

FIX THE CITY LAWSUIT: 2377 MIDVALE PROJECT/MAYORAL EMERGENCY DECLARATION

Key Findings

- The [Mayor's ED1](#) precludes the development of the Midvale project (“**and in no instance shall the project be located in a single family or more restrictive zone.**” ED1 referring to affordable housing and shelters). 2377 Midvale is [single-family](#).
- [LAAC 8.33](#), under which the Mayor asserted authority to declare an emergency, is unlawful as it does not provide the required ratification by the council as mandated in [Cal. Govt. Code 8630](#).
- The Mayor's current emergency declaration has expired for no less than four reasons, including:
 - The council did not ratify the declaration within seven days as required by state law.
 - No resolution was prepared for the council as required by LAAC 8.33 and acknowledged by CAO staff. (“The word ‘SHALL’ either means something or it doesn’t.” – July 28, 2023 mail from John Wickham, Office of the Chief Legislative Analyst.)
 - The council did not renew/ratify the declaration within 60 days as required by state law.
 - The council did not renew the declaration within 90 days as required under LAAC 8.33. The October 5th time limit for renewal was confirmed by the office of the City Clerk. (“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!” – July 31, 2023 email from the City’s Sharon Gin.)
- The chronic condition of homelessness in Los Angeles, while tragic, is not “[sudden and unexpected](#)” as required for an emergency declaration or CEQA exemption. (January 24, 2012, then-supervisors Zev Yaroslavsky and Mark Ridley-Thomas stated that “[Los Angeles County remains the homeless capital of the country.](#)”)
- Absent a sudden and unexpected occurrence, an emergency does not exist under state law and reliance on an emergency to avoid city and state laws is unlawful. Note that the City has already declared a [Shelter Crisis](#).
- The project [fails to qualify](#) as a valid site for a low-barrier homeless shelter as it is on a [single-family lot](#) in a single-family neighborhood.
- The project violates the [Expo Specific Plan](#) which provides rules, procedures, processes and zoning for the site.
- 2377 Midvale is [not eligible for a permit](#) under AB 1197, is [not a valid location](#) under AB 1197, does not meet [the definition of “Emergency Shelters”](#) under state law, does not qualify as a “[homeless shelter](#)” under state law, and is being conducted by BOE which is [not an eligible public agency](#) under state law.
- The Project violated city and state law by failing to use competitive bidding. Apparently, the reason for using sole-source (non-competitive) bidding was, according to Marina Quinonez of BOE, because “CD5...did not want to spend the time in advertising.” This is despite warnings from within the City that:
 - “A sole source proposal will come with a significant premium” - Jose Fuentes, BOE
 - “the City is better served by a short competitive bidding period from our list of approved contractors. It will mean the contractors and their associated architects & engineers will give

competitive pricing” – **Deborah Weintraub, BOE**

- “the units they are using are already more costly per bed than the tiny homes, and if there is no competition for design/build, they could end up with very high costs per bed.” – **Deborah Weintraub, BOE**

At a time when the Inside Safe program spent \$67 million dollars to permanently house just 255 people, our elected should take better care of our money.

All Quotes taken from a CPRA response to a Fix The City CPRA request ([CPRA-15-BOE-000135](#))

The approval of the project violated city financial policies in that:

- Funding for operations of the site was not included as required by Financial Policy 32.
- According to a staff report prepared by the Department of Transportation, “The operation and maintenance of Lot No. 707 while used for the MIHF will be the **sole responsibility of CD5**” ([CPRA-10-TCOMM-000006](#)) The costs associated with this responsibility were not disclosed and the DOT staff report was never presented to the council.
- In the same report, it is disclosed that “**CD5 shall be responsible for the restoration** of Lot No. 707 back to its existing condition as a parking lot” and in the alternative, “**CD5 shall compensate the SPRF for costs associated with restoring the parking lot**” The costs associated with this responsibility were not disclosed and the DOT staff report was never presented to the council.
- In the same report, it is disclosed that “With the MIHF expected to remain in place for the next 10 years, the cumulative **estimated SPRF revenue impact is a loss of \$530,000.**” The losses to the SPRF were not disclosed to the council.

Solving the Problem

Community leaders and the Westside Neighborhood Council have endorsed [Fix The City’s plan](#) for a low-barrier interim housing facility that would house far more people at a fraction of the cost. The proposed site is just 0.7 miles away from 2377 Midvale, still in CD5 and is not near families and small retail businesses.

All letters, public records requests, meeting transcripts and responses can be found at https://fixthecity.org/?page_id=910.