



NAME

10-18-2023 LADOT Transportation Commission Transcribed

DATE

December 15, 2023

DURATION

1h 7m 49s

24 SPEAKERS

Commissioner Erin Pak
Travis Hahn
Commissioner Chris Liban
Commissioner Jazmin Ortega
Commissioner Davidian
Jasmine San Luis
Galina Atencio
Steven Martin (City Attorney)
Michael Nagel (City Attorney)
Pat Parker
Eric Eisenberg
Nikki Minor
Michelle Arriba
Cecilia Bui
Jonathan Ross
Anita Witherington
Margaret Healy
Barbara Broide
Vita Lucia
Natalie Minehart
Arnold Sachs
Michelle Cayton (LADOT)
Marina Quinones (BOE)
Maria Martin (BOE)

START OF TRANSCRIPT

[00:00:00] Commissioner Erin Pak

Oh, God.

[00:00:02] Travis Hahn

That's taking a lot of.

[00:00:04] Commissioner Chris Liban

All right. Good. Good morning everybody. My name is Chris Liban. I'm the vice president for the Transportation Commission. This is the board of Transportation commissioners of the City of Los Angeles meeting and it's now in session. And I just want to acknowledge the fact that for all those who wish to testify before this commission, please fill out a speaker's form which is towards the back. There's a table over there. Give it to our executive assistant, Jasmine. And the city ordinance requires that if you are a registered lobbyist, you should so indicate when you appear before the board today. Just a reminder, the commission is being broadcast on council phone 621-2489. We're on air. And then once your name is called to speak, please speak into the microphone which is under the front. There's a table there. Please turn off your cell phones as a courtesy for others and then also we're limiting our speaking time today to two minutes. That's been the standard. And we'll keep to that. Unless you're a neighborhood council member will give you more time. So. The published agenda for today's meeting was sent out for the general public. And we have three agenda items. So the first agenda item is welcome, which I just did. And then we'll have a roll call.

[00:01:47] Commissioner Jazmin Ortega

Commissioner Ortega, present.

[00:01:48] Commissioner Chris Liban

Liban, present.

[00:01:49] Commissioner Erin Pak

Commissioner Pak present.

[00:01:51] Commissioner Davidian

Commissioner Davidian present.

[00:01:54] Commissioner Chris Liban

All right. Um. So there is no other item in their public forum. So how do we do this? Because it's not an agenda as it says neighborhood council comment and public forum. Yeah. So okay, so for any neighborhood council members of the of the audience, if you would like to speak at this point the floor is open for you to speak.

[00:02:25] Jasmine San Luis

They didn't fill out a speaker's card, though.

[00:02:27] Commissioner Chris Liban

Did-.

[00:02:30] Jasmine San Luis

Did you fill out of speak?

[00:02:30] Galina Atencio

Yes. Do I need to give you my name?

[00:02:33]

Yes.

[00:02:33] Galina Atencio

Galina Atencio. Westside Neighborhood Council.

[00:02:42]

Speaking in general. Yeah.

[00:02:46] Commissioner Chris Liban

Thank you for being here.

[00:02:48] Steven Martin (City Attorney)

Thank you for your three minutes.

[00:02:51] Commissioner Chris Liban

Michael, you have. They have.

[00:02:53] Michael Nagel (City Attorney)

Is she a member of the neighborhood council? Yes. She is. Yes. She has five minutes.

[00:02:56] Commissioner Chris Liban

Five minutes.

[00:02:57] Galina Atencio

Five minutes?

[00:02:58] Commissioner Chris Liban

Yeah.

[00:02:58] Galina Atencio

Okay.

[00:02:59] Galina Atencio

Thank you. Everyone. My name is Galina Atencio. I'm speaking on behalf of the Westside Neighborhood Council. WNC, representing close to 30,000 residents and 80,000 stakeholders in a portion of West El Rancho Park, Cheviot Hills and Century City. On October 12th, the WNC board voted 12 to 2 to oppose the Council. File 23-1066 Midvale Pico Interim Housing Project. Per the vote, both business and residential representatives polled their constituents, with over 75% of the respondents opposing the project. Leading up to this vote, the council's Land Use Committee held a meeting on August 30th where 46 of the attendees spoke. Following the presentation from CD 5 and LA Family Housing, 85% of those speaking voiced strong opposition to this project. At October board meeting, Over 90% of public speakers were opposed to this project. We are a compassionate neighborhood and welcomed using two LA Department of Transportation lots on Santa Monica Boulevard for permanent supportive housing in our area, and we have both the county's Westside Social Services building and the county Edelman Mental Health facility in our area. Passes first interim housing project on Cotner Avenue is an operation now serving homeless veterans. We want to see homeless housed, treated, and put on the road to a better life. We do believe that placing this interim housing project on Midvale Pico is not appropriate. This proposed project is adjacent to many struggling businesses recovering from the pandemic. It is in the center of a high profile commercial corridor, viewed as a heart of the neighborhood, and it will take over a small piece of land which currently exists as a vital public parking lot serving nearby businesses and restaurants. We presented to the councilwoman alternatives that would house significantly more homeless but have not been heard. We are grateful to have your attention today, and we urge you to not approve the use of the public parking lot 707 for this housing project. We urge you, do not grant the exemption from the city from the California Environmental Quality Act as outlined in agenda item three. Thank you for your time.

[00:05:21] Commissioner Chris Liban

Yeah. Thank you so much, Ms. Atencio, for that comment. Any other members of the neighborhood council should speak. Okay. Hearing none. Now we go to the public forum. So we have several speakers. Pat Parker. Pat Parker. Excuse me.

[00:05:56] Pat Parker

Good morning, commissioners. Usually I'm here to present a case before you, but right now I wish to speak in public forum on the behalf, unsolicited on behalf, of Eric Eisenberg. It has come to my attention that the man has been removed from the board for reasons that should not have occurred. Okay. I have always found the man to be intelligent, astute, and concerned for the welfare of all citizens of the City of Los Angeles and very, very willing to look at both sides of every issue. I stood here through that whole meeting last week, and I watched as the board struggled with that particular item on the agenda, and he listened. And now he's gone. So my question to the board and to the legal staff is this: if asking for more information so that you can make an informed, astute, intelligent, well formed decision that benefits all the citizens of the city of Los Angeles gets you fired, what is the future for any commission that works for the city of Los Angeles to have free will, to consider all sides of every issue? That's it.

[00:07:19] Commissioner Chris Liban

Thank you, Ms. Barker. Then you have the rest of the cards. All right. So as I call your your name, please come forward. Mr. Eric Eisenberg.

[00:07:39] Eric Eisenberg

I really didn't pay her to say that.

[00:07:43] Pat Parker

I'll tell you. You don't have to.

[00:07:43] Eric Eisenberg

Thank you. Please indulge me if I go slightly over time. I was on this commission for 12 years. I will try to keep it down to the 2 minutes or 3 minutes, whatever it is, and I will speak in the mic. Thank you anyway. Welcome, commissioners. Welcome, staff. It was my pleasure to serve with some of you only a few months and other of you many years. I find you to be professional and articulate, and I really love the new commissioners, and I love the old commissioners that are still on. And I think you're going to do a phenomenal job. And I wish this commission only the best. And the same goes for the staff from Jasmine, who's wonderful, to the city attorney's office to Mr. Jay Kim, I will tell you that I'm probably not going anywhere within the confines of City Hall. I will show back up as a bad penny does. The importance of this commission is utmost. This commission is a citizens commission. It is here to hear the citizens. It is a place where the citizens can come and be heard. Whether it is a bus driver that was denied a permit, and you give him a second chance because he committed a crime 20 years ago and has turned around his life or what we have now with the Westside community coming out and everything in the middle to our ambulance protections and all that we do this your service on this commission is so important, and the new commissioners will come to realize just how valuable that is. The older commissioners know with, you know, keeping public access for parks and recreational areas, as they've done throughout the years. Some of the few things I was going to say today, if I was still a commissioner, but I can say now, being a member of the public, CEQA is really there to benefit the public in general. CEQA balances out the environmental aspects of a development and of course, the quality of life aspects of the development on the community to the benefits of that development. And it's a scale that weighs it out because every development is going to generally have some negative effect. And that's what CEQA was there for, to balance and figure out what the balance is. This is a ten year project that's on the table. Ten years is not a temporary project. It's not an emergency project. Ten years is a construction project. It's a construction project where that ten years is a lifetime for a child that grows up in one of those homes surrounding this, an eight-year-old child knows nothing else but being surrounded by a homeless camp or whatever you want to call it, transitional housing, the unhoused. We can put whatever kind of names we want on it, but basically, this is a residential neighborhood, and those children for the next ten years are going to grow up with that. For senior citizens and elderly, that ten years is their whole life could be the rest of their life. For the folks in between that have struggled to be able to make a mortgage payment, and now they're going to see their property values decline. And nobody really cares about that. Nobody cares about property owners, whatever their expensive homes. But the reality is, is folks, there some people are possibly going to go upside down on this. Owning that ten years is enough time for a family business that's been generational, to go completely out of business, to put that family business that's been going for 70 years out forever.

[00:11:14] Commissioner Chris Liban

Yep.

[00:11:14]

The ones that managed to survive COVID. Ten years is a long time, and it's a long time to call something an emergency. At our last meeting, I really appreciate the commissioners integrity in pushing this can down the road just a couple of days so that you could get information and become convinced within, beyond a shadow of a doubt, that this is an emergency product, emergency production, emergency housing, whatever you want to call it, that qualifies for that exemption. And all we were asking for was information. That's all we were asking for was more information. We didn't try to kill the project. We didn't support the project. We were trying to come from a position of information, and I really appreciate your integrity for following the lead on that. There are about 65,000 homeless people in Los Angeles, maybe a few less. I didn't check my numbers. This is just something that came to me that I thought was off the last homeless count.

[00:12:18] Commissioner Chris Liban

Excuse me, Eric, if I can interrupt for a second. We have a lot of speakers as well.

[00:12:23] Galina Atencio

I'm going to go really fast now. I'm going to speed up. I've already said my thank you's.

[00:12:26] Commissioner Chris Liban

Thank you so much.

[00:12:26] Galina Atencio

So housing 30 people at the cost of this community is not balanced for CEQA. The benefit to the 30 people that are going to be there, I think is great, but it doesn't mean that you should pop them in the middle of a residential district and impact lives. So I hope that this project personally, now that I'm not a commissioner, I can be personal about it doesn't go forward. And if it does, if one child is injured, if one senior is injured, if there's a home invasion robbery, if there are businesses that go out of business, that blood is on CD 5's hands. Thank you.

[00:13:04] Commissioner Chris Liban

Thank you so much. Yeah, thank you so much, Mr. Eisenberg. Nicki Minor.

[00:13:18] Nikki Minor

So. Oops. Okay. Just this thing. Is it properly?

[00:13:35] Commissioner Chris Liban

We can hear you, ma'am. Yeah. Thank you.

[00:13:40] Nikki Minor

So I get two minutes instead of one. This is wonderful. Well, 30 years ago, seeing a need for viable parking for the Pico business district, the city dedicated the Midvale lot to the community. Now a new generation wants to plop a structure upon the lot, eliminating feasible parking altogether. Meanwhile, jeopardizing public safety with a rotating population of 40 strangers thrust next door to a family home's. Quality of life goes down the drain when a residential community is forced to live with an ever-changing incursion of unknown persons. It's downright dangerous that this community will never again know who their neighbors are. You have to stop this glaring, grievous plan and place the worthwhile project in a suitable location within CD 5. I just don't understand why CD 5 heels are dug into having to do it on this property. It's egregious. Everybody can see that it's a detriment to the whole community, that it was just said that it may help 30 people, but it's going to detriment to be detrimental to hundreds of people to demolish this neighborhood, ask for urban blight, reimagining all that land and just ruining Los Angeles more and more and more. And the main thing is, what about listening to the community? This has been traditional in this city that every district and every council person is aware and sympathetic with the community. The community has been speaking loud and clear. It's obvious to anybody who looks, anybody who tries to park on Pico and patronize the business. It's essential that the parking lot stay a parking lot and that project goes somewhere else.

[00:15:48] Commissioner Chris Liban

Thank you so much. Um, Michelle Arriba.

[00:16:07] Michelle Arriba

Good morning. Good morning. I don't have a prepared statement. I am a concerned citizen, and I'm here to indicate that I am in opposition for parking lot 707 to be transformed into the homeless shelter or to help the homeless shelter. But I am in favor of finding an appropriate location to place this very needed housing support system. So please, I'm here just to stand up and have my voice heard and to advocate for an alternative location that is more appropriate. Thank you for your time.

[00:16:57] Commissioner Chris Liban

Thank you so much, Miss Arriba. Miss Cecilia Bui.

[00:17:16] Cecilia Bui

Hi, my name is Cecilia Bui and I live on Midvale and I just want to come here to want to say I'm opposed the project, the use of Emergency Directive One, as applied to the proposed interim housing project on 2377 Midvale, is not possible because half of the lot, the area north of the alley is a site of a former single-family home taken for a parking lot, and currently have zoned R1. The buyer had proclaimed that the interim and the affordable housing are not to be constructed on the R1, and 2377 Midvale is an R1 parcel not eligible for Emergency Directive One. In fact, Emergency Directive One mandate the project shall in no instance to be a single-family zone. Furthermore, the manner in which the mayor implement her emergency directive fail to comply with the City Administrative Code 8.33 requirement, and in short, the ED rule, regulation, order and related guidelines have expired. I also want to say, I wish that the commission keep the parking lot as a parking lot, because the area need the parking lot. People are not going to the mall. It takes too much work. I find out people like to drive in, park the car, do the business and get out. Thank you.

[00:18:58] Commissioner Chris Liban

Okay. Thank you so much. I'd like to call next on Mr. Jonathan Ross.

[00:19:21] Jonathan Ross

Commissioners, Jonathan Ross. This project clearly does not qualify for a CEQA exemption. There are three reasons for this that are listed in the Fix the City letters submitted on October 12th, as well as today's submission. But just to summarize, there are three main reasons why it does not qualify. The most important is the fact that to qualify for a CEQA exemption, the project would need to have safe parking. It doesn't have safe parking. End of story. Separately, Just as Cecilia mentioned, another very important showstopper is that the mayor's emergency declaration, ED 1, does not allow homeless shelters on R1 sites and Midvale Pico lot 707 sits on an R1 site. End of story. Case closed. But before we go home, I'd like to turn to the bigger picture. This is how democracies die. Through open-ended emergency decrees, through the silencing and firing of those who dare to question authority. If anyone thought that McCarthyism was dead and buried, please just ask Eric Eisenberg. Commissioners, how you vote today matters. Please speak truth to power. Please send a loud message that you will stand up for integrity, that you will stand up for democracy, that you will not be bullied, not be intimidated. The eyes of the citizenry are on all of you. Please save your good name. Please do not cave into the city's craven strong-arm tactics. If you vote today with courage and integrity, we the people will stand with you now and always. You were superheroes last Thursday, and the children and small businesses of Midvale Pico are counting on you to be superheroes again today. And demand a CEQA review. Thank you.

[00:21:21] Commissioner Chris Liban

Thank you, Mr. Ross. Um, our next speaker is Miss Anita Witherington.

[00:21:38] Anita Witherington

Good morning, Anita Witherington. I live on the 2300 block of Midvale Avenue, and I appreciate the opportunity to speak to you today. In the interest of housing the homeless. Our community has located better, larger, less impactful sites for an interim housing project very near the Midvale site, in a location where the homeless already congregate and live in high numbers. But the council office has not seriously considered these options as an alternative to the Midvale site. The council office says as it reviewing it our suggestion the proposed site at Cotner not as an alternative to Midvale, but as an additional site. While Cotner is the site that could be up and running the quickest of any sites, there are additional options that we would have welcomed the opportunity to pursue in our area in partnership with the City Council, if only it had been an option. If only the Midvale project was not conceived in advanced in secret. If only we had known about it before it was announced on July the 24th in a public press release as a done deal. If only the council office were not so headstrong, it could have used the last few months to develop the Cotner site and making it make it operational, rather than pushing ahead single-mindedly with Midvale. But no, the council office, for reasons that are not clear and are difficult to understand, has dug in its heels with the Midvale pico lots, low-hanging fruit and an easy take after the City Council's motion to remove the lots from the board's jurisdiction. Fortunately, the City council now realizes that it cannot consider this project without your approval and acceptance of environmental environmental documentation. Please consider these issues carefully. We really do need this parking lot. Thank you. All right.

[00:23:29] Commissioner Chris Liban

Thank you so much, Miss Witherington. Our next speaker is Miss Margaret Kelly or Healy. I'm sorry.

[00:23:56] Margaret Healy

Excuse me. Let's just switch glasses here. Sorry. Taking away the parking lot on Midvale will be one more nail in the coffin of the struggling retail stores on Pico Boulevard, just beginning their recovery from COVID. This parking lot has been one of the amenities that has made shopping in this area viable for small businesses. Did you know that the taking of these lots via eminent domain was the result of the actions initiated by then Councilmember Zev Yaroslavsky, specifically to serve local businesses? The irony of the proposed taking of by his daughter-in-law, the newly elected council member for the area, is not lost on us. Despite public records requests, the methodology and details of the parking surveys done by the staff, the public has not been given access to the survey details. The city's initial parking survey falsely indicated that the lot is underutilized, but the survey results are an anomaly because they were taken during the daytime. The lot is mostly used in the evening hours when there is no parking on Pico Boulevard, and later into the evening and nighttime when restaurant and bar patrons seek to park. Recent DOT surveying was done on the three-day weekend and Jewish holiday. We have done daily surveys of lot occupancy with supporting photos and video, and will be happy to provide them to you. An empty as the empty storefronts are rented once again, busy daytime use will return as in the past. Are you aware that there are legal covenants tied to the lots? These cannot be ignored, and the proposed project does not include replacement parking or a guarantee of ground-level ADA parking. The requirement to compensate LADOT for the removed parking is gone, but the requirement for replacement parking remains and should be for ten years the length of this proposed so-called interim project. Finally, why should businesses that pay taxes and hire hundreds of employees be sacrificed, put out of business in order to have 33 individuals on potentially toxic, polluted site? It it makes no sense. Thank you so much.

[00:26:15] Commissioner Chris Liban

Yeah, thank you so much. Our next speaker is Barbara Broide.

[00:26:33] Barbara Broide

Good morning, commissioners. My name is Barbara Broide. I'm president of Westwood, south of Santa Monica Boulevard homeowners association. And that is the proposed project is in our community. At your most recent meeting, I addressed some of the reasons why the Bureau of Engineering's Engineering CEQA exemption claims are not valid under Public Resources Code 21080D, there is substantial evidence that the project may have significant effect on the environment in many different aspects: noise, traffic safety impacts, accumulative debris, disruptions due to parking lots, and more. A report should be prepared. CEQA guidelines Section 16269C specifies the types of projects that are exempt from CEQA. Exemption C relates to quote specific actions necessary to prevent or mitigate an emergency. The emergency cited by the city in its application, COVID-19, has expired. The mayor's emergency declaration has also expired. The exemption from CEQA does not apply. Additional language in the section I mentioned states that the exemption does not apply if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare. No evidence has been presented to show that the anticipated period of time to do a review would have created any such risks. In fact, instead, the review may serve to mitigate such risks. Further, the project does not comply with the definition of a local emergency, according to California Government Code, because a local emergency means a condition of extreme peril to persons or property proclaimed as such by the governing body of a local agency affected in accordance with section 8630. However, the city was and is out of compliance with that section as the emergency was not ratified within seven days. No evidence has been presented that the specific parcels identified are needed to resolve the emergency, as many parcels would satisfy the need and in many, if not most of those cases, far more effectively and efficiently. So I hope that you will consider this and understand that we feel that the city and the citizens have a social contract, but that the city has broken the social contract with us by not listening. Thank you.

[00:29:02] Commissioner Chris Liban

Thank you much, Miss Broide. I hope I'm reading this correctly. Travis Human?

[00:29:20] Travis Hahn

Hi. Good morning. It's Hon.

[00:29:21] Commissioner Chris Liban

Hon. Sorry. I apologize.

[00:29:23] Travis Hahn

No worries. Um, so our review of other interim housing facilities have found that such facilities and their surroundings are routinely poorly managed and have become magnets for loitering encampments and the presence of open drug use and dealing. For example, the Lankershim Boulevard project in North Hollywood. And we have photos that we can share if you wish to see them, show that the sidewalks around the Lankershim facility are covered with homeless tents. And importantly, this site is managed by and adjacent to the headquarters of LA Family Housing. So this is the same organization that CD 5 has selected to manage the Midvale site, and we've received countless reassurances from CD5 that somehow the Mid-vail project will be handled differently. But with an ongoing shortage of LAPD officers and long response times, often from 40 minutes and more to crime reporting calls, we don't believe this. It's difficult to believe how it's going to actually be monitored and kept safe. So the enhanced enforcement means nothing when you're speaking with the neighbors of the existing interim permanent supportive housing projects. Reliance on 4118 is illusory when you consider that it's used to tie the city's street engagement policy and says that enforcement is contingent upon a credible offer of housing and an individual assessment being done. How can the city promise relief if 4118 can't be enforced without a credible offer of housing, when we know housing is not available? Our council member has opposed enforcement of 4118 in her district and in other districts. And again, the position of the councilwoman seems to be full speed ahead. You know, on Midvale. Thank you for your consideration.

[00:31:28] Commissioner Chris Liban

Thank thank you so much, Miss Hahn. Vita Lucia.

[00:31:41] Vita Lucia

Vita. Lucia.

[00:31:42] Commissioner Chris Liban

Lucia. I'm sorry again.

[00:31:44] Vita Lucia

It's okay.

[00:31:45] Commissioner Chris Liban

I'm sorry.

[00:31:45] Vita Lucia

Thank you. Commissioners.

[00:31:47] Commissioner Chris Liban

Yeah.

[00:31:48]

When an important decisions are to be made, the prudent decision maker looks to evaluate the cost versus the benefits, the risks versus the gains. In fact, the city actually requires that there be a motion to initiate a feasibility analysis. And yet there is no record of such a motion or a study. Without the information from such a study, neither your body or full city council can make an informed decision. Where? Where is the work that has been done to determine that housing 33 homeless individuals in a in a better use lot for 707 than the parking that supports hundreds of jobs and local small businesses? That work has not been done and likely would not pencil out if a cost-benefit analysis or feasibility study were to be done. And that doesn't include taking into account the impacts of the change of use of the quality of life and safety of hundreds of residents. Is this body ready to condone unsupported conjecture? Not only was an environmental analysis bypassed inappropriately, but the actual process used to transfer lot 707 is incorrect and fails to follow the city right-of-way application technical procedures guide and is clearly enumerated steps. Those steps have not occurred. If they had been, your commission would have a proper resolution before you to consider and or the documents from other departments to help make the required findings. Certainly, not all homeless are engaged in criminal behavior, but the relationship of increased crimes related to homeless individuals is clearly documented in the BOE report. However, by putting a homeless facility on Midvale, the neighborhood can expect to suffer an increase in crime and either perpetuated against or by the homeless living next to us. We are all too well aware of the issues related to out-of-control drug use. We this this facility. I'm emotional now. I'm sorry, I apologize, but I get emotional. We do have a facility already on Santa Monica very close to us. That's not interim housing. And the members of that surrounding community have urged us to protest this because they're getting a lot of calls from LAPD. There's a lot of crime in the area. I just I ask you, you can look at the records at LAPD. There's an inordinate number of calls. Is this any way to treat law-abiding, taxpaying citizens? Really? I ask you, please consider this.

[00:34:34] Commissioner Chris Liban

Thank you so much, Miss Lucia. I'm probably going to read this wrong again, Miss Natalie Menard.

[00:34:53] Natalie Minehart

Actually. I'll stand. Hi, my name is Natalie Miner. I am a resident of Midvale. I am an attorney and I am, more importantly than anything, a mother with two small children. As I mentioned last week, these are my two children, Cyrus and Kadence, ages two and four. We moved to the neighborhood two years ago, hoping to build a life that's safe and filled with happiness for our children. And these two children are our future generation. They should not be subject to homeless people shooting up in the middle of the street, committing crimes, doing drugs, dealing drugs. This is not we owe a duty to them to keep them safe. They are our future. Aside from that, I'd like to say that the misguided Midvale project before you has been distinguished by its irregularities. We have lobbyists who fail to register, city officials who violate city ethics rules, we have city policies ignored, and we have the ruthless, vindictive firing of the longtime chairman of the Transportation Commission, President Eric Eisenberg. Perhaps the worst part of this is the sad tale that this city has sought to exempt this project from the kind of environmental scrutiny that hundreds of projects in the city are subject to every single year. Why is this important? It's important because a CEQA review would have identified alternatives. It would have sought mitigations for negative impacts, if possible, and it would have found that this homeless facility was once home to a gas station. Current protocols for deactivating contaminated sites require kinetic sanitizing of the site and keeping the site uninhabited for years, if not decades. Yet there has never been, to our knowledge, any attempt to access the potential hazards at the Midvale site or to clean up the site to make it habitable. Only a proper environmental review would determine if the site is safe or not, and whether mitigations are needed and can be implemented. Yet the city council is railroading this project. Environmental concerns and superior alternatives be damned. Please don't throw CEQA and the health of the homeless under the bus.

[00:37:18] Commissioner Chris Liban

Right. Thank you so much, Minehart. And our last speaker is Mr. Arnold Sachs.

[00:37:43] Arnold Sachs

Yes. Thank you. Good morning, Arnold Sachs. Thank you for your time and attention. There's a couple of things wrong with this item. Somebody mentioned a BOE report. There's no mention of that in this item. It says determine the project is statutorily exempt from the California Environmental Quality Act pursuant to state CEQA laws or state CEQA guidelines. The problem is you have a California Environmental Quality Act and then you have a state CEQA guidelines. It doesn't say what state. It could be the state of confusion. Who the hell knows? There's something invisible about this item. It's almost like a bad penny. Can you define interim? Can you actually define interim? How long is interim? It says recommend the department negotiate. What department recommends that the general Service department procure and acquire the housing units? Why is the General Service Department acquiring these housing units? Why isn't there a developer there if you want to use that? What about the goddamn TFA? The the parks? There's no there's no more. There's no more park here. You're not acquiring any parkland for the public. It says can you say negative? Negative impact? What about a positive impact? Would you want drug dealers in your neighborhood? Why would you destroy a neighborhood that has been around for over 100 years or whatever? You can't be putting homeless people in the middle of a neighborhood to satisfy what? The fact that somebody turned down the best homeless plan there ever was in the state of California with the Affordable Care Act? They didn't want to pay for the Affordable Care? What happened to all those people that were signed up on Skid Row? It's ridiculous. Thank you very, very much for your time and attention again.

[00:39:51] Commissioner Chris Liban

Thank you so much, Mr. Sachs. So that I just wanted to acknowledge as well. We have been receiving emails from the public in the last couple of days. Some of them have spoken here already. Miss Broide, Kobe Dar, Sally Sequoia. Someone called Test, and then Miss Phillips, and I believe from from our executive assistant that there's a few more that that were coming in. So I just want to acknowledge that from that these are being received. We have that on file as your comments and acknowledge, you know, the comments that you've had made today and the trek here in City Hall to to make those comments today. So we go to action number three, the action item. So I guess there's a staff report on this.

[00:41:20] Michelle Cayton (LADOT)

Good morning, commissioners. My name is Michelle Cayton and I'm with the LADOT Parking Facilities Division. I'm here to give an overview of the proposed project on LADOT parking lot 707, located at 2377 Midville and West Los Angeles in Council District Five. Previously, this project was presented to the Commission on August 10th as an informational item and as an agenda item on October the 12th, and this discussion is being continued today. CD 5 is proposing to temporarily change the operation of the parking lot to a modular interim housing facility for a period of up to ten years. At the end of this term, CD 5 will be required to release the property back to LADOT in the current condition or better. Lot 707 has 41 spaces and is open daily from 7 a.m. to 9 p.m. Parking rates are \$1 per hour and \$4 for the maximum daily rate. The parking lot serves the local community and surrounding businesses. CD 5 selected LifeArk as the modular vendor for the housing facility and proposes 33 sleeping units, with two units being ADA-compliant. The Bureau of Engineering and CAO finalized reports recommending the City Council allow for funding allocation, construction, negotiations for leasing, and the operation of the Interim Housing project. I'm available for any questions regarding the parking lot.

[00:43:22] Commissioner Chris Liban

Yeah. Thank you for that report. I thought it was going to be a BOE staff report today as well. There is, there is. Okay.

[00:43:31] Michelle Cayton (LADOT)

Thank you.

[00:43:33] Commissioner Chris Liban

Thank you so much.

[00:43:42] Marina Quinones (BOE)

Good morning. Marina Quinones, Bureau of engineering. And Maria Martin.

[00:43:48] Maria Martin (BOE)

Maria Martin. Bureau of engineering. Good morning.

[00:43:50] Commissioner Chris Liban

Good morning.

[00:43:51] Arnold Sachs

We were not requested to provide a report, but we are here to answer any questions.

[00:43:55] Commissioner Chris Liban

I see. Okay. Yeah. My understanding was there was a continuation was to clarify the exemption. Statutory exemption of this project. So I'd like to open up to the commissioners for any questions. Yeah.

[00:44:12]

Commissioner Ortega. So just to continue from the last meeting, we we really wanted to hear from you because we wanted to know what specifically made this project exempt.

[00:44:28] Maria Martin (BOE)

This particular project was found to be exempt under Public Resources Code 21080.27, which specifically addresses projects of this sort. And it's a statutory exemption. It is not a categorical exemption that is subject to some of the other items that have been brought up. In order to qualify for this exemption, certain criteria are listed and are met. And so what we did with our report and we prepared the report at the Bureau of Engineering, is we found the project to be exempt, statutorily exempt, under Public Resources Code 21080(b)4, as a specific action necessary to prevent or mitigate an emergency, and then primarily as a public resources code. Section 21080.27 Statutory exemption. And in the rest of the report, what we do is we go ahead and detail how the project meets the various criteria. And I'm just going to go over some of the criteria very quickly. So basically it qualifies because there was a shelter crisis declaration, which has continued. It has to do with the number of homeless persons, the number increasing. I list the data for the various years that we're looking on in the report and the latest information and the last table, table number six on page 11 of our report does state that the total population of homeless persons has increased about 10.2% in this last count, the 2033 homeless count data that we have. So the emergency that we are calling out is basically the emergency that is occurring with the number of homeless persons or persons without shelter having increased over the last few years and we give you the data over six tables there. So we do rely on the declaration of shelter crisis, and that the mayor has also made several proclamations regarding the crisis. And then the city council has gone ahead and taken action regarding the the crisis and our understanding that is that the Council has indicated that crisis continues. So under that, we went ahead and cited the exemption, the emergency exemption, that's what made it qualify as far as the emergency exemption, then we also look at, under Public Resources Code 21080.27, that the project meets the definition of a low barrier navigation center, that the project complies with Government Code section 65662, which talks about basically connecting to permanent housing through through a service plan. And we explain in our exemption how the project does that, that there be a coordinated entry system, that there be compliance with a welfare and institution code, housing first requirements, that that basically the homeless management information system is also what helps comply with this particular section of the government code. And that's how we keep track and statistics regarding the homeless. So those are various criteria that this particular project complies with for that section of the code, 65662. And then that the qualified be that the project be a qualified location under Assembly Bill 1197, which is part of 21080.27. And regarding that, basically what we do is we confer or consult with the planning department regarding that, whether it's a qualified use. And this particular project was deemed to be a qualified use because it meets the criteria of an infill site. It is surrounded by at least 75% uses the site. There's zoned. Excuse me for a second. Regarding the zoning, I don't want to give you the wrong information. So we have a couple of lots and one of the lots is zoned residential R1, as we've heard, and the other lot is zoned NMU EC-POD, which is a pedestrian overlay district, which is a mixed-use use zone that allows for multifamily uses. And the site is surrounded by at least 75% such uses that would allow for this particular use. So it qualifies as an urban infill site. We went ahead and in this particular report, we give more details as to how the project meets the criteria to qualify under Public Resources Code. 21080.27. Basically, LAHSA has various policies in place implemented, and as I explained in the in the report, based on those policies that are followed, the project qualifies and meets the criteria of the various details that I've outlined in general. Just a brief overview.

[00:49:54] Commissioner Chris Liban

All right, um, just a procedural question. Actually, I have a couple of procedural questions. And this for Ken as well. For for our staff. In the report it says that, that the council should determine the statutorily exempt condition of this project. But in the action item, we're being asked to do that. So I just wanted to-.

[00:50:26] Maria Martin (BOE)

City Attorney is also here who can also answer that question, because that seems to be more of a legal question. Yeah.

[00:50:31] Commissioner Chris Liban

So yeah.

[00:50:32] Steven Martin (City Attorney)

Thank you. Good morning. Good morning. I'm Deputy City Attorney Stephen Martin. Just to answer some of the questions about as far as making a determination here.

[00:50:49] Commissioner Chris Liban

Yeah.

[00:50:49] Steven Martin (City Attorney)

This commission is making a discretionary determination here. So that's what is one of the one of the triggers for having a yes determination is that you need to because we are making a discretionary determination here that's separate from city council and from our understanding, and I defer to general counsel for the for the Commission, that this determination is something that is a discretionary determination by this Commission that needs to be made by this Commission. That's why you are making a CEQA determination. It can be the same determination that City Council does. And this actually is scheduled to go to City Council on Friday morning. So when when they make another determination, they when they make another discretionary decision of approving the entirety of the project, not just the use which is before this commission. Yes, they will also have a discretionary decision where they make a CEQA determination.

[00:51:41] Commissioner Chris Liban

So if I can kind of interpret what I thought I heard.

[00:51:45] Steven Martin (City Attorney)

Yes. Sorry. A lot of "D" words in there.

[00:51:48] Commissioner Chris Liban

Yeah, exactly. No, no I get it. But I'm just trying to clarify for the, for the sake of, of, of my, my own purposes. So the decision today is very narrow. So there is that we need to make today is narrow. So there is a, an ask for a temporary change in the operation of this parking lot to interim housing. And then so this discretionary CEQA determination is related to that change in use. And then there's another discretionary determination for the overall project that the City Council needs to to make. Is that what it is or Mr.. That's true? Okay. Okay.

[00:52:33] Steven Martin (City Attorney)

Mr.. He will give you.

[00:52:34] Michael Nagel (City Attorney)

That's a correct interpretation. You under the Administrative code, manage control and make all decisions regarding the use of SPR parking lots, and therefore you're making a discretionary decision as, as Mr. Martin just described. And that's why CEQA needs to be approved by you two. Okay.

[00:52:54] Commissioner Chris Liban

Sure. Please.

[00:52:54] Commissioner Jazmin Ortega

Commissioner Ortega. So does that mean that whatever vote we take today, the City Council could vote the other way?

[00:53:03] Steven Martin (City Attorney)

Yeah. It's you have discretion on the use as far as what happens with the parking lot for its use. City Council has discretion on approving the ultimate, the.

[00:53:14] Commissioner Chris Liban

Ultimate project.

[00:53:14] Steven Martin (City Attorney)

Going forward with, with and all other things related to the to the project.

[00:53:18] Commissioner Jazmin Ortega

But on CEQA the council can make or they are they not voting just on or are they voting on the entirety of the project?

[00:53:26] Steven Martin (City Attorney)

Both. In both actions, there would be a determination that the entirety of the project is exempt from CEQA. That's one of the things that's before this, this commission, it's the same thing will be before City Council when it makes its decision that it needs to determine that it's action approving the project, which is the entirety of the project, is exempt from CEQA. And so both of those involve the exact same project of use of the project site as a as a homeless shelter. And as the BOE report explains there it meets the qualifications for that.

[00:53:57] Michael Nagel (City Attorney)

Yeah, it will Council will approve the contracts the subcontractors all all of that. All of the nitty gritty about building that and running the operation there.

[00:54:09] Commissioner Chris Liban

Okay. Any other questions?

[00:54:13] Commissioner Jazmin Ortega

No questions.

[00:54:15] Commissioner Chris Liban

No. Since this is a statutorily exempt project. Any particular mitigations required? I just want to ask the obvious.

[00:54:25] Maria Martin (BOE)

No, the project just basically we make a determination whether it met. We make a determination whether it meets the criteria or not.

[00:54:36] Commissioner Chris Liban

So by voting today, another procedural question, by voting today, it will pave or it will open up the filing of the NOE, right? Notice of Exemption. And then that will trigger, uh, 35 review process by the general public of the project for any opposition to the project. Right?

[00:55:05] Steven Martin (City Attorney)

Let me see if I understand the question. So what happens is that this commission would make a determination that the project is exempt.

[00:55:12] Commissioner Chris Liban

Yes.

[00:55:13] Steven Martin (City Attorney)

As you've heard from folks in the in the public have have voiced concerns about issues related to CEQA. BOE's report documents all the requirements that the city has met for qualifying for the exemption. Once you make an exemption determination, the notice of exemption would be filed with the county clerk. That would start a time limit or a time limit for filing filing lawsuits against that decision to challenge it.

[00:55:41] Commissioner Chris Liban

Okay. So is the commission clear on what we're trying to do here?

[00:55:47] Commissioner Davidian

One quick question regarding the north parcel. Yeah. You said the northern parcel, which was.

[00:55:54] Commissioner Chris Liban

Commissioner, if you can speak. To the.

[00:55:55] Commissioner Davidian

Oh, I'm sorry, Commissioner Davidian said it qualifies under and I've read the material infill. What types of land uses are allowed under infill? I'm not a land use expert.

[00:56:11] Maria Martin (BOE)

Well, that particular zoning surrounding the commercial type zoning allows for residential under certain circumstances. And because of that, because the site is surrounded by at least 75% by those types of uses, it qualifies as an infill site, therefore allowing the residential use.

[00:56:32] Commissioner Davidian

Allowing a denser residential use than one?

[00:56:36] Maria Martin (BOE)

It doesn't specify the density.

[00:56:39] Steven Martin (City Attorney)

I can. Residential uses. Commercial uses. Retail uses are all of the types of uses that are that are applicable in this situation. I would defer to Maria.

[00:56:57] Anita Witherington

I'm sorry, I can't. Thank you I appreciate it.

[00:56:59] Steven Martin (City Attorney)

It's residential, commercial, retail. Those are the three types of uses that are applicable in this situation. I'll defer to Maria Martin to to explain what around the site qualifies for that, just to show that those exist.

[00:57:17] Maria Martin (BOE)

Yes. So there are residential uses to the north of the Midvale parcel. Parcel to the west and east. And then there are commercial uses to the south, west and east of the of the Pico frontage site. So those are the uses that allow the site to qualify as an infill site. And and an infill site allows this use within that type of facility. And again, as I indicated, we did consult with the planning department who has purview over how to interpret what project qualifies and the record does. We do have a letter from the planning department in the record. Okay.

[00:58:00] Commissioner Davidian

Yeah. One one last question.

[00:58:02] Commissioner Chris Liban

Please. Yeah.

[00:58:03] Commissioner Davidian

I think again, you know, the vice chair, the bond. I think that's, you know, more more along the lines of your expertise and environmental. However, you know, I think any CEQA decision or any environmental document that has been adopted is, is open to legal challenges. Correct?

[00:58:30] Steven Martin (City Attorney)

Yes.

[00:58:30] Commissioner Davidian

So has I wanted to make sure that the city's BOE, when making this determination, has also considered the fact that whether of course, anything could be challenged. Correct? So you know that the the possibility of a challenge and the potential for the city to be liable for this challenge.

[00:58:57] Steven Martin (City Attorney)

I'm not sure if I understand the question.

[00:58:59] Commissioner Davidian

Well. I just wanted to, you know, maybe I'm not not speaking the right terminology, but in terms of, you know, in your investigation because this is, you know, based on your, you know, department's determination if, if, if that determination, you've had some legal input in terms of the ironclad nature of, you know, this decision, whether it gets challenged or not.

[00:59:27] Steven Martin (City Attorney)

I guess your question is about Defensibility?

[00:59:30] Commissioner Davidian

Defensibility. So, yeah. I wasn't using the right.

[00:59:32] Steven Martin (City Attorney)

The most I can say is that the document is defensible as far as fitting the the qualifications for the statutory exemption that has been documented by Bureau of Engineering's report.

[00:59:42] Commissioner Davidian

I'm speaking in terms of my concern about the city's ability to defend that decision. Yeah, yeah.

[00:59:51] Commissioner Chris Liban

Okay. So just wanted to summarize what what transpired there and what I thought I heard Commissioner Liban again. So there are two steps in this process. Right. So the first step is in front of us today. We need to approve or make a determination on whether to approve the transition of this site from a parking lot to a transitional housing facility. There's an associated CEQA process that was done accordingly. And then to adopt the determination of Staff, of BOE. So that's the first part. The second part, which is not part of the meeting today, is that this will go in front of the city council, and there's a separate determination associated with that and that that city council approval is for the overall project. Right?

[01:00:53] Steven Martin (City Attorney)

That's correct.

[01:00:54] Commissioner Chris Liban

Okay. So we're approving only on the sliver of that, which is the use of okay. So the the use transfer of use from parking to to interim housing.

[01:01:07] Steven Martin (City Attorney)

I defer to Mr. Nagel but I believe that's correct.

[01:01:10] Michael Nagel (City Attorney)

Correct. That's my understanding.

[01:01:12] Commissioner Chris Liban

Okay. So any motion to for the staff recommendation?

[01:01:18] Commissioner Erin Pak

I have a comment. This is Commissioner Pack. This is Commissioner Pack speaking. I saw many of you in the previous meetings, and we share your concern and we actually live your concerns. We are also citizens, responsible citizens in city of LA. And we want our businesses to do well. We want our homes to be safe, our students, our children to be able to play in their neighborhood. Et cetera. No important decision is easy. There's always intended and unintended consequence forces. As volunteers on this commission, it's our job to focus on the task at hand. And sometimes it's very difficult because we are emotional and we are concerned with the quality of life in city of Los Angeles. Our task at hand today is for the experts to make a discretionary decision on the merit of this project, statutory exemption. We are not approving whether the project should happen or be rejected. I want to encourage every one of you because I am truly impressed by everyone's participation. To make sure that you continue to address, practice your rights, and address the people who make the decisions which is the city council, your council person, the planning department. Et cetera. So thank you for being here. Thank you.

[01:03:08] Commissioner Chris Liban

Yeah.

[01:03:09] Commissioner Davidian

Commissioner Davidian also, I wanted to echo Commissioner's comments. You know, we we understand the the sensitivity of the situation. I myself live in city of L.A. Within two blocks of very, very intense homeless encampment. So we do have, you know, understanding and sympathy for the situation.

[01:03:36] Commissioner Chris Liban

Yep.

[01:03:38] Commissioner Jazmin Ortega

Commissioner Ortega here. I'll echo those comments as well. I live in Boyle Heights, and I see unhoused neighbors every day. And there's also construction going on for for housing, for low income housing near El Mercadito and on Lorena and First Street and other facilities that are being built throughout the city. So I just feel that this shared challenge calls on all of us to to have a shared sacrifice. So as my fellow commissioners said, you have a voice and I encourage you to to continue to voice it and and to always center humanity in this issue, because I like to think on any issue who is at the table and who is not at the table. And so I've, I've heard your voices, I hear your stories. But I also think of those who are not here today to speak. So I think we at least speaking for myself, that's how I balance this issue, this very difficult issue and these very tough choices.

[01:04:43] Commissioner Chris Liban

And I just want to say as well that this commission, I've been here for a few years, and we were one of those commissions wherein the public had really come in, like you today, voiced out many of the concerns to the unhoused. And in fact, in one of our meetings in the past, I think it's Commissioner Davidian who was he asked for what the report was on the actions of this commission in terms of, you know, the RVs and, you know, the recommendation for an emergency declaration on housing and homelessness and all of those different issues. I just wanted to point out, as Commissioner Pack had mentioned, that the decision that we're making today is on on the Ceqa determination on this transitional use, right from parking to transitional housing, not on the project. And and we encourage you, as the other commissioners have mentioned as well, to exercise your right to voice out your concerns as this project goes, the whole project and the determination for the associated with the whole project goes for approval. So, so any any motion to to move this item forward.

[01:06:15] Commissioner Jazmin Ortega

Commissioner Ortega moves to approve the use of special parking revenue funded lot 707 and determine the project is statutorily exempt from CEQA.

[01:06:25] Commissioner Erin Pak

Commissioner Pak second.

[01:06:28] Commissioner Chris Liban

All right. Moved and seconded. Any more discussion?

[01:06:31] Commissioner Davidian

No.

[01:06:32] Commissioner Chris Liban

All right, roll call.

[01:06:33] Commissioner Jazmin Ortega

Commissioner Ortega. Yes.

[01:06:35] Commissioner Chris Liban

Commissioner Liban. Yes.

[01:06:36] Commissioner Erin Pak

Commissioner Pak. Yes.

[01:06:37] Commissioner Davidian

Commissioner Davidian. Yes.

[01:06:40] Commissioner Chris Liban

So the the the motion carries.

[01:06:43] Jasmine San Luis

Correct.

[01:06:44] Steven Martin (City Attorney)

All right. Thank you.

[01:06:49] Jasmine San Luis

Meeting's adjourned.

[01:06:50] Commissioner Chris Liban

Oh, so again, thank you so much for everyone for being here. And I'd like to entertain a motion to adjourn.

[01:06:58] Commissioner Erin Pak

Commissioner Pak, make the motion to adjourn the meeting.

[01:07:02] Commissioner Chris Liban

Commissioner Liban, seconds.

[01:07:03] Commissioner Jazmin Ortega

Commissioner Ortega. Yes.

[01:07:05] Commissioner Chris Liban

Commissioner Liban. Yes.

[01:07:06] Commissioner Erin Pak

Commissioner Pak. Yes.

[01:07:07] Commissioner Davidian

Commissioner Davidian. Yes.

[01:07:09] Commissioner Chris Liban

Meeting adjourned.

[01:07:19]

Off. Yes. Thank you, thank you. Yeah. All right.

[01:07:29] Commissioner Chris Liban

I said yes, I'll be available. I'm not available. Wednesday. Right. Wednesday. Wednesday next week. Yeah, yeah.

[01:07:36] Maria Martin (BOE)

This is such a mix.

[01:07:39] Anita Witherington

Yeah.

[01:07:40] Nikki Minor

I mean, we don't want it in our backyard either, but it's like what I proposed the smaller lot abutting the residential. That was our.

END OF TRANSCRIPT



Automated transcription by Sonix
www.sonix.ai