

Communication from Public

Name: Concerned Neighbor, Resident, Voter and rational person

Date Submitted: 10/04/2023 09:49 AM

Council File No: 23-1066

Comments for Public Posting: I am opposed to this project threatening the safety of our families and the livelihood of our local business community. While well meaning it comes at too great a cost and should be in industrial corridors not disrupting an established safe family neighborhood threatening to put businesses out of business, destabilizing our residential community and threatening further homelessness and decline of our city. Do not destroy/destabilize our little business and residential neighborhoods. Please put in underused industrial areas like Cotner

Communication from Public

Name: Holly Sklar

Date Submitted: 10/04/2023 11:29 AM

Council File No: 23-1066

Comments for Public Posting: I live in the neighborhood and I am in favor of this housing. It is much preferred to the RVs that are lining Cotner Avenue next to 405, causing sanitation issues, and other encampments under and around 405 and 10. Homeless people need services on site and shelter while they get into a more permanent situation, and I am hopeful this will provide that for some and help get people out of decrepit RVs and tents in our neighborhood, providing them safety and dignity while removing the sanitation issues which are a public health menace. I think having temporary homeless housing with services actually raises property values, especially when compared to the situation we see now with people on the streets in our neighborhood. It's the right thing for everyone.

Communication from Public

Name:

Date Submitted: 10/04/2023 11:48 AM

Council File No: 23-1066

Comments for Public Posting: I am resident of a house just a few blocks away from the Midvale-Pico interim housing project. I am father of two young children that moved to area a couple years back looking to raise my children in a family friendly environment. We regularly walk in the area and although there is a current homeless problem, it is only going to get worse by adding the proposed project to the area. Accordingly, I am writing to express my strong opposition to the housing project. I ask the Committee to deny the request to fund this project, which would not only gravely compromise the safety of my family and other families like myself with young children and many senior citizens and small businesses in the area, but also divert away scarce dollars from alternative options that have a much higher likelihood of success. The Midvale-Pico parking lot interim housing project is a poorly thought-out project that 1) has a high likelihood of housing individuals with a criminal record; 2) the site will only employ ONE security guard and otherwise has no clear plan for adequate security other than relying on police in the area that already have their hands full; and 3) Los Angeles Family Housing (LAFH), the vendor selected by Councilmember Yaroslavsky to operate this project, has a catastrophic track record of operating similar shelters in other parts of Los Angeles, which have led to rampant drug use and overdoses, tents, and criminal activity in the neighborhoods in which LAFH shelters are located. I am also deeply concerned that the loss of this parking lot will negatively impact the local businesses that rely on it. Most of these local businesses are minority, immigrant and family owned restaurants. The parking lot is full of cars every single night, which means customers use it to dine at these restaurants. If this lot is converted to a shelter, these restaurants will undoubtedly lose customers, which will lead to a drop in revenue, and then loss of jobs. There are better locations for an interim shelter — locations that will not jeopardize neighborhood safety and force small businesses to close shop. Please make the right decision and deny the funding for Councilmember Yaroslavsky's ill-conceived project.

Communication from Public

Name: Jeffrey Ellis

Date Submitted: 10/04/2023 12:14 PM

Council File No: 23-1066

Comments for Public Posting: HELLO. MY NAME IS JEFFREY ELLIS. I LIVE AT 10516 ILONA AVENUE – 9 BLOCKS FROM THE PROPOSED PICO/MIDVALE HOUSING PROJECT. I AM ALSO A MEMBER OF THE WESTWOOD SOUTH OF SANTA MONICA BOARD OF DIRECTORS. I AM HERE TO EXPRESS MY SUPPORT -- AS WELL AS THAT OF MY SPOUSE, SHELLEY HOFFMAN, AND MY ADULT DAUGHTER, GABRIELLE HOFFMAN-ELLIS – FOR THE PICO/MIDVSALE PROJECT. I AM A LIFETIME RESIDENT OF WEST L.A. AND HAVE LIVED IN MY HOME FOR 35 YEARS. THERE HAVE ALWAYS BEEN UNHOUSED RESIDENTS OF OUR NEIGHBORHOOD, BUT THE NUMBER HAS INCREASED EXPONENTIALLY IN THE PAST SEVERAL YEARS. WE NEED TO CREATE HOUSING TO REPLACE THE TENS OF THOUSANDS OF UNITS WE ALLOWED TO BE TORN DOWN OR CONVERTED INTO LUXURY UNITS BY DEVELOPERS THROUGHOUT THE CITY. THE PICO/MIDVALE INTERIM HOUSING PROJECT IS NOT PERFECT, BUT IT CAN BE DEVELOPED QUICKLY AND EFFICIENTLY. MANY WHO OPPOSE THE PROJECT INFLAME FEAR AND ANGER BY PROMOTING STEREOTYPES AND CLICHES OF UNHOUSED INDIVIDUALS AS A GROUP OF DRUG ADDICTED VIOLENT CRIMINALS AND MONSTERS. SUCH ASPERSIONS RECALL SIMILAR VERBIAGE USED TO OPPOSE EASTERN EUROPEAN IMMIGRATION IN THE EARLY 20TH CENTURY, END SEGREGATION OF OUR NEIGHBORHOODS AND SCHOOLS IN THE 1960S AND 70S, AND HIRE GAY TEACHER BY INFLAMING THE HOMOPHOBIC FEAR OF PEDOPHILE MOLESTING OUR CHILDREN. I WAS PART OF 2021-2022 CD5 AD HOC TASK FORCE THAT SUBMITTED MORE THAN 50 LOCATIONS AS POTENTIAL INTERIM AND PERMANENT HOUSING SITES. ZERO OF THEM WERE DEEMED ACCEPTABLE BY THE CITY – PRIMARILY DUE TO RESISTENCE OF LOCAL RESIDENTS AND BUSINESSES, AND RELUCTANCE OF PRIVATE REAL ESTATE INTERESTS TO INCUR THE IRE OF THE LOCAL COMMUNITY. COUNCILMEMER YAROSLAVSKY AND HER STAFF HAVE MADE A

COMMITMENT TO PROVIDING THE NEEDED SECURITY AND SUPPORT SERVICES TO KEEP OUR RESIDENTS AND BUSINESSES SAFE AND CREATE A SUCCESSFUL PROGRAM TO HOUSE THOSE HIGHER FUNCTIONING HOMELESS INDIVIDUALS WHO WILL BE SCREENED TO MAKE SURE THEY ARE APPROPRIATE CANDIDATES FOR THIS PARTICULAR PROJECT. THE PICO/MIDVALE PROJECT IS VERY MODEST, -- WE REALLY NEED PERMANENT HOUSING. BUT, UNTIL WE HAVE AN ADEQUATE SUPPLY, WE NEED INTERIM SUPPORTIVE HOUSING, WHICH CURRENTLY IS VIRTUALLY NON-EXISTENT FOR THE GENERAL POPULATION OF UNHOUSED INDIVIDUALS IN CD5. LET'S MAKE PICO/MIDVALE A MODEL FOR SIMILAR FUTURE PROJECTS, WITHOUT FURTHER DELAY.

Communication from Public

Name: KC

Date Submitted: 10/04/2023 12:14 PM

Council File No: 23-1066

Comments for Public Posting: I strongly oppose the Interim homeless housing project at Pico and Midvale This will hurt the local businesses along Pico and the residents in the immediate area In addition, potential crime and perception of an unsafe environment is NOT good for our community as a whole No one can promise proper safeguards to the businesses and residents. The City lacks the resources and funding, that is a Fact. I am over 60 years old and I called 911 last year first time in my life and was put on hold for over 25 minutes. That was a very scary situation for me! There are other commercial locations in West LA that can make more sense for all I am not opposed to helping people that are in need but NOT at the expense of other law abiding and tax paying citizens I understand the homeless situation since I have a close family member that has been homeless for the past decade They need mental and emotional help and support Thanks for reading my message and I hope the City will do the Right thing KC

Communication from Public

Name: Harte Logan

Date Submitted: 10/04/2023 12:20 PM

Council File No: 23-1066

Comments for Public Posting: This is in regards to the proposed unhoused site on Middle and Pico. As a multi-decade resident with two children, and local business patron, I am extremely concerned about this location. I want there to be enough housing, I am supportive of residential housing, including in our neighborhood. That said, our kids are afraid to walk or ride bikes in our neighborhood due to mentally ill unhoused screaming profanities, urinating in public, removing clothes (or walking around with private parts exposed), and at one point, chasing our 11 year-end with a large stick. Local businesses are shutting down (see Arteria.la) because they felt unsafe in their businesses and were losing foot traffic. This proposed site with no limitations on who can use it, will cause a further disintegration of our community, not to mention destroy the businesses that have been sticking it out. The most concerning issue here is the lack of community involvement in trying to find solutions. What are the other site alternatives? What population are we trying to serve? The unhoused are not a monolithic community. How are we best serving people that are looking for living solutions? Mental health or substance abuse solutions? What input is being sought out by local business and residents? How is this project improving quality of life for all? This feels imposed, rushed, and poorly conceived, with little regard for actual impact. Please stop rushing this half-baked proposal. It feels as though it shows the worst of politicians and Los Angeles. Be better and smarter. Do not destroy Pico. Please find another location.

Communication from Public

Name: Nancy Russell

Date Submitted: 10/04/2023 12:50 PM

Council File No: 23-1066

Comments for Public Posting: Both my husband and I oppose the loss of the Midvale Pico parking lot for the following reasons: -The current parking lot is needed for businesses. Already, the landlord of the adjacent vacant building lost a planned tenant due to the proposed use of the parking lot for homeless housing. It is our understanding that a survey by the Department of Transportation found the lot was "under utilized." However, the survey was done during City employee working hours and did not consider key evening hours that the parking lot is used. There is no parking allowed on Pico Blvd. during rush hours at key business hours for restaurants and other businesses on Pico Blvd. This creates an untenable situation for the businesses which are just now getting over the impact of Covid. -The use of the lot for a homeless housing site also is a poor location for homeless since it is immediately adjacent to residential housing. The neighborhood has a large number of families with young children since many families seek the area due to its well-respected elementary school. While homeless housing residents will be vetted for Megan Law pedophiles, drug addicts and mentally-ill homeless will be considered for the housing. It is difficult to believe that such individuals will stay within their small homes 24 hours and not go into the adjacent area. -The cost of operating the site for homeless housing is not well thought out and only a contractor with a poor history of homeless housing operation was willing to contract with the City to operate the site. (There is also some question of the ethics involved in the contractor's selection.) It is highly questionable whether the promised service can be provided under the proposed budget. Moreover, given the limited number of homeless to be served, the project, at any cost, is clearly not cost-effective. As taxpayers, we find this unacceptable. -The site also was selected without any community input or involvement in finding a more suitable site. The community historically has been supportive of appropriately located social service facilities as witnessed by multiple social service facilities less than a mile from the Midvale lot. The rush to establish this project is poorly thought out and does not balance the needs for effective homeless housing with the need to maintain a workable business and neighborhood environment. Therefore, as citizens and taxpayers, we strongly oppose this project.

Communication from Public

Name: Angelike Dexter

Date Submitted: 10/04/2023 11:12 AM

Council File No: 23-1066

Comments for Public Posting: I live on the 2300 block of Midvale Ave., on the same block at the proposed interim housing for the homeless. I think it sounds like a good plan, and seems like a decent start towards the path of solutions to the homelessness and housing crises in our neighborhood. I am not opposed. I hope it serves many people in need while not creating more problems for our block, and it seems like the Councilwoman's Office is committed to that as well.

Communication from Public

Name: Fix The City
Date Submitted: 10/04/2023 11:03 AM
Council File No: 23-1066
Comments for Public Posting: Please find additional comments attached.

The Honorable City Council of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

October 4, 2023

[CF 23-1066](#): Midvale Interim Housing

Dear Councilmembers,

Fix The City hereby demands that the procedures set forth in [Los Angeles Municipal Code\(LAMC\) 16.00 et seq. \("Local Emergency Temporary Regulations"\)](#) be followed for the project at [2377 Midvale Avenue](#). These processes are critical to ensuring due process rights as required under the State and US Constitutions.

The amendments to [Article 6, Section 16.00](#) began with a [March 27, 2020 motion](#) brought by Council Member (CM) Blumenfield which read in part:

"Small businesses, including restaurants, are the backbone of the Los Angeles economy. The public health orders aimed at preventing or slowing the spread of coronavirus have had and will have a devastating effect on local businesses. " The motion was assigned [Council File \(CF\) 20-0380-S1](#).

History

- On May 27, 2020, the council adopted the above Blumenfield motion which became final on May 28, 2020.
- On January 6, 2021, the Los Angeles Planning Commission submitted a [document](#) titled "Los Angeles City Planning Commission report", dated January 6, 2021, relative to a proposed ordinance amending the Los Angeles Municipal Code, to provide regulatory relief from specific Zoning Code provisions during a declared "Local Emergency." The document included a "Letter of Determination."
- On that same date, City Planning provided a document titled "[Local Emergency Code Amendment Project Case Number: ENV-2020-4927-ND](#)." The document, an Initial Study under CEQA, contained a project description as follows:

"Project Description: The Local Emergency Code Amendment project is an ordinance amending and establishing new provisions within Article 6 of Chapter I of the Los Angeles Municipal Code. This amendment will supplement the current provisions and procedures within Article 6, **which details the various temporary regulations available during a declared local emergency**. As discussed in detail in the Project Description, **the proposed ordinance will provide the Los Angeles City Council and Mayor with a mechanism, during a declared local emergency**, to enact an extension of time limits for certain conditional use permits and related actions, suspension of valet and off-site parking conditions of approval for certain entitlements, and suspension of additional parking requirements when a change of use occurs to a nonresidential use. Certain eligibility criteria must be meant(sic) to take advantage of any of these regulatory relief measures. **All these provisions will only be available for activation during a local emergency declared by the City of Los Angeles** or State of California. Furthermore, the provisions will only be available upon approval of an affirmative resolution by Council by majority vote or by emergency order by the Mayor, and the time period they are applicable during are time limited. However, if activated, the alternative calculation method for required automobile parking will be permanent for approved projects. The suspension of valet parking and off-site parking conditions of approval are limited to the time frame the provisions are active. Finally, the project will rename Article 6

and create an exception, for these provisions, from the general activation clause of the Article.”

The Executive Summary read:

“The Local Emergency Code Amendment (LAMC) project is an ordinance amending and establishing new provisions within Article 6 of Chapter I of the Los Angeles Municipal Code. This amendment will supplement the current provisions and procedures within Article 6, which details the various temporary regulations available during a declared local emergency.”

- On May 13, 2021, the City Attorney submitted a [report](#) and [draft ordinance](#). The introductory paragraph read:

“ Honorable Members: This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Article 6 of Chapter I of the Los Angeles Municipal Code to provide relief from certain zoning and land use requirements during a local emergency. The draft ordinance, if enacted, **would minimize the adverse economic impacts of an emergency like the COVID-19 pandemic on local business and property owners.**” (emphasis added)
- On June 23, 2021, the council adopted the ordinance and the action became [final](#) on June 28, 2021.
- On October 6, 2021, the council approved technical revisions to the ordinance which became final on October 7, 2021.
- On December 12, 2022, Mayor Bass declared a local emergency related to homelessness. Mayor Bass subsequently issued several [Executive Directives](#) citing authority under a local emergency under LAMC 8.29 and LAMC 8.27.
- After the declared emergency, many departments in response to the Mayor’s generic instructions, created [new policies and procedures](#) governing many topics including land use in conflict with LAMC 16.00 and numerous other portions of the LAMC and LAAC.
- On July 7, 2023, Mayor Bass [declared a local emergency](#) under the newly passed LAMC 8.33. Mayor Bass retroactively included previously issued Executive Directives in the new declaration.

Discussion

Under [LAMC 16.00 et seq](#), the following steps must be followed:

- **Application.** An application to permit any temporary use referred to in this article shall be filed with the Department of City Planning upon forms and accompanied by data as the Department of City Planning may require.
- **Notice and Hearing.** Upon the filing of a verified application, the Zoning Administrator shall set the matter for public hearing. Notice of the time, place, and purpose of the hearing shall be given by mailing a written notice at least 14 days prior to the date of the hearing to the applicant, to the owner of the subject property, to adjoining and abutting property owners, and to property owners directly across the street or alley from the subject property. For this notice the following shall be used: the last known name and address of the property owners as shown upon the records of the City Engineer or the records of the County Assessor.

- **Hearing/Findings.** An application for a temporary use shall be set for public hearing unless the Zoning Administrator makes written findings, attached to the file involved, that the requested temporary use: will not have a significant effect on adjoining properties or on the immediate neighborhood; or is not likely to evoke public controversy.
- **Time Limit.** The Zoning Administrator shall make a determination within 30 days from the filing of a verified application. This time limit may be extended by mutual written consent of the applicant and Zoning Administrator.
- **Decisions by the Zoning Administrator.** Decisions by the Zoning Administrator shall be supported by written findings of fact based upon written or oral statements and documents presented to the Zoning Administrator, which may include photographs, maps and plans, together with the results of the Zoning Administrator's investigations. Upon making a decision, the Zoning Administrator shall forthwith mail a copy of his or her written findings and decisions to the applicant, and to the other persons who were required to be notified.
- **Decision Effective and Appeal.** The decision of the Zoning Administrator shall become final after an elapsed period of ten days from the date of mailing a copy of the written findings and decision to the applicant. During this period, any person aggrieved by the decision may file a written appeal to the Area Planning Commission. The appeals shall set forth specifically the points at issue, the reasons for the appeal, and how the appellant believes there was an error or abuse of discretion by the Zoning Administrator.
- **Record on Appeal.** Within five days of receipt of the filing of an appeal, the file of the Zoning Administrator appealed from and the appeal shall be delivered to the Area Planning Commission. At any time prior to the action by the Area Planning Commission on the appeal, the Zoning Administrator may submit supplementary pertinent information he or she deems necessary or as may be requested by the Area Planning Commission.
- **Hearing Date-Notice.** Upon receipt of the appeal, the Area Planning Commission shall set the matter for hearing and give notice by mail of the time, place and purpose of the hearing to the appellant, to the applicant, to the owner or owners of the property involved, to the Zoning Administrator and to any other interested party who has requested in writing to be so notified. This notice shall be in writing and mailed at least five days prior to the hearing.
- **Decision.** When considering an appeal from an action by the Zoning Administrator, the Area Planning Commission shall make its decision within 15 days (in the case of a revocation, within 10 days) after the expiration of the appeal period, or within an extended period of time as may be mutually agreed upon in writing by the applicant and the Area Planning Commission.
- **Appeal.** The Area Planning Commission may modify or reverse the ruling, decision or determination appealed from only upon making findings indicating how the action of the Zoning Administrator was in error or constituted an abuse of discretion and shall make specific findings supporting any modification or reversal. The decision of the Area Planning Commission shall be final as of the date of its determination on the matter. After making a decision, a copy of the findings and determination shall forthwith be placed on file in the City Planning Department and a copy of the determination shall be furnished to the applicant, the appellant and the Department of Building and Safety.

To be clear, LAMC 16.01.A, projects must first be presented to a Zoning Administrator (ZA). The ZA must make findings of the following:

1. That the nature and short duration of the proposed temporary use assures that the proposed use will not be materially detrimental to the character of development in the immediate neighborhood;

2. That the proposed use will not adversely affect the implementation of the General Plan or any applicable specific plan; and
3. That the proposed use will contribute in a positive fashion to the reconstruction and recovery of areas adversely impacted during the emergency.

The ZA is further instructed as follows:

“In making a determination pursuant to this section, the Zoning Administrator shall balance the public interest and benefit to be derived from the proposed temporary use against the degree, significance of, and temporary nature of the inconvenience to be caused in the area where the temporary use is located.”

The 2377 Midvale Project has failed to follow the very procedures the council put in place to govern land use during a local emergency. Most critically:

- Councilmember Yaroslavsky’s office turned what is a clearly defined public process into a secretive process which included [selecting the site, vendors and service providers](#), all outside of a public process and in violation of City laws regarding competitive bidding. This includes a sole-source award to a vendor who was not on the approved vendor list.
- The secretive nature of the process allowed an apparent ethics violation by Yaroslavsky’s staff to occur. That ethics violation, having been brought via an ethics complaint after a public records request, is [currently being investigated](#).
- The findings required in 16.01.A have not been (and could not be) made. Specifically, the proposed use is materially detrimental to the immediate neighborhood, and the proposed use is inconsistent with the General Plan. In addition, there has been no effort to “balance the public interest and benefit to be derived from the proposed temporary use against the degree, significance of, and temporary nature of the inconvenience to be caused in the area where the temporary use is located” as required.
- The public processes defined in LAMC 16.00 provide for due process in that there are public hearings and that “...any person aggrieved by the decision may file a written appeal to the Area Planning Commission.”
- Ironically, the proposed action would have the exact opposite effect which LAMC 16.00 sought to avoid: To “minimize the adverse economic impacts of an emergency [like the COVID-19 pandemic](#) on local business and property owners.”

The Mayor does not have, nor should she seek, the right to evade the US Constitution, specifically the [14th Amendment](#).

Quoting from the [Overview of Procedural Due Process](#):

“The Due Process Clause of the Fourteenth Amendment provides that no state shall deprive any person of life, liberty, or property, without due process of law.¹ The Supreme Court has construed the Fourteenth Amendment’s Due Process Clause to impose the same procedural due process limitations on the states as the Fifth Amendment does on the Federal Government.² Broadly speaking, procedural due process requires state actors to provide certain procedural protections before they deprive a person of any protected life, liberty, or property interest.³

The Supreme Court has often decided whether a property interest exists by considering whether a law or government policy created an entitlement—a reasonable expectation that a government-provided benefit would continue.⁸ Modern cases have found protected liberty interests in the exercise of constitutional rights⁹ and where state laws create an expectation related to individual liberty.¹⁰ ”

The Mayor does not have the right, nor should she seek, to evade the [California Constitution, Article 1 § 3](#).

“Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.”

Due Process Rights

- The businesses and property owners have been denied their due process rights as a result of the City ignoring the procedures set forth in LAMC 16.00 et seq. The proposed project removes a critical parking lot from public use and also places potentially dangerous individuals in close proximity to families. The proposed project has already caused a lease to fall through for a commercial property and there is a substantial likelihood that residential property owners will see the value of their properties reduced. Further, the proposed project seeks to place a wildly incompatible use on a single-family parcel.
- Yaroslavsky and the City [scheduled the committee meeting](#) before the local Neighborhood Council (Westside Neighborhood Council) had an opportunity to meet, hear public comment and then weigh in. Public comment has been limited to one minute per person only, with public comment being taken only in person.
- Yaroslavsky and the City then caused the full City Council meeting to occur just two days later. Per the provided agenda, the report from the committee will be presented at the October 6, 2023 meeting, providing no time for the public to review and comment on the report and place concerns in the administrative record.

In light of the above-mentioned events and the consistent disregard for the established procedures outlined in LAMC 16.00, we demand that the City follow the mandated processes, ensuring that due process rights are upheld.

Sincerely



Fix The City

www.FixTheCity.Org

Legal@FixTheCity.Org

Communication from Public

Name: Dave T

Date Submitted: 10/04/2023 06:43 PM

Council File No: 23-1066

Comments for Public Posting: I am opposed to the Pico/Midvale project based on what I've heard so far. It is an ill-conceived project decided without public comment, contains questionable data collected regarding the parking lost usage, and involves potential self-dealing with regard to vendors. The project will destroy the neighborhood and its struggling local businesses and local residents' quality of life. Look no further than the North Hollywood neighborhood that has been devastated by an interim housing project operated by the same vendor chosen to operate the Pico/Midvale project (selected without an open bidding process). Our residents and HOA are more than willing to work collaboratively with the city to come up with interim housing solutions if given the chance. A local resident and real estate agent Marci Baron has already identified a local lot with owners willing to engage in a long-term lease with the city for interim housing services. This is only one example of how the community is willing to help solve the problem. This is in contrast to the adversarial and secretive position that Katy Yaroslavsky has taken. Good solutions come from engagement and discussion, not from backroom deals, flimsy data, and insular thinking.