO for an ED 1 project that is a Covered Housing Project does require verification of compliance by the NAC. The verification by the NAC is required in order to confirm compliance with the City's obligations to provide a specified number of accessible units pursuant to the terms of the CSA and VCA. The NAC's verification is a precondition for the City to be able to certify accessible units as in satisfaction of our settlement obligations.

In order to expedite approval of a COO, AcHP staff will schedule the NAC for any necessary site reinspection within 5 business days of a request by an applicant for an ED 1 project to inspect the corrections made. If no further corrections are required as a result of the reinspection, within 5 business days of the NAC's reinspection, the NAC will issue a report indicating there are no further deficiencies. Upon receipt of that report, AcHP staff will issue AcHP approval for the COO.

LAHD Contacts for ED 1 Projects

For questions or further information regarding RUDs or Affordability Covenants, applicants should contact Lahd-Landuse@lacity.org, and indicate "ED 1 Project" in the subject line.

For questions or further information regarding AcHP or to submit an application for AcHP Accessibility Plan Review, applicants should contact lahd.retrofit@lacity.org.

V. DEVELOPMENT STANDARDS, TRIBAL CONSULTATIONS, AND LABOR STANDARDS

Density

ED 1 projects shall utilize the maximum allowable base density under the zoning ordinance, specific plan or zoning overlay, or General Plan land use designation. Affordable, set-aside units required through either a Density Bonus or TOC request will be calculated based on the maximum allowable density. To determine a project site's applicable zone, specific plan, overlay and General Plan land use visit the [ZIMAS \(http://zimas.lacity.org/\)](http://zimas.lacity.org/) website under the "Jurisdictional" and "Planning and Zoning" tabs.

Parking

Parking reductions may be applied to ED 1 projects consistent with the affordable housing program being utilized, including Density Bonus, Transit Oriented Communities (TOC), and Qualified Permanent Supportive Housing (QPSH) programs. 100 percent affordable housing projects utilizing Density Bonus law (Assembly Bill [AB] 2345) and located within ½ mile of a major transit stop are not required to provide any parking spaces. Housing development projects utilizing

any affordable housing program and located within ½ mile of a major transit stop are not required to provide any parking spaces pursuant to AB 2097.

AB 2097 eligibility is available on the [ZIMAS \(http://zimas.lacity.org/\)](http://zimas.lacity.org/) website under the “Planning and Zoning” tab.

Height

In addition to height incentives available under various affordable housing incentive programs, AB 2334 (2022) amended State Density Bonus Law to allow projects in a “very low vehicle travel area” to be eligible for an additional three stories, or 33 feet in height. Check the “Planning and Zoning” tab on [ZIMAS \(http://zimas.lacity.org/\)](http://zimas.lacity.org/) website to find out if a specific site is located in a “very low vehicle travel area,” and contact City Planning’s Affordable Housing Services Section (AHSS) for information on incentives provided by this law. Contact information is provided below.

Vesting of City Ordinances, Policies, and Standards

An ED 1 project may qualify for vesting of City ordinances policies and standards through either the submittal of plans sufficient for a complete plan check to LADBS, consistent with LAMC §12.26-A.3 or the submittal of a complete Housing Crisis Act (HCA) Vesting Preliminary Application prior to case filing. The vesting provisions that apply to projects associated with the SB 35 Ministerial Approval Process, a legislative action or a subdivision do not apply to ED 1 projects.

Tribal Consultations and Labor Standards

AB 168 Tribal Scoping Consultations for SB 35 projects and AB 52 tribal consultations do not apply to projects using the ED 1 Ministerial Approval Process. The labor provisions of Section 403 of the SB 35 Guidelines and Los Angeles Municipal Code §11.5.11(i) for projects requiring a legislative action also do not apply to projects using the ED 1 Ministerial Approval Process.

VI. ADDITIONAL RESOURCES AND TOOLS

In an effort to fully implement ED 1, City Planning is making the following technology updates to existing online resources to further enhance usability for City staff and applicants:

Executive Directive 1 (ED 1)

[*Executive Directive No. 1 – Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types*](#) was signed by Mayor Karen Bass and issued on December 16, 2022. ED 1 aims to expedite project and funding approvals for eligible ED 1 projects

ED 1 Web Map

The citywide ED 1 web map locates all ED 1 projects that filed a City Planning case or a LADBS plan check application. The web map also provides links to project descriptions and status and other relevant map layers.

ED 1 City Planning Case Filing Instructions and Intake Checklist

The ED 1 case filing instructions will provide relevant information and requirements applicable only to projects to be reviewed through the ED 1 Ministerial Approval Process.

ZIMAS

City Planning's [Zoning Information and Map Access System \(ZIMAS\)](http://zimas.lacity.org/) (<http://zimas.lacity.org/>) is a web-based mapping tool that provides zoning, ED 1 and an array of site-specific information to help with making informed land use decisions. [Additional information and tutorials on ZIMAS](https://planning.lacity.org/zoning/zoning-search) (<https://planning.lacity.org/zoning/zoning-search>) are available on the City Planning department website.

Online City Planning Submissions

The [Online Application System](https://plncts.lacity.org/oas) (OAS) (<https://plncts.lacity.org/oas>) can be used to submit a request for relevant referral forms processed by City Planning, as well as application submissions, building permit clearances, and case condition clearances.

In-Person Submissions and Informational Appointments

In-person filing appointments and informational meetings with City staff can be made through the [BuildLA appointment system](https://appointments.lacity.org/apptsys/Public/Account) (<https://appointments.lacity.org/apptsys/Public/Account>).

City Planning Fee Estimator

Obtain an estimate of City Planning fees using the [City Planning Fee Estimator](https://planning.lacity.org/development-services/fee-estimator) (<https://planning.lacity.org/development-services/fee-estimator>). For ED 1 case filing fees, select "Select from All Fees," and then "ED1-Executive Directive 1."

LADBS ePlanLA

[ePlanLA](https://eplanla.lacity.org/) (<https://eplanla.lacity.org/>) is an online service for submitting plans for plan check, applying for permits, and tracking the progress of these applications.

Optional HCA Vesting Preliminary Applications

An optional HCA Vesting Preliminary Application may be submitted through [OAS](https://plncts.lacity.org/oas) (<https://plncts.lacity.org/oas>).

VII. CONTACT INFORMATION

CITY PLANNING

City Planning Public Counters

City Planning's public counters offer in-person and virtual services, including application submissions, building permit clearances and answers to general questions. To make an appointment for case filing, case condition clearances, building permit clearances, or other inquiries, an appointment may be made through [OAS\(https://plncts.lacity.org/oas\)](https://plncts.lacity.org/oas). Inquiries can also be sent to the Metro Public Counter at Planning.figcounter@lacity.org or the Van Nuys Public Counter at Planning.mbc2@lacity.org.

[Locations & Hours | Los Angeles City Planning \(lacity.org\)](https://planning.lacity.org/contact/locations-hours)
(<https://planning.lacity.org/contact/locations-hours>)

Affordable Housing Services Section (AHSS)

The Affordable Housing Services Section offers specialized, technical assistance, and processing of pre-application referral forms for a number of affordable housing programs including:

- Executive Directive 1
- Density Bonus
- Transit Oriented Communities (TOC)
- Measure JJJ
- Qualified Permanent Supportive Housing (QPSH)

For affordable housing inquiries, please email Planning.PriorityHousing@lacity.org

Redevelopment Plan Area (RPA) Projects

Each Redevelopment Plan has a unique set of land use regulations. Development projects located within Redevelopment Project Areas are reviewed for compliance with the Redevelopment Plans. For general Redevelopment Plan inquiries, please email planning.redevelopment@lacity.org. For administrative review and building permit clearances, submit requests through the [online application portal \(https://plncts.lacity.org/oas\)](https://plncts.lacity.org/oas).

City Planning Case Management

In partnership with LADBS, City Planning offers [Development Services Case Management \(DSCM\)](https://www.ladbs.org/services/special-assistance/dscm) (<https://www.ladbs.org/services/special-assistance/dscm>): the main portal for consultation, assistance and troubleshooting for complex development projects requiring interdepartmental approvals. The office brings together case managers from various city departments, including City Planning, Building and Safety, Engineering, Transportation, and Water and Power. For City Planning Case Management inquiries, please email Planning.CaseManagement@lacity.org

Housing Crisis Act Vesting

Most housing projects qualify to submit an optional [HCA Vesting Preliminary Application](#), which "locks in" local planning and zoning rules at the time the complete application is submitted. To initiate a request for HCA vesting rights, submit a [Housing Crisis Act Vesting Preliminary Application \(CP-4062\) Form](#) and the required materials through City Planning's [Online Application Portal](#). Email Planning.HCA@lacity.org or visit [City Planning's HCA implementation page](#) (<https://planning.lacity.org/development-services/housing-crisis-act>) for more information.

LADBS

Affordable Housing Section

The Affordable Housing Section to help expedite the permitting process for affordable housing development projects by streamlining and providing flexibility in the submittal procedures.

For affordable housing inquiries, please email ladbs.ahs@lacity.org

LAHD

The Land Use Unit process applications for RUDs and Affordability Covenants. For questions or further information regarding RUDs or Affordability Covenants, applicants should contact Lahd-Landuse@lacity.org, and indicate "ED 1 Project" in the subject line.

AcHP's Retrofit Unit is responsible for Accessibility Plan Review and Approval as well as the necessary LAHD clearances and approvals for TCOs and final Certificates of Occupancy. For questions or further information regarding AcHP or to submit an application for AcHP Accessibility Plan Review applicants should contact lahd.retrofit@lacity.org.

Applicable rent schedules can be seen on LAHD's website at the following link: <https://housing.lacity.org/partners/land-use-rent-income-schedules>

EXHIBIT 5



KAREN BASS
MAYOR

EXECUTIVE DIRECTIVE NO. 3

Issue Date: February 10, 2023

Subject: Emergency Use of Viable City-Owned Property

INTRODUCTION

To aid in sheltering people who are unhoused in the City of Los Angeles, and by virtue of the authority vested in me as Mayor under the Charter Section 213(i) of the City of Los Angeles and the provisions of Section 8.29 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:

1. Within 20 days of this order the City Administrative Officer's (CAO) Asset Management and Development Services (AMDS) shall identify and deliver to the Mayor and the Chief of Housing and Homeless Solutions a list of all City-owned property within the control of any City department or bureau, including rights of way, that are vacant, surplus, or underutilized. For any parcel with significant limitation or restriction that might preclude it from being used for temporary or permanent housing with on-site supportive services, AMDS should include all covenants, easements, leases or other land use, revenue, or regulatory restrictions that apply to the identified parcel. I direct all City Departments to fully cooperate with AMDS and prioritize inquiries and requests from AMDS regarding this list for immediate response. This order does not apply to active recreational sites in the control of the Department of Recreation and Parks that are utilized for public recreation or land that is utilized as trails for public recreation.

2. The Chief of Housing and Homeless Solutions shall, upon receipt of such identifications, complete a formal assessment of each identified site to determine its suitability for housing or shelter for those experiencing homelessness. In making that assessment, the Chief of Housing and Homeless Solutions shall coordinate with CAO and all appropriate City departments, including General Services Department (GSD), the Department of Transportation (DOT), the Bureau of Engineering (BOE), and the Department of Building and Safety (DBS). Such assessment shall be completed and transmitted to the Mayor as soon as possible but, in any event, on or before the 30th day following receipt of the AMDS list referenced in paragraph 1 of this Executive Directive. Such assessment shall address each site's viability for habitation, including a site layout, access to infrastructure (including water, power, and sewer access), contamination risks, liability risks, the distance between each site and other residential uses, and the time and resources needed to prepare the site for habitation.

3. Within 30 days of receipt of the formal assessment of sites to be used for temporary or permanent housing with on-site supportive services to be occupied by persons experiencing homelessness, the Mayor's Office shall make designations for appropriate sites to install or construct housing or shelter, giving preference to sites that are easily serviceable by utilities (including water, power, and sewer services) and that are near assets to aid in support of people experiencing homelessness. Any new structures constructed on sites so designated shall be non-congregate shelter. To the extent possible, units shall include individual bathrooms. All sites shall include other appropriate amenities. The Mayor's Office, in conjunction with the CAO, shall specify the construction or contracting process for each site, including approvals for expediting the same, and may include additional exemptions from the requirements of the Los Angeles Municipal Code (LAMC).

4. City departments, bureaus, and agencies shall have the authority to install temporary or permanent housing with on-site supportive services on such designated sites, all in accordance with the designations made by the Mayor's Office.

5. The construction, emergency installation, use, and operation of temporary or permanent housing on such designated sites shall be and hereby are deemed exempt for the duration of this order from discretionary review processes otherwise required by either the zoning provisions of Chapter I of the LAMC or Project Review as described in LAMC Section 16.05 and LAMC Section

13B.2.4; or other ordinance; provided, however, that any temporary or permanent housing shall comply with applicable state law including Government Code Section 8698, et seq., to the extent those sections apply.

6. Temporary or permanent housing on such designated sites shall also be exempt from LAMC Section 64.72 (Public Works and Property) except to the extent required by state law as applicable to either charter or general law cities. The Director of Sanitation shall respond to all Sewer Capacity Availability Requests (SCAR) and complete the department's reviews under LAMC Section 64.15 within seven business days of being submitted to the Bureau of Sanitation.

7. Construction activities related to temporary or permanent housing on such designated sites shall be exempt from LAMC Section 41.40 (Public Welfare) in order to expedite construction and installation of housing, all in accordance with the designations made by the Mayor's Office.

8. All site plan reviews and approvals pursuant to LAMC Section 16.05 are hereby waived for all eligible temporary or permanent housing with on-site supportive services constructed or installed on such designated sites as specified in the Mayoral designations noted in paragraph 3 above. All minimum parking requirements are hereby waived for all eligible temporary or permanent housing with on-site supportive services constructed or installed on such designated City sites, all in accordance with the designations made by the Mayor's Office.

9. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System be expanded, changed, or eliminated, as allowed by federal law, pursuant to guidelines to be issued by the Mayor, for temporary or permanent housing with on-site supportive services constructed or installed on such designated City sites.

10. All City departments and bureaus with permitting requirements, including the DBS, the BOE, the Fire Department, City Planning, DOT and the Department of Water and Power (DWP), shall prioritize and streamline their review of any permits relating to the construction, emergency installation, use, and operation of temporary or permanent housing on such designated City sites by conducting concurrent, rather than consecutive, reviews of such permit applications and completing those reviews within 30 days of application.

11. GSD shall establish guidelines for when a City department or bureau should consider a property vacant or underutilized, similar to the processes for declaring properties surplus, and they shall develop a process by which each City department and bureau shall regularly identify for the CAO and GSD, any properties that it deems to be vacant or underutilized.

12. The DWP, the Los Angeles World Airports, and the Los Angeles Harbor Department shall establish guidelines for identifying vacant, surplus, or underutilized property on a forward-going basis, and shall develop a process by which each of those departments shall regularly notify the Mayor and CAO of vacant, surplus, or underutilized properties.

13. The Mayor will request that other jurisdictions that control real property in the City consider adopting policies similar to those outlined in this order to make property available for temporary or permanent housing with on-site supportive services. Such jurisdictions include Los Angeles County, LA Metro, Los Angeles Unified School District (LAUSD), the California Department of Transportation (CalTrans), and other departments or agencies of the State of California.

Executed this 10th day of February, 2023



KAREN BASS
Mayor

EXHIBIT 6



KAREN BASS
MAYOR

EXECUTIVE DIRECTIVE NO. 1

Issue Date: December 16, 2022

Revised: June 12, 2023

Subject: Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types

INTRODUCTION

To aid in swiftly sheltering people who are unhoused in the City of Los Angeles, and 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 8.29 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:

1. Applications for 100% affordable housing projects, or 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. All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law. In addition, consistent with state law, a project may utilize the State Density Bonus and LAMC bonuses, incentives, waivers and concessions if such are in compliance with the applicable requirements.

2. I further direct all applicable City Departments to process clearances and utility releases related to building permit applications, certificates of occupancy, or temporary certificates of occupancy within 5 business days for 100 percent affordable housing projects and within 2 business days for Shelters.
3. I further direct all applicable City Departments to conduct and conclude all reviews and inspections required for 100 percent affordable housing projects or Shelters and to issue all appropriate approvals for such projects or Shelters within 60 days following the submission of the completed application. City Departments shall provide the applicant with all required changes or amendments on or before the 30th day following the submission of a completed application for such projects. To the extent practicable, all required reviews and approvals shall be conducted simultaneously, not sequentially, by all City departments so as to meet the 30 day and 60 day periods specified for such projects in this paragraph.
4. I hereby direct the Los Angeles Housing Department (LAHD) to coordinate with the Los Angeles City Controller to track and process all affordable housing projects and expedite payments thereon. LAHD shall track each pending pay application, initial submittal date, approval date, reasons for rejection or modification of submitted payment applications, and issuance of payment, and shall provide reports to the Mayor on all such payments at least monthly with the goal of expediting payments due for affordable housing projects.
5. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System as they apply within the City of Los Angeles be expanded, changed, or suspended, as allowed by federal law. Rules, guidelines and regulations will be developed to expedite the placement of unhoused neighbors into housing in the City of Los Angeles.
6. I hereby direct all City departments to prioritize and streamline compliance with the provisions of the Building Homes and Jobs Act – Government Code section 27388.1 in order to maximize the City’s eligibility for state and federal funds to support the development of emergency shelters, transitional housing, and supportive housing. The City shall seek to comply with or otherwise meet all criteria specified under all applicable state and federal laws that provide for increased resources, funding, access or allowance for temporary or affordable housing.
7. Effective February 28, 2023, in accordance with the end of the State of California COVID-19 emergency, I hereby rescind the Public Order Under City of Los Angeles Emergency Authority issued on January 28, 2022 (January 28, 2022

Order). Notwithstanding this action, all entitlements already approved and still valid as of this date, or approved during the effective period of the January 28, 2022 Order, shall remain valid for the extended time period(s) as if such January 28, 2022 Order were still in effect with respect to such entitlements. Furthermore, local decision-makers, including the Director of Planning and the Chief Zoning Administrator, are authorized to continue to hold all required public hearings under the Los Angeles Municipal Code in a manner consistent with the Governor's Executive Order N-29-20, and any subsequent orders or published guidance pertaining to local legislative bodies.

8. The City Planning and Housing Departments shall issue guidelines as necessary to implement the provisions of this Executive Directive.

Executed this 12th day of June, 2023.

A handwritten signature in black ink, appearing to read "Karen Bass", is enclosed within a rectangular box with a dotted border.

KAREN BASS
Mayor

EXHIBIT 7

MOTION

On December 12, 2022, Mayor Bass declared a state of emergency on homelessness. On December 13, 2022, in accordance with Los Angeles Administrative Code Section 8.27, the City Council approved a Resolution (Krekorian, et al.) ratifying the emergency declaration. After the ratification of the emergency declaration, Mayor Bass issued two executive orders - one to launch the Inside Safe Initiative to implement a citywide strategy to address the homelessness crisis and the other to expedite permits and clearances for temporary shelter and affordable housing.

In January, the City Council created the Homelessness Emergency Account and provided the Mayor with approximately \$50 million in necessary funding to implement the Inside Safe Initiative. With the City Council's and Mayor's collective efforts, over the last six months, the City has conducted 19 Inside Safe operations and moved 1,323 unhoused individuals inside through that program. Additionally, the City was able to identify 456 projects, totaling over 8,000 units, for expedited approval and approved 20 projects, totaling 1,496 units, within 37 days.

Pursuant to the terms of the emergency declaration, the Council has continued to renew the emergency declaration at least every 30 days for the last six months. However, the emergency declaration will terminate on July 9, 2023.

While the original emergency declaration will terminate, the homelessness crisis will continue. As a result, the City Council approved \$250 million in funding for Inside Safe for fiscal year 2023-2024 and continues to work with the Mayor to streamline City processes and procedures to address the crisis. In order to build upon these efforts, the City Council should consider the adoption of LAAC Section 8.33, attached to this motion, that would create a path for Mayor Bass, and future Mayors, to declare a Local Housing or Homelessness Emergency.

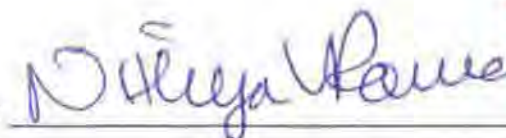
I THEREFORE MOVE that the City Council request the City Attorney to review the attached language for a new LAAC Section 8.33 for form and legality and prepare and present an ordinance with an urgency clause to effectuate this section.

PRESENTED BY:



PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY:



ORIGINAL

JUN 1 8 2023

PK

Sec. 8.33. Local Housing and/or Homelessness Emergency.

- (a) The term "Local Housing and/or Homelessness Emergency" as used in this Section shall mean a local emergency due to the existence of a critical shortage of local affordable housing and/or an emergency on homelessness, as further defined in this Section. Local Housing and/or Homelessness Emergency, as used in this Section, shall not be subject to the other provisions of Chapter 3, Article 3 of Division 8 of the Los Angeles Administrative Code.
- (b) The Mayor is hereby empowered to declare the existence of a local housing and/or homelessness emergency when the Mayor finds that:
 - (i) the City's housing supply is projected to be at least 40 percent below its annual housing production goals as established in the Housing Element approved by the State Department of Housing and Community Development and reported in the City Planning Department's quarterly Housing Production Report; and/or
 - (ii) Homelessness in the City has reached a crisis as indicated by either:
 - (1) The unhoused population in the City is greater than two times the total number of interim beds as established in the annual Homeless Inventory Count submitted to the federal Department of Housing and Urban Development; or
 - (2) There is a citywide increase by more than 20 percent as reported in the annual Point-in-Time Count.

Such a declaration by the Mayor shall be in writing and shall take effect immediately upon its issuance. The Mayor shall cause widespread publicity and notice to be given of the declaration through the most feasible and adequate means of disseminating the notice throughout the City.

- (c) Upon the Mayor's declaration of a local housing and/or homelessness emergency, the Mayor shall coordinate citywide planning and response with respect to unsheltered or unhoused

individuals in conjunction with the City Administrative Office, Los Angeles Homeless Services Authority, Los Angeles City Housing Department, Los Angeles City Planning Department and all other necessary departments and agencies. The Mayor shall also coordinate the City's efforts to address a declared emergency under this Section with the County of Los Angeles, the State of California, and the federal government. Within 30 days, the Mayor shall submit to Council a plan of action to address the emergency.

- (d) A declaration pursuant to this section empowers the Mayor to:
- (i) Promulgate, issue and enforce rules, regulations, orders and directives which the Mayor considers necessary to address the emergency. Such rules, regulations, orders and directives shall take effect immediately upon their issuance, and copies thereof shall be filed in the Office of the City Clerk. The City Council may supersede a rule, regulation, order or directive by adopting a resolution or ordinance that addresses the same subject matter.
 - (ii) Commandeer property deemed necessary to meet interim and temporary housing needs and bind the City for the fair value thereof. The City Council may adopt a resolution that imposes limits on action taken under this subsection.
 - (iii) Require emergency service of any City officer or employee and requisition necessary personnel or material of any City department or agency.
 - (iv) Suspend competitive bidding restrictions enumerated in Charter Section 371(e)(6) and Los Angeles Administrative Code Sections 10.15 and 10.17 for contracts entered into by City departments and offices in response to the emergency and mitigation efforts related to the emergency, subject to the following:
 - (1) Such suspension may remain in effect until the Mayor terminates the suspension or the Council finds the suspension is no longer needed and acts to terminate the suspension;

- (2) The Mayor shall order any action relative to the procurement of construction contracts, service provider contracts, supplies, and equipment for homelessness facilities to safeguard life, health or property caused by the emergency.
 - (3) Contracts using this subsection's suspended competitive bidding restrictions may be for a term no longer than one year; thereafter, further contracting for the same need shall be accomplished by competitive bidding whenever applicable;
 - (4) The City Council may terminate a contract awarded under this subsection and require competitive bidding.
 - (5) The City Administrative Officer shall evaluate and report monthly to the City Council on the reasons justifying why each contract using this subsection was necessary to respond to the emergency, including why the emergency did not permit a delay resulting from a competitive solicitation for bids or proposals and why competitive proposals or bidding was not reasonably practicable or compatible with the City's interests.
- (e) 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 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.
- (f) The Chief Administrative Officer and the General Managers of the Department of Housing and the Department of Planning, or their designee, shall monitor the state of the emergency and report

quarterly to the Mayor and the City Council on the status of the emergency and the progress in addressing it.

- (g) After reviewing the quarterly reports in Section 8.33(c) by the Chief Administrative Officer and the General Managers of the Department of Housing and the Department of Planning, or their designee, if the City Council finds that there is no longer a need for the emergency, or the emergency is no longer beyond the control of the normal services, personnel, equipment and facilities of the regularly constituted branches and departments of the City government the City Council may act to terminate or not renew the declaration under this Section 8.33.

EXHIBIT 8

HOLLY L. WOLCOTT
CITY CLERK

PETTY F. SANTOS
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA



KAREN BASS
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division

200 N. SPRING STREET, ROOM 395
LOS ANGELES, CA 90012
GENERAL INFORMATION - (213) 978-1133
FAX: (213)978-1040

PATRICE Y. LATTIMORE
DIVISION MANAGER

CLERK.LACITY.ORG

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 23-0652
Council Meeting Date: June 20, 2023
Agenda Item No.: 53
Agenda Description: CONSIDERATION OF MOTION (KREKORIAN - RAMAN) relative to Los Angeles Administrative Code (LAAC) Section 8.33 regarding the declaration of a Local Housing or Homelessness Emergency by the Mayor.
Council Action: MOTION (KREKORIAN – RAMAN) ADOPTED AS AMENDED BY MOTION (KREKORIAN – RAMAN)

Council Vote:

YES	Blumenfield	YES	de León	YES	Harris-Dawson
YES	Hernandez	YES	Hutt	YES	Krekorian
YES	Lee	YES	McOsker	YES	Park
ABSENT	Price Jr.	YES	Raman	ABSENT	Rodriguez
YES	Soto-Martínez	YES	Yaroslavsky		

HOLLY L. WOLCOTT
CITY CLERK

Adopted Report(s) Title
Amending Motion (Krekorian - Raman) dated 6-20-23
Motion (Krekorian - Raman) dated 6-16-23

EXHIBIT 9

HOLLY L. WOLCOTT
CITY CLERK

City of Los Angeles

OFFICE OF THE
CITY CLERK

CALIFORNIA

PETTY F. SANTOS
EXECUTIVE OFFICER



Council and Public Services Division
200 N. SPRING STREET, ROOM 395
LOS ANGELES, CA 90012
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KAREN BASS
MAYOR

PATRICE Y. LATTIMORE
DIVISION MANAGER
CLERK.LACITY.GOV

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 23-0652

Council Meeting Date: June 27, 2023

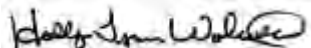
Agenda Item No.: 43

Agenda Description: COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to adding Section 8.33 to Article 3, Chapter 3, Division 8 of the Los Angeles Administrative Code (LAAC) to specify the procedures for establishing a Mayoral Declaration of Local Housing and/or Homelessness Emergency, and the impact of the Declaration.

Council Action: COMMUNICATION FROM THE CITY ATTORNEY AND ORDINANCE - ADOPTED AS AMENDED BY MOTION (KREKORIAN – YAROSLAVSKY – RAMAN) FORTHWITH

Council Vote:

YES	Blumenfield	YES	de León	YES	Harris-Dawson
YES	Hernandez	YES	Hutt	YES	Krekorian
YES	Lee	YES	McOsker	YES	Park
ABSENT	Price Jr.	YES	Raman	ABSENT	Rodriguez
YES	Soto-Martínez	YES	Yaroslavsky		


HOLLY L. WOLCOTT
CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 250(b)

FILE SENT TO MAYOR
LAST DAY FOR MAYOR TO ACT

06/28/2023
07/10/2023

APPROVED



6/28/2023

DATE SIGNED

Adopted Report(s) Title

Amending Motion (Krekorian - Yaroslavsky - Raman)_06-27-23

Report from City Attorney dated 6-23-23

Attachment to Report dated 6-23-23 - Revised Draft Ordinance

EXHIBIT 10

MOTION

I HEREBY MOVE that Council AMEND the matter of the COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to adding Section 8.33 to Article 3, Chapter 3, Division 8 of the Los Angeles Administrative Code to specify the procedures for establishing a Mayoral Declaration of Local Housing and/or Homelessness Emergency, and the impact of the Declaration, Item 43 on today's Council agenda, as follows, SUBJECT TO THE APPROVAL OF THE MAYOR:

ADOPT the ORDINANCE, dated June 23, 2023, attached to Council file No. 23-0652.

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
KATY YAROSLAVSKY
Councilmember, 5th District

NITHYA RAMAN
Councilmember, 4th District

June 27, 2023

CF 23-0652

EXHIBIT 11

ORDINANCE NO. _____

An ordinance adding Section 8.33 to Article 3, Chapter 3, Division 8 of the Los Angeles Administrative Code to specify the procedures for establishing a Mayoral Declaration of Local Housing and/or Homelessness Emergency, and the impact of the Declaration.

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

Section 1. Section 8.33 is added to Article 3, Chapter 3, Division 8 of the Los Angeles Administrative Code to read as follows:

Sec. 8.33. Local Housing and/or Homelessness Emergency.

(a) The term "Local Housing and/or Homelessness Emergency" as used in this section shall mean a local emergency due to the existence of a critical shortage of local affordable housing and/or an emergency on homelessness, as further defined in this section. Local Housing and/or Homelessness Emergency, as used in this section, shall not be subject to the other provisions of Article 3, Chapter 3, Division 8 of the Los Angeles Administrative Code.

(b) The Mayor is hereby empowered to declare the existence of a local housing and/or homelessness emergency when the Mayor finds that:

(i) The City's housing supply is projected to be at least 40 percent below its annual housing production goals as established in the Housing Element approved by the State Department of Housing and Community Development and reported in the City Planning Department's quarterly Housing Production Report; and/or

(ii) Homelessness in the City has reached a crisis as indicated by either:

(1) The unhoused population in the City is greater than two times the total number of interim beds as established in the annual Homeless Inventory Count submitted to the federal Department of Housing and Urban Development; or

(2) There is a citywide increase by more than 20 percent in a single year as reported in the annual Point-in-Time Count.

Such a declaration by the Mayor shall be in writing and shall take effect immediately upon its issuance. The Mayor shall cause widespread publicity and notice to be given of the declaration through the most feasible and adequate means of disseminating the notice throughout the City.

(c) Upon the Mayor's declaration of a local housing and/or homelessness emergency, the Mayor shall coordinate citywide planning and response with respect to unsheltered or unhoused individuals in conjunction with the City Administrative Office, Los Angeles Homeless Services Authority, Los Angeles City Housing Department, Los Angeles City Planning Department, and all other necessary departments and agencies. The Mayor shall also coordinate the City's efforts to address a declared emergency under this section with the County of Los Angeles, the State of California, and the federal government. Within 30 days, the Mayor shall submit to the City Council a plan of action to address the emergency.

(d) A declaration pursuant to this section empowers the Mayor to:

(i) Promulgate, issue and enforce rules, regulations, orders and directives which the Mayor considers necessary to address the emergency. Such rules, regulations, orders, and directives shall take effect immediately upon their issuance, and copies thereof shall be filed in the Office of the City Clerk. The City Council may supersede a rule, regulation, order, or directive by adopting a resolution or ordinance that addresses the same subject matter.

(ii) Commandeer property deemed necessary to meet interim and temporary housing needs and bind the City for the fair value thereof. The City Council may adopt a resolution that imposes limits on action taken under this subsection.

(iii) Require emergency service of any City officer or employee and requisition necessary personnel or material of any City department or agency.

(iv) Order any action relative to the procurement of construction contracts, service provider contracts, supplies, and equipment for homelessness facilities to safeguard life, health or property caused by the emergency.

(v) Suspend competitive bidding restrictions enumerated in Charter Section 371(e)(6) and Los Angeles Administrative Code Sections 10.15 and 10.17 for contracts entered into by City departments and offices in response to the emergency and mitigation efforts related to the emergency, subject to the following:

(1) Such suspension may remain in effect until the Mayor terminates the suspension or the City Council finds the suspension is no longer needed and acts to terminate the suspension;

(2) Contracts using the suspended competitive bidding restrictions specified in this subsection may be for a term no longer than one year; thereafter, further contracting for the same need shall be accomplished by competitive bidding whenever applicable;

(3) The City Council may terminate a contract awarded under this subsection and require competitive bidding; and

(4) The City Administrative Officer shall evaluate and report monthly to the City Council on the reasons justifying why each contract let pursuant to this subsection was necessary to respond to the emergency, including why the emergency did not permit a delay resulting from a competitive solicitation for bids or proposals and why competitive proposals or bidding was not reasonably practicable or compatible with the City's interests.

(e) 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.

(f) The City Administrative Officer and the General Managers of the Department of Housing and the Department of Planning, or their designee, shall monitor the state of the emergency, report quarterly, and provide the report to the Mayor and the City Council two weeks in advance of the quarter on the status of the emergency and the progress in addressing the emergency.

(g) After the City Council reviews the quarterly reports in Section 8.33(c) from the City Administrative Officer and the General Managers of the Department of Housing and the Department of Planning, or their designee, if the City Council finds that a need for the emergency no longer exists, or the emergency is no longer beyond the control of the normal services, personnel, equipment and facilities of the regularly constituted components and departments of the City government, the City Council may act to terminate or not renew the declaration under this Section 8.33.

Sec. 2. URGENCY CLAUSE. The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: the City of Los Angeles remains in the midst of a historic crisis in people experiencing homelessness and continues to face a critical shortage of affordable housing. Over 40,000 Angelenos are unhoused, many of whom are unsheltered. Unsheltered individuals face many perils, including exposure to weather, crime, and other dangerous health risks. Some people experiencing homelessness suffer from serious mental illness and/or substance abuse disorders. The risks to public health and safety are obvious and impose significant dangers to unhoused individuals and all Angelenos. Although the City has made

progress in addressing these serious problems, much more needs to be done. For all of these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By



VALERIE L. FLORES

Chief Assistant City Attorney

Date

June 23, 2023

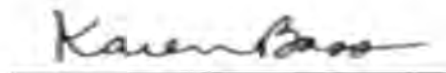
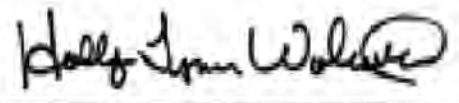
File No. 23-0652

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR



Ordinance Passed June 27, 2023

Approved 06/28/2023

Published Date: 07/05/2023
Ordinance Effective Date: 07/05/2023

EXHIBIT 12



KAREN BASS
MAYOR

DECLARATION OF LOCAL HOUSING AND HOMELESSNESS EMERGENCY

WHEREAS, Section 231(i) of the Los Angeles City Charter and Section 8.33 of the Los Angeles Administrative Code provide that the Mayor of the City of Los Angeles has the authority to declare the existence of a local emergency due to the existence of a critical shortage of local affordable housing and/or an emergency on homelessness; and

WHEREAS, on December 12, 2022, I declared the existence of a local emergency on homelessness with a sunset of six months subject to renewal. The City Council renewed the declaration of emergency and established a new sunset date of July 9, 2023; and

WHEREAS, although significant progress has been made since I declared the homelessness emergency in December of last year, the City still faces a critical shortage of local affordable housing, and the number of individuals unhoused and unsheltered remain far too high; and

WHEREAS, the City still finds itself in an emergency because most if not all of the concerns articulated in the recitals in my December declaration are true today; and

WHEREAS, the unhoused population in the City is greater than two times the total number of interim beds, as established in the annual Homeless Inventory Count submitted to the federal Department of Housing and Urban Development. This alone is sufficient to authorize my declaration of this local housing and homelessness emergency under Section 8.33 of the Los Angeles Administrative Code; and

WHEREAS, the City's housing supply is projected to be at least 40 percent below its annual housing production goals as established in the Housing Element approved by the State Department of Housing and Community Development and reported in the City Planning Department's quarterly Housing Production Report. This is yet another independent basis for me to declare this local housing and homelessness emergency under Section 8.33 of the Los Angeles Administrative Code; and

WHEREAS, declaring this emergency will enable the City to continue to mobilize local resources, coordinate inter-agency response, accelerate procurement of housing units, use mutual aid, and seek assistance and potential reimbursement by the State and

Federal governments - all critical to the ongoing efforts to respond forcefully and successfully to this housing and homelessness crisis; and

WHEREAS, because current conditions remain consistent with those in existence during the pendency of the local emergency I declared in December of last year, the Los Angeles City Council retains its full authority to consider a variety of City ordinances to codify the measures necessary to address this homelessness crisis; and

WHEREAS, although the City has been and is acting with urgency, including implementing a roadmap to house thousands of Angelenos and building an unprecedented number of supportive housing units and shelters, this emergency declaration is necessary to continue to mobilize resources, save lives, and provide for the public health, welfare, and safety of all;

NOW, THEREFORE, I hereby declare the existence of a local emergency on affordable housing and homelessness and direct all City Departments to take necessary steps for the protection of life, health and safety in the City of Los Angeles. The Executive Directives issued by me in response to the original declaration of emergency and its renewal shall remain in full force and effect through the pendency of this declaration.

I DIRECT that, as authorized under Section 8.33 of the Los Angeles Administrative Code, I shall coordinate citywide planning and respond with respect to unsheltered or unhoused individuals in conjunction with the City Administrative Office, Los Angeles Homeless Services Authority, Los Angeles City Housing Department, Los Angeles City Planning Department, and all other necessary departments and agencies. I shall also coordinate the City's efforts to address this declared emergency with the County of Los Angeles, the State of California, and the federal government.

I FURTHER DIRECT, that the continuing state of emergency shall be regularly evaluated, in coordination with City Council, by reference to key performance indicators of progress in addressing the emergency, including, but not limited to:

- Decrease in the number and size of encampments;
- Regulatory relief from other jurisdictions and within Los Angeles City agencies to create flexibility to address the crisis;
- Relaxation in the restraints that limit the ability of the City's proprietary departments to create flexibility to address the crisis;
- Increased housing placements;
- Increased starts on new affordable housing options;
- An increase in temporary and permanent housing units;
- Increased outside aid through access to mental health and substance use beds;
- A decrease in the number of persons being evicted from existing housing units;
- A decrease in the number of persons falling into homelessness.

I FURTHER DIRECT that all relevant City departments and agencies continue to cooperate by compiling and delivering to the Mayor information about the specific and necessary resources and support that the City should request from Los Angeles County, the State of California and the Federal government to address this crisis.

I THEREFORE DIRECT that the Declaration of Local Emergency shall take effect immediately with respect to a critical shortage of local affordable housing and the homelessness crisis, and that notice shall be given of this Declaration through the most feasible means.



KAREN BASS
Mayor

Dated at Los Angeles, California



Date: July 7th, 2023

Time: 5:14 p.m.

Filed with the City Clerk

Date: July 7, 2023

Time: 6:04 pm

By:  

Signed with ClerkSign
Jul 07, 2023 6:04PM

EXHIBIT 13



KAREN BASS
MAYOR

EXECUTIVE DIRECTIVE NO. 1

Issue Date: December 16, 2022

Revised: June 12, 2023

Revised: July 7, 2023

Subject: Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types

INTRODUCTION

To aid in swiftly sheltering people who are unhoused in the City of Los Angeles, and 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:

1. Applications for 100% affordable housing projects, or 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. All City departments are directed to process all plans for such 100 percent affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law. In addition, consistent with state law, a project may utilize the State Density Bonus and LAMC bonuses, incentives, waivers and concessions if such are in compliance with the applicable requirements.

2. I further direct all applicable City Departments to process clearances and utility releases related to building permit applications, certificates of occupancy, or temporary certificates of occupancy within 5 business days for 100 percent affordable housing projects and within 2 business days for Shelters.
3. I further direct all applicable City Departments to conduct and conclude all reviews and inspections required for 100 percent affordable housing projects or Shelters and to issue all appropriate approvals for such projects or Shelters within 60 days following the submission of the completed application. City Departments shall provide the applicant with all required changes or amendments on or before the 30th day following the submission of a completed application for such projects. To the extent practicable, all required reviews and approvals shall be conducted simultaneously, not sequentially, by all City departments so as to meet the 30 day and 60 day periods specified for such projects in this paragraph.
4. I hereby direct the Los Angeles Housing Department (LAHD) to coordinate with the Los Angeles City Controller to track and process all affordable housing projects and expedite payments thereon. LAHD shall track each pending pay application, initial submittal date, approval date, reasons for rejection or modification of submitted payment applications, and issuance of payment, and shall provide reports to the Mayor on all such payments at least monthly with the goal of expediting payments due for affordable housing projects.
5. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System as they apply within the City of Los Angeles be expanded, changed, or suspended, as allowed by federal law. Rules, guidelines and regulations will be developed to expedite the placement of unhoused neighbors into housing in the City of Los Angeles.
6. I hereby direct all City departments to prioritize and streamline compliance with the provisions of the Building Homes and Jobs Act – Government Code section 27388.1 in order to maximize the City's eligibility for state and federal funds to support the development of emergency shelters, transitional housing, and supportive housing. The City shall seek to comply with or otherwise meet all criteria specified under all applicable state and federal laws that provide for increased resources, funding, access or allowance for temporary or affordable housing.
7. Effective February 28, 2023, in accordance with the end of the State of California COVID-19 emergency, I hereby rescind the Public Order Under City of Los Angeles Emergency Authority issued on January 28, 2022 (January 28, 2022

Order). Notwithstanding this action, all entitlements already approved and still valid as of this date, or approved during the effective period of the January 28, 2022 Order, shall remain valid for the extended time period(s) as if such January 28, 2022 Order were still in effect with respect to such entitlements. Furthermore, local decision-makers, including the Director of Planning and the Chief Zoning Administrator, are authorized to continue to hold all required public hearings under the Los Angeles Municipal Code in a manner consistent with the Governor's Executive Order N-29-20, and any subsequent orders or published guidance pertaining to local legislative bodies.

8. The City Planning and Housing Departments shall issue guidelines as necessary to implement the provisions of this Executive Directive.

Executed this 7th day of July, 2023.

A handwritten signature in black ink, appearing to read "Karen Bass", is enclosed within a rectangular box with a dotted border.

KAREN BASS
Mayor

EXHIBIT 14



KAREN BASS
MAYOR

August 4, 2023

Honorable Members of the Los Angeles City Council
c/o City Clerk
Room 395, City Hall

Re: Housing and Homelessness Emergency Action Plan

Los Angeles' Administrative Code provides that the Mayor has the authority to declare the existence of a local emergency as a result of any occurrence which, by reason of its magnitude, is or is likely to overwhelm the normal operations of City government. For several years, the humanitarian crisis of homelessness has clearly required a City response that goes beyond business as usual, and so Mayor Bass' first action upon taking office -- on December 12, 2022, the first day of her Administration -- was to come together with City Departments and Members of City Council declare a State of Emergency to confront Los Angeles' housing and homelessness crisis. The City Council ratified the Mayor's declaration on December 13, 2022.

The Updated Emergency Declaration

This action plan addresses the response to the updated emergency declaration required pursuant to LAMC Section 8.33. The Office of the Mayor will prepare an update every 90 days to inform the decision to continue or terminate the emergency declaration.

The Mayor is authorized to declare a Section 8.33 emergency on housing and homelessness if any one of three criteria are present:

1. Housing supply is projected to be at least 40 percent below the annual housing production goals as established in the City's Regional Housing Needs Assessment (RHNA);
2. There exists more than twice the number of unhoused people in the City of LA than the number of interim beds; or
3. A citywide increase in unhoused individuals by more than 20% in a single year as reported in the annual point in time count (PIT).



The first and second criteria currently exist and thus support the Mayor's declaration of the emergency. According to the Planning Department, the City is 60.3% below the annual production goal for the current eight-year RHNA cycle of 2021-2029. LAHSA reports that 16,521 interim beds exist between their stock and new efforts to increase interim housing from the City, while the recently released PIT count indicated that there are 46,260 unhoused individuals in the City, well more than twice the number of interim beds.

The Emergency Declaration will allow the City to continue to respond aggressively to the crisis, including expediting contracting and streamlining processing of affordable housing and permanent supportive housing projects. Increasing the supply of both permanent and long term interim housing units will count towards satisfying the LA Alliance lawsuit. Importantly, it sends a clear signal that the City is committed to an aggressive and proactive plan to address unsheltered homelessness.

A Framework for Addressing the Housing and Homelessness Crisis

The Mayor's Office will continue to build on the years of committed work City Councilmembers have done to address homelessness in their districts and looks forward to continuing to integrate our work on this crisis. The framework of this Action Plan is centered on moving unsheltered individuals from encampments to interim housing to permanent, stable and affordable housing.

To that end, the Action Plan is organized around three broad objectives:

1. Resolve encampments by housing people in interim, then stable permanent housing
2. Expedite affordable housing development
3. Prevent Angelenos from falling into homelessness

The objectives are realized by programs and policies driven by core principles:

- This is a coordinated citywide approach in partnership with the City Council;
- This is a unified approach across all levels of government, from federal, to state, to county and local;
- Our work is built on lessons learned from the first 7 months of action under the original Emergency Declaration (December 2022 - June 2023) and we will continue to evolve, developing new programs and partnerships based on what we learn;
- We must cut red tape, eliminate barriers, streamline and expedite processes and refrain from creating new bureaucracies as we lift up programs;
- We must innovate in using our existing resources and seek new resources and opportunities;
- We must do better to collect and report data, and importantly track and report outcomes.

OBJECTIVE 1: Resolve Encampments by Housing People

The programs and processes for sustainable encampment resolution are detailed below. This section is divided into three programmatic areas:

1. Bring people inside
2. Expand the infrastructure of stable, permanent interim housing options
3. Remove barriers and streamline access to housing

1. Bring People Inside

Inside Safe (IS): As of August 4, 2023, Inside Safe has held 23 operations with 8 nonprofit service providers across 13 Council Districts bringing more than 1400 people inside. During this pilot phase, we have established an infrastructure/workflow across our stakeholders – Mayor’s Office, City Council, City departments, LAHSA, Service Providers, and County agencies.

The IS Field Intervention Team started in July and serves as the City’s internal outreach/engagement team throughout all phases of Inside Safe. This will include:

- Encampment assessment
- Transition to interim housing
- Coordination of service connection
- Quality control across program and data collection

The City Council has been a critical partner in launching Inside Safe and providing funding for this citywide effort.

Los Angeles County is responsible for providing homeless health-related services for the City of Los Angeles. For Inside Safe participants, the Mayor’s Office will continue to collaborate with County Supervisors and the County’s Chief Executive Office - Homeless Initiative to connect our participants with a number of County agencies and departments including:

- Department of Health Services Multidisciplinary Teams and Department of Mental Health Homeless & Mobile Engagement Teams who partner with us on Inside Safe operations
- Department of Health Services Mobile Clinic System provides comprehensive primary, urgent and women’s healthcare;
- Department of Mental Health provides support, and treatment to individuals with severe and persistent mental illness who are experiencing unsheltered homelessness and exhibiting signs of severe impairment;
- Department of Public Social Services provides eligibility determination and enrollment in various programs and services (e.g., Medi-Cal, In-Home supportive services, CalFresh, CalWORKS, General Relief, etc) designed to assist families and individuals who are homeless or at-risk of becoming homeless;
- Department of Public Health Substance Abuse Prevention and Control (DPH-SAPC) refers participants to the Client Engagement and Navigation Services (CENS) program to address substance use and addiction.

Substance Use Disorder and Mental Health Pilot Program: As a part of the Mayor's comprehensive commitment to bringing unhoused Angelenos inside, on July 31, 2023, the Mayor's Office transmitted to Council our proposed pilot program to supplement the extension of substance use and mental health treatment for interim housing residents citywide. The program will use the \$7,825,658 from the FY 22-23 Opioid and Tobacco Settlement funds to reimburse providers for additional time and services not covered by existing state and federal funding. The City will work with Council offices, 16 service providers, 5 treatment centers, LAHSA, and LA County Department of Public Health Substance Use Prevention and Control to collect and analyze data to evaluate this pilot program's referral process as well as impacts on people with substance use disorder who are willing/ready to pursue inpatient treatment.

Encampment Resolution Grant: In June 2023 the County's Housing for Health team, in partnership with the City of Los Angeles, was awarded a \$60M Encampment Resolution Grant (ERG). The ERG will serve 3,000 unsheltered individuals from Los Angeles' Skid Row neighborhood within 3 years. The grant funds will enhance existing outreach teams to engage encampment residents; create a Safe Landings space that provides 24/7 health and behavioral health services with triage beds; enhance existing and create new interim housing sites; connect participants to intensive case management services including housing navigation; and facilitate permanent housing placements with the appropriate level of services.

RV Task Force: In 2022, RVs were 15.4% of the total homeless count or 22.8% of unsheltered count. An estimated 6,484 people were living in 3,964 RVs in the City of Los Angeles. Since May 2022, the CAO's outreach team has led and/or helped to coordinate more than 20 large-scale RV outreach operations in eight separate Council Districts. At least two additional Council offices opted to address RVs in their districts on their own. Based on these experiences, the CAO worked with all relevant City departments, including and especially LADOT, LASAN, and LAPD, along with the City Attorney's office and LAHSA, to develop protocols for streamlining the process for identifying and addressing RVs in the City.

The Mayor's Office will convene a task force with City Council and appropriate departments including LADOT, LASAN, the City Attorney, BOE and CAO to develop a comprehensive citywide strategy based on the work done to date. This strategy will include a budget, sites that can be used for storage and parking, and next steps to take action. The Mayor's Office has already begun reviewing City land that could be used for this endeavor.

2. Expand the infrastructure of permanent interim housing options

Interim housing is a vital step in the journey to permanent housing and the City currently lacks a stable supply of beds. With our FY23/24 budget, the Mayor's Office is moving to lower the cost of interim housing for Inside Safe as well as establish a permanent citywide

infrastructure of interim housing. Currently, federal investment focuses on financing permanent housing and leaves a gap in support for interim housing - we plan to bridge that through these efforts.

Long Term Leasing or Occupancy Agreements: The Mayor's Office is working to shift nightly hotel bookings to longer term occupancy agreements. These agreements will target 100% occupancy of Inside Safe participants, which can better facilitate service provision and safety while ensuring a steady stock of housing units for ongoing encampment resolution. We will target motels in the areas with the greatest need for interim housing resources.

Expand the City's Permanent Supply of Interim Housing: Our system lacks a stable supply of interim housing. The FY23/24 Inside Safe Budget has \$47M identified, which along with other sources, will be used for interim housing acquisitions. The Mayor is committed to exploring every opportunity to expand interim housing through collaboration with council office investments, state partnerships (including the 500 units of temporary shelter pledged by Governor Newsom), and philanthropic efforts.

3. Removing Barriers and streamlining access to housing

The Mayor's Office will employ strategies to remove barriers in the pipeline to permanent housing and speed the matching of interim housing participants with available units.

Federal Efforts: Los Angeles was selected to be part of the Biden administration's ALL INside initiative that partners with state and local governments to strengthen and accelerate local efforts to help people move off the streets. It is our hope that this partnership will help expedite our efforts to address United States Department of Housing and Urban Development (HUD) guidelines that are barriers to permanent housing. This includes "presumptive eligibility" for voucher holders, which would allow housing navigators to more quickly move people into permanent housing while completing the necessary documentation and paperwork afterward.

The Mayor's Office will continue working with HACLA, the City Council, and the County to push for waivers from HUD that will cut red tape and get people housed more quickly.

Encourage landlords to accept Housing Choice Vouchers: The Mayor has called on all Los Angeles property owners to accept Housing Choice Vouchers (HCV) and expand our available permanent housing stock. The Mayor's Office will work with HACLA to launch a series of networking events across the City to engage with and educate property owners about the HCV program. In addition, the Mayor's Office will seek feedback from property owners and review best practices to identify process improvements that can make participation in the HCV programs smooth and efficient.

OBJECTIVE 2: Expedite Affordable Housing Development

It is imperative that we build more affordable housing, at a lower cost, and a greater speed. To address this, the Mayor's Office will:

1. Accelerate housing approvals and expand production
2. Expand financing options to bring more affordability and preserve the housing stock
3. Embrace innovations in construction

1. Accelerate Housing Approvals and Expanding Production

Executive Directive 1 (ED1): The Department of City Planning is expected to release the draft ordinance creating a permanent program based on ED1 in late August. The draft ordinance adoption process will include public hearings, review by the City Planning Commission, and final consideration by the City Council and Mayor. ED1, and the subsequent permanent program, will continue to expedite and streamline the development of 100% affordable housing citywide. Thus far, ED 1 has accelerated 31 projects, totaling 2,342 units of affordable housing. There are an additional 56 projects currently under review.

Executive Directive 3 (ED3): ED3 was signed to maximize the use of city-owned property for temporary and permanent housing. In August 2023 the Mayor's Office is convening 3 interdepartmental working groups that will both develop ongoing processes to identify lands suitable for housing development and also streamline and make consistent the City's approach to soliciting and selecting teams to develop on its lands. The Mayor's Office will continue to support innovations around the use and development of City-owned land. Thus far, the Mayor's Office has reviewed more than 3,300 parcels of publicly owned land and worked with City Council colleagues to identify potential sites for future development.

Metro's 10K Plan: LA Metro has released a plan to build 10,000 units of housing on Metro owned land. Of the 17 sites Metro has identified thus far for this effort, 12 sites are within the City of Los Angeles. As chair of the Metro board, Mayor Bass will work to ensure that affordability is maximized in the development of the 10,000 units. In addition, the Mayor's office will proactively coordinate with Metro to manage the pipeline of units on each of the 12 sites to expedite permitting and approvals and support the necessary financing.

2. Expand financing options to bring more affordability and preserve the housing stock

Affordable housing financing has become increasingly complex and cumbersome for developers, exacerbating costs and timelines. Furthermore, there is not adequate financing available to meet our housing development needs. Additionally, with the very public collapse of the over 2,000 units operated by the Skid Row Housing Trust, it has become glaringly clear that our older stock of permanent supportive housing is at risk of failing. All these factors drive our plan to expand the options for innovative and flexible

financing solutions focused on reducing the cost of housing and creating more opportunities for affordability.

Innovative Financing Solutions: The Mayor's Office is bringing on a consultant to explore innovations in financing for affordable housing. There will be 3 targeted outcomes:

- *Create a fund that will allow banks or CDFIs to underwrite the rent levels of tenant based vouchers, likely in the form of a guarantee program.*
- *Create a Fund to increase affordability in market rate or mixed income projects that are entitled but have not started construction.*
- *Develop a systematic approach to assessing financing options, structured around a cost benefit analysis.*

Joint Powers Authority: At the request of the Mayor's Office, the CAO is assessing the potential for the city to join existing Joint Powers Authorities (JPA) which will create a new tax exempt bond financing option for developers that provide mixed income and 100% affordable housing in the City. If determined to be a beneficial option, the proposal will be brought to City Council for review and approval.

United to House LA (ULA): Under the direction of the Mayor's Office, LAHD is creating a plan to use ULA funding to improve affordable housing financing, rehabilitate existing affordable housing, and support expanded ADU programs and home ownership. If the City wins the pending litigation over ULA, this plan will be ready for immediate execution.

Project Based Vouchers (PBV): According to LAHD staff, there are approximately 25 projects in the City's affordable and supportive housing pipelines that are in need of project based vouchers, with 809 units. Over the next several years HACLA is targeting redevelopment of its public housing properties and will require approximately 1,000 project based vouchers to augment operating expenses. PBVs are highly constrained, and shortages continue to impact the City's pipeline. The Mayor's Office will advocate for more PBV allocation and explore other pathways to address the capital needs of these projects.

3. Innovations in Construction

The Mayor's office will facilitate the greater use and adoption of innovative construction techniques by reviewing our permitting systems as they apply to innovative construction types like modular and offsite manufactured housing and adopting new streamlined approaches. The Mayor's office is partnering to secure grant funding for this initiative which could launch in early 2024, or sooner if feasible.

OBJECTIVE 3: Preventing Homelessness

Since the COVID eviction moratorium was lifted on February 1, 2023, LAHD has received approximately 1,800 3-day notices to quit per week. Previous protection laws gave tenants until August 1, 2023 to pay any missing rent due from March 1, 2020 to

September 30, 2021. With the August 1st deadline passing, we expect a spike in notices to quit and unlawful detainers.

Public Information Campaign: The Mayor's Office and the Los Angeles Housing Department launched a public information campaign to get the word out about new protections and resources for Angelenos. This campaign is targeted to high-risk zip codes, in multiple languages, with ads run on a variety of social media platforms and even taco trucks.

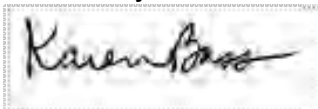
Proactive Outreach: The Mayor's office will be collaborating with outside organizations to do outreach to educate tenants on their rights and how to seek legal assistance if they receive notice of eviction. These community-wide efforts will help at-risk Angelenos stay housed.

ULA Tenant Protection Programs: The Mayor's Office proposes using over \$80M in FY23/24 Measure ULA dollars to fund rental assistance programs. These proposed expenditures include:

- Short Term Emergency Assistance Program that will allow eligible low-income tenant households to apply for up to six months owed back rent due to a one time economic hardship.
- Eviction Defense/Prevention to continue and expand the Stay Housed LA (SHLA) program that provides households at risk of eviction with legal support, "know your rights" education, and, in limited cases, rental assistance through settlements with their landlords.
- Tenant Outreach and Education campaign to provide broad and targeted tenant education outreach services, including workshops, legal clinics, paid and earned media, and targeted social media.
- Additional infrastructure, technology, and community outreach, to educate tenants and landlords about their rights and obligations, and to enforce the Tenant Anti-Harassment Ordinance (TAHO) (effective August 6, 2021) to protect tenants from harassment by landlords.

The Mayor's Office is committed to addressing the housing and homelessness crisis with the urgency it requires and looks forward to the day when our residents all have a safe place to call home.

Sincerely,

A rectangular box containing a handwritten signature in black ink that reads "Karen Bass".

KAREN BASS
Mayor

EXHIBIT 15



Armando Bencomo <armando.bencomo@lacity.org>

Homelessness Emergency Declaration Time Limit - CF 22-1545

2 messages

Sharon Gin <sharon.gin@lacity.org>

Mon, Jul 31, 2023 at 9:38 AM

To: Rita Moreno <rita.moreno@lacity.org>

Cc: Patrice Lattimore <patrice.lattimore@lacity.org>, Mandy Morales <mandy.morales@lacity.org>, Armando Bencomo <armando.bencomo@lacity.org>

Hi Rita,

Just wanted to let you know that we updated the TL dates for CF 22-1545 (Homelessness Emergency Declaration) to reflect the CAtty's interpretation of LAAC 8.33 (see link below for Ord 187922). Based on CAtty & CD 2's interpretation of LAAC 8.33, Council has 90 days to renew the Mayor's emergency declaration. Since the Mayor's declaration is dated 7/7/23, the 90th day is Thurs, 10/5, so the last day for Ccl to act is Wed, 10/4. fyi, thanks!

https://clkrep.lacity.org/onlinedocs/2023/23-0652_ord_187922_7-5-23.pdf.pdf

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**Sharon Gin | Office of the City Clerk
Council and Public Services Division**

200 North Spring Street | Room 395 | Los Angeles | CA 90012

Phone: 213.978.1056



Rita Moreno <rita.moreno@lacity.org>

Tue, Aug 22, 2023 at 11:24 AM

To: Sharon Gin <sharon.gin@lacity.org>

Cc: Patrice Lattimore <patrice.lattimore@lacity.org>, Mandy Morales <mandy.morales@lacity.org>, Armando Bencomo <armando.bencomo@lacity.org>

Thanks for the info. I think the initial time limit is 30 days, per LAAC 8.33(e), then the Council has to renew it every 90 days. I would have used the initial 30 days as the time limit for Council to consider the resolution. Thereafter, Council needs to renew it every 90 days. That's my read on this, but I'll leave it to your discretion.

On Mon, Jul 31, 2023 at 9:38 AM Sharon Gin <sharon.gin@lacity.org> wrote:

Hi Rita,

Just wanted to let you know that we updated the TL dates for CF 22-1545 (Homelessness Emergency Declaration) to reflect the CAtty's interpretation of LAAC 8.33 (see link below for Ord 187922). Based on CAtty & CD 2's interpretation of LAAC 8.33, Council has 90 days to renew the Mayor's emergency declaration. Since the Mayor's declaration is dated 7/7/23, the 90th day is Thurs, 10/5, so the last day for Ccl to act is Wed, 10/4. fyi, thanks!

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VERIFICATION

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) ss:

I, LAURA LAKE, declare as follows:

I am Secretary of Fix the City, Inc., and a resident of the City of Los Angeles. I am authorized to make this verification on behalf of the Petitioner in this action.

I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDAMUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and am familiar with its contents. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on December 5, 2023.



Laura Lake