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Attorneys for Respondent, City of Los Angeles

**No Fee ~ Gov't Code § 6103**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

**Fix the City, Inc.**, a California Nonprofit  
Corporation,

Petitioner,

vs.

**City of Los Angeles**, a Municipal  
Corporation; The City of Los Angeles  
City Council; and Does 1 through 10,  
inclusive,

Respondent.

Case No.: 23STCP04410

*Honorable James C. Chalfant*  
*Department 85*

**Volume 1 of 3 (CX 31 – 58 of 76)**

**Declaration of Robert Mahlowitz in Support  
of the City of Los Angeles' Opening Trial  
Brief**

Date: November 14, 2024  
Dept. 85  
9:30 a.m.

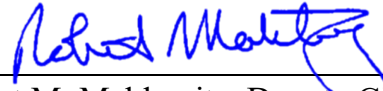
Respondents City of Los Angeles and City Council of Los Angeles submit the following Declaration of Robert Mahlowitz and attached Volume 1 of 3 exhibits in support of the City's Opposition Trial Brief. This Volume 1 contains Exhibits 31 to 58 of a total of 76 attached Exhibits. Volume 2: Exhs. 59 to 68. Volume 3: 69 – 76. ***The City begins numbering the exhibits to this declaration at Exhibit Number 31*** to avoid confusion with the exhibits

1 attached to the August 27, 2024, “STIPULATION REGARDING AUTHENTICATION OF  
2 PETITIONER’S EXHIBITS FOR OPENING TRIAL BRIEF” Petitioner filed in this action.  
3 (“Pet. Exhibit Stip”).  
4

5 Dated: October 7, 2024

Hydee Feldstein Soto, City Attorney  
Valerie Flores, Chief Dep. City Attorney  
John W. Heath, Sr. Asst. City Attorney

8 By:



9 Robert M. Mahlowitz, Deputy City Attorney  
10 Attorney for Respondent, CITY OF LOS ANGELES  
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1                                   **DECLARATION OF ROBERT M. MAHLOWITZ**

2           I, Robert M. Mahlowitz, declare as follows:

3           1.       I am employed as a deputy city attorney in the Los Angeles City Attorney's  
4 Office and am licensed to practice law in the State of California and serve as counsel to the  
5 Respondent and Defendant City of Los Angeles and Los Angeles City Council ("City") in the  
6 case of *Fix the City. v. City of Los Angeles*, Los Angeles Superior Court Case No.  
7 23STCP04410. The facts stated herein are personally known to me, and if called as a witness I  
8 would competently testify to them. Fix's lawsuit concerns the City's efforts to install a low-  
9 barrier navigation center atop two City parking lots at the intersection of Midvale Avenue and  
10 Pico Blvd ("Midvale Shelter") also known internally at the City as the Midvale Tiny Homes  
11 Village project.

12          2.       The Exhibits to this declaration are referenced in the City's trial brief as City  
13 Exhibits or "CX." I begin numbering the Exhibits to this declaration at Number 31, to avoid  
14 confusion with the Exhibits Petitioner submitted for trial.

15          3.       This Declaration is organized into the following topic headings:

- 16           A.       Gov. Code § 8698 Bills  
17           B.       City Shelter Crisis Declaration and City Laws  
18           C.       City Emergency Homeless Declaration  
19           D.       Executive Directives  
20           E.       Midvale Shelter Approval Records  
21           F.       Other City Transitional Shelter Project Approvals  
22           G.       City Specific Plans  
23           H.       State DSS Community Care Facility Licensing Reporting  
24           I.       *Fix the City v City of Los Angeles*, LASC Case No. 23STCP03519  
25                    (Dept. 82)  
26           J.       City of Los Angeles Charter and Code Provisions

27                                   **A.   Gov. Code § 8698 Bills**

28          4.       Attached hereto at **Exhibit 31** is a true and correct copy of Assembly Bill No.

2210 (1986-1987), “An act to add Chapter 7.8 (commencing with Section 8698) to Division 1 of Title 2 of the Government Code, relating to emergency shelter, and declaring the urgency thereof, to take effect immediately,” which I downloaded from Westlaw.

5. I obtained Exhibits 32 - 36 from <https://leginfo.legislature.ca.gov>, an official website maintained by the California Office of Legislative Counsel presenting the legislative history of California bills and laws.

6. Attached hereto at **Exhibit 32** is a true and correct copy of Assembly Bill No. 932 (2017-2018), “An act to add and repeal Section 8698.4 of the Government Code, relating to housing.

7. Attached hereto at **Exhibit 33** is a true and correct copy of Senate Bill 765 (2017-2018) amending Section 8698.5 to add a CEQA exemption.

8. Attached hereto at **Exhibit 34** is a true and correct copy of Assembly Bill 143 (2018-2019) expanding Section 8698.4 to cover the San Jose, Alameda and Orange counties and cities within those counties.

9. Attached hereto at **Exhibit 35** is a true and correct copy of Assembly Bill No. 2253 (2019-2020), “An act to amend Section 8698.4 of the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.”

10. Attached hereto at **Exhibit 36** is a true and correct copy of Senate Bill No. 1395 (2023-2024), “An act to amend Section 8698.4 . . .of the Government Code. . . .”

#### **B. City Shelter Crisis Declaration and City Laws**

11. Except as otherwise stated, I have to all of the exhibits described in this paragraph and subparagraph due to my employment with the City of Los Angeles, and they are available publicly on the internet at <https://cityclerk.lacity.org/lacityclerkconnect> and all are true and correct copies of the original records they depict.

a. ***June 19, 1987 City Adoption of LAMC 12.80.*** Exhibit 37 is City ordinance 162520, effective June 19, 1987.

b. ***April 17, 2018 Shelter Crisis Declaration.*** Exhibit 38 is the April 17, 2018, City action re-affirming the declared shelter crisis pursuant to Section 8698.



1 c. ***December 23, 1992 LAMC 12.80 Amendment.*** Exhibit 39 is City  
2 Ordinance 168440, effective January 21, 1992, adding new procedural requirements.

3 d. ***April 13, 1998 LAMC 12.80 Amendment.*** Exhibit 40 is City Ordinance  
4 163385, effective April 13, 1988, extending its operative date for another six months.

5 e. ***March 28, 2017 amending LAMC 12.03 and 12.81.*** Exhibit 41 contains  
6 the following records: (1) March 28, 2017 Official Action adopting Ordinance No. 184836; (2)  
7 Ordinance No. 184836 “amending Sections 12.03, 12.80 and 12.81 of the Los Angeles  
8 Municipal Code to expand the definition of “shelter for the homeless” and to align the City’s  
9 shelter crisis regulations with state law.”; (3) March 28, 2017 amending motion; (4) March 3,  
10 2017 City Attorney Report; and (4) February 11, 2016 Planning Commission Report.

11 f. ***April 28, 2017 Shelter Crisis Procedure Ordinance.*** Exhibit 42 is the  
12 April 28, 2017, City Ordinance establishing uncoded procedures to establish a homeless  
13 shelter during a declared shelter crisis adopted in advance of the January 1, 2018, newly  
14 adopted Government Code section 8698 shelter crisis laws.

15 g. ***April 20, 2018 LAMC 91.8605 Amendment.*** Attached hereto at Exhibit  
16 43 are the following: The April 17, 2018, City action adopting Los Angeles Municipal Code  
17 section 91.8605, including the April 13, 2019 report from the City Attorney, Ordinance No  
18 185490, the April 16, 2018 letter from the City’s Department of Building and Safety presenting  
19 to the City Council the April 10, 2018 letter from the California Department of Housing and  
20 Community Development approving LAMC section 91.8605 as meeting the minimum health  
21 and safety standards for emergency housing as required by Government Code section  
22 8698.4(a)(2)(A)(i), and the April 10, 2018 letter.

23 h. ***March 27, 2019, Requested LAMC 12.80 Amendments and 8698.4***  
24 ***Program.*** Exhibit 44 is the March 27, 2019, Official City action requesting the City Attorney  
25 prepare and submit an ordinance “that would align the LAMC with State Government Code  
26 Section 8698 relative to the shelter crisis declaration, to ensure that the LAMC is not in  
27 conflict with existing State and local laws or regulations” and which established via resolution,  
28 City policy, “to pursue the development of temporary homeless shelters under Government

Code Section 8698.4.” (HPC Report).

i. ***October 4, 2019 Amendments to LAMC 12.80.*** Exhibit 45 contains the following records: (a) the October 4, 2019, Official Action of the City Council adopting Ordinance No. 186339 amending LAMC section 12.80 to align with Government Code section 8698 et. seq.; (b) the Ordinance; (c) The HPC Report; and (d) the August 6, 2019 report of the City Attorney presenting the Ordinance for Council consideration.

**C. City Emergency Homeless Declaration**

12. ***City Adopts LAAC § 8.33 “Local Housing and/or Homelessness Emergency.”*** Attached hereto at **Exhibit 46** are true and correct copies of the following records: (a) The June 16, 2023, City Council motion directing the City Attorney to draft LAAC 8.33, including a proposed ordinance, (b) the June 20, 2023, amending motion to the request to create LAAC 8.33; (c) The June 20, 2023, City Council Official action adopting the motion; (d) the June 27, 2023 motion to adopt Ordinance No. 187922; and (3) Ordinance No. 187922 adopting LAAC 8.33. I have access to all of the records listed in this paragraph due to my employment with the City of Los Angeles, and they are available publicly on the internet at <https://cityclerk.lacity.org/lacityclerkconnect> where I retrieved them.

**D. Executive Directives**

13. ***ED-1.*** Attached hereto at **Exhibit 47** is a true and correct copy of the July 1, 2024, amended version of Mayoral Executive Directive 1 (“Expedition of Permits and Clearances for Temporary Shelters and Affordable Housing Types”). I have access to this record due to my employment with the City of Los Angeles. Petitioner did not submit all versions of ED-1 with its opening brief.

14. ***ED-3.*** Attached hereto at **Exhibit 48** are true and correct copies of the following versions of Mayoral Executive Directive No. 3 (“Emergency Use of Viable City-Owned Property”) in reverse chronological order: The original February 10, 2023 order, the revised July 7, 2023 order, and the revised March 27, 2024 order. I have access to these records due to my employment with the City of Los Angeles. Petitioner did not submit all versions of ED-3 with its opening brief.

1 **E. Midvale Shelter Approval Records**

2 15. ***Midvale Shelter Approval.*** Attached hereto are true and correct copies of the  
3 following Official Action of the Los Angeles City Council approving the Midvale low barrier  
4 transitional homeless shelter, contained within City Clerk Council File No. 23-1066, to which  
5 I have access as a regular component of my employment with the City and which is available  
6 publicly on the internet at [https://cityclerk.lacity.org/ lacityclerkconnect](https://cityclerk.lacity.org/lacityclerkconnect), of which the Trial  
7 Court took judicial notice in its ruling on the City's demurrer to the First Amended Petition in  
8 this action:

9 a. ***Official Action. (Exhibit 49)*** The October 20, 2023, Official Action of the  
10 Los Angeles City Council approving the Midvale Shelter project by adopting the October 4,  
11 2023 Report from the Housing and Homelessness Committee;

12 b. ***HHC Report. (Exhibit 50)*** The October 4, 2023, Report from the Housing  
13 and Homelessness Committee recommending the City Council adopt the September 29, 2023  
14 Report from the Bureau of Engineering and the September 29, 2023 Report from the City  
15 Administrative Officer, both concerning the Midvale Shelter Project;

16 c. ***BOE Report. (Exhibit 51)*** The September 29, 2023, Report from the  
17 Bureau of Engineering, attaching the Midvale Project NOE. This document is also attached as  
18 Petitioner Exhibit 13 to the August 27, 2024, Stipulation Regarding Authentication of  
19 Petitioner's Exhibits For Opening Trial Brief ("Exhibit Stipulation"); and

20 d. ***CAO Report. (Exhibit 52)*** The September 29, 2023, Report from the City  
21 Administrative Officer. This document is also attached as Petitioner Exhibit 14 to the Exhibit  
22 Stipulation.

23 16. As do the 22 low-barrier navigation shelter projects approved by the City at  
24 Exhibits 55 to 68 below, the Midvale Shelter project approval states, (a) "All service  
25 providers must comply with LAHSA's Scope of Required Services, Program Standards, and  
26 Facility Standards." (CX 51, Midvale NOE, p. 15); (b) it was approved pursuant to a shelter  
27 crisis declaration as authorized by the applicable Government Code section 8698.2. (*Id.*, p.  
28 13); and (c) it was anticipated to operate as a "low barrier navigation center" and that it would

1 provide services including Accessing personal identification, Accessing certification of the  
2 current income, Mainstream Benefits, Substance Abuse services, Mental Health Services,  
3 Health Services, Vocational Services, Employment Services, Educational Support, Legal  
4 Services, Life Skills Development . . . CES and CoC Rapid Re-Housing Program Housing  
5 Navigation Assistance, CoC Permanent Supportive Housing, LA County Department of  
6 Health Services, Housing for Health or Housing and Jobs Collaborative, LA County  
7 Department of Health Services, Countywide Benefits Entitlement Services Team, LA County  
8 Department of Mental Health, Countywide Housing Assistance, Program Veterans  
9 Administration Housing Programs, Housing Opportunities for Persons with Aids (HOPWA)  
10 Housing. (*Id.*, pp. 16-17). Exhibits 55 and 56 do not contain the subpart (c) language of this  
11 paragraph of my declaration.

12 17. ***Initial City Bid Instructions to LAHSA.*** Attached hereto at **Exhibit 53** are true  
13 and correct copies of the following records: (a) The December 12, 2023, Official Action of the  
14 Los Angeles City Council adopting the December 6, 2023, Report from the Housing and  
15 Homelessness Committee (“HHC”); (b) The December 6, 2034 HHC Report recommending  
16 adoption of portions of the City Administrative Officer Report (“CAO”) dated December 1,  
17 2023; and pages 1 and 7 of the December 1, 2023 the CAO Report. COA Report, paragraph 32  
18 at page 7, requests, “LAHSA to conduct a Request for Proposals, or other qualifying  
19 competitive process, to identify a qualified service provider in relation to the interim housing  
20 site located at 2377 Midvale Avenue with 33 beds in Council District 5.” I retrieved these  
21 records from the City of Los Angeles City Clerk website where City Council files are  
22 maintained, at <https://cityclerk.lacity.org/lacityclerkconnect/> and to which I have access due to  
23 my employment with the City.

24 18. ***Revised City Bid Instructions to LAHSA.*** Attached hereto at **Exhibit 54** is a true  
25 and correct copy of (a) **The August 13, 2024**, Official Action of the Los Angeles City  
26 Council’s approval of the City of HHC Report dated 08-07-24, (b) the August 7, 2024, HHC  
27 Report recommending adoption of portions of the August 1, 2024, CAO Report, and (c) the  
28 August 1, 2024, CAO Report. Page 6 of the CAO Report states that the timeline for the

1 Midvale Project changed since LAHSA first received proposals for the Midvale Project which  
2 “has impacted the timeframe of service provider selection.” The CAO Report then states  
3 LAHSA should re-solicit bids for service provider proposals for the Midvale Project. I  
4 retrieved these records from the City of Los Angeles City Clerk website where City Council  
5 files are maintained, at <https://cityclerk.lacity.org/lacityclerkconnect/> and to which I have  
6 access due to my employment with the City.

7 **F. Other City Transitional Shelter Project Approvals**

8 19. Attached hereto at the exhibit numbers indicated are true and correct copies of  
9 City Council and Mayoral approval of 22 City transitional housing projects for people  
10 experiencing homelessness, called either a bridge home project or a tiny home village project,  
11 found in the files of the City Clerk, regularly maintained as official records of the City by the  
12 City Clerk, located online at <https://cityclerk.lacity.org/lacityclerkconnect> and to which I have  
13 access due to my employment with the City. This is a sampling of City approvals of such  
14 projects. Each of these City Council and Mayor approvals finds the project complies with the  
15 State Shelter Crisis law at Government Code section 8698. The definition of “Shelter for the  
16 Homeless” was last amended in 1987. (Compare Exhibit 42 attached hereto to LAMC 12.03  
17 at Exhibit 26 to Fix the City’s August 27, 2024 stipulation of trial exhibits). The Midvale  
18 Shelter project was approved by the City Council October 20, 2023. All of the following  
19 transitional housing shelter projects were approved by the City Council and Mayor pursuant to  
20 the same definition of “Shelter for the Homeless,” as existed when the City Council approved  
21 the Midvale Shelter project.

22 a. **Exhibit 55: Two Bridge Home facilities at 3248 Riverside Drive and**  
23 **1479 S. La Cienega Blvd**, approved June 18, 2024. This exhibit contains the Official Action  
24 of the City, the HHC Report, the CAO report minus that report’s attachments, and the BOE  
25 report with its two attached NOEs.

26 (1) **3248 Riverside Drive**. The Council-approved project description  
27 states, “the project complies with Section 8698.4 and expressly states it complies with the  
28 definition of “Shelter for the Homeless” at LAMC section 12.03. (NOE., p. 8 of 21).

1 (2) **1479 S La Cienega.** The Council-approved project description  
2 states, “the project complies with Section 8698.4 *and expressly states it complies with the*  
3 *definition of “Shelter for the Homeless” at LAMC section 12.03.* (NOE, p. 9 of 21.

4 b. **Exhibit 56: 1455 N. Alvarado Street** lease extension, approved February  
5 16, 2024. This exhibit contains the Official Action of the City, the HHC Report, and the BOE  
6 report with its attached NOE. The Council-approved project description states, “the project  
7 complies with Section 8698.4 *and expressly states it complies with the definition of “Shelter*  
8 *for the Homeless” at LAMC section 12.03.* (NOE., pp. 7-8 of 19.)

9 c. **Exhibit 57: Mayfair Hotel** 294-room interim housing facility, approved  
10 August 18, 2023. This exhibit contains the Official Action of City, the joint report of the  
11 Housing and Homelessness and Government Operations Committees, attaching a Municipal  
12 Facilities Committee Report, which in turn attaches a General Services Department Report,  
13 which attaches the Midvale Hotel NOE and project description adopted by the City Council.

14 d. **Exhibit 58: Los Angeles County Bridge Home Facility at 1060 N. Vignes**  
15 **Street**, approved November 24, 2020. This exhibit contains the Official Action of City, and  
16 the NOE and project description adopted by the City Council. It states it complies with  
17 Government Code section 8698.4. (*Id.*, pp. 9-10).

18 e. **Exhibit 59: Four Bridge Home and Tiny Home Village facilities at (1)**  
19 **406 N. Bonnie Brae Street, (2) 1818 S. Manhattan Place, (3) 668 S. Hoover Street, and (4)**  
20 **11471 Chandler Blvd**, approved December 12, 2023. This exhibit contains the City Council  
21 and Mayor’s Official Approval, the report of the Housing and Homelessness Committee, the  
22 CAO report omitting its exhibits, and the BOE report attaching four NOEs, one for each  
23 project.

24 (1) **406 N. Bonnie Brae Street.** The Council-approved project states  
25 the project was being approved during a declaration of shelter crisis under Government Code  
26 section 8698.2. (NOE., p. 12).

27 (2) **1818 S. Manhattan Place.** The Council-approved project  
28 description states the project was approved during a declaration of shelter crisis under

1 Government Code section 8698.2. (NOE, p. 11).

2 (3) **668 S. Hoover Street.** The Council-approved project description  
3 states the project was approved during a declaration of shelter crisis under Government Code  
4 section 8698.2. (NOE, p. 11).

5 (4) **11471 Chandler Blvd.** The Council-approved project description  
6 states the project was approved during a declaration of shelter crisis under Government Code  
7 section 8698.2. (NOE, p. 10).

8 f. **Exhibit 60:** Bridge Home Facility at **1215 N. Lodi Place**, approved  
9 December 10, 2019. This exhibit contains the Official Action of City, the motion, and the  
10 NOE and project description adopted by the City Council. The Council-approved project  
11 description states it was approved pursuant to a shelter crisis declaration as authorized by  
12 Government Code section 8698.2. (NOE, p. 6).

13 g. **Exhibit 61:** Bridge Home Facility at **100 E. Sunset Blvd**, approved  
14 November 6, 2019. This exhibit contains the Official Action of City, the motion, the  
15 resolution and the NOE and project description (omitting the NOE attachments) adopted by  
16 the City Council. The Council-approved project description states it was approved pursuant to  
17 a shelter crisis declaration as authorized by Government Code section 8698.2. (NOE, p. 6).

18 h. **Exhibit 62:** Bridge Home Facility at **407 N. Beacon Street**, approved  
19 March 3, 2023. This exhibit contains the Official Action of City, HCC Report, BOE Report,  
20 and the NOE and project description adopted by the City Council. The Council-approved  
21 project description states it was approved pursuant to a shelter crisis declaration as authorized  
22 by Government Code section 8698.2. (NOE, p. 11).

23 i. **Exhibit 63:** Tiny Home Village at **499 N. San Fernando Road**, approved  
24 December 3, 2023. This exhibit contains the Official Action of City, HPC Report, BOE  
25 Report, and the NOE and project description adopted by the City Council. The Council-  
26 approved project description states it was approved pursuant to a shelter crisis declaration as  
27 authorized by Government Code section 8698.2. (NOE, p. 12).

28 j. **Exhibit 64:** Two Tiny Home Village facilities at (1) **14 N. Mission Road**

1 **and (2) 600 E 116<sup>th</sup> Place**, approved May 31, 2021. This exhibit contains the City Council  
2 and Mayor's Official Approval, the BOE report omitting its exhibits, and the two NOEs, one  
3 for each project.

4 (1) **14 N. Mission Road.** The Council-approved project description  
5 states it was approved pursuant to a shelter crisis declaration as authorized by Government  
6 Code section 8698.2. (NOE, p. 11).

7 (2) **600 E 116<sup>th</sup> Place.** The Council-approved project description states  
8 it was approved pursuant to a shelter crisis declaration as authorized by Government Code  
9 section 8698.2. (NOE, p. 11).

10 k. **Exhibit 65:** Two Tiny Home Village facilities at (1) **7570 North**  
11 **Figueroa Street** and (2) **2301 West 3rd Street**, approved June 2, 2021. This exhibit contains  
12 the City Council and Mayor's Official Approval, the HPC Report, the BOE report, and the  
13 two NOEs, one for each project, each omitting their exhibits.

14 (1) **7570 North Figueroa Street.** The Council-approved project  
15 description states it was approved pursuant to a shelter crisis declaration as authorized by  
16 Government Code section 8698.2. (NOE, p. 10).

17 (2) **2301 West 3rd Street.** The Council-approved project description  
18 states Council-approved project description states it was approved pursuant to a shelter crisis  
19 declaration as authorized by Government Code section 8698.2. (NOE, 10).

20 l. **Exhibit 66:** Two Tiny Home Village facilities at (1) **Compton Avenue**  
21 **and Nevin Avenue**, and (2) **9700 San Fernando Road**, approved September 29, 2021. This  
22 exhibit contains the City Council and Mayor's Official Approval, the HPC Report, the BOE  
23 report, and the two NOEs, one for each project, each omitting their exhibits.

24 (1) **Compton Avenue and Nevin Avenue.** The Council-approved  
25 project description states it was approved pursuant to a shelter crisis declaration as authorized  
26 by Government Code section 8698.2. (NOE, p. 11).

27 (2) **9700 San Fernando Road.** The Council-approved project  
28 description states it was approved pursuant to a shelter crisis declaration as authorized by



1 Government Code section 8698.2. (NOE, p. 11).

2 m. **Exhibit 67:** Two Bridge Home facilities at **(1) 1533 N. Schrader Blvd,**  
3 **and (2) 1920 W. 3<sup>rd</sup> Street,** approved August 19, 2022. This exhibit contains the City Council  
4 and Mayor’s Official Approval, the HPC Report, the CAO Report, the BOE report, and the  
5 two NOEs, one for each project, the exhibit to the Schrader NOE omitted.

6 (1) **1533 N. Schrader Blvd.** The Council-approved project description  
7 states it was approved pursuant to a shelter crisis declaration as authorized by Government  
8 Code section 8698.2. (NOE, p. 11).

9 (2) **1920 W. 3<sup>rd</sup> Street.** The Council-approved project description  
10 states it was approved pursuant to a shelter crisis declaration as authorized by Government  
11 Code section 8698.2. (NOE, p. 11).

12 n. **Exhibit 68:** A Tiny Home Village facility at **850 N. Mission Road,**  
13 approved May 31, 2022. This exhibit contains the City Council and Mayor’s Official  
14 Approval, the BOE report, and the two NOEs, one for each project, with attachments to the  
15 NOEs omitted. The Council-approved project description states it was approved pursuant to a  
16 shelter crisis declaration as authorized by Government Code section 8698.2. (NOE, p. 11).

17 20. **Identical Programing and Services.** Each of the shelters approved at Exhibits 55  
18 to 68, as well as the Midvale Shelter approval to Exhibit 51 (NOE, pp. 16-17), were approved  
19 to operate as a “low barrier navigation center” and to provide these identical programs and  
20 services: Accessing personal identification, Accessing certification of the current income,  
21 Mainstream Benefits, Substance Abuse services, Mental Health Services, Health Services,  
22 Vocational Services, Employment Services, Educational Support, Legal Services, Life Skills  
23 Development . . . CES and CoC Rapid Re-Housing Program Housing Navigation Assistance,  
24 CoC Permanent Supportive Housing, LA County Department of Health Services, Housing for  
25 Health or Housing and Jobs Collaborative, LA County Department of Health Services,  
26 Countywide Benefits Entitlement Services Team, LA County Department of Mental Health,  
27 Countywide Housing Assistance, Program Veterans Administration Housing Programs,  
28 Housing Opportunities for Persons with Aids (HOPWA) Housing. (Mayfair Hotel, Exh. 57,

NOE, pp. 15-16; 1060 N. Vignes Street, Exh. 58, NOE, pp. 12-13; 406 N. Bonnie Brae Street, Exh. 59, NOE, pp. 15-17; 1818 S. Manhattan Place, Exh. 59, NOE, pp. 14-16; 668 S. Hoover Street, Exh. 59, NOE, pp. 14-15; 11471 Chandler Blvd, Exh. 59, NOE, pp. 14-15; 1215 N. Lodi Place, Exh. 60, NOE, pp. 9-10; 100 E. Sunset Blvd, Exh. 61, NOE, pp. 9-10; 407 N. Beacon Street, Exh. 62, NOE, pp. 14-15; 499 N. San Fernando Road, Exh. 63, NOE, pp. 15-16; 14 N. Mission Road, Exh. 64, NOE, pp. 14-15; 600 E 116 Place, Exh. 64, NOE, pp. 14-15; 7570 North Figueroa Street, Exh. 65, NOE, pp. 12-14; 2301 West 3rd Street, Exh. 65, NOE, pp. 12-14; Compton Avenue and Nevin Avenue, Exh. 66, NOE, pp. 14-15; 9700 San Fernando Road, Exh. 66, NOE, pp. 14-16; 1533 N. Schrader Blvd, Exh. 67, NOE, pp. 14-15; 1920 W. 3<sup>rd</sup> Street, Exh. 67, NOE, pp. 14-15; 850 N. Mission Road, Exh. 68, NOE, pp. 14-15).

21. ***Identical LAHSA Governing Documents.*** Each of the service providers for the shelters approved at Exhibits 55 to 68, as well as the Midvale Shelter approval shown at Exhibit 51 (NOE, p 15 of 25), were required to comply with, “**LAHSA’s Scope of Required Services, Program Standards, and Facility Standards.**” (3248 Riverside Drive, Exh. 55, NOE p. 3; 1479 S La Cienega, Exh. 55, NOE, p. 4; 1455 N. Alvarado Street, Exh. 56, NOE p. 3; Mayfair Hotel, Exh. 57, NOE, p. 14; 1060 N. Vignes Street, Exh. 58, NOE, p. 9-10; 406 N. Bonnie Brae Street, Exh. 59, NOE, p. 9; 1818 S. Manhattan Place, Exh. 59, NOE, p. 13; 668 S. Hoover Street, Exh. 59, NOE, p. 13; 11471 Chandler Blvd, Exh. 49, NOE, p. 10; 1215 N. Lodi Place, Exh. 60, NOE, p. 8; 100 E. Sunset Blvd, Exh. 61, NOE, p. 6; 407 N. Beacon Street, Exh. 62, NOE, p. 13; 499 N. San Fernando Road, Exh. 63, NOE, p. 14; 14 N. Mission Road, Exh. 64, NOE, p. 13; 600 E 116 Place, Exh. 64, NOE, p. 13; 7570 North Figueroa Street, Exh. 65, NOE, p. 12; 2301 West 3rd Street, Exh. 65, NOE, p. 10; Compton Avenue and Nevin Avenue, Exh. 65, NOE, p. 13; 9700 San Fernando Road, Exh. 66, NOE, p. 13; 1533 N. Schrader Blvd, Exh. 67, NOE, p. 13; 1920 W. 3<sup>rd</sup> Street, Exh. 67, NOE, p. 13; 850 N. Mission Road, Exh. 68, NOE, p. 13.

### **G. City Specific Plans**

22. Attached hereto at **Exhibit 69** is a true and correct copy of City Ordinance No.

1 186402, pages 1 and 2; and ordinance exhibit A “EXPOSITION CORRIDOR TRANSIT  
2 NEIGHBORHOOD PLAN Specific Plan”, pages 1 and 12-14. I saved this Exhibit on  
3 September 29, 2024, from the City of Los Angeles Planning Department website at  
4 <https://planning.lacity.gov/plans-policies/overlays>, where the City’s specific plans are all  
5 officially maintained. I know these are the official records of the City due to my employment  
6 in the City Attorney’s Office. The ECTNP provides in relevant part:

7       **1.1.4. Relationship to Other Zoning Regulations** A. The regulations  
8 of this Specific Plan are in addition to those set forth in the Planning  
9 and Zoning code provisions of Chapter 1 of the Los Angeles Municipal  
Code (LAMC) . . .

10       C. Conflicting Regulations. Wherever this Specific Plan contains  
11 regulations that are different from, more restrictive, or more permissive  
12 than would be allowed or required pursuant to the provisions contained  
13 in the LAMC or any other relevant ordinances (including, but not  
14 limited to, standards such as heights, uses, parking, open space,  
15 Setbacks or Building Lines, or landscape requirements), this Specific  
Plan shall prevail and supersede the applicable provisions of the  
LAMC and those relevant ordinances, unless otherwise stated in this  
Specific Plan.

16       E. Specific Plan Procedures. The application requirements and  
17 procedures of LAMC Section 11.5.7 shall apply to all Projects in the  
18 Specific Plan boundaries unless stated otherwise in this Specific Plan,  
19 as set forth in Section 1.3.3.

20       J. Conditional Use Permit for Commercial Hotels. Commercial Hotels  
21 proposed in the NI(EC), HJ(EC), HR(EC), MU(EC), or NMU(EC)  
22 zones (Subareas 1-10) and located within 500 feet of any A or R zoned  
23 property are required to obtain a Conditional Use Permit complying  
24 with the procedures in LAMC Section 12.24 W. Commercial Hotels  
proposed in all other zones shall be regulated pursuant to LAMC  
Section 12.24 W, as applicable.

25       K. Citywide Transportation Demand Management Requirements. The  
26 transportation demand management requirements in this Specific Plan  
27 are in addition to the requirements for transportation demand  
management and trip reduction measures set forth in LAMC Section  
12.26 J.

28       N. Citywide Density Bonus and Qualified Permanent Supportive

Housing. Nothing in this Specific Plan is intended to override or conflict with the regulations set forth in LAMC Sections 12.22 A.25 or 14.00 A.13 that provide bonuses, waivers, and incentives for certain affordable housing projects. Projects may utilize bonuses, waivers, and incentives for certain affordable housing projects pursuant to LAMC Sections 12.22 A.25 and 14.00 A.13, applied to the Base FAR or other applicable base development rights for that zone. Projects that obtain density, height, or FAR bonuses, incentives, waivers, or concessions pursuant to LAMC Sections 12.22 A.25 or 14.00 A.13, or any other State or local program, including Government Code Sections 65915-65918, may not use any TNP Bonus (height or FAR) available through this Specific Plan.

O. Transit Oriented Communities Affordable Housing Incentive Program. Nothing in this Specific Plan is intended to override or conflict with the regulations set forth in LAMC Section 12.22 A.31 that provide bonuses, waivers, and incentives for certain affordable housing projects unless expressly stated to the contrary. The TNP Bonus system of this Specific Plan functions as an individual Transit Oriented Communities (TOC) Affordable Housing Incentive Area pursuant to LAMC Section 12.22 A.31(d) for the NI(EC), HJ(EC), HR(EC), MU(EC), and NMU(EC) zones (Subareas 1-10), with such projects utilizing these incentives herein referred to as a “TNP Bonus Project.” Properties in all other zones within the Specific Plan boundaries shall be eligible for applicable provisions of the Citywide Transit Oriented Communities Affordable Housing Incentive Program Guidelines, with such projects utilizing these incentives herein referred to as a “TOC Project.” For purposes of determining TOC incentives, the R3(EC) zone shall be treated like the R3 zone.

23. I saved all exhibits referenced in this paragraph and its sub-paragraphs on September 29, 2024, from the City of Los Angeles Planning Department website at <https://planning.lacity.gov/plans-policies/overlays> where the City’s specific plans are all officially maintained. I know these are the official records of the City due to my employment in the City Attorney’s Office. The ordinances establishing City specific plans are not codified as part of the City’s Municipal or Administrative Code.

a. Attached hereto at **Exhibit 70** is a true and correct copy of the list of 53 current City Specific Plans.

b. Attached hereto at **Exhibit 71** are true and correct copies of the following pages of City ordinances establishing stated specific plans, the four specific plans from the

1 alphabetical list of such plans shown at Exhibit 70: (1) City Ordinance 171139, establishing the  
2 Alameda District Specific Plan (pp. 1 & 3); (2) City Ordinance 174663, establishing the  
3 Avenue 57 Transit Oriented District Specific Plan (pp. 1 & 7); (3) City Ordinance 182576,  
4 establishing the Bunker Hill Specific Plan (pp. 1 - 7); (4) The Central City West Specific Plan  
5 Document, presenting the original adopting ordinance and all amending ordinances, Ordinance  
6 Nos. 166704, 167944, 169110, 176519, 179420, 180983, and 186370 (Pages 1 & 5),

7 24. The Alameda District Specific Plan at Exhibit 71 states,

8 RELATIONSHIP TO THE LOS ANGELES MUNICIPAL  
9 CODE. B. Wherever this Specific Plan contains provisions which  
10 establish regulations (including, but not limited to, such standards  
11 as densities, heights, uses, parking, open space and landscape  
12 requirements) which are different from, more restrictive or more  
13 permissive than would be allowed pursuant to the provisions  
14 contained in Chapter 1 of the LAMC or any other relevant  
ordinances, this Specific Plan shall prevail and supersede the  
applicable provisions of the LAMC and those relevant  
ordinances.

15 25. The Avenue 57 Transit Oriented District Specific Plan at Exhibit 71 states,

16 RELATIONSHIP TO PROVISIONS OF THE LOS ANGELES  
17 MUNICIPAL CODE. B. Wherever this Specific Plan contains  
18 provisions which *differ from, or conflict with provisions*  
19 *contained in Chapter 1 of the Code* with respect to greater  
20 setbacks, greater street dedications, lower densities, lower  
21 heights, more restrictive uses, more restrictive parking  
22 requirements, more restrictive sign regulations or other greater  
23 restrictions or limitations on development; or provisions,  
24 including development incentives, which provide for less  
25 restrictive setbacks, lesser street dedications, greater densities,  
26 greater heights, less restrictive uses, less restrictive parking  
27 requirements, less restrictive sign regulations, or other lesser or  
28 greater restrictions or limitations on development, this Specific  
Plan shall prevail and supersede the applicable provisions of the  
Code. Except that, Section 6 B 7 of this Specific Plan shall be  
superseded by the Citywide Adaptive Reuse Ordinance *if Section*  
*12.22 A 6 of the Code is expanded* to include this Specific Plan  
area. *Whenever this Specific Plan is silent, the provisions of the*  
*Code shall apply.* (emphasis added)

26. The Bunker Hill Specific Plan at Exhibit 71 states,

SECTION 3. RELATIONSHIP TO THE LOS ANGELES MUNICIPAL CODE A. The regulations of this Specific Plan are in addition to those set forth in the planning and zoning provisions of the Los Angeles Municipal Code (LAMC), Chapter 1 as amended, and any other relevant ordinances, and do not convey any rights not otherwise granted under the provisions and procedures contained in the LAMC or other ordinances, except as specifically provided for here.

B. Wherever this Specific Plan contains provisions which establish regulations (including, but not limited to, standards such as densities, heights, uses, parking, signage, open space, and landscape requirements), which are different from, more restrictive or more permissive than would be allowed pursuant to the provisions contained in the LAMC, this Specific Plan shall prevail and supersede the applicable provisions of the LAMC and those relevant ordinances.

C. Site Plan Review Ordinance. Approvals pursuant to LAMC Sections 16.05 and 12.24 U.14 are not required for Projects within this Specific Plan area.

D. Commercial Corner and Mini-Shopping Centers Ordinance. Approvals pursuant to LAMC Sections 12.22 A.23 and 12.24 W.27 are not required for Projects within this Specific Plan area.

E. Developments Combining Residential and Commercial Uses. Approvals pursuant to LAMC Sections 12.22 A.18 and 12.24 V. are not required for Projects within this Specific Plan area.

F. Hotels. Approvals pursuant to LAMC Section 12.24 W.24 are not required for Projects within this Specific Plan area.

G. Other Uses Permitted by Conditional Use Permit Pursuant to LAMC Section 12.24, et seq. These approvals shall be processed in accordance with the procedures established in Section 12.24. )

27. The Central City West Specific Plan at Exhibit 250 states,

Note: Ord. No. 166704 amended Sections 12.04, 12.16, and 12.21.5 of the Los Angeles Municipal Code (LAMC) to establish the "Central City West Specific Plan Zone" to define the zone, and to delete Centers Study Area Map No. 4, Central City West, from the Zoning Map on April 3, 1991. On the same date, Ord. No. 166705 amended Section 12.04 of the LAMC by amending

the Zoning Map by changing the zones and zone boundaries to include a boundary for the Central City West Specific Plan and establishing the CW Zone.

### Section 3. RELATIONSHIP TO PROVISIONS OF THE LOS ANGELES MUNICIPAL CODE.

A. The regulations of this Specific Plan are in addition to those set forth in the planning and zoning provisions of the Los Angeles Municipal Code (LAMC) Chapter 1, as amended, and any other relevant ordinance, and do not convey any rights not otherwise granted under the provisions and procedures contained in that Chapter, except as specifically provided herein.

B. Wherever this Specific Plan contains provisions which require greater setbacks, greater street dedications, lower densities, lower heights, more restrictive uses, more restrictive parking requirements, or other greater restrictions or limitations on development; or less restrictive setbacks, less restrictive uses or less restrictive parking requirements than would be allowed or required pursuant to the provisions contained in Chapter 1 of the LAMC, the Specific Plan shall prevail and supersede the applicable provisions of that Code.

C. The procedures for the granting of exceptions, adjustments and amendments to the requirements of this Specific Plan are set forth in LAMC Section 11.5.7. (Amended by Ord. No. 176519, Eff. 4/19/05.)

D. Site Plan Review Ordinance. This Specific Plan shall serve as a substitute ordinance and process for the requirements of LAMC Sections 16.05 and 12.24 U.14. (Amended by Ord. No. 176519, Eff. 4/19/05.)

E. Commercial Corner and Mini-Shopping Centers Ordinance. This Specific Plan shall serve as a substitute ordinance and process for the requirements of LAMC Sections 12.22 A.23 and 12.24 W.27. (Amended by Ord. No. 176519, *Eff. 4/19/05.*)

#### **H. State DSS Community Care Facility Licensing Reporting**

28. Attached hereto at **Exhibit 72** are true and correct copies of the following: (1) a printout of the DSS, Community Care Licensing Division's Complaint Hotline webpage, (2) the online complaint report webpage linked from the Hotline webpage, and (3) the frequently asked questions about complaints linked from the Hotline webpage. All of these documents

are publicly published by the State DSS at <https://www.cdss.ca.gov/inforesources/ccld-complaint-hotline> where I accessed them and printed them on August 18, 2024.

**I. *Fix the City v City of Los Angeles*, LASC Case No. 23STCP03519 (Dept. 82)**

29. Attached hereto at **Exhibit 73** is a copy of the January 2, 2024, First Amended Petition and Complaint filed in *Fix the City v City of Los Angeles*, LASC Case No. 23STCP03519 (Dept. 82) (FTC-1), a copy of which I have access to due to my employment by the Los Angeles City Attorney's Office. I annotated this exhibit to illustrate which allegations are identical to the allegations of the Petitioner's initial petition filed in this action on December 5, 2023. Exhibit 73 omits the 15 exhibits attached to the January 2, 2024 FAP. Petitioner Fix the City attached the same Exhibits 1 through 15 to its FAP in FTC-1 and to its initial petition filed in this action.

30. Attached hereto at **Exhibit 74** is a true and correct copy of the trial court's June 5, 2024, judgment dismissing Fix's petition *Fix the City v City of Los Angeles*, LASC Case No. 23STCP03519, as well as the court's May 30, 2024 order sustaining the City's demurrer to the first amended petition in that action. I obtained these documents from the LASC website of the docket of that action and have access to the document as one of the City's lawyers.

**J. *City of Los Angeles Charter and Code Provisions***


31. The Exhibits listed in the paragraph and subparagraph and attached hereto are true and correct copies of documents I obtained as published on the internet at [https://codelibrary.amlegal.com/codes/los\\_angeles](https://codelibrary.amlegal.com/codes/los_angeles), and are documents to which I have access due to my employment with the City of Los Angeles, Office of City Attorney:

32. **Exhibit 75:** (a) The table of contents of the Los Angeles Municipal Code ("LAMC") showing all of its Chapters; (b) The table of contents of LAMC Chapter I - General Provisions and Zoning; (c) The table of contents of LAMC Chapter I, Article 2 - Specific Planning - Zoning - Comprehensive Zoning Plan; (d) the table of contents of LAMC Chapter IX – Building Regulations; and (e) the table of contents of LAMC Chapter IX, Division 86 - Special Provisions for Existing Buildings.



33. **Exhibit 76** City of Los Angeles *Charter section 231* setting forth the powers of the Mayor.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed this 7th day of October 2024, at Los Angeles, California.

  
Robert M. Mahlowitz

RMM Decl.  
**Exhibit 31**

RMM Decl.  
**Exhibit 31**

1987 Cal. Legis. Serv. 1116 (West)

CALIFORNIA LEGISLATIVE SERVICE 1987-88

REGULAR SESSION (1987 Laws)

Additions are indicated by <<+ UPPERCASE +>>

Deletions by <<- \* \* \* ->>

Changes in tabular material are not indicated

CHAPTER 1116

Assembly Bill No. 2210

Emergency Shelter—Public Facilities—Homeless Individuals

An act to add Chapter 7.8 (commencing with Section 8698) to Division 1 of Title 2 of the Government Code, relating to emergency shelter, and declaring the urgency thereof, to take effect immediately.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2210, M. Waters. Emergency shelter: public facilities.

Existing law provides various state and local programs for aid to qualified low-income persons.

This bill would authorize political subdivisions, as defined, including the state, to allow persons unable to obtain housing to occupy designated public facilities, as defined, during a period of a shelter crisis, as declared by the governing body of the political subdivision, and would specify that certain state and local laws, regulations, and ordinances shall be suspended during the shelter crisis, to the extent strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

Section 1. The Legislature finds and declares all of the following:

(a) A fundamental purpose of government is to protect the health and safety of persons within its jurisdiction.

(b) There exist approximately 75,000 to 100,000 homeless individuals in California, including families and children.

(c) Homelessness is a state which results in a direct threat to the health and safety of its victims, many of whom have died, particularly during severe weather conditions, as a result of this state of homelessness. Persons subject to homelessness are frequent victims of crime.

(d) Homelessness is destructive to the growth and education of children.

(e) Local government entities and state agencies have facilities which can be utilized, on an emergency basis, to house the homeless.

SEC. 2. Chapter 7.8 (commencing with Section 8698) is added to Division 1 of Title 2 of the Government Code, to read:

#### CHAPTER 7.8. SHELTER CRISIS [NEW]

##### CA GOVT § 8698

For purposes of this chapter, the following definitions shall apply:

(a) “Political subdivision” includes the state, any city, city and county, county, special district, or school district or public agency authorized by law.

(b) “Governing body” means the chief executive or the legislative body, trustees, or director of a political subdivision.

(c) “Public facility” means any facility of a political subdivision including parks, schools, and vacant or underutilized facilities which are owned, operated, or maintained, or any combination thereof, by the political subdivision through money derived by taxation or assessment.

(d) “Declaration of a shelter crisis” means the duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.

##### CA GOVT § 8698.1

Upon a declaration of a shelter crisis, the following provisions shall apply during the period of the emergency.

(a) The political subdivision shall be immune from liability for ordinary negligence in the provision of emergency housing pursuant to Section 8698.2. This limitation of liability shall apply only to conditions, acts, or omissions directly related to, and which would not occur but for, the

provision of emergency housing. This section does not limit liability for grossly negligent, reckless, or intentional conduct which causes injury.

(b) The provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Political subdivisions may, in place of such standards, enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety. The provisions of this section apply only to additional public facilities open to the homeless pursuant to this chapter.

#### CA GOVT § 8698.2

(a) (1) The governing body may declare a shelter crisis, and may take such action as is necessary to carry out the provisions of this chapter, upon a finding by that governing body that a significant number of persons within the jurisdiction of the governing body are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons.

(2) For purposes of this chapter, the governing body of the state, in making a declaration of a shelter crisis pursuant to paragraph (1), may limit that declaration to any geographical portion of the state.

(b) Upon a declaration of a shelter crisis pursuant to subdivision (a), the political subdivision may allow persons unable to obtain housing to occupy designated public facilities during the duration of the state of emergency.

Sec. 3. The Legislature finds and declares that the provision of emergency housing to persons unable to obtain shelter by local agencies serves a public purpose.

Sec. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide emergency shelter to persons whose health and safety are threatened in a time of crisis for many people of the State of California, it is necessary that the act take effect immediately.

Approved by Governor September 24, 1987.

Filed with Secretary of State September 25, 1987.

CA LEGIS (1987) 1116

RMM Decl.  
**Exhibit 32**

RMM Decl.  
**Exhibit 32**



## AB-932 Shelter crisis: homeless shelters. (2017-2018)

SHARE THIS:

Date Published: 10/16/2017 02:00 PM

### Assembly Bill No. 932

#### CHAPTER 786

An act to add and repeal Section 8698.4 of the Government Code, relating to housing.

[ Approved by Governor October 14, 2017. Filed with Secretary of State October 14, 2017. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 932, Ting. Shelter crisis: homeless shelters.

Existing law authorizes a governing body of a political subdivision, as defined, to declare a shelter crisis if the governing body makes a specified finding. Existing law authorizes a political subdivision to allow persons unable to obtain housing to occupy designated public facilities, as defined, during the period of a shelter crisis. Existing law provides that certain state and local laws, regulations, and ordinances are suspended during a shelter crisis, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Existing law, upon a declaration of a shelter crisis by the City of San Jose, authorizes emergency housing to include an emergency bridge housing community for the homeless in that city.

This bill, until January 1, 2021, upon a declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, would authorize emergency housing to include homeless shelters in the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, respectively. The bill, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, would authorize those jurisdictions to adopt by ordinance reasonable local standards for homeless shelters, as specified. The bill would require the Department of Housing and Community Development to review and approve the draft ordinance to ensure it addresses minimum health and safety standards and to provide its findings to committees of the Legislature, as provided. The bill would require the city, county, or city and county to develop a plan to address the shelter crisis, as specified. The bill would further require any of the specified jurisdictions that have declared a shelter crisis to annually report to the committees of the Legislature specific information on homeless shelters and permanent supportive housing, through January 1, 2021.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 8698.4 is added to the Government Code, to read:

**8698.4.** (a) Notwithstanding any other provision in this chapter, upon a declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, the following shall apply to the respective city, county, or city and county during a shelter crisis:

(1) Emergency housing may include homeless shelters for the homeless located or constructed on any land owned or leased by a city, county, or city and county, including land acquired with low- and moderate-income housing funds.

(2) (A) (i) The city, county, or city and county, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, may adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The Department of Housing and Community Development shall review and approve the city's, county's, or city and county's draft ordinance to ensure it addresses minimum health and safety standards. The department shall, as set forth in Section 9795, provide its findings to the Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development within 30 calendar days of receiving the draft ordinance.

(ii) During the shelter crisis, except as provided in this section, provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety and those standards are complied with. Landlord tenant laws codified in Sections 1941 to 1942.5, inclusive, of the Civil Code providing a cause of action for habitability or tenantability shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards for homeless shelters and those standards are complied with. During the shelter crisis, the local and state law requirements for homeless shelters to be consistent with the local land use plans, including the general plan, shall be suspended.

(B) This section applies only to a public facility or homeless shelters reserved entirely for the homeless pursuant to this chapter.

(3) Homeless shelters constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(4) On or before July 1, 2019, the city, county, or city and county shall develop a plan to address the shelter crisis, including, but not limited to, the development of homeless shelters and permanent supportive housing, as well as onsite supportive services. The city, county, or city and county shall make the plan publicly available.

(5) On or before January 1, 2019, and annually thereafter until January 1, 2021, if the city, county, or city and county has declared a shelter crisis, the city, county, or city and county shall report all of the following to the Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development:

(A) The total number of residents in homeless shelters within the city, county, or city and county.

(B) The total number of residents who have moved from a homeless shelter into permanent supportive housing within the city, county, or city and county.

(C) The estimated number of permanent supportive housing units.

(D) The number of residents who have exited the system and are no longer in need of a homeless shelter or permanent supportive housing within the city, county, or city and county.

(E) The number of new homeless shelters built pursuant to this section within the city, county, or city and county.

(F) New actions the city, county, or city and county is taking under the declared shelter crisis to better serve the homeless population and to reduce the number of people experiencing homelessness.



(b) For purposes of this section, the following terms have the following meanings:

(1) "Homeless shelter" means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A temporary homeless shelter community may include supportive and self-sufficiency development services.

(2) "Permanent supportive housing" means housing for people who are homeless, with no limit on length of stay, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

**SEC. 2.** The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need to address the problem of homelessness in the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco.

RMM Decl.  
**Exhibit 33**

RMM Decl.  
**Exhibit 33**



**AB-143 Shelter crisis: homeless shelters: Counties of Alameda and Orange: City of San Jose.** (2019-2020)

SHARE THIS:  

Date Published: 09/27/2019 02:00 PM

## Assembly Bill No. 143

### CHAPTER 336

An act to amend Section 8698.4 of the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor September 26, 2019. Filed with Secretary of State September 26, 2019. ]

### LEGISLATIVE COUNSEL'S DIGEST

AB 143, Quirk-Silva. Shelter crisis: homeless shelters: Counties of Alameda and Orange: City of San Jose.

Existing law authorizes the governing body of a political subdivision, as those terms are defined, to declare a shelter crisis if the governing body makes a specified finding. Upon declaration of a shelter crisis, existing law, among other things, suspends certain state and local laws, regulations, and ordinances to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

Existing law, upon a declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, specifies additional provisions applicable to a shelter crisis declared by one of those jurisdictions. Among other things, existing law authorizes the city, county, or city and county that declares a shelter crisis pursuant to these provisions, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, to adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities in the homeless shelters, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Existing law requires the Department of Housing and Community Development to review and approve the city's, county's, or city and county's draft ordinance to ensure it addresses minimum health and safety standards. Existing law requires the department to provide its findings to the Senate Committee on Housing and the Assembly Committee on Housing and Community Development within 30 calendar days of receiving the draft ordinance.

This bill would extend the time within which the department is required to provide its findings to those legislative committees to 90 calendar days of receiving the draft ordinance.

Existing law exempts from the California Environmental Quality Act specified actions by a state agency or a city, county, or city and county relating to land owned by a local government to be used for, or to provide financial assistance to, a homeless shelter constructed pursuant to the above-described provisions. Existing law requires a city, county, or city and county that declares a shelter crisis pursuant to these provisions to develop a plan to address the shelter crisis on or before July 1, 2019, and to annually report to specified committees of the Legislature on or before January 1, 2019, and annually thereafter until January 1, 2021. Existing law repeals these additional provisions as of January 1, 2021.

This bill would apply the above-described additional provisions to a shelter crisis declared by the County of Alameda, the County of Orange, any city located within the County of Alameda, any city located within the County of Orange, and the City of San Jose, and extend the above-described repeal date to January 1, 2023. By expanding the scope of these provisions to apply within the County of Alameda, the County of Orange, and the City of San Jose, the bill would expand the above-described exemption from the California Environmental Quality Act. The bill, with respect to a shelter crisis declared by the County of Alameda, the County of Orange, a city located within the County of Alameda, a city located within the County of Orange, or the City of San Jose, would require the county or city, as applicable, to develop the above-described shelter plan on or before July 1, 2020, to include in the shelter plan a plan to transition residents from homeless shelters to permanent housing, and to provide the first above-described annual report on or before January 1 of the year following the declaration of a shelter crisis.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Alameda, the County of Orange, and the City of San Jose.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 8698.4 of the Government Code is amended to read:

**8698.4.** (a) Notwithstanding any other provision in this chapter, upon a declaration of a shelter crisis by a local jurisdiction specified in subdivision (c), the following shall apply to the respective city, county, or city and county during a shelter crisis:

(1) Emergency housing may include homeless shelters for the homeless located or constructed on any land owned or leased by a city, county, or city and county, including land acquired with low- and moderate-income housing funds.

(2) (A) (i) The city, county, or city and county, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, may adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The Department of Housing and Community Development shall review and approve the city's, county's, or city and county's draft ordinance to ensure it addresses minimum health and safety standards. The department shall, as set forth in Section 9795, provide its findings to the Senate Committee on Housing and the Assembly Committee on Housing and Community Development within 90 calendar days of receiving the draft ordinance.

(ii) During the shelter crisis, except as provided in this section, provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety and those standards are complied with. Landlord tenant laws codified in Sections 1941 to 1942.5, inclusive, of the Civil Code providing a cause of action for habitability or tenantability shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards for homeless shelters and those standards are complied with. During the shelter crisis, the local and state law requirements for homeless shelters to be consistent with the local land use plans, including the general plan, shall be suspended.

(B) This section applies only to a public facility or homeless shelters reserved entirely for the homeless pursuant to this chapter.

(3) Homeless shelters constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(4) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to actions taken by a state agency or a city, county, or city and county, to lease, convey, or encumber land owned by a city, county, or city and county, or to facilitate the lease, conveyance, or encumbrance of land owned by the local government for, or to provide financial assistance to, a homeless shelter constructed or allowed by this section.

(5) (A) Except as provided in subparagraph (B), on or before July 1, 2019, the city, county, or city and county shall develop a plan to address the shelter crisis, including, but not limited to, the development of homeless shelters and permanent supportive housing, as well as onsite supportive services. The city, county, or city and county shall make the plan publicly available.

(B) Notwithstanding subparagraph (A), in the case of a shelter crisis declared by the County of Alameda, a city located within the County of Alameda, the County of Orange, a city located within the County of Orange, or the City of San Jose, the county or the city, as applicable, shall develop the plan required by this paragraph on or before July 1, 2020, and shall include in the plan required by this paragraph a plan to transition residents from homeless shelters to permanent housing.

(6) (A) Except as provided in subparagraph (B), on or before January 1, 2019, and annually thereafter until January 1, 2023, if the city, county, or city and county has declared a shelter crisis, the city, county, or city and county shall report all of the following to the Senate Committee on Housing and the Assembly Committee on Housing and Community Development:

(i) The total number of residents in homeless shelters within the city, county, or city and county.

(ii) The total number of residents who have moved from a homeless shelter into permanent supportive housing within the city, county, or city and county.

(iii) The estimated number of permanent supportive housing units.

(iv) The number of residents who have exited the system and are no longer in need of a homeless shelter or permanent supportive housing within the city, county, or city and county.

(v) The number of new homeless shelters built pursuant to this section within the city, county, or city and county.

(vi) New actions the city, county, or city and county is taking under the declared shelter crisis to better serve the homeless population and to reduce the number of people experiencing homelessness.

(B) Notwithstanding subparagraph (A), in the case of a shelter crisis declared by the County of Alameda, a city located within the County of Alameda, the County of Orange, a city located within the County of Orange, or the City of San Jose, the county or the city, as applicable, shall provide the first report required by this paragraph on or before January 1 of the year following the declaration of a shelter crisis.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Homeless shelter" means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A temporary homeless shelter community may include supportive and self-sufficiency development services.

(2) "Permanent supportive housing" means housing for people who are homeless, with no limit on length of stay, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving the person's health status, and maximizing the person's ability to live and, when possible, work in the community.

(c) This section shall apply to a shelter crisis declared by any of the following jurisdictions:

(1) The following cities:

(A) The City of Berkeley.

(B) The City of Emeryville.

(C) The City of Los Angeles.

(D) The City of Oakland.

(E) The City of San Diego.

(F) The City of San Jose.

(G) Any city located within the County of Alameda.

(H) Any city located within the County of Orange.

(2) The following counties:

(A) The County of Alameda.

(B) The County of Orange.

(C) The County of Santa Clara.

(3) The City and County of San Francisco.

(d) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

**SEC. 2.** The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need to address the problem of homelessness in the County of Alameda, the County of Orange, and the City of San Jose.

**SEC. 3.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide basic shelter and services to homeless individuals and families and end their hardship as soon as possible, it is necessary for this act to take effect immediately.

RMM Decl.  
**Exhibit 34**

RMM Decl.  
**Exhibit 34**



**SB-765 Planning and zoning: housing.** (2017-2018)

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Date Published: 09/27/2018 09:00 PM

**Senate Bill No. 765**

**CHAPTER 840**

An act to amend Sections 8698.4 and 65913.4 of the Government Code, relating to housing.

[ Approved by Governor September 27, 2018. Filed with Secretary of State September 27, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 765, Wiener. Planning and zoning: housing.

(1) Existing law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards. Existing law requires the objective planning standards to include, among others, a requirement that the development certify to the locality that a skilled and trained workforce will be used to complete the development, if the development meets certain standards and depending on when the application is approved, including that the development consists of a specified number of units that are not 100% subsidized affordable housing and is located in a jurisdiction that meets specified requirements.

This bill would modify those provisions by requiring a skilled and trained workforce to be used if the application for the development consists of a specified number of units with a residential component that is not 100% subsidized affordable housing.

(2) Existing law requires the objective planning standards to include, among others, a requirement that a development be subject to a minimum percentage of below market rate housing on the basis that, among other things, the locality failed to submit its latest production report by the applicable time period, or that the report submitted reflected that there were fewer units of housing affordable to households making below 80% of the area median income that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, and that the project meets specified requirements.

This bill would instead require that the development be subject to the above-described minimum percentage of below market rate housing by reason of the locality's latest production report reflecting that there were fewer units of housing issued building permits that were affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period.

(3) Existing law requires the objective planning standards to include, among others, a requirement that the development proponent has already recorded land use restrictions with specified durations if the development contains units that are subsidized, as specified.

This bill would instead require the development proponent to commit to record, prior to issuance of the first building permit, a land use restriction or covenant providing that any lower income housing units that are required pursuant



to the minimum percentage of below market rate housing remain available at affordable housing costs or rent to persons and families of lower income for specified durations.

(4) Existing law requires the objective planning standards include, among others, a requirement that the development not involve a subdivision of a parcel that is, or would otherwise be, subject to the Subdivision Map Act or any other applicable law authorizing the subdivision of land unless the development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to specified requirements relating to prevailing wages, or the development is subject to the requirement that prevailing wages be paid and a skilled and trained workforce be used, as specified.

This bill would instead require that the development not involve a subdivision of a parcel that is, or would otherwise be, subject to the Subdivision Map Act or any other applicable law authorizing the subdivision of land unless the development is consistent with all objective subdivision standards in the local subdivision ordinance and the development either has received or will receive financing or funding by means of a low-income housing tax credit and is subject to specified requirements relating to prevailing wages, or is subject to the requirement that prevailing wages be paid and a skilled and trained workforce be used, as specified.

Existing law additionally authorizes the city, county, or city and county to conduct any design review or public oversight of the development and requires that design review or public oversight to be completed within specified periods of time.

This bill would provide that if the development is subject to the Subdivision Map Act but the development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to specified requirements relating to prevailing wages, or the development is subject to the requirement that prevailing wages be paid and a skilled and trained workforce be used, the application for the subdivision pursuant to the Subdivision Map Act is exempt from the California Environmental Quality Act and would require the application for the subdivision to be considered within the specified time periods.

(5) Existing law requires the objective planning standards to include, among others, a requirement that the development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government.

This bill would also require the development to be consistent with objective subdivision standards. The bill would declare that these provisions are declaratory of existing law.

(6) Existing law provides that the California Environmental Quality Act does not apply to an action taken by a state agency or local government to provide financial assistance to a development that was approved for streamlined approval pursuant to these provisions to be used for housing for persons and families of very low, low, or moderate income.

This bill would additionally provide that the California Environmental Quality Act does not apply to an action taken by a state agency or local government to lease, convey, or encumber land owned by the local government or to facilitate the lease, conveyance, or encumbrance of land owned by the local government to a development that was approved for streamlined approval pursuant to these provisions to be used for housing for persons and families of very low, low, or moderate income.

(7) Existing law prohibits a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, from imposing parking standards for a streamlined development that was approved pursuant to these provisions, as specified.

This bill would specify that a local government is prohibited from imposing automobile parking standards for a streamlined development that was approved pursuant to these provisions, as specified.

(8) Existing law, until January 1, 2021, upon a declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, authorizes emergency housing to include homeless shelters in the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, respectively. Existing law, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, authorizes those jurisdictions to adopt by ordinance reasonable local standards for homeless shelters, as specified.

This bill would provide that the California Environmental Quality Act does not apply to actions taken by a state agency or local government to lease, convey, or encumber land owned by a city, county, or city and county, or to facilitate the lease, conveyance, or encumbrance of land owned by a city, county, or city and county, for, or to provide financial assistance to, a homeless shelter constructed or allowed pursuant to these provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 8698.4 of the Government Code is amended to read:

**8698.4.** (a) Notwithstanding any other provision in this chapter, upon a declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, the following shall apply to the respective city, county, or city and county during a shelter crisis:

(1) Emergency housing may include homeless shelters for the homeless located or constructed on any land owned or leased by a city, county, or city and county, including land acquired with low- and moderate-income housing funds.

(2) (A) (i) The city, county, or city and county, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, may adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The Department of Housing and Community Development shall review and approve the city's, county's, or city and county's draft ordinance to ensure it addresses minimum health and safety standards. The department shall, as set forth in Section 9795, provide its findings to the Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development within 30 calendar days of receiving the draft ordinance.

(ii) During the shelter crisis, except as provided in this section, provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety and those standards are complied with. Landlord tenant laws codified in Sections 1941 to 1942.5, inclusive, of the Civil Code providing a cause of action for habitability or tenantability shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards for homeless shelters and those standards are complied with. During the shelter crisis, the local and state law requirements for homeless shelters to be consistent with the local land use plans, including the general plan, shall be suspended.

(B) This section applies only to a public facility or homeless shelters reserved entirely for the homeless pursuant to this chapter.

(3) Homeless shelters constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(4) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to actions taken by a state agency or a city, county, or city and county, to lease, convey, or encumber land owned by a city, county, or city and county, or to facilitate the lease, conveyance, or encumbrance of land owned by the local government for, or to provide financial assistance to, a homeless shelter constructed or allowed by this section.

(5) On or before July 1, 2019, the city, county, or city and county shall develop a plan to address the shelter crisis, including, but not limited to, the development of homeless shelters and permanent supportive housing, as well as onsite supportive services. The city, county, or city and county shall make the plan publicly available.

(6) On or before January 1, 2019, and annually thereafter until January 1, 2021, if the city, county, or city and county has declared a shelter crisis, the city, county, or city and county shall report all of the following to the

Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development:

- (A) The total number of residents in homeless shelters within the city, county, or city and county.
- (B) The total number of residents who have moved from a homeless shelter into permanent supportive housing within the city, county, or city and county.
- (C) The estimated number of permanent supportive housing units.
- (D) The number of residents who have exited the system and are no longer in need of a homeless shelter or permanent supportive housing within the city, county, or city and county.
- (E) The number of new homeless shelters built pursuant to this section within the city, county, or city and county.
- (F) New actions the city, county, or city and county is taking under the declared shelter crisis to better serve the homeless population and to reduce the number of people experiencing homelessness.

(b) For purposes of this section, the following terms have the following meanings:

- (1) "Homeless shelter" means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A temporary homeless shelter community may include supportive and self-sufficiency development services.
- (2) "Permanent supportive housing" means housing for people who are homeless, with no limit on length of stay, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

**SEC. 2.** Section 65913.4 of the Government Code is amended to read:

**65913.4.** (a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (b) and is not subject to a conditional use permit if the development satisfies all of the following objective planning standards:

- (1) The development is a multifamily housing development that contains two or more residential units.
- (2) The development is located on a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(3) (A) The development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower income housing units required pursuant to subparagraph (B) of paragraph (4) shall remain available at affordable housing costs or rent to persons and families of lower income for no less than the following periods of time:

- (i) Fifty-five years for units that are rented.
- (ii) Forty-five years for units that are owned.

(B) The city or county shall require the recording of covenants or restrictions implementing this paragraph for each parcel or unit of real property included in the development.

## (4) The development satisfies both of the following:

(A) Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(i) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that local ordinance applies.

(ii) The locality's latest production report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making below 80 percent of the area median income, unless the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, in which case that local ordinance applies.

(iii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to both income levels described in clauses (i) and (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(C) The amendments to this subdivision made by the act adding this subparagraph do not constitute a change in, but are declaratory of, existing law.

## (6) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on RMM Decl., Vol. 1, p. 40

the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(7) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

- (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- (ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- (iii) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(8) The development proponent has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(i) The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(ii) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.

(IV) Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(B) (i) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units with a residential component that is not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(ii) For purposes of this section, "skilled and trained workforce" has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(iii) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:

(I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

(III) Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(C) Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(i) The project includes 10 or fewer units.

(ii) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(9) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless the development is consistent with all objective subdivision standards in the local subdivision ordinance, and either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

(10) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(c) (1) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(A) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.



(2) If the development is consistent with the requirements of subparagraph (A) or (B) of paragraph (9) of subdivision (a) and is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and shall be subject to the public oversight timelines set forth in paragraph (1).

(d) (1) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing automobile parking requirements in multifamily developments, shall not impose automobile parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose automobile parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(e) (1) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making below 80 percent of the area median income.

(2) If a local government approves a development pursuant to this section and the project does not include 50 percent of the units affordable to households making below 80 percent of the area median income, that approval shall automatically expire after three years except that a project may receive a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(3) If a local government approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the local government shall have discretion to grant, an additional one-year extension to the original three-year period. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.

(f) A local government shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(g) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of subdivision (i) of Section 65583.2.

(h) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to actions taken by a state agency or local government to lease, convey, or encumber land owned by the local government or to facilitate the lease, conveyance, or encumbrance of land owned by the local government, or to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(i) For purposes of this section, the following terms have the following meanings:

(1) "Affordable housing cost" has the same meaning as set forth in Section 50052.5 of the Health and Safety Code.

(2) "Affordable rent" has the same meaning as set forth in Section 50053 of the Health and Safety Code.

(3) "Department" means the Department of Housing and Community Development.

(4) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

- (5) "Completed entitlements" means a housing development which has received all the required land use approvals or entitlements necessary for the issuance of a building permit.
- (6) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.
- (7) "Production report" means the information reported pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.
- (8) "State agency" includes every state office, officer, department, division, bureau, board, and commission, but does not include the California State University or the University of California.
- (9) "Subsidized" means units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.
- (10) "Reporting period" means either of the following:
- (A) The first half of the regional housing needs assessment cycle.
  - (B) The last half of the regional housing needs assessment cycle.
- (11) "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.
- (j) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
- (k) The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (b) is not a "project" as defined in Section 21065 of the Public Resources Code.
- (l) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply.
- (m) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

RMM Decl.  
**Exhibit 35**

RMM Decl.  
**Exhibit 35**



## AB-2553 Shelter crisis declarations. (2019-2020)

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Date Published: 09/29/2020 02:00 PM

### Assembly Bill No. 2553

#### CHAPTER 147

An act to amend Section 8698.4 of the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor September 25, 2020. Filed with Secretary of State September 25, 2020. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2553, Ting. Shelter crisis declarations.

Existing law authorizes a governing body of a political subdivision, as those terms are defined, to declare a shelter crisis if the governing body makes a specified finding. Upon declaration of a shelter crisis, existing law, among other things, suspends certain state and local laws, regulations, and ordinances, including those prescribing standards of housing, health, or safety, to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis and allows a city, county, or city and county, in lieu of compliance, to adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein.

Existing law, upon a declaration of a shelter crisis by specified local jurisdictions, specifies additional provisions applicable to a shelter crisis declared by one of those jurisdictions. Existing law, among other things, exempts from the California Environmental Quality Act specified actions by a state agency or a city, county, or city and county relating to land owned by a local government to be used for, or to provide financial assistance to, a homeless shelter constructed pursuant to these provisions, and provides that homeless shelters constructed or allowed pursuant to these shelter crisis declarations are not subject to specified laws, including the Special Occupancy Parks Act. Existing law also defines a "homeless shelter" as a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. Existing law requires a city, county, or city and county that declares a shelter crisis pursuant to these provisions to develop a plan to address the shelter crisis on or before July 1, 2019, or July 1, 2020, as applicable, and to annually report particular information, as indicated, to specified committees of the Legislature on or before January 1, 2019, or on or before January 1 of the year following the declaration of the shelter crisis, as applicable, and annually thereafter until January 1, 2023. Existing law repeals these additional provisions as of January 1, 2023.

This bill would apply those additional provisions to a shelter crisis declared by any county or city. By expanding the scope of these provisions to apply within any county or city that has declared a shelter crisis, the bill would expand the above-described exemption from the California Environmental Quality Act. This bill would require jurisdictions that adopt ordinances under the act, to, at a minimum, meet the standards provided in the 2019 California Residential Code Appendix X, the 2019 California Building Code Appendix O, and any future standards adopted by the Department of Housing and Community Development related to emergency housing or emergency housing facilities unless that jurisdiction provides, when filing their ordinance with the Department of Housing and

Community Development, an explanation of why the standards cannot be met and how the standards in the ordinance protect health and safety. The bill requires jurisdictions to provide the same information in their annual report to the Legislature. The bill would additionally exempt homeless shelters that are constructed or allowed pursuant to the shelter crisis declarations from the Recreational Vehicle Park Occupancy Law, which governs occupancy and tenancy of recreational vehicle parks. The bill would also revise the definition of a "homeless shelter" to include a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals. The bill would require the county or city to develop the above-described shelter plan on or before July 1, 2021, or on or before July 1 of the year following the declaration of the shelter crisis, as specified, and to include a plan to transition residents from homeless shelters to permanent housing. The bill would require the above-described annual report, for reports due by January 1, 2022, and thereafter, to include the bed capacity of new homeless shelters built, as specified. The bill would require a declaration of a shelter crisis by a city, county, or city and county and those additional provisions that are or may be utilized by a city, county, or city and county to apply to any land owned or leased by an agency or entity created pursuant to the Joint Exercise of Powers Act, if the city, county, or city and county that declared a shelter crisis is one of the parties to the agreement creating the entity or agency and the real property owned or leased by the agency or entity is located within the jurisdiction of the city, county, or city and county that declared the shelter crisis. The bill would extend the repeal date of these provisions to January 1, 2026.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 8698.4 of the Government Code is amended to read:

**8698.4.** (a) Notwithstanding any other provision in this chapter, upon a declaration of a shelter crisis by a city, county, or city and county, the following shall apply to the respective city, county, or city and county during the shelter crisis:

(1) Emergency housing may include homeless shelters for the homeless located or constructed on **any land** owned or leased by a city, county, or city and county, including land acquired with low- and moderate-income housing funds.

(2) (A) (i) The city, county, or city and county, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, may adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. For a jurisdiction that adopts an ordinance establishing reasonable local standards, those standards shall, at a minimum, meet the standards provided in the 2019 California Residential Code Appendix X, and California Building Code Appendix O, and any future standards adopted by the Department of Housing and Community Development related to emergency housing or emergency housing facilities, unless the city, county, or city and county adopts findings stating why the standards cannot be met and stating how the standards in the ordinance protect health and safety. Upon the adoption of an ordinance, the city, county, or city and county shall file a copy of the adopted ordinance, and any associated findings, with the department.

(ii) During the shelter crisis, except as provided in this section, provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety and those standards are complied with. Landlord tenant laws codified in Sections 1941 to 1942.5, inclusive, of the Civil Code providing a cause of action for habitability or tenantability shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards for homeless shelters and those standards are complied with. During the shelter crisis, the local and state law requirements for homeless shelters to be consistent with the local land use plans, including the general plan, shall be suspended.

(B) This section applies only to a public facility or homeless shelters reserved entirely for the homeless pursuant to this chapter.

(3) Homeless shelters constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), or the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), except that disposition of any vehicle or its contents abandoned by its owner shall be performed pursuant to Chapter 5 (commencing with Section 1980) of Title 5 of Part 4 of Division 3 of the Civil Code.

(4) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to actions taken by a state agency or a city, county, or city and county, to lease, convey, or encumber land owned by a city, county, or city and county, or to facilitate the lease, conveyance, or encumbrance of land owned by the local government for, or to provide financial assistance to, a homeless shelter constructed or allowed by this section.

(5) (A) On or before July 1, 2019, the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco shall develop a plan to address the shelter crisis, including, but not limited to, the development of homeless shelters and permanent supportive housing, as well as onsite supportive services. The city, county, or city and county shall make the plan publicly available.

(B) In the case of a shelter crisis declared by the County of Alameda, a city located within the County of Alameda, the County of Orange, a city located within the County of Orange, or the City of San Jose, the county or the city, as applicable, shall develop the plan described in subparagraph (A) on or before July 1, 2020, and shall include in the plan required by this subparagraph a plan to transition residents from homeless shelters to permanent housing.

(C) In the case of a shelter crisis declared by any other county or city not described in subparagraph (A) or (B) on or before January 1, 2021, the county or the city, as applicable, shall develop the plan described in subparagraph (A) on or before July 1, 2021, and shall include in the plan required by this subparagraph a plan to transition residents from homeless shelters to permanent housing.

(D) In the case of a shelter crisis declared by any other county or city not described in subparagraph (A) or (B) after January 1, 2021, the county or the city, as applicable, shall develop the plan described in subparagraph (A) on or before July 1 of the year following the declaration of the shelter crisis, and shall include in the plan required by this subparagraph a plan to transition residents from homeless shelters to permanent housing.

(6) If the city, county, or city and county has declared a shelter crisis, the city, county, or city and county shall report, by January 1 of each year, all of the following to the Senate Committee on Housing and the Assembly Committee on Housing and Community Development:

(A) The total number of residents in homeless shelters within the city, county, or city and county.

(B) The total number of residents who have moved from a homeless shelter into permanent supportive housing within the city, county, or city and county.

(C) The estimated number of permanent supportive housing units.

(D) The number of residents who have exited the system and are no longer in need of a homeless shelter or permanent supportive housing within the city, county, or city and county.

(E) The number and bed capacity of new homeless shelters built pursuant to this section within the city, county, or city and county. The information regarding the bed capacity shall be included in reports due by January 1, 2022, and by January 1 of each year thereafter. Bed capacity shall not include the parking vehicle capacity of a homeless shelter on a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals.

(F) New actions the city, county, or city and county is taking under the declared shelter crisis to better serve the homeless population and to reduce the number of people experiencing homelessness.

(G) The ordinance and any associated findings adopted by the city, county, or city and county pursuant to paragraph (2).

(b) A declaration of a shelter crisis by a city, county, or city and county and the provisions in this section that are or may be utilized by a city, county, or city and county, including an ordinance adopted by a city, county, or city and

county pursuant to clause (i) of subparagraph (A) of paragraph (2) of subdivision (a), shall apply to any land owned or leased by an agency or entity created pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code) if the city, county, or city and county that declared a shelter crisis is one of the parties to the agreement creating the entity or agency and the real property owned or leased by the agency or entity is located within the jurisdiction of the city, county, or city and county that declared the shelter crisis.

(c) For purposes of this section, the following terms have the following meanings:

(1) "Homeless shelter" means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A temporary homeless shelter community may include supportive and self-sufficiency development services. A "homeless shelter" shall include a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals.

(2) "Permanent supportive housing" means housing for people who are homeless, with no limit on length of stay, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving the person's health status, and maximizing the person's ability to live and, when possible, work in the community.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 2.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Because many jurisdictions need to begin building shelters immediately to address the ongoing homelessness crisis which has only been exacerbated by COVID-19, it is necessary for this act to take effect immediately.

RMM Decl.  
**Exhibit 36**

RMM Decl.  
**Exhibit 36**





**SB-1395 Shelter crisis: Low Barrier Navigation Center: use by right: building standards.** (2023-2024)

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Date Published: 09/20/2024 02:00 PM

## Senate Bill No. 1395

### CHAPTER 297

An act to amend Sections 8698.4 and 65660 of, and to repeal Section 65668 of, the Government Code, to add Section 21080.27.5 to the Public Resources Code, and to amend Section 8255 of the Welfare and Institutions Code, relating to housing.

[ Approved by Governor September 19, 2024. Filed with Secretary of State September 19, 2024. ]

### LEGISLATIVE COUNSEL'S DIGEST

SB 1395, Becker. Shelter crisis: Low Barrier Navigation Center: use by right: building standards.

(1) Existing law authorizes a governing body of a political subdivision, as those terms are defined, to declare a shelter crisis if the governing body makes a specified finding. Upon declaration of a shelter crisis, existing law, among other things, suspends certain state and local laws, regulations, and ordinances to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis and allows a city, county, or city and county, in lieu of compliance, to adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein.

Existing law, among other things, exempts from the California Environmental Quality Act specified actions by a state agency or a city, county, or city and county to lease, convey, or encumber land owned by a city, county, or city and county, or to facilitate the lease, conveyance, or encumbrance of land owned by the local government for, or to provide financial assistance to, a homeless shelter constructed or allowed by these provisions. Existing law repeals these provisions on January 1, 2026.

This bill would expand the exemption from the California Environmental Quality Act described above to include action taken by a state agency or a city, county, or city and county, to approve a contract to provide services for people experiencing homelessness to a homeless shelter constructed pursuant to, or authorized by, these provisions, as specified. This bill would extend the repeal date of these provisions to January 1, 2036. The bill would make other nonsubstantive, conforming changes.

(2) Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

Existing law, the Planning and Zoning Law, requires that a Low Barrier Navigation Center development be a use by right in areas zoned for mixed uses and nonresidential zones permitting multifamily uses if it meets prescribed requirements. Existing law provides that the CEQA does not apply to an action taken by a public agency to lease,

convey, or encumber land owned by a public entity or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center constructed or allowed by existing law. Existing law defines the term "Low Barrier Navigation Center" for these purposes to mean a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Existing law repeals these provisions on January 1, 2027.

This bill would revise the definition of "Low Barrier Navigation Center" by specifying that a Low Barrier Navigation Center may be non-congregate and relocatable. The bill would also delete the January 1, 2027, repeal date, thereby extending operation of these provisions indefinitely. By indefinitely changing the local permitting process and increasing the duties of local planning officials, this bill would impose a state-mandated local program.

This bill would exempt from CEQA specified activities by local agencies relating to low barrier navigation centers. To the extent this bill would impose additional duties on county clerks, this bill would impose a state-mandated local program.

(3) Existing law requires agencies and departments administering state programs related to homelessness to adopt guidelines and regulations to incorporate core components of Housing First, as defined. Existing law defines "state programs" for this purpose as any program a California state agency or department funds, implements, or administers for the purpose of providing housing or housing-based services to people experiencing homelessness or at risk of homelessness, except as provided.

This bill would expand the definition of "state programs" to include programs a California state agency or department funds, implements, or administers for the purpose of providing emergency shelter or interim housing.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 8698.4 of the Government Code is amended to read:

**8698.4.** (a) Notwithstanding any other provision in this chapter, upon a declaration of a shelter crisis by a city, county, or city and county, the following shall apply to the respective city, county, or city and county during the shelter crisis:

(1) Emergency housing may include homeless shelters for the homeless located or constructed on any land owned or leased by a city, county, or city and county, including land acquired with low- and moderate-income housing funds.

(2) (A) (i) The city, county, or city and county, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, may adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. For a jurisdiction that adopts an ordinance establishing reasonable local standards, those standards shall, at a minimum, meet the standards provided in the 2019 California Residential Code Appendix X, and California Building Code Appendix O, and any future standards adopted by the Department of Housing and Community Development related to emergency housing or emergency housing facilities, unless the city, county, or city and county adopts findings stating why the standards cannot be met and stating how the standards in the ordinance protect health and safety. Upon the adoption of an ordinance, the city, county, or city and county shall file a copy of the adopted ordinance, and any associated findings, with the department.

(ii) During the shelter crisis, except as provided in this section, provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety and those

standards are complied with. Landlord tenant laws codified in Sections 1941 to 1942.5, inclusive, of the Civil Code providing a cause of action for habitability or tenantability shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards for homeless shelters and those standards are complied with. During the shelter crisis, the local and state law requirements for homeless shelters to be consistent with the local land use plans, including the general plan, shall be suspended.

(B) This section applies only to a public facility or homeless shelters reserved entirely for the homeless pursuant to this chapter.

(3) Homeless shelters constructed or allowed under this chapter shall not be subject to the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), or the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), except that disposition of any vehicle or its contents abandoned by its owner shall be performed pursuant to Chapter 5 (commencing with Section 1980) of Title 5 of Part 4 of Division 3 of the Civil Code.

(4) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to any of the following actions taken by a state agency or a city, county, or city and county:

(A) To lease, convey, or encumber land owned by a city, county, or city and county, or to facilitate the lease, conveyance, or encumbrance of land owned by the local government for a homeless shelter constructed pursuant to, or authorized by, this section.

(B) To provide financial assistance to a homeless shelter constructed pursuant to, or authorized by, this section.

(C) To approve a contract to provide services for people experiencing homelessness to a homeless shelter constructed pursuant to, or authorized by, this section. These services may include, but are not limited to, case management, resource navigation, security services, residential services, and counseling services.

(5) (A) On or before July 1, 2019, the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco shall develop a plan to address the shelter crisis, including, but not limited to, the development of homeless shelters and permanent supportive housing, as well as onsite supportive services. The city, county, or city and county shall make the plan publicly available.

(B) In the case of a shelter crisis declared by the County of Alameda, a city located within the County of Alameda, the County of Orange, a city located within the County of Orange, or the City of San Jose, the county or the city, as applicable, shall develop the plan described in subparagraph (A) on or before July 1, 2020, and shall include in the plan required by this subparagraph a plan to transition residents from homeless shelters to permanent housing.

(C) In the case of a shelter crisis declared by any other county or city not described in subparagraph (A) or (B) on or before January 1, 2021, the county or the city, as applicable, shall develop the plan described in subparagraph (A) on or before July 1, 2021, and shall include in the plan required by this subparagraph a plan to transition residents from homeless shelters to permanent housing.

(D) In the case of a shelter crisis declared by any other county or city not described in subparagraph (A) or (B) after January 1, 2021, the county or the city, as applicable, shall develop the plan described in subparagraph (A) on or before July 1 of the year following the declaration of the shelter crisis, and shall include in the plan required by this subparagraph a plan to transition residents from homeless shelters to permanent housing.

(6) If the city, county, or city and county has declared a shelter crisis, the city, county, or city and county shall report, by January 1 of each year, all of the following to the Senate Committee on Housing and the Assembly Committee on Housing and Community Development:

(A) The total number of residents in homeless shelters within the city, county, or city and county.

(B) The total number of residents who have moved from a homeless shelter into permanent supportive housing within the city, county, or city and county.

(C) The estimated number of permanent supportive housing units.

(D) The number of residents who have exited the system and are no longer in need of a homeless shelter or permanent supportive housing within the city, county, or city and county.

(E) The number and bed capacity of new homeless shelters built pursuant to this section within the city, county, or city and county. The information regarding the bed capacity shall be included in reports due by January 1, 2022, and by January 1 of each year thereafter. Bed capacity shall not include the parking vehicle capacity of a homeless shelter on a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals.

(F) New actions the city, county, or city and county is taking under the declared shelter crisis to better serve the homeless population and to reduce the number of people experiencing homelessness.

(G) The ordinance and any associated findings adopted by the city, county, or city and county pursuant to paragraph (2).

(b) A declaration of a shelter crisis by a city, county, or city and county and the provisions in this section that are or may be utilized by a city, county, or city and county, including an ordinance adopted by a city, county, or city and county pursuant to clause (i) of subparagraph (A) of paragraph (2) of subdivision (a), shall apply to any land owned or leased by an agency or entity created pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code) if the city, county, or city and county that declared a shelter crisis is one of the parties to the agreement creating the entity or agency and the real property owned or leased by the agency or entity is located within the jurisdiction of the city, county, or city and county that declared the shelter crisis.

(c) For purposes of this section, the following terms have the following meanings:

(1) "Homeless shelter" means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A temporary homeless shelter community may include supportive and self-sufficiency development services. A "homeless shelter" shall include a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals.

(2) "Permanent supportive housing" means housing for people who are homeless, with no limit on length of stay, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving the person's health status, and maximizing the person's ability to live and, when possible, work in the community.

(d) This section shall remain in effect only until January 1, 2036, and as of that date is repealed.

**SEC. 2.** Section 65660 of the Government Code is amended to read:

**65660.** For purposes of this article:

(a) "Low Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. A Low Barrier Navigation Center may be non-congregate and relocatable. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

(1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

(2) Pets.

(3) The storage of possessions.

(4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

(b) "Use by right" has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a

public agency, or to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center constructed or allowed by this section.

**SEC. 3.** Section 65668 of the Government Code is repealed.

**SEC. 4.** Section 21080.27.5 is added to the Public Resources Code, immediately following Section 21080.27, to read:

**21080.27.5.** (a) This division does not apply to any of the following activities by a local agency:

- (1) An action to lease or facilitate the lease of land owned by the local agency for a low barrier navigation center.
- (2) An action associated with a lease for a low barrier navigation center pursuant to subdivision (a).
- (3) An action to provide financial assistance to a low barrier navigation center.
- (4) An action to construct or operate a low barrier navigation center.
- (5) An action to enter into a contract to provide services to a low barrier navigation center.

(b) For purposes of this section, "low barrier navigation center" has the same definition as in Section 65660 of the Government Code.

**SEC. 5.** Section 8255 of the Welfare and Institutions Code is amended to read:

**8255.** For purposes of this chapter:

(a) "Council" means the California Interagency Council on Homelessness, formerly known as the Homeless Coordinating and Financing Council established pursuant to Section 8257.

(b) "Core components of Housing First" means all of the following:

- (1) Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services.
- (2) Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of "housing readiness."
- (3) Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts of crisis response systems frequented by vulnerable people experiencing homelessness.
- (4) Supportive services that emphasize engagement and problem solving over therapeutic goals and service plans that are highly tenant-driven without predetermined goals.
- (5) Participation in services or program compliance is not a condition of permanent housing tenancy.
- (6) Tenants have a lease and all the rights and responsibilities of tenancy, as outlined in California's Civil, Health and Safety, and Government codes.
- (7) The use of alcohol or drugs in and of itself, without other lease violations, is not a reason for eviction.
- (8) In communities with coordinated assessment and entry systems, incentives for funding promote tenant selection plans for supportive housing that prioritize eligible tenants based on criteria other than "first-come-first-serve," including, but not limited to, the duration or chronicity of homelessness, vulnerability to early mortality, or high utilization of crisis services. Prioritization may include triage tools, developed through local data, to identify high-cost, high-need homeless residents.
- (9) Case managers and service coordinators who are trained in and actively employ evidence-based practices for client engagement, including, but not limited to, motivational interviewing and client-centered counseling.
- (10) Services are informed by a harm-reduction philosophy that recognizes drug and alcohol use and addiction as a part of tenants' lives, where tenants are engaged in nonjudgmental communication regarding drug and alcohol use, and where tenants are offered education regarding how to avoid risky behaviors and engage in safer practices, as well as connected to evidence-based treatment if the tenant so chooses.
- (11) The project and specific apartment may include special physical features that accommodate disabilities, reduce harm, and promote health and community and independence among tenants.

(c) "Homeless" has the same definition as that term is defined in Section 91.5 of Title 24 of the Code of Federal Regulations.

(d) (1) "Housing First" means the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

(2) (A) "Housing First" includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient in accessing permanent housing and in securing longer term rental assistance, income assistance, or employment.

(B) For time-limited, supportive services programs serving homeless youth, programs should use a positive youth development model and be culturally competent to serve unaccompanied youth under 25 years of age. Providers should work with the youth to engage in family reunification efforts, where appropriate and when in the best interest of the youth. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance.

(e) "State programs" means any programs a California state agency or department funds, implements, or administers for the purpose of providing emergency shelter, interim housing, housing, or housing-based services to people experiencing homelessness or at risk of homelessness, with the exception of federally funded programs with requirements inconsistent with this chapter.

**SEC. 6.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

RMM Decl.  
**Exhibit 37**

RMM Decl.  
**Exhibit 37**

48

ORDINANCE NO. 162520

An ordinance amending Chapter I, Article 2 of the Los Angeles Municipal Code relating to emergency shelters for the homeless on government-owned property.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. Section 12.80 of the Los Angeles Municipal Code is hereby amended to read:

Sec. 12.80. HOMELESS SHELTERS-EMERGENCIES-  
GOVERNMENT-OWNED PROPERTY.

Notwithstanding any provision of this Article to the contrary, until November 30, 1987, a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned by a government agency in any zone as a matter of right without regard to the number of beds or number of persons served. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21 A 4 (w) of this Code, then the number of spaces required shall be the number for which adequate

. . . .

NEW



1 area exists. If insufficient area for any parking  
2 spaces exists on the lot, no spaces shall be required.  
3

4 Sec. 2. URGENCY CLAUSE. The City Council finds  
5 and declares that this Ordinance is required for the  
6 immediate protection of the public peace, health and  
7 safety, for the following reasons. Several thousand  
8 persons in this City are homeless and sleeping in the  
9 streets, and, as a result, are subject to criminal  
10 activity as well as to conditions which increase the  
11 risk of life-threatening, communicable diseases.  
12 There are insufficient existing shelters for homeless  
13 persons, and if shelters now operating under Ordinance  
14 No. 161,926 are required to close when the provisions  
15 of that ordinance expire on July 23, 1987, many  
16 additional persons will be subject to such health and  
17 safety risks. This Ordinance is needed to become  
18 effective upon publication in order to provide the  
19 continued availability of additional shelters to help  
20 avoid these health and crime hazards. Therefore, this  
21 Ordinance shall become effective upon publication  
22 pursuant to Section 281 of the Los Angeles City  
23 Charter.

24 . . . .  
25 . . . .  
26 . . . .  
27 . . . .  
28

Sec. 3. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of **JUN 19 1987**

ELIAS MARTINEZ, City Clerk,

By Edward W. Ashdown,  
Deputy.

**JUN 26 1987**

Approved.....

Tom Bradley  
Mayor.

Approved as to Form and Legality

June 11, 1987  
JAMES K. HAHN, City Attorney,

By Anthony Saul Alperin,  
ANTHONY SAUL ALPERIN, Assistant

File No. 87-0082

According to Sec. 97.8 of the City Charter,  
approval of this ordinance recommended  
for the City Planning Commission .....

**JUN 10 1987**

See attached report  
Kenneth C. Torgny  
Director of Planning

RMM Decl.  
**Exhibit 38**

RMM Decl.  
**Exhibit 38**

HOLLY L. WOLCOTT  
CITY CLERK

SHANNON D. HOPPE  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

Council and Public Services Division

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

PATRICE Y. LATTIMORE  
ACTING DIVISION MANAGER

[CLERK.LACITY.ORG](http://CLERK.LACITY.ORG)

When making inquiries relative to  
this matter, please refer to the  
Council File No.: [15-1138-S33](#)

## OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

April 17, 2018

**Council File No.:** [15-1138-S33](#)

**Council Meeting Date:** April 17, 2018

**Agenda Item No.:** 25

**Agenda Description:** CONSIDERATION OF MOTION (WESSON FOR HUIZAR - BONIN - RODRIGUEZ FOR HARRIS-DAWSON) relative to a declaration of a Homeless Shelter Crisis.

**Council Action:** MOTION (WESSON FOR HUIZAR - BONIN - RODRIGUEZ FOR HARRIS-DAWSON) - ADOPTED FORTHWITH

<b>Council Vote:</b>	YES	BOB BLUMENFIELD
	YES	MIKE BONIN
	YES	JOE BUSCAINO
	YES	GILBERT A. CEDILLO
	YES	MITCHELL ENGLANDER
	YES	MARQUEECE HARRIS-DAWSON
	YES	JOSE HUIZAR
	YES	PAUL KORETZ
	YES	PAUL KREKORIAN
	YES	NURY MARTINEZ
	YES	MITCH O'FARRELL
	YES	CURREN D. PRICE
	YES	MONICA RODRIGUEZ
	YES	DAVID RYU
	YES	HERB WESSON

HOLLY L. WOLCOTT  
CITY CLERK

## MOTION

According to the 2017 Homeless Count released by the Los Angeles Homeless Services Authority (LAHSA), the City of Los Angeles has a homeless population consisting of 34,189 individuals, with approximately 25,237 of those individuals considered to be unsheltered on any given night. The issue of homelessness is exacerbated by a worsening housing shortage, particularly in affordable and permanent supportive housing.

In declaring a shelter crisis pursuant to LAMC Section 12.80, shelters (as defined by Section 12.03) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or numbers of persons served. Additionally, pursuant to LAMC Section 12.81, if the City declares a shelter crisis, shelters may be established on non-governmental properties and operated in specific land use zones (R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2 and M3) without regard to the number of beds or number of persons served. The declaration of a "shelter crisis" under LAMC Sections 12.80 and 12.81 shall not exceed a period of 365 days from the date of declaration.

By declaring a shelter crisis, the City could create more immediate and short-term shelter for the unsheltered population by:

1. Allowing non-profit organizations and faith-based institutions the right to provide shelter without an onerous and costly process; and
2. Authorizing the use of city-owned property and facilities for emergency shelters.

According to the 2017 Housing Inventory Count (HIC) released by LAHSA, the City's current shelter inventory is approximately 7,646 beds, which includes emergency shelter and transitional housing programs. The limited number of shelter beds within the City, in conjunction with the current unsheltered population of approximately 25,000 individuals on any given night, demonstrates that there is currently a demand that surpasses the supply of the City's shelter inventory.

The declaration of a shelter crisis helps provide for additional shelters to be established in the City to alleviate the shortage of shelter beds that currently exist. The combination of an increasing homeless population, an affordable and permanent supportive housing shortage, and significant risks to public health and safety demonstrate that the City needs to take immediate action to declare a shelter crisis in order to alleviate the amount of unsheltered individuals on the streets and increase the housing inventory. As a result, the City should use its broad powers to take immediate action to locate a broad range of housing options for homeless individuals.

pa  


**I THEREFORE MOVE** that the City Council, pursuant to Los Angeles Municipal Code Sections 12.80 and 12.81, take the following actions to declare a homeless shelter crisis: 1) recognize and declare a homeless shelter crisis pursuant to Government Code Sections 8698, et seq.; and 2) allow for the declaration to last for a period not to exceed 365 days from the date of declaration.

PRESENTED BY:

Jose HUIZAR  
JOSE HUIZAR  
Councilmember, 14<sup>th</sup> District

Mike BONIN  
MIKE BONIN  
Councilmember, 11<sup>th</sup> District

SECONDED BY:

Marqueece Harris-Dawson  
MARQUEECE HARRIS-DAWSON  
Councilmember, 8<sup>th</sup> District

ORIGINAL

APR 13 2018

RMM Decl.  
**Exhibit 39**

RMM Decl.  
**Exhibit 39**

ORDINANCE NO. 168440

An ordinance amending Sections 12.80 and 12.81 of the Los Angeles Municipal Code, relating to emergency homeless shelters.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. Section 12.80 of the Los Angeles Municipal Code is hereby amended to read:

**SEC. 12.80. HOMELESS SHELTERS - EMERGENCIES - GOVERNMENT OWNED AND LEASED PROPERTY.**

Notwithstanding any provisions of this article to the contrary, during any period or periods, not totaling more than 120 days between November 1 and March 31, for which the Mayor and/or the City Council has declared a shelter crisis within the meaning of Government Code Section 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by a government agency in any zone as a matter of right without regard to the number of beds or number of persons served. The precise location of each such shelter shall be subject to approval by the City Council. Prior to Council action, notice of a public hearing before the Council shall be mailed to the owners of all properties abutting, across the street or alley from or sharing a common corner with the subject property at least seven days prior to Council consideration of the matter. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21 A 4 (w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

Sec. 2. Section 12.81 of the Los Angeles Municipal Code is hereby amended to read:

**SEC. 12.81. HOMELESS SHELTERS - EMERGENCIES - CHARITABLE ORGANIZATIONS.**

A. Notwithstanding any provisions of this article to the contrary, during any period or periods, not totaling more than 120 days between November 1 and March 31, for which the Mayor and/or



the City Council has declared a shelter crisis within the meaning of Government Code Section 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, R4, R5, C2, C4, C5, CM, M1, M2 and M3 Zones without regard to the number of beds or number of persons served, if the shelter is operated by a non-profit, charitable organization and the shelter is located on property owned or leased by such an organization. Before such a shelter may be established or operated, the City Council, or a City official or body authorized to do so by resolution of the Council, must find that:

1. an emergency exists which affects the health and safety of homeless persons;

2. a shelter for the homeless in the proposed location would contribute to the alleviation of the effects of the shelter crisis;

3. the project is consistent with the various elements and objectives of the General Plan;

4. the project would have no substantial adverse impact on properties or improvements in the surrounding neighborhood;

5. there is not an over-concentration of shelters for the homeless in the surrounding area; and

6. the land uses and development in the immediate vicinity of the subject site will not constitute an immediate or potential hazard to occupants of the shelter.

B. An application for permission pursuant to this section shall be filed with the Community Development Department. The City Council shall conduct a public hearing and make a determination on an application within seven days of the public hearing. Prior to Council action, notice of the public hearing shall be mailed to the owners of all properties abutting, across the street or alley from or sharing a common corner with the subject property at least seven days prior to Council consideration of the matter. The same notification shall be given in a newspaper of general circulation at least 10 days before the date of the public hearing.

C. If the lot on which any such shelter is located does not have sufficient area to provide the

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Sec. 3 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles **DEC 09 1992** and was passed at its meeting of **DEC 16 1992**

Approved DEC 23 1992

ELIAS MARTINEZ, City Clerk

By Raymond S. Crisp  
Deputy

Approved as to Form and Legality

November 24, 1992  
JAMES K. HAHN, City Attorney,

By Anthony Saul Alperin  
Anthony Saul Alperin Deputy.

Tom Bradley  
Mayor

LAJ 415931 12/31

File No. 92-1668

City Clerk Form 23

Pursuant to Section 97. 2  
of the City Charter, the  
City Planning Commission on  
November 19, 1992, recommended  
that this ordinance be  
adopted by the City Council.

Lemona Hara  
Secretary

RMM Decl.  
**Exhibit 40**

RMM Decl.  
**Exhibit 40**

17

ORDINANCE NO. 163385

2

3 An Ordinance amending Chapter I, Article 2 of the

4 Los Angeles Municipal Code relating to emergency shelters for

5 the homeless on government-owned property.

6

7 THE PEOPLE OF THE CITY OF LOS ANGELES

8 DO ORDAIN AS FOLLOWS:

9

10 Section 1. Section 12.80 of the Los Angeles Municipal

11 Code is hereby amended to read:

12 SEC. 12.80. HOMELESS SHELTERS-EMERGENCIES-

13 GOVERNMENT-OWNED PROPERTY.

14 Notwithstanding any provision of this Article to

15 the contrary, for a period of one hundred eighty (180)

16 days after the effective date of the ordinance

17 amending this section, a shelter for the homeless (as

18 defined in Section 12.03 of this Code) may be

19 established and operated on property owned by a

20 government agency in any zone as a matter of right

21 without regard to the number of beds or number of

22 persons served. The precise location of each such

23 shelter shall be subject to approval by the City

24 Council. If the lot on which any such shelter is

25 located does not have sufficient area to provide the

26 number of parking spaces required by Section 12.21 A

27 4 (w) of this Code, then the number of spaces required

28

1 shall be the number for which adequate area exists.  
2 If insufficient area for any parking spaces exists on  
3 the lot, no spaces shall be required.  
4

5 Sec. 2. URGENCY CLAUSE. The City Council finds and  
6 declares that this Ordinance is required for the immediate  
7 protection of the public peace, health and safety, for the  
8 following reasons. Several thousand persons in this City are  
9 homeless and sleeping in the streets, and, as a result, are  
10 subject to criminal activity as well as to conditions which  
11 increase the risk of life-threatening communicable diseases.  
12 There are insufficient existing shelters for homeless persons,  
13 and if shelters which operated under Ordinance No. 162,520 are  
14 not permitted to be reauthorized, many additional persons will  
15 be subject to such health and safety risks. This Ordinance is  
16 needed to become effective upon publication in order to provide  
17 the continued availability of additional shelters to help avoid  
18 these health and crime hazards. Therefore, this Ordinance  
19 shall become effective upon publication pursuant to Section 281  
20 of the Los Angeles City Charter.

21 . . . . .

22 . . . . .

23 . . . . .

24 . . . . .

25 . . . . .

26 . . . . .

27 . . . . .

28 . . . . .

Sec. 3. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles **FEB 19 1988** and was passed at its meeting of **FEB 26 1988**

Approved MAR 4 1988

ELIAS MARTINEZ, City Clerk

By Edward W. Arndson  
Deputy

File No. 87-0082-S9

Tom Bradley  
Mayor  
D359372, 3/4

City Clerk Form 23

RMM Decl.  
**Exhibit 41**

RMM Decl.  
**Exhibit 41**



HOLLY L. WOLCOTT  
CITY CLERK

SHANNON D. HOPPE  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

**Council and Public Services Division**

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

BRIAN E. WALTERS  
DIVISION CHIEF

[CLERK.LACITY.ORG](http://CLERK.LACITY.ORG)

When making inquiries relative to  
this matter, please refer to the  
Council File No.: [15-1138-S6](#)

## OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

March 31, 2017

**Council File No.:** [15-1138-S6](#)

**Council Meeting Date:** March 28, 2017

**Agenda Item No.:** 5

**Agenda Description:** CATEGORICAL EXEMPTION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to the City's Shelter Crisis Regulations with State law.

**Council Action:** PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, ORDINANCE AND AMENDING MOTION (HUIZAR - BONIN) - ADOPTED FORTHWITH

<b>Council Vote:</b>	YES	BOB BLUMENFIELD
	YES	MIKE BONIN
	YES	JOE BUSCAINO
	YES	GILBERT A. CEDILLO
	ABSENT	MITCHELL ENGLANDER
	YES	MARQUEECE HARRIS-DAWSON
	YES	JOSE HUIZAR
	YES	PAUL KORETZ
	YES	PAUL KREKORIAN
	YES	NURY MARTINEZ
	YES	MITCH O'FARRELL
	YES	CURREN D. PRICE
	YES	DAVID RYU
	YES	HERB WESSON

HOLLY L. WOLCOTT  
CITY CLERK

ORDINANCE NO. 184836

An ordinance amending Sections 12.03, 12.80 and 12.81 of the Los Angeles Municipal Code to expand the definition of "shelter for the homeless" and to align the City's shelter crisis regulations with state law.

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

Section 1. Section 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to replace the definition of "Shelter for the Homeless" in its entirety as follows:

**SHELTER FOR THE HOMELESS.** A facility operated by a "**provider**," other than a "**community care facility**" as defined in California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the standards for shelters contained in Title 25, Division 1, Chapter 7 of the California Code of Regulations. The term "**temporary accommodations**" means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a "**provider**" shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing and Community Investment Department of the City of Los Angeles to meet all applicable requirements contained in the California Health and Safety Code and the California Code of Regulations.

Sec. 2. Section 12.80 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 12.80. HOMELESS SHELTERS – EMERGENCIES – CITY OWNED AND LEASED PROPERTY.**

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or number of persons served. Facilities used as a shelter for the homeless under this section must comply with the minimum building regulations set forth in Section 91.8605 of this Code, as it is currently written or as it may be amended in the future. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

Any declaration of a shelter crisis made pursuant to Government Code Sections 8698, et seq., shall not exceed a period of 365 days from the date of declaration. The City Council may renew a shelter crisis declaration made pursuant to Government Code Sections 8698, et seq., on an annual basis.

Sec. 3. Section 12.81 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

**SEC. 12.81. HOMELESS SHELTERS – EMERGENCIES – CHARITABLE ORGANIZATIONS.**

**A.** Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2 and M3 zones without regard to the number of beds or number of persons served, if the shelter is operated by a religious institution or a non-profit, charitable organization and the shelter is located on property owned or leased by that institution or organization. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required. Unreinforced masonry and/or non-ductile concrete buildings shall not be used as shelters for the homeless.

Any declaration of a shelter crisis made pursuant to Government Code Sections 8698, et seq., shall not exceed a period of 365 days from the date of declaration. The City Council may renew a shelter crisis declaration made pursuant to Government Code Sections 8698, et seq., on an annual basis.

**B. Requirements.**

1. Providers shall register with the City of Los Angeles by submitting "Cold/Wet Weather Temporary Shelter Application" online via the City's website ([www.lacity.org](http://www.lacity.org)); and
2. Providers shall comply with the "Cold/Wet Weather Temporary Shelter" requirements promulgated by the Los Angeles Fire Departments Fire Prevention and Public Safety Bureau; and
3. Providers shall provide written notification to the owners of properties abutting the subject property, as well as to any school located within 500 feet of the subject property, prior to operating a shelter for the homeless on the subject property.



4. Providers shall comply with all local, state and federal requirements that apply to the permitted use of their property while operating a shelter for the homeless pursuant to this section.

**Sec. 4. URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The measures contained in the ordinance are designed to protect those without shelter from the life-threatening impacts of inclement weather and extreme temperatures, such as the weather conditions experienced in Los Angeles during the 2016-2017 winter season. Weather experts confirm that the winter of 2016-2017 brought record rainfall to the region, and it is possible that the City of Los Angeles could experience heavy rainfall well into the early spring of 2017. Recent weather patterns brought tremendous rainfall to the area, during which there was loss of human life and property damage. The City of Los Angeles is already in the midst of a shelter crisis, with the City Council having formally declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety. The 2016-2017 occupancy rates for homeless shelters in the City and County show a strong correlation between the increase in precipitation and demand for shelter, with heavier precipitation pushing shelters to near capacity. Based on the magnitude of this season's rainfall and temperature fluctuations, there is a current threat to the health and safety of the homeless population in Los Angeles. In order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge from the rain. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

**Sec. 5. SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.


Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of MAR 28 2017.

HOLLY L. WOLCOTT, City Clerk

By  Deputy

Approved MAR 29 2017

 Mayor  
ACTIVE

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
ADRIENNE S. KHORASANEE  
Deputy City Attorney

Date March 28, 2017

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted . . . . .

March 24, 2017

See attached report.

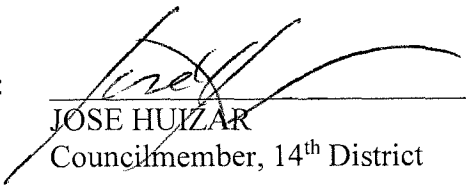
  
Vincent P. Bertoni, AICP  
Director of Planning

File No. CF 15-1138-S6

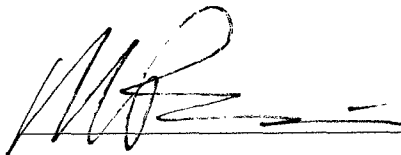
## MOTION

I MOVE that the matter of the Categorical Exemption, Planning and Land Use Management Committee Report and Ordinance First Consideration relative to the City's Shelter Crisis Regulations with State law, Item No. 5 on today's Council Agenda (C.F. 15-1138-S6), **BE AMENDED** to PRESENT and ADOPT the attached ordinance in lieu of the Ordinance dated March 3, 2017, attached to the File, in order to include: 1) technical changes pursuant to HCID's response to the Rule 38 letter that was sent to revise state code references, and 2) a change clarifying Section 12.80 to specify the application of these regulations over City-owned property, which is consistent with State law that gives the City this authority.

PRESENTED BY:

  
JOSE HUIZAR  
Councilmember, 14<sup>th</sup> District

SECONDED BY:



March 28, 2017



ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 12.03, 12.80 and 12.81 of the Los Angeles Municipal Code to expand the definition of “shelter for the homeless” and to align the City’s shelter crisis regulations with state law.

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

Section 1. Section 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to replace the definition of “Shelter for the Homeless” in its entirety as follows:

**SHELTER FOR THE HOMELESS.** A facility operated by a “**provider**,” other than a “**community care facility**” as defined in California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the standards for shelters contained in Title 25, Division 1, Chapter 7 of the California Code of Regulations. The term “**temporary accommodations**” means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a “**provider**” shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing and Community Investment Department of the City of Los Angeles to meet all applicable requirements contained in the California Health and Safety Code and the California Code of Regulations.

Sec. 2. Section 12.80 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 12.80. HOMELESS SHELTERS – EMERGENCIES – CITY OWNED AND LEASED PROPERTY.**

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or number of persons served. Facilities used as a shelter for the homeless under this section must comply with the minimum building regulations set forth in Section 91.8605 of this Code, as it is currently written or as it may be amended in the future. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

Any declaration of a shelter crisis made pursuant to Government Code Sections 8698, et seq., shall not exceed a period of 365 days from the date of declaration. The City Council may renew a shelter crisis declaration made pursuant to Government Code Sections 8698, et seq., on an annual basis.

Sec. 3. Section 12.81 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

**SEC. 12.81. HOMELESS SHELTERS – EMERGENCIES – CHARITABLE ORGANIZATIONS.**

**A.** Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2 and M3 zones without regard to the number of beds or number of persons served, if the shelter is operated by a religious institution or a non-profit, charitable organization and the shelter is located on property owned or leased by that institution or organization. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required. Unreinforced masonry and/or non-ductile concrete buildings shall not be used as shelters for the homeless.

Any declaration of a shelter crisis made pursuant to Government Code Sections 8698, et seq., shall not exceed a period of 365 days from the date of declaration. The City Council may renew a shelter crisis declaration made pursuant to Government Code Sections 8698, et seq., on an annual basis.

**B. Requirements.**

1. Providers shall register with the City of Los Angeles by submitting "Cold/Wet Weather Temporary Shelter Application" online via the City's website ([www.lacity.org](http://www.lacity.org)); and
2. Providers shall comply with the "Cold/Wet Weather Temporary Shelter" requirements promulgated by the Los Angeles Fire Departments Fire Prevention and Public Safety Bureau; and
3. Providers shall provide written notification to the owners of properties abutting the subject property, as well as to any school located within 500 feet of the subject property, prior to operating a shelter for the homeless on the subject property.



4. Providers shall comply with all local, state and federal requirements that apply to the permitted use of their property while operating a shelter for the homeless pursuant to this section.

Sec. 4. **URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The measures contained in the ordinance are designed to protect those without shelter from the life-threatening impacts of inclement weather and extreme temperatures, such as the weather conditions experienced in Los Angeles during the 2016-2017 winter season. Weather experts confirm that the winter of 2016-2017 brought record rainfall to the region, and it is possible that the City of Los Angeles could experience heavy rainfall well into the early spring of 2017. Recent weather patterns brought tremendous rainfall to the area, during which there was loss of human life and property damage. The City of Los Angeles is already in the midst of a shelter crisis, with the City Council having formally declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety. The 2016-2017 occupancy rates for homeless shelters in the City and County show a strong correlation between the increase in precipitation and demand for shelter, with heavier precipitation pushing shelters to near capacity. Based on the magnitude of this season's rainfall and temperature fluctuations, there is a current threat to the health and safety of the homeless population in Los Angeles. In order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge from the rain. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 5. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of \_\_\_\_\_.

HOLLY L. WOLCOTT, City Clerk

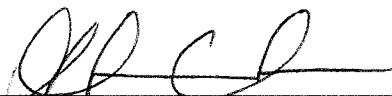
By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
ADRIENNE S. KHORASANEE  
Deputy City Attorney

Date March 28, 2017

File No. CF 15-1138-S6

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted . . . . .

March 24, 2017

See attached report.

  
Vincent P. Bertoni, AICP  
Director of Planning



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 17 - 0 0 7 1  
MAR 03 2017

**REPORT RE:**

**DRAFT ORDINANCE AMENDING LOS ANGELES MUNICIPAL CODE  
SECTIONS 12.03, 12.80 AND 12.81 TO EXPAND THE DEFINITION OF  
"SHELTER FOR THE HOMELESS" AND TO ALIGN THE CITY'S  
SHELTER CRISIS REGULATIONS WITH STATE LAW**

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

Council File No. 15-1138-S6

Honorable Members:

On March 2, 2016, this Office transmitted two draft ordinances, approved as to form and legality, amending the City's shelter crisis regulations. The first draft ordinance expanded the definition of "shelter for the homeless" in Section 12.03 of the Los Angeles Municipal Code (LAMC) to include more types of facilities and providers and deleted references to obsolete state code regulations. It also amended Sections 12.80 and 12.81 of the LAMC to align the City's regulations with state law in order to streamline the process for a declaration by the Mayor or City Council of a shelter crisis and to allow the swift establishment of temporary homeless shelters on public and private property in response to that declaration. The second draft ordinance added Section 12.82 to the LAMC to utilize the expanded definition of "shelter for the homeless" and to impose the regulations found in the draft amendment of Section 12.81 in all zones of the City, for a limited time, in order to provide temporary homeless shelters throughout the City during the 2016 El Niño weather cycle. (City Attorney Report No. 16-0068.)

On March 15, 2016, the Planning and Land Use Management (PLUM) Committee of the City Council only recommended the adoption of an ordinance adding Section 12.82 to the LAMC to provide temporary homeless shelters in all zones throughout the City during the 2016 El Niño weather cycle. On March 16, 2016, the City Council held a discussion on the draft ordinance and referred the matter back to the PLUM Committee for further consideration. On March 22, 2016, the PLUM Committee voted to recommend the adoption of a revised ordinance adding Section 12.82 to the LAMC, which now included additional registration and noticing requirements for temporary homeless shelters, as well as a regulation pertaining to compliance with safety measures promulgated by the Los Angeles Fire Department (LAFD). On March 30, 2016, the City Council voted to approve the revised ordinance adding Section 12.82 to the LAMC.

On November 29, 2016, the PLUM Committee considered the draft ordinance transmitted by this Office amending Sections 12.03, 12.80 and 12.81 of the LAMC. The PLUM Committee requested that this Office transmit a revised ordinance to incorporate the provisions that were included in Section 12.82 of the LAMC; namely, the registration and noticing requirements, as well as the regulation requiring compliance with the regulations promulgated by the LAFD.

#### Background and Summary of Ordinance Provisions

The draft ordinance amends the definition of "shelter for the homeless" in LAMC Section 12.03 to include facilities that are not just residential, as well as to expand the definition of "provider" to include religious and non-profit, charitable organizations. It also replaces language referencing an obsolete state Administrative Code section that once set forth the standards for a homeless shelter, as well as other references to state standards in the California Health and Safety Code, with general language referencing any applicable state regulations. By generally referencing any applicable state standards, the City does not have to amend this section of the LAMC whenever there is a change in state law. Pursuant to a written request sent from the Housing and Community Investment Department (HCID) to the City Planning Commission prior to the Commission's consideration of the draft ordinances, the draft amendment also removes from the definition of "shelter for the homeless" a requirement that a provider be certified by HCID.

Additionally, the draft ordinance amends Sections 12.80 and 12.81 to allow the City's declaration of a shelter crisis to authorize expeditiously the establishment and operation of temporary homeless shelters on public and private property as needed, without seasonal constraints or unnecessary procedure.

Under California Government Code Sections 8698-8698.2, the City has the authority to declare a shelter crisis, based on a finding that "a significant number of persons within the jurisdiction of the governing body are without the ability to obtain



shelter, and that the situation has resulted in a threat to the health and safety of those persons.” Cal. Govt. Code Sec. 8698.2(a)(1). The declaration of a shelter crisis allows the City to use designated public facilities as temporary homeless shelters during the crisis, while also guaranteeing the City immunity from liability (with some limitations) for ordinary negligence in its provision of emergency housing in public facilities. The declaration also suspends state and local regulatory laws establishing health, safety or housing standards “to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.” Cal. Govt. Code Sec. 8698.1(b). In place of those standards, the City may enact minimal health and safety standards to apply for the duration of the crisis.

LAMC Section 12.80 codifies the provisions of the state law in the City’s local regulations. As currently written, Section 12.80 only allows shelters to operate in *public* facilities for no more than 120 days between November 1 and March 31, and imposes notice and hearing requirements in excess of the Brown Act’s 72-hour notice requirements. Government Code Section 8698, et seq., unlike LAMC Section 12.80, does not impose any specific notice and hearing requirements on local legislative bodies, nor does it restrict the declaration of a shelter crisis to a certain time period.

LAMC Section 12.81 applies the declaration of a shelter crisis under Government Code Section 8698, et seq., to certain *private* property throughout the City. Similar to Section 12.80, Section 12.81 currently limits the operation of shelters on sites owned or leased by non-profit, charitable organizations to no more than 120 days between November 1 and March 31. It also imposes notice and hearing requirements in excess of the Brown Act’s requirements. Moreover, it requires the Council to authorize specifically, by resolution and accompanied by a series of findings, the establishment and operation of *each* shelter pursuant to this regulation. Section 12.81 currently requires interested organizations to submit an application to HCID to operate a shelter prior to the requisite public hearing. The origin of LAMC Section 12.81 is different from Section 12.80, as its legal underpinning is not based on the authority granted by the state in Government Code Sections 8698, et seq. Instead, the Council enacted LAMC Section 12.81 as a direct use of the City’s police powers.

The draft ordinance amends LAMC Sections 12.80 and 12.81 to provide virtually the same process for the use of public *and* private sites as locations for homeless shelters as would be triggered under a declaration of shelter crisis. The only difference, as reflected in the draft ordinance language, is that Government Code Section 8698.1(b) expressly allows cities to relax local and state building and safety regulations for facilities used as homeless shelters on *public* sites.<sup>1</sup> The Government Code does not provide the City with authority to relax state building code regulations for shelters located on *private* property, absent the City employing the more drawn out process of

<sup>1</sup> The reduced building and safety regulations that apply to public facilities pursuant to the declaration of a shelter crisis under LAMC Section 12.80 are currently codified in LAMC Section 91.8605. The Council may amend those minimal standards as it sees fit.

amending the applicable building code provisions by adopting suitable findings justifying the deviation from the state building code.

The draft ordinance also removes application, notice and hearing requirements and seasonal limitations not required or imposed by law. For example, a resolution designating a public facility or privately owned site for the operation of a shelter under the current LAMC provisions is not legally required. If the Council dispenses with that practice, there would be no further notice and hearing requirements for the operation and establishment of temporary homeless shelters pursuant to a shelter crisis declaration. Without waiting for designation by resolution, sites can be operational as soon as they comply with the requirements of LAMC Section 91.8605<sup>2</sup> and the provisions that were included in Section 12.82 of the LAMC; namely, registration and noticing requirements, as well as compliance with the "Cold/Wet Weather Temporary Shelter" requirements promulgated by the LAFD's Fire Prevention and Public Safety Bureau.

Pursuant to the PLUM Committee's request, the draft ordinance removes the seasonal limitations currently imposed by Section 12.81 but limits the duration of a shelter crisis to a period of 365 days from the date of the declaration. However, under the draft ordinance, a new shelter crisis declaration may be made by the City Council pursuant to Government Code Section 8698, et seq., upon the expiration of the previous year's declaration. Additionally, although the communication from HCID to the City Planning Commission referenced earlier in this report requested only that references to HCID (in relation to the certification requirement) be removed from the definition of 12.03, the draft ordinance also removes the HCID certification requirement from the language in 12.81 for consistency.

Under the draft ordinance, the amended Section 12.81 still would only apply to properties located in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2 and M3 Zones, which are the same zones to which Section 12.81 currently applies.

As this Office explained in City Attorney Report Number 16-0068, the declaration of a shelter crisis under Government Code Sections 8698, et seq., and LAMC Sections 12.80 and 12.81 is a legislative act. Therefore, it is reviewable by ordinary mandate under California Code of Civil Procedure Section 1085 and limited to a determination of whether the City's actions were arbitrary, capricious or entirely lacking in evidentiary support, or whether the City failed to follow the procedure and give the notices required by law. See *Swanson v. Marin Municipal Water District*, 56 Cal.App.3d 512, 519 (1976); see also *Strumsky v. San Diego County Employees Retirement Association*, 11 Cal.3d 28, 34, fn. 2 (1974). Thus, the Council's declaration of a shelter crisis should be based on facts sufficient to satisfy the standard of review under ordinary mandate, such as

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<sup>2</sup> After the City declares a crisis, the basic building standards in LAMC Section 91.8605 go into effect for sites that establish homeless shelters under Sections 12.80 and 12.81.



information and statistics relating to the number of beds currently available in homeless shelters throughout the City versus the estimated number of homeless people without lodging. Supporting facts may also relate to exacerbating circumstances like weather conditions, air quality and other environmental considerations.

The draft ordinance includes an urgency clause so that, if adopted by Council and approved by the Mayor, it can become effective upon publication. Given the dire homeless shelter situation that gave rise to the City Council's declaration of a homeless shelter crisis last year and that led to Council's motion requesting this Office to transmit this draft ordinance, the utilization of an urgency clause pursuant to Charter Section 253 is legally appropriate. The draft ordinance is required for "the immediate preservation of the public peace, health or safety" insofar as it provides for additional shelters to be established throughout Los Angeles to alleviate the shortage of beds that currently exists in the City in order to accommodate the many homeless in Los Angeles. This urgent need for additional shelters is further exacerbated by the unexpected and unprecedented rainfall experienced in Los Angeles this winter. The draft ordinance includes a statement describing the urgency as required by Charter Section 253. Urgency ordinances require a three-fourths vote of the Council in order to pass.

#### Charter Findings Required

Charter Section 558(b)(3) requires the Council to make the findings required in Subsection (b)(2) of the same section; namely, whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the Council to adopt an ordinance conforming to the City Planning Commission's recommendation of approval of the ordinance, if the City Planning Commission recommends such approval. Similarly, Charter Section 556 requires the Council to make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. The City Council can either adopt the CPC's findings and recommendations as set forth in the CPC's transmittal report to the City Council on this matter, dated February 12, 2016, or make its own.

#### California Environmental Quality Act Standard of Review

The Department of City Planning recommends that the City Council, based on the whole of the administrative record, determine that the shelter crisis ordinance amending LAMC Sections 12.03, 12.80 and 12.81 is not a project pursuant to the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378) and/or that the ordinances are exempt under California Public Resources Code Sections 15301 (categorical exemption for existing facilities), 15303 (categorical exemption for new construction or conversion of small structures), 15304 (categorical exemption for minor alterations to land) and 15332 (categorical exemption for in-fill development projects), and that none of the exceptions under 15300.2 apply.

Reliance on these categorical exemptions is appropriate when substantial evidence in the record supports the use of the categorical exemptions and none of the exceptions in CEQA Guidelines Section 15300.2 applies.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, the Housing and Community Investment Department, the Fire Department, the Police Department and the Office of the City Administrative Officer with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Adrienne Khorasane at (213) 978-8246. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:ASK:mgm  
Transmittal





## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

### City Planning Commission

**Case Nos.:** CPC-2016-11-CA  
CPC-2016-12-CA  
**CEQA No.:** N/A  
**Location:** Citywide  
**Council No.:** 15-1138  
**Council:** Citywide  
**District:** All  
**Plan Area:**

**Date:** February 11, 2016  
**Time:** 8:30 a.m.  
**Place:** Board of Public Works, Rm. 350  
City Hall – 200 N. Spring Street  
Los Angeles, CA 90012

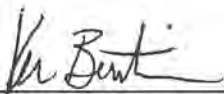
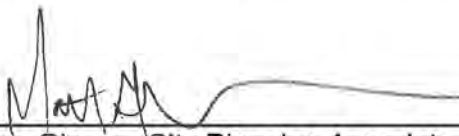
### PROPOSED PROJECT:

The proposed Homelessness Emergency ordinances (Exhibits A and B) amend Section 12.03, 12.80, 12.81 and adds Section 12.82 to the Los Angeles Municipal Code (LAMC) for the purpose of more quickly establishing homeless shelters during a shelter crisis. This includes broadening the definition of “shelter for the homeless” to include greater types of facilities and providers as well as better aligning City and State law in order to streamline the process for a Mayoral or City Council declaration of shelter crisis and allow the efficient establishment of temporary homeless emergency shelters in response to that declaration.

### RECOMMENDED ACTIONS:

1. **Approve** the proposed ordinances (Exhibit A and B) and recommend their adoption by City Council;
2. **Adopt** the staff report as its report on the subject;
3. **Adopt** the attached Findings; and
4. **Approve and recommend** that the City Council, based on the whole of the administrative record, determine that the ordinance is not a Project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378, and/or the ordinance is exempt under California Public Resources Code Sections 21080(b)(4) and 21060.3 and CEQA Guideline Sections 15301, 15303, 15306 and 15332 and that none of the exceptions under 15300.2 apply.

MICHAEL J. LOGRANDE  
Director of Planning

  
\_\_\_\_\_  
Ken Bernstein, Principal City Planner, AICP  
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- C - Los Angeles Fire Department Cold/Wet Weather Shelter Requirements



## **PROJECT ANALYSIS**

### **PROJECT SUMMARY**

The attached ordinances (Exhibit A and B) amend the Los Angeles Municipal Code (LAMC) to streamline provisions regarding the establishment of emergency shelters for the homeless when a shelter crisis has been declared by the Mayor and/or City Council<sup>1</sup>. The amendments would allow the City of Los Angeles to exercise the full authority granted to a municipality in declaring a "shelter crisis" under CA Government Code Section 8698 et seq., and thereby more effectively and swiftly allow for the provision of emergency housing when health and safety are at risk. They also update the zoning code definition of Shelter for the Homeless to include any type of facility, including one that includes traditionally non-residential facilities such as trailers or "safe parking" arrangements in private vehicles. The changes reflect direction received from City Council in its November 17, 2015 action pursuant to Council File 15-1138.

Under Section 8698, cities in California are given broad powers to declare a shelter crisis and provide emergency shelter and housing to the homeless. The state law is intended to remove constraints on local governments from providing emergency housing for people in need, specifically on public property. The City's zoning code (in LAMC Sections 12.80 and 12.81) contains local provisions for establishing and operating temporary emergency shelters for the homeless when a shelter crisis is declared. Included in the City's code are regulations on shelters that go well beyond state law in establishing an approval process and certain requirements that slow down approvals.

The amendments to LAMC 12.80 and 12.81 (see Exhibit A) streamline the process and remove unnecessary limitations that may prevent the establishment and operation of temporary shelters in a timely manner, per City Council direction. The new LAMC 12.82 would, this El Niño winter season only, allow shelters to be established on private land throughout the City, rather than within a defined set of zones. Both sets of provisions apply only to temporary emergency shelters during a time when a shelter crisis has been declared by the Mayor and/or City Council. Permanent shelters for the homeless have a separate set of regulations that are not being addressed by these ordinances.

### **BACKGROUND**

Los Angeles has the highest number of unsheltered homeless persons in the country. This population faces immense challenges every day. However, with the El Niño winter weather event having arrived, approximately 18,000 individuals in the City of Los Angeles are believed to be unsheltered and therefore at risk of a variety of particularly dangerous conditions. Cold temperatures and rain, combined with the spike in local homelessness, has many concerned about the capacity of winter shelters in the area<sup>2</sup>.

<sup>1</sup> On October 27, 2015 the City Council declared a shelter emergency pursuant to Los Angeles Municipal Code Section 12.81 and approved eight shelters to operate in the City.

<sup>2</sup> The Winter Shelter Program operated by the Los Angeles Homeless Services Agency (LAHSA) provides temporary shelter from the cold for homeless persons typically from December through February. Because of the rainy weather



Federal funding cuts to emergency shelter programs by the federal government have decreased the number of “sheltered” homeless in Los Angeles County by about 1,000 people in recent years. The recently released report on El Niño planning efforts by the Los Angeles County Civil Grand Jury found a severe lack of shelter beds and/or emergency beds available in Los Angeles County. It recommends that local jurisdictions immediately take steps to amend regulations that block private entities from providing temporary shelter to people without homes. Similarly, the recently released CLA/CAO report on homelessness finds that the City’s emergency shelter programs have fallen short of effectively serving the chronically homeless, as their limited time horizons hamper these individuals from gaining a permanent foothold in housing and alleviating the medical and social problems they face.

Increased attention and resources appear to be coming into place to address the challenge of providing emergency shelters for the homeless. The recently released [CAO/CLA report on a Comprehensive Homeless Strategy](#) provides a blueprint to address homelessness in the short term and long term. One short-term recommendation is to make \$2.1 million available for anticipated costs associated with providing emergency shelters for El Niño related inclement weather. In order for the increased funds and attention to result in additional shelter beds when they are quickly needed during a weather emergency, the City should make changes to the current emergency shelter approval process. The proposed changes would ensure that opening a shelter in an emergency will be a relatively quick and easy process for any organization that would like to do so.

The impetus for these ordinances is a September 22, 2015 City Council [motion](#) presented by Councilmembers Cedillo and Bonin (CF 15-1138). Recognizing that the City of Los Angeles has an unprecedented and growing homelessness crisis and given the El Niño precipitation event forecast to hit the City this winter, the motion cited the broad powers afforded to local governments to address this problem and declared that the City is not fully using them.

A November 13, 2015 [report](#) by the Office of City Attorney largely agreed with the assessment that the City could do more to facilitate the approval and operation of temporary emergency shelters using the declaration of a shelter crisis pursuant to state law. It laid out the benefits afforded towards emergency shelters when a shelter crisis is declared under CA Govt. Code Sec 8696 and showed how the City’s zoning code sections could be amended to reflect the full authority granted to the City by the state.

On November 17, 2015, the City Council voted to request the City Attorney’s office to prepare and present an ordinance that would “maximize the City’s authority to provide for temporary shelter pursuant to the declaration of a shelter crisis.” The attached ordinances were prepared by the Office of City Attorney with this direction.

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expected throughout the El Niño storm season, on September 22, 2015, Council adopted a motion (Council File 12-1690-S4) to expand the winter shelter program two months in order to operate from November 1, 2015 through March 31, 2016 (24 hours a day), and to instruct staff to identify additional funding requirements. In addition, LAHSA has readied approximately 440 Winter “Surge” Beds, on top of the City’s already existing (861) Winter Shelter Program beds, for operation in the case of an adverse weather incident.



## PROPOSED ORDINANCES

The City Attorney's Office, in consultation with the Department of City Planning, is bringing forward a series of code amendments contained in two separate ordinances. This was done because the second ordinance only deals with this winter's El Niño weather event.

The inefficiencies and extra layers of bureaucracy contained in the current code regarding temporary emergency shelters for the homeless have been detailed below. The proposed ordinances would allow the City of Los Angeles to take full advantage of its emergency authority to provide shelter to those whose lives and health are at risk by living on the streets.

### LAMC Section 12.03. Definitions. Shelter for the Homeless

The definition of "shelter for the homeless" is important because any facility or provider aiming to house the homeless must fit within its parameters. Currently, the definition of "shelter for the homeless" in LAMC Section 12.03 is limited to a "residential facility operated by a 'provider'". A "provider" is limited to "...a government agency or private non-profit organization..."

The amendment would remove the reference to "residential facility" from the definition, which would allow for typically non-residential spaces such as parking lots or trailers to be used within the confines of a shelter facility. It would also expand the meaning of "provider" to include religious institutions, as well as non-profit, charitable organizations. Today's definition needlessly limits groups that can establish a shelter and the types of facilities they can operate in an emergency. The amendment would widen the scope of what is considered a shelter to remedy this issue.

Finally, the definition of a "shelter for the homeless" would remove some references to state codes that have since been changed or removed. These include Part 1, Chapter F of the California Administrative Code, which no longer exists. The health and safety regulations for shelters can now be found in various state regulations. The amendment would replace these references with a more general statement that the shelter be certified by the Housing and Community Investment Department of the City of Los Angeles to meet all health and safety regulations.

### LAMC Section 12.80. Homeless Shelters - Emergencies - Government Owned and Leased Property

LAMC Section 12.80 currently allows the establishment of temporary shelters on property owned or leased by a government agency when a shelter crisis is declared under Government Code Sections 8698, et seq. However, in adopting its ordinance the City established standards of approval more onerous than would otherwise be imposed on emergency shelters under state law. As currently written, Section 12.80 only allows emergency shelters to operate in public facilities for no more than 120 days between November 1 and March 31, and imposes notice and hearing requirements in excess of



the Brown Act's seventy-two hour notice requirements. Additionally, Section 12.80 requires Council to approve of each location where temporary shelters will be located through a special process, despite the body being in recess for three weeks during the beginning of the critical winter storm season. This almost resulted in the failure to act on approving a shelter in Highland Park before the winter recess in December. It should also be noted that the City Council approval is in addition to approvals required by other City agencies like the Department of Building and Safety, Fire Department, Los Angeles Homeless Services Agency and Housing and Community Investment Department (HCID) under LAMC Section 91.8605.

State law does not restrict the declaration of a shelter crisis to a limited period of time or impose any specific notice, hearing or location approval requirements on local legislative bodies. Therefore, LAMC Section 12.80 could be amended to reflect the full authority granted to the City by the state as written in Exhibit A.

#### LAMC Section 12.81. Homeless Shelters - Emergencies - Charitable Organizations

LAMC Section 12.81 currently applies the declaration of a shelter crisis to private property throughout the City. As currently written, Section 12.81 is similar to Section 12.80 in that it limits the operation of emergency shelters on sites (owned or leased by non-profit, charitable organizations) to no more than 120 days between November 1 and March 31. Section 12.81 also imposes notice and hearing requirements in excess of the Brown Act's requirements. Moreover, it requires the Council to specifically authorize, by resolution and accompanied by a series of findings, the establishment and operation of each shelter established pursuant to this regulation. Lastly, Section 12.81 requires interested organizations to submit an application to HCID to operate a shelter prior to the requisite public hearing. Section 12.81 can be amended to allow its authorization to take effect more quickly in the event of a shelter crisis, without seasonal constraints or unnecessary procedure, as written in Exhibit A.

With these amendments, LAMC Sections 12.80 and 12.81 could provide virtually the same process for homeless shelters on public and private sites under a declaration of shelter crisis.

## **KEY ISSUES**

The following issues are believed to be worthy of further discussion:

### **1. Protection of Health and Safety**

The ordinances are designed to address the threat the health and safety of the most vulnerable residents in the City of Los Angeles - those living without shelter. State law enabling the declaration of a shelter crisis states that local regulations prescribing standards of housing, health, or safety "shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis." However, in place of such standards, local governments are permitted to enact health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety.

The City of Los Angeles Municipal Code includes a section (91.8625) that directly addresses health and safety requirements in emergency shelters operated under the subject shelter crisis provisions. Among other things, it addresses occupancy loads, fire safety requirements, security, light, heating and ventilation as well as operating procedures and times of operation. In addition, the Fire Department has put together a set of emergency shelter requirements intended to ensure a basic level of health and safety standards. They are contained in a document titled "Los Angeles Fire Department Cold/Wet Weather Shelter Requirements" (Exhibit D). It prescribes flexible, basic standards around occupancy load, a 24-hour fire watch, fire alarm sounding devices, fire extinguishers, smoke detectors, emergency lighting, two exits, exit signs and requirements for cooking facilities. Together, the existing review procedures by the Department of Building and Safety and Fire Department ensure that minimum standards to protect health and safety of shelter residents and neighbors is followed.

## 2. Removing Time Limits on Emergency Shelters

The amendments to LAMC 12.80 and 12.81 would remove explicit time limits on the operation of what are meant to be emergency shelters for the homeless. Currently these shelters are permitted to operate only for a maximum of 120 days during the months of November through March. As stated previously, the state law authorizing a declaration of a shelter crisis, does not prescribe any specific time limits to the declaration. The only requirement is that there exists a "duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelters, resulting in a threat to their health and safety." While there appears to be an implicit assumption in the law that any shelter crisis should not last forever, there is no language that would appear to limit a crisis from being ongoing as long as a large number of people in a locality remain without housing. Therefore, the seasonal 120 day time limit may be deleted from the LAMC.

Still, it seems understandable that emergency shelters for the homeless established under the provisions of 12.80 and 12.81 not become permanent in nature. There are other procedures in the code to deal with permanent shelters that are more appropriate for this type of long-term use. The City Council will retain the authority to declare the end of a shelter crisis, which will have the effect of ending the provision of shelters established under this section. Also, it should be noted that all the emergency shelters known to be operating in the City of Los Angeles are funded by LAHSA's Winter Shelter Program. The program proscribes time limits on the funding for each shelter. This will likely be the major factor limiting the time emergency shelters are able to operate.

## 3. Public Notification to Establish an Emergency Shelter

The general policy of the Department of City Planning is to notify community members when a land use is being proposed that is not typically permitted in their neighborhood. This is currently the case with emergency shelters established under LAMC 12.80 and 12.81. A seven day notification of abutting property owners is required under both sections, while shelters established on private property require publication of a notice in a local newspaper at least ten days prior to approval. This means that mail notices must



be sent at least ten days prior to any Council Action and ads must be placed in newspapers up to 14 days in advance. The result is that the process creates delay in the ability to approve emergency shelters in times of need. As previously mentioned, the state law that establishes the ability of cities to declare a shelter crisis does not require any public notification or hearing process to establish shelters under that provision. The proposed changes reflect a desire expressed by the City Council to expedite the establishment of emergency shelters in times of crisis, when the health and safety of Los Angeles' most vulnerable residents are at significant risk.

#### 4. Citywide Application During 2016 El Niño Season

The second ordinance (Exhibit B) would apply only to the 2016 El Niño season and be limited to 120 days from adoption of the ordinance. It would introduce a new section of the LAMC (12.82) which would allow for the establishment of emergency shelters on privately owned or leased property in any part of the City, as opposed to the limitation to certain zones today (R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 Zones). The ordinance is intended to allow for maximum flexibility during what is forecast to be one of the most powerful storm seasons ever recorded in Southern California. One example that has been cited as reason for the change, are the many places of worship that exist in single-family neighborhoods.

This ordinance can be thought of as a pilot program. Any shelters established under these provisions will be capped at 120 days of operation, for the 2015 winter/spring season year only. As such, the land use would only be temporary, for less than half of the year. The *primary use* of any shelter structure approved under this new section would therefore remain in line with the underlying zoning.

## CONCLUSION

Ending and preventing homelessness is one of the City's highest priorities and work is occurring on multiple levels across the City and County to address the many related issues. The vision for Los Angeles is to see every homeless individual and family housed by preventing them from becoming homeless and by rapidly rehousing those who do fall into homelessness. Permanent housing coupled with supportive services is central to combating homelessness. However, the City's comprehensive approach recognizes the need to provide sufficient temporary and emergency shelters to meet short-term needs while working toward a rapid return to more stable housing or permanent supportive housing over the longer-term.

Additional resources for emergency shelters are being made available for anticipated costs associated with El Niño related inclement weather shelters. This ordinance will ensure that, when an emergency hits, shelters will be able to open and operate without any major planning or zoning constraints with the use of land for that purpose. Quick action may make the difference between a tragedy and one that is averted by ensuring enough shelter space exists to meet the demand.

## **PUBLIC HEARING AND COMMUNICATIONS**

The proposed ordinances include an Urgency Clause drafted by the Office of the City Attorney, which finds and declares that the ordinances are required for the immediate protection of the public peace, health, and safety of citizens of Los Angeles. The Department of City Planning agrees that timing is critically important in this matter given the current shelter crisis and immediate public safety threat posed by El Nino, and therefore could not utilize its normal informal public participation policy, which includes a separate staff public hearing and a minimum 60 day window for public comments between ordinance release and City Planning Commission. Therefore, the normal amount of public participation and communications with the public has not occurred. The ordinance will, however, meet the regulations for amending the zoning code prescribed in LAMC 12.32, including publication of a hearing notice in a newspaper of general circulation in the City 24 days prior to the date of the hearing. The notice was published on

Nevertheless, public input has been received and (reviewed by the Department) through the public City Council process that called for the creation of the ordinance. Public testimony occurred most notably at the October 17, 2015 joint meeting of the City Council's Homeless and Poverty Committee and Housing Committee and the November 17, 2015 meeting of the full City Council. The public comments received were generally supportive of the need to expedite the development of temporary emergency shelters and remove unnecessary barriers. Likely issues of controversy were identified and discussed under the Key Issues section above.

## **FINDINGS**

### **GENERAL PLAN/CHARTER FINDINGS**

In accordance with Charter Section 556, the proposed ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan in that it would facilitate the provision of emergency shelters for the homeless in a timely manner to help alleviate hardship and alleviate potential tragic situations that are at risk of occurring throughout the City as a result of inclement weather and shelter crisis.

The City's General Plan includes an overarching goal of preventing and ending homelessness, as well as a number of related objectives and policies around the provision of short-term emergency housing and planning for natural disasters. The proposed code amendment ordinance is consistent with, and helps to further accomplish the following goals, objectives, and policies of the General Plan Framework as set forth below.

#### **General Plan Framework**

**GOAL 4A - *An equitable distribution of housing opportunities by type and cost accessible to all residents of the City***

***Objective 4.4 - Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.***

Housing Element

**GOAL 4: A City committed to preventing and ending homelessness.**

*Objective 4.1 - Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the specific needs of all persons who are homeless or at risk of homelessness.*

*Policy 4.1.1 - Ensure an adequate supply of emergency and temporary housing for people who are homeless or are at a risk of becoming homeless, including people with disabilities.*

*Policy 4.1.5 - Plan for emergency housing needs that will result from natural or man-made disasters.*

*Policy 4.1.6 Provide housing facilities and supportive services for the homeless and special needs populations throughout the City, and reduce zoning and other regulatory barriers to their placement and operation in appropriate locations.*

The proposed ordinances will meet the intent and purposes of the General Plan in that they clearly reduce regulatory and procedural barriers to the operation and placement of shelters for the homeless when a shelter crisis is declared. They allow for faster provision of emergency housing, which aids in the ability to plan for and cope with natural disasters. By removing unnecessary bureaucratic hurdles, the ordinances help ensure that an adequate supply of emergency and short-term housing for people who are homeless or at risk of being homeless.

In accordance with Charter Section 558(b)(2), the adoption of the proposed emergency shelter ordinance would be in conformity with public necessity, convenience, general welfare and good zoning practice because its measures are needed to ensure adequate emergency shelters can be established during a shelter crisis when quick action is needed most.

In accordance with Charter Section 559, and in order to ensure the timely processing of this ordinance, the City Planning Commission authorizes the Director of Planning to approve or disapprove for the Commission any modification to the subject ordinance as deemed necessary by Los Angeles Homeless Services Agency (LAHSA) or the City Attorney's Office. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The Director's action under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.

**CEQA Findings**

Pursuant to Sections 21080(b)(4) and 21060.3 of the California Public Resources Code and CEQA Guidelines Section 15304 and 15378, the adoption of two ordinances to address the threat to health and safety posed by this winter's El Niño precipitation event is statutorily exempt from the California Environmental Quality Act (CEQA). This is because the project has no direct or reasonably foreseeable indirect environmental



impact and is also a specific action necessary to prevent or mitigate an emergency pursuant to Section 21080(b)(4).

Specific actions intended to address clear and imminent threats to public health and safety and which demand immediate action are exempt from CEQA under an exemption for emergency projects, pursuant to PRC Section 218080(b(4)). The high probability of dangerous El Nino storms this winter poses a specific threat to the health and safety of thousands of Los Angeles homeless individuals living in hillside encampments, dwelling in floor channels and exposed to the elements on the streets.<sup>3</sup>

The proposed amendments to LAMC 12.80 and 12.81 would change the approval process to establish and operate emergency shelters for the homeless during a declared shelter crisis, as described above. The changes are largely procedural and technical in nature, with the exception of removing the seasonal time limits on emergency shelters. The anticipated result is that temporary emergency shelters may be established more quickly and that shelters may operate for a longer period of time in case of emergency, but it does not involve any activities that will directly alter the environment from its base conditions today. No new permanent construction is anticipated as a result of the ordinance, nor does the ordinance create any permanent change to density or permitted uses. The provisions would only apply during a declared shelter crisis emergency pursuant to state law. A shelter crisis may be revoked by the Mayor or City Council at any time and is likely to remain in force only through winter months, particularly in non El Nino years. Any significant changes on the ground, therefore, would largely only occur during times of a weather emergency like El Nino. Any potential impacts from the changes to 12.80 and 12.81 would be temporary in nature and necessary to mitigate an emergency shelter crisis that exists in the City.

The amendment to the definition of "shelter for the homeless" in LAMC 12.03 is largely technical in nature and will not result in a change to the environment. For example, the amendment would add clarifying language about the meaning of a homeless shelter "provider" to reduce confusion about who is able to operate an emergency shelter. However, the change will not meaningfully expand operators beyond the (existing) purview of non-profit organizations. For example, while "religious institutions" will be added to the definition of "providers" religious institutions already operate emergency shelters pursuant to this code section. Similarly, the definition would remove some references to state codes that have since been changed or removed, and instead refer to the need to meet all applicable health and safety codes. This change does not materially impact the establishment or operation of shelters. Finally, the amendment to 12.03 would remove the word "residential" from the type of facility to be used as part of a shelter. Residential simply refers to a structure fit for human habitation. Since LAMC 91.8605 already lays out the habitability requirements that apply to emergency homeless shelters operated during a shelter crisis, this phrase is redundant and subject to confusion. The Department considers this removal a minor clarification that does not reflect a change from current law and therefore will not impact the environment.

---

<sup>3</sup> One resident of skid row downtown as already died as a result of wet and cold weather exposure this winter season. During the prior El Nino even, at least 17 storm related deaths occurred across the state.

Finally, the new LAMC section 12.82 applies only during the current El Nino storm season. Therefore, it clearly is a specific action necessary to prevent or mitigate an emergency pursuant to Section 21080(b)(4).

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The analysis reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Planning Department in Room 667, 200 North Spring Street.



**ORDINANCE NO. \_\_\_\_\_**

An ordinance adding Section 12.82 to Article 2 of Chapter 1 of the Los Angeles Municipal Code to allow the operation and establishment of temporary emergency shelters for the homeless throughout the City for the duration of the 2016 El Niño precipitation cycle.

**WHEREAS**, the National Weather Service has confirmed that the winter of 2015-2016 will present one of the most powerful El Niño cycles ever recorded; and

**WHEREAS**, as a result of this El Niño cycle the City of Los Angeles will experience heavy rainfall well into the early spring of 2016; and

**WHEREAS**, the El Niño cycle of 1997-1998 brought tremendous rainfall to Los Angeles, during which there was significant loss of human life and property damage; and

**WHEREAS**, the City of Los Angeles has declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety; and

**WHEREAS**, the threat to the health and safety of the homeless population in Los Angeles is further exacerbated by the torrential rain that is anticipated with the commencement of El Niño's precipitation cycle; and

**WHEREAS**, in order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge from the rain.

**NOW, THEREFORE,**

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

Section 1. Section 12.82 is added to Article 2 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

**SEC. 12.82. HOMELESS SHELTERS – EMERGENCIES – EL NIÑO 2016.**

A. Notwithstanding any provisions of this article to the contrary, during the period not totaling more than 120 days from the effective date of this ordinance, a shelter for the homeless may be established and operated in any zone of the City without regard to the number of beds or number of persons served, if the shelter is located on property owned or leased by the provider. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for

which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

B. For the purposes of this section only, a shelter for the homeless means a facility operated by a **“provider,”** other than a **“community care facility”** as defined in the California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the state's standards for shelters. The term **“temporary accommodations”** means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed 120 days from the effective date of this ordinance. For the purpose of this section, a **“provider”** shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which meets all applicable state health and safety requirements.

Sec. 2. **URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The measures contained in the ordinance are designed to protect those without shelter from the life-threatening impacts of the inclement weather brought on by the 2015-2016 weather phenomenon known as El Niño. Weather experts confirm that the winter of 2015-2016 will present one of the most powerful El Niño cycles ever recorded, and as a result of this El Niño cycle the City of Los Angeles will experience heavy rainfall well into the early spring of 2016. The El Niño cycle of 1997-1998 brought tremendous rainfall to Los Angeles, during which there was significant loss of human life and property damage. The City of Los Angeles is already in the midst of a shelter crisis, with the City Council having formally declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety. Based on the City's previous experience with El Niño, and understanding the magnitude of this season's El Niño pattern, the threat to the health and safety of the homeless population in Los Angeles will be further exacerbated by the torrential rain that is anticipated with the commencement of El Niño's precipitation cycle. In order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge from the rain. For all of these reasons, the El Niño 2016 Emergency Homeless Shelter Ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.



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

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of \_\_\_\_\_.

HOLLY L. WOLCOTT, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By \_\_\_\_\_  
ADRIENNE S. KHORASANEE  
Deputy City Attorney

Date \_\_\_\_\_

File No. \_\_\_\_\_



**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Section 12.03 of the Los Angeles Municipal Code to expand the definition of "Shelter for the Homeless" to include more types of facilities and providers and to delete references within that definition to obsolete state code regulations; and amending Sections 12.80 and 12.81 of the Los Angeles Municipal Code to align the City's regulations with state law in order to streamline the process for a declaration by the Mayor or City Council of a shelter crisis and allow the swift establishment of temporary homeless shelters on public and private property in response to that declaration.

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

Section 1. Section 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to replace the definition of "Shelter for the Homeless" in its entirety as follows:

**SHELTER FOR THE HOMELESS.** A facility operated by a "provider," other than a "community care facility" as defined in the California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the state's standards for shelters. The term "**temporary accommodations**" means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a "provider" shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing and Community Investment Department of the City of Los Angeles to meet all applicable state health and safety requirements.

Sec. 2. Section 12.80 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 12.80. HOMELESS SHELTERS – EMERGENCIES – GOVERNMENT OWNED AND LEASED PROPERTY.**

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by a government agency in any zone as a matter of right without regard to the number of beds or number of persons served. Facilities used as a shelter for the homeless under this Section must comply with the minimum building regulations set forth in Section 91.8605 of this Code, as it is currently written or as it may be amended in the future. If the lot on which any such shelter is located does not have

sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

Sec. 3. Section 12.81 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 12.81. HOMELESS SHELTERS – EMERGENCIES – CHARITABLE ORGANIZATIONS.**

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 zones without regard to the number of beds or number of persons served, if the shelter is located on property owned or leased by the provider. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21.A.4(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

Sec. 4. **URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The City of Los Angeles is in the midst of a shelter crisis, with the City Council having formally declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety. Aside from the general threat to health and safety that exists as a result of homelessness, this year presents an additional threat to the health and safety of the City's homeless population due to the weather phenomenon known as El Niño. Weather experts confirm that the winter of 2015-2016 will present one of the most powerful El Niño cycles ever recorded, and as a result of this El Niño cycle the City of Los Angeles will experience heavy rainfall well into the early spring of 2016. The El Niño cycle of 1997-1998 brought tremendous rainfall to Los Angeles, during which there was significant loss of human life and property damage. Based on the City's previous experience with El Niño, and understanding the magnitude of this season's El Niño pattern, the threat to the health and safety of the homeless population in Los Angeles will be further exacerbated by the torrential rain that is anticipated with the commencement of El Niño's precipitation cycle. In order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge from the rain. For all of these reasons, the amendments to the Los Angeles Municipal Code Sections 12.03, 12.80 and 12.81 shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of \_\_\_\_\_.

HOLLY L. WOLCOTT, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By \_\_\_\_\_  
ADRIENNE S. KHORASANEE  
Deputy City Attorney

Date \_\_\_\_\_

File No. \_\_\_\_\_ CF 15-1138



**LOS ANGELES FIRE DEPARTMENT  
COLD/WET WEATHER SHELTER REQUIREMENTS**

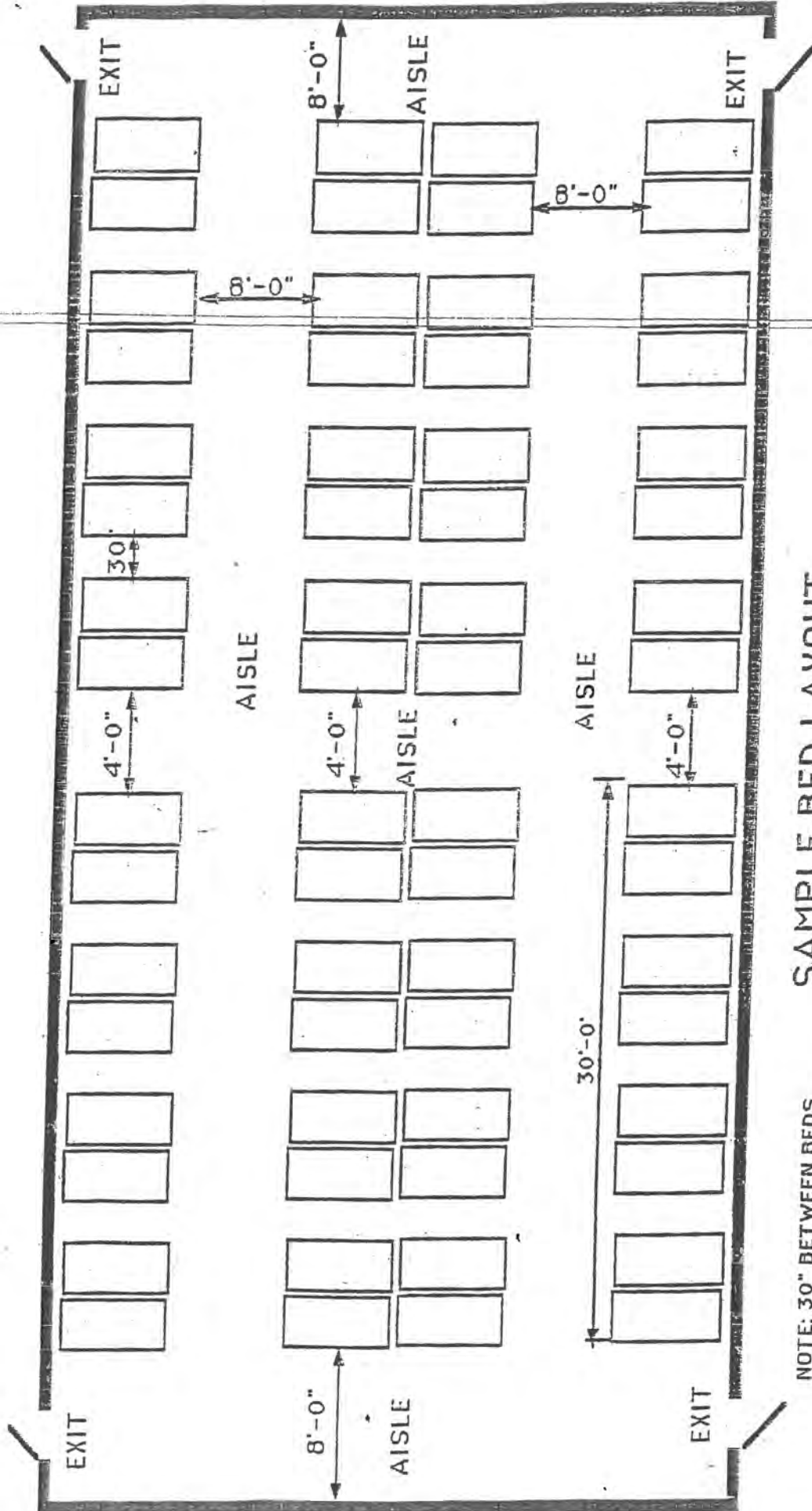
A cold/wet weather shelter for purposes of these requirements is a temporary shelter operating during the winter months.

1. Occupant load. See attached sample sketch. Intent is for six foot aisles and four foot side aisles. Eight foot aisles are shown expecting that persons will have duffel/storage at end of beds that will take away some of eight foot aisles. Aisles leading to exit doors shall be eight feet wide and unobstructed by any storage material. Final set-up beds to determine by inspection of shelter.
2. Provide a 24-hour fire watch. At time of inspection of facility, Inspector will determine number of persons needed. The intent is that if one person cannot survey all areas of the shelter, then additional persons will be required. Fire watch personnel are dedicated to that task, not serving food or performing other tasks. They have the responsibility for a continuous patrol of the shelter for the purpose of detecting fire or other emergencies and transmitting an immediate alarm to the Fire Department and the occupants.
3. Provide a basic fire alarm sounding device. One pull and a bell in area that fire watch personnel can activate to alert the occupants of a fire or emergency. Inspection to determine necessity based on size of the shelter. A manual device (i.e., whistle or large school bell) may be sufficient.
4. Provide a fire extinguishers, 2A rating, within 75' of travel in every portion of the structure.
5. No temporary partitions or construction with combustible material.
6. Provide smoke detectors. If occupancy has existing hard-wired devices must be operable. Otherwise provide smoke detectors, battery powered acceptable. Number of detectors subject to manufacturer specifications on detector and inspection based on individual structure configuration.
7. Provide emergency lighting. Each room and exit pathways. Can be type that plug into house power.
8. Two exits per floor are required and/or two exits per 50 occupants. Maintain all means of egress free of any storage or other materials that would render egress hazardous in case of an emergency.
9. Provide exit signs, paper or illuminated, subject to inspection. The signs shall bear the word "EXIT" in letters not less than 6 inches high with a  $\frac{3}{4}$ " stroke on a sharply contrasting background at all exit doors.
10. If food preparation is to be done on-site, requirements for cooking facilities will be determined on a case by case depending on the occupancy used for the shelter.

These are Fire Department guidelines. Other City agencies should be contacted to comply with requirements or guidelines that they may have in place.

These recommendations should be viewed as providing minimum fire and life safety to occupants being lodged in the proposed temporary shelters. Fire Department inspection is required in every case.





### SAMPLE BED LAYOUT

- NOTE: 30" BETWEEN BEDS
- 30'-0" MAX BETWEEN SIDE AISLES
- 8'-0" FOR MAIN AISLES
- 4'-0" SIDE AISLES



RMM Decl.  
**Exhibit 42**

RMM Decl.  
**Exhibit 42**

162279

ORDINANCE NO. \_\_\_\_\_

1  
2  
3  
4 An Ordinance providing for a 180-day extension of  
5 a procedure for City determination of temporary facilities  
6 available for emergency homeless shelters.  
7

8 WHEREAS, in January, 1987, the City of Los Angeles  
9 established a procedure for public and private buildings to  
10 be used to shelter homeless persons against the inclement  
11 weather;  
12

13 WHEREAS, potentially usable buildings may not  
14 comply with state and local building codes but may  
15 nevertheless be deemed safe by local building and safety  
16 officials for use as temporary shelter facilities;  
17

18 WHEREAS, there is still a homeless population in  
19 the City estimated by federal sources to be approximately  
20 33,000 persons;  
21

22 WHEREAS, approximately 400 people per night have  
23 been accommodated at City shelters during the past 90 days;  
24

25 WHEREAS, expiration on April 30, 1987, of  
26 Ordinance No. 161928 authorizing use of available buildings  
27 as shelters will result in closure of facilities which will  
28 cause an additional 400 homeless persons to be on the

1 downtown streets at night starting May 1, 1987;

2

3 WHEREAS, serious health and safety hazards exist  
4 which constitute a danger to homeless persons, including  
5 the risks of exposure to respiratory and other communicable  
6 diseases, as well as to criminal activity;

7

8 WHEREAS, comments from shelter users after notice  
9 of scheduled closure strongly indicate that the safety and  
10 services provided at the shelter have been heavily relied  
11 on and greatly needed by these homeless persons;

12

13 WHEREAS, more time is needed to pursue available  
14 options with other agencies, public and private, to  
15 provide alternative living arrangements for homeless  
16 persons;

17

18 WHEREAS, there is now pending in the Legislature  
19 AB 2210 which would increase the discretion of local  
20 officials to use buildings not in compliance with the code  
21 and would immunize localities for all but gross negligence  
22 in the operation of such facilities;

23

24 WHEREAS, federal, state and county agencies have  
25 still failed to address the problems of the homeless in Los  
26 Angeles;

27

28

1 NOW, THEREFORE,

2 THE PEOPLE OF THE CITY OF LOS ANGELES

3 DO ORDAIN AS FOLLOWS:

4  
5 Section 1. Identification of Premises.

6  
7 The City Council may identify by motion a public  
8 facility for use as an emergency homeless shelter or permit  
9 a private facility to be made available for such use if the  
10 owner requests or concurs, so long as the facility complies  
11 with the emergency homeless shelter guidelines set forth  
12 below in Section 2.

13  
14 Sec. 2. Emergency Homeless Shelter Guidelines.

15  
16 The following shall be provided at each facility:

17  
18 1. For fire safety purposes

19  
20 a) Exits in compliance with current fire  
21 and building and safety code  
22 requirements;

23  
24 b) Smoke detection devices;  
25  
26  
27  
28

- 1 c) An alarm system capable of arousing  
2 sleeping occupants; and  
3  
4 d) Written Fire Department approval for  
5 any use of open flames or possession of  
6 any combustibles  
7  
8 2. Security personnel for the protection of the  
9 homeless persons and the property used;  
10  
11 3. Toilet facilities for each sex;  
12  
13 4. Ground floor use only;  
14  
15 5. Adequate lighting for security purposes;  
16  
17 6. Occupancy which is limited to the maximum  
18 number found appropriate by the professional  
19 service provider operating the facility and/or  
20 the Community Development Department of the  
21 City of Los Angeles, but in no event resulting  
22 in less than 50 square feet of usable area per  
23 occupant in the facility;  
24  
25 7. Operating procedures developed by the  
26 professional service provider and/or the  
27 Community Development of the City of Los  
28 Angeles designed to maintain order and safety

1                   within the emergency homeless shelter.

2

3                   8.    Occupancy between the hours of 6:00 P.M. and  
4                   6:00 A.M. of the following day only;

5

6                   9.    City of Los Angeles zoning law compliance.

7

8                   Sec. 3. The terms and provisions of this ordinance  
9                   shall have no further force and effect after November 30, 1987.

10

11                  Sec. 4. URGENCY CLAUSE. The City Council finds and  
12                  declares that this Ordinance is required for the immediate  
13                  protection of the public peace, health and safety, for the  
14                  following reasons. Several thousand persons in this City  
15                  are homeless, are sleeping in the streets and, as a result,  
16                  are subjected to criminal activity as well as to conditions  
17                  which increase the risk of life-threatening, communicable  
18                  diseases. There are insufficient existing shelters for  
19                  homeless persons, and if the shelters now operating in  
20                  compliance with Ordinance No. 161928 are required to close  
21                  when that ordinance expires on April 30, 1987, approximately  
22                  400 additional persons will be subject to such increased  
23                  health and safety risks. This Ordinance is needed to become  
24                  effective upon publication in order to provide the immediate  
25                  availability of additional shelters to help avoid these  
26                  health and safety hazards. Therefore, this Ordinance shall  
27                  become effective upon publication pursuant to Section 281  
28                  of the Los Angeles City Charter.

Sec. 5 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of APR 28 1987.

ELIAS MARTINEZ, City Clerk,

By Edward W. Anderson,  
Deputy.

APR 29 1987  
Approved \_\_\_\_\_

Approved as to Form and Legality

April 28, 1987  
JAMES K. HAHN, City Attorney,

By Downey,  
JULIE DOWNEY, Deputy.

File No. 87-0082

City Clerk Form 23

Pat Russell,  
ACTING Mayor.

0 353034 5/1

RMM Decl.  
**Exhibit 43**

RMM Decl.  
**Exhibit 43**



HOLLY L. WOLCOTT  
CITY CLERK

SHANNON D. HOPPE  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

**Council and Public Services Division**

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

PATRICE Y. LATTIMORE  
ACTING DIVISION MANAGER

[CLERK.LACITY.ORG](http://CLERK.LACITY.ORG)

When making inquiries relative to  
this matter, please refer to the  
Council File No.: [15-1138-S30](#)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

April 17, 2018

**Council File No.:** [15-1138-S30](#)

**Council Meeting Date:** April 17, 2018

**Agenda Item No.:** 23

**Agenda Description:** CATEGORICAL EXEMPTION, COMMUNICATIONS FROM THE CITY ATTORNEY AND THE DEPARTMENT OF CITY PLANNING, and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) to update standards applicable to temporary emergency homeless shelters.

**Council Action:** COMMUNICATIONS FROM THE CITY ATTORNEY AND THE DEPARTMENT OF CITY PLANNING, AND ORDINANCE - ADOPTED FORTHWITH

**Council Vote:**

YES BLUMENFIELD  
YES BONIN  
YES BUSCAINO  
YES CEDILLO  
YES ENGLANDER

YES HARRIS-DAWSON  
YES HUIZAR  
YES KORETZ  
YES KREKORIAN  
YES MARTINEZ

YES O'FARRELL  
YES PRICE  
YES RODRIGUEZ  
YES RYU  
YES WESSON

HOLLY L. WOLCOTT  
CITY CLERK

---

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

---

**FILE SENT TO MAYOR:**

04/17/2018

**LAST DAY FOR MAYOR TO ACT:**

04/27/2018



**APPROVED**

**\*DISAPPROVED**

**\*VETO**

Mayor

04/17/2018

**DATE SIGNED**

RMM Decl., Vol. 1, p. 125



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 18-0104  
APR 13 2018

**REPORT RE:**

**DRAFT ORDINANCE AMENDING LOS ANGELES MUNICIPAL CODE  
SECTION 91.8605 TO UPDATE THE STANDARDS APPLICABLE TO  
TEMPORARY EMERGENCY HOMELESS SHELTERS ESTABLISHED  
IN RESPONSE TO A SHELTER CRISIS DECLARATION**

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

Council File No. 15-1138-S30

**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 Section 91.8605 of the Los Angeles Municipal Code (LAMC) to update the standards applicable to temporary emergency homeless shelters established in response to the City's declaration of a shelter crisis pursuant to California Government Code Section 8698, et seq.

Background and Summary of Ordinance Provisions

On January 1, 2018, Government Code Section 8698.4 (also known as AB932), a special statute designed to address the problem of homelessness in Los Angeles and other cities<sup>1</sup>, became effective. This statute amended the Government Code to allow

<sup>1</sup> The full list includes the cities of Berkeley, Emeryville, Los Angeles, Oakland and San Diego, the County of Santa Clara, and the City and County of San Francisco.



the City, upon its declaration of a shelter crisis, to locate or construct homeless shelters on any land owned or leased by the City. Previously, the establishment of emergency shelters under Government Code Section 8698, et seq., was limited to existing government owned or leased buildings. Furthermore, Government Code Section 8698.4 exempts the City from complying with certain state and local regulations, to the extent that these laws hinder or delay the City's ability to mitigate the shelter crisis, so long as the City adopts, by ordinance, reasonable standards and procedures for the design, site development, and operation of homeless shelters. Gov. Code Section 8694(a)(2)(A)(i). The City's ordinance is subject to review and approval by the State's Department of Housing and Community Development (HCD) to ensure that the ordinance addresses minimum health and safety standards. Gov. Code Section 8698.4(a)(2)(A)(i). HCD must provide its findings to the Senate Committee on Transportation and Housing, and Assembly Committee on Housing and Community Development within 30 days of receiving the draft ordinance.

On February 9, 2018, a motion (Huizar-Harris-Dawson) was introduced directing the Department of Building and Safety (LADBS), the Los Angeles Fire Department (LAFD) and the Housing and Community Investment Department (HCID), with the assistance of the City Attorney, to draft an amendment to LAMC Section 91.8605 as provided by Government Code Section 8698.4, in order to expand opportunities to create additional emergency shelters in the City.

At its meeting on March 7, 2018, the Homelessness and Poverty (H&P) Committee of the City Council considered the motion, as well as a report and proposed ordinance presented by LADBS in response to the motion. As explained by LADBS in its report dated February 16, 2018, the proposed ordinance expands the current building and safety standards imposed on temporary emergency homeless shelters to address a wider variety of emergency homeless shelters available today, and to facilitate and expedite the permitting and construction process of these shelters. The proposed ordinance was developed in collaboration with LAFD and includes updated requirements for automatic sprinklers, fire separation between shelter structures and existing buildings, minimum regulations for membrane structures, and additional miscellaneous provisions to maintain the structural integrity of all proposed emergency homeless shelter structures.

The H&P Committee voted to recommend that the Council approve the LADBS report and proposed ordinance, thereby instructing LADBS to transmit the proposed ordinance to HCD for approval, as required by Government Code Section 8698.4. The H&P Committee also voted to recommend that the City Council simultaneously request this Office to prepare and present the final draft ordinance once the State approved the proposed ordinance, in order for the City Council to adopt the ordinance at the same



time it renews the City's shelter crisis declaration.<sup>2</sup> On March 9, 2018, the City Council adopted the H&P Committee's recommendations. On that same day, the Mayor's office transmitted the proposed ordinance amending LAMC Section 91.8605 to HCD.

The City, through the Mayor's office, received a communication from HCD on March 29, 2018, explaining that two provisions in the proposed ordinance were not drafted to HCD's satisfaction. The first involved the maximum occupant load allowed in temporary emergency shelters. HCD cited existing provisions in State law that require 70 square feet for single occupants, as opposed to the City's regulations which allow 50 square feet for single occupants. See Government Code Section 8698.3(h); see also the 1997 Uniform Housing Code, Section 503.2. HCD explained that in order for the City's ordinance to be approved, it would have to be amended to require that the maximum occupancy load be computed at a rate of 70 square feet per occupant for single occupants, and 50 feet for additional occupants thereafter. The second provision involved kitchen facilities. HCD wanted the language of the proposed ordinance to be amended to clarify that kitchen facilities are required in a temporary emergency shelter, unless food is delivered to the site.

LADBS incorporated those changes into an updated proposed ordinance, and on April 10, 2018, the City Council approved the updated ordinance and authorized LADBS to resubmit the ordinance to HCD for approval. On April 10, 2018, HCD notified the Mayor's office that the City's ordinance was approved with no further comments.

This ordinance now transmitted by this Office, which was reviewed as to form and legality, has been amended to include an urgency clause so that, if adopted by Council and approved by the Mayor, it can become effective upon publication. Given the dire homeless shelter situation that gave rise to the City Council's declaration of a homeless shelter crisis last year and that led to the City Council's motion requesting this Office to transmit this draft ordinance, the utilization of an urgency clause pursuant to Charter Section 253 is legally appropriate. The draft ordinance is required for "the immediate preservation of the public peace, health or safety" insofar as it provides for additional shelters to be established throughout Los Angeles to alleviate the shortage of beds that currently exists in the City in order to accommodate the many homeless in Los Angeles. The draft ordinance includes a statement describing the urgency as required by Charter Section 253. Urgency ordinances require a three-fourths vote of the City Council in order to pass.

#### California Environmental Quality Act Standard of Review

The Department of City Planning recommends that the City Council, based on the whole of the administrative record, determine that the draft ordinance amending

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<sup>2</sup> LAMC Sections 12.80 and 12.81 require the City Council to renew its shelter crisis declaration on an annual basis. The City Council last declared a shelter crisis on April 19, 2017.



LAMC Section 91.8605 is exempt from the California Environmental Quality Act (CEQA) under California Public Resources Code Sections 15268 (statutory exemption for ministerial projects), 15269 (statutory exemption for emergency projects), 15301 (categorical exemption for existing facilities), 15302 (categorical exemption for replacement or reconstruction of existing structures and facilities), 15303 (categorical exemption for new construction or conversion of small structures), 15304 (categorical exemption for minor alterations to land), 15311 (categorical exemption for accessory structures), 15323 (categorical exemption for normal operations of facilities for public gatherings), 15327 (categorical exemption for leasing new facilities), 15332 (categorical exemption for in-fill development projects), and 15378 (definition of a project), and that none of the exceptions under 15300.2 apply.

Reliance on these categorical exemptions is appropriate when substantial evidence in the record supports the use of the categorical exemptions and none of the exceptions in CEQA Guidelines Section 15300.2 applies.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to LADBS, LAFD, HCID, the Police Department and the Office of the City Administrative Officer with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Adrienne Khorasanee at (213) 978-8246. She or another member of this Office will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON  
Chief Assistant City Attorney

DM:ASK:mgm  
Transmittal

## **ORDINANCE NO. 185490**

An ordinance amending Section 91.8605 of Division 86 of Article 1 of Chapter IX of the Los Angeles Municipal Code to update the standards applicable to temporary emergency homeless shelters established in response to the City's declaration of a shelter crisis pursuant to California Government Code Section 8698, et seq.

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

Section 1. Section 91.8605 of Division 86 of Article 1 of Chapter XV of the Los Angeles Municipal Code is amended in its entirety to read as follows:

#### **SEC. 91.8605. EMERGENCY HOMELESS SHELTERS.**

**91.8605.1. Applicability of Standards.** The provisions and standards set forth in Section 91.8605.2 shall be applicable to any emergency shelter for the homeless located in new or existing buildings or structures that are established pursuant to the declaration of a shelter crisis under Section 12.80 of the Los Angeles Municipal Code.

**91.8605.2. General.** Notwithstanding any provisions of this Code to the contrary, the following requirements shall apply to emergency homeless shelters operated during a shelter crisis, as provided for in Government Code Section 8698, et seq. Other than the requirements set forth below, the facilities need not comply with the requirements of this Code for Group R occupancies unless otherwise specified in this Code:

1. The maximum occupant load allowed in these facilities shall be the number determined appropriate by the professional service provider operating the facility and be computed at a rate of 70 square feet for the first occupant and 50 square feet for each occupant thereafter. The Superintendent of Building, with concurrence with the Fire Department, may grant an increase of occupant load provided that an aisle, seating, furniture, and fixed equipment diagram, substantiating the increase in occupant load, be submitted and approved pursuant to Section 91.8605.3 of this Code. Such diagram shall be posted on site for each level where occupant load increase is granted.

2. **Fire Safety Requirements.**

- A. Means of egress shall comply with Section 57.1001 through Section 57.1031 of Article 7 of Chapter V of the LAMC.

- B. Smoke alarms shall be provided in all sleeping areas and shall be installed in accordance with Article 7 of Chapter V of the LAMC and CBC Section 907.2.11.



C. A fire alarm system capable of arousing occupants shall be installed in accordance with Article 7 of Chapter V of the LAMC and CBC Section 907.1.

D. The use of any open flames and the possession or storage of any combustibles shall not be permitted.

**EXCEPTION:** The Superintendent of Building may approve the use of open flames and storage of combustibles in these buildings with concurrence of the Fire Department.

E. Sleeping quarters shall be limited to the ground floor only.

F. Automatic fire sprinklers shall be provided for new and existing buildings or structures as required per Article 7 of Chapter V of the LAMC and CBC Section 903.

G. New shelter buildings or structures shall be located in accordance with the requirements of Table 602 of the CBC, based on the fire-resistance rating of the exterior walls for the proposed type of construction.

H. Portable fire extinguishers shall be provided per Article 7, Chapter V of the LAMC and Title 19 of the California Code of Regulations.

I. Tents and membrane structures shall comply with Section 57.3101 through 57.3104 of Article 7 of Chapter V of the LAMC, and California Code of Regulations, Title 19, Division 1, Chapter 2, Sections 303, 310, 312, 315, 316, 317, 319, 320, 321, 324, 325, 326, 332, 334, 335, 340, and 341. Tents and membrane structures shall be limited to one level located at the level of Fire Department vehicle access road or lane.

J. All interior finishes shall comply with Sections 57.803 and 57.804 of Article 7 of Chapter V of the LAMC.

K. Fire Department access to building and premises identification shall be in compliance with Sections 57.503, 57.504, and 57.505 of Article 7 of Chapter V of the LAMC.

### **3. Light, Heating, Ventilation and Sanitation.**

A. Exterior openings for natural light and ventilation shall be provided as required for Group R occupancy, CBC Sections



1203 and 1205; exterior openings for artificial lighting shall be provided per CBC section 1205.3; and exterior openings for mechanical ventilation shall be provided per the California Mechanical Code.

B. All sleeping areas shall be provided with heating facilities capable of maintaining a room temperature of 70°F at a point 8 feet above the floor.

C. Every building shall be provided with at least one water closet and one bathing facility for every 15 occupants of each sex. Bathing facilities shall be provided with heating equipment that shall be capable of maintaining a temperature of 70 degrees F within such facilities. Lavatories shall be provided and maintained in or adjacent to the toilet facilities.

D. Kitchen facilities, where provided, shall comply with applicable sections of Chapter IX of the LAMC and CBC Section 1208. Where kitchen or cooking facilities are not provided, all food shall be catered or delivered on site.

E. All garbage, kitchen waste and rubbish shall be deposited in approved covered receptacles, which shall be emptied when filled and the contents shall be disposed of in a sanitary manner.

#### **4. Structural Requirements.**

A. The structural design for the shelter shall comply with the provisions of this Code unless determined otherwise by the Superintendent of Building pursuant to Section 91.8605.3 of this Code. All structural design documents, where deemed necessary, shall be prepared and stamped by a licensed engineer or architect registered in the State of California.

B. Shelters shall not be located in existing, substandard buildings subject to mandatory earthquake hazard reduction requirements such as:

- Unreinforced masonry (URM) buildings,
- Wood-frame with soft, weak or open-front walls,
- Non-ductile concrete buildings

**5. Additional Requirements.**

A. Operating procedures including a security plan and service requirements shall be developed by the professional service provider and shown to be consistent with the standards imposed by the Los Angeles Homeless Service Authority (LAHSA) service agreements. These procedures shall be designed to maintain order and safety within the Emergency Homeless Shelter.

B. Emergency homeless shelters required to be accessible must be in compliance with Title 24 of the CBC, Chapters 11A and 11B and federal standards for accessibility, whichever is more stringent and/or the US Access Board Final Guidelines for Emergency Transportable Housing.

**91.8605.3.** Alternative compliance and/or slight modifications in individual cases, that are reasonably equivalent to the building ordinances of the city and regulations under Articles 1 through 8 of Chapter IX of the LAMC may be granted by the Department pursuant to Section 98.403.1(a)10 of the LAMC.

**Sec. 2. URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The measures contained in the ordinance are designed to protect those without shelter from the life-threatening impacts related to homelessness, including but not limited to exposure to extreme temperatures, weather conditions, and communicable diseases. The City of Los Angeles is already in the midst of a shelter crisis, with the City Council having formally declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety. In order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.


**Sec. 3. SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.



Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
ADRIENNE KHORASANEE  
Deputy City Attorney

Date April 12, 2018

File No. 15-1138-S30

m:\real prop\_env\_land use\land use\adrienne khorasane\ordinances\shelter crisis declaration and dbs ordinance 2018\dbs emergency shelter standards ordinance.docx

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

CITY CLERK

MAYOR

  
\_\_\_\_\_

  
\_\_\_\_\_

Ordinance Passed 04/17/2018

Approved 04/17/2018

Published Date. 04/20/2018  
Ordinance Effective Date. 04/20/2018  
Council File No.: 15-1138-S30

# CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI  
MAYOR

BOARD OF  
BUILDING AND SAFETY  
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E. FELICIA BRANNON  
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DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

FRANK BUSH  
EXECUTIVE OFFICER  
SUPERINTENDENT OF BUILDING

OSAMA YOUNAN, P.E.  
EXECUTIVE OFFICER

April 16, 2018

Honorable City Council  
John Ferraro Council Chamber  
Room 340 City Hall  
City of Los Angeles

## Council File: CF 15-1138-S30

I respectfully submit and present to City Council, the enclosed approval letter dated April 10, 2018 from the California Department of Housing and Community Development as an attachment to the ordinance amending Section 91.8605 of Division 86, Article 1, Chapter IX of the Los Angeles Municipal Code to clarify applicability of standards to include new and existing buildings or structures, add provisions to facilitate the establishment of temporary emergency shelters and add provisions to further ensure safety of occupants within temporary emergency homeless shelters.

Please direct any questions regarding the proposed ordinance to Eugene Barbeau at (213) 482-0409. Should you need my assistance, please contact me at (213) 482-6800.

Catherine Nuezca Gaba  
Director of Government and Community Relations  
Executive Office



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF CODES AND STANDARDS**

2020 W. El Camino Avenue, Suite 200, Sacramento, CA 95833  
P.O. Box 1407, Sacramento, CA 95812-1407  
(916) 445-9471 / FAX (916) 263-3383  
From TDD Phones 1-800-735-2929  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



April 10, 2018

Brian Buchner, Chief  
CENTCOM Operations  
Office of Los Angeles Mayor Eric Garcetti  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Brian Buchner:

**RE: City of Los Angeles Draft Emergency Homeless Shelters Ordinance Review  
(Section 91.8605 of Division 86, Article 1, Chapter IX, of the Los Angeles Municipal Code)**

The Department of Housing and Community Development (Department) is hereby submitting its findings on the above-referenced draft ordinance submitted by the City of Los Angeles on March 13, 2018. This submittal is in compliance with the reporting requirements specified in the Government Code section 8698.4 (a)(2)(A)(i), enacted by Chapter 786, Statutes of 2017.

The Department reviewed the City of Los Angeles' draft ordinance to ensure that it addressed minimum health and safety standards for emergency housing. A summary of the Department's findings is below:

1. The Department commented on previous versions of the draft ordinance including areas related to occupancy standards, referenced standards, running water, showers, lavatories, kitchen facilities, accessibility standards and definitions/terminology.
2. The City of Los Angeles has incorporated the recommendations in the latest version and the Department approves the emergency homeless shelters draft ordinance.

A copy of the most recent draft ordinance with the Department's comments are enclosed. If you have any questions on this matter, please contact Mitchel Baker at (916) 263-3221 or [Mitchel.Baker@hcd.ca.gov](mailto:Mitchel.Baker@hcd.ca.gov).

Sincerely,

Richard Weinert  
Deputy Director  
Division of Codes and Standards

Enclosure



HOLLY L. WOLCOTT  
CITY CLERK

SHANNON D. HOPPE  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

**Council and Public Services Division**

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

BRIAN E. WALTERS  
DIVISION CHIEF

[CLERK.LACITY.ORG](http://CLERK.LACITY.ORG)

When making inquiries relative to  
this matter, please refer to the  
Council File No.: [15-1138-S30](#)

## OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

April 10, 2018

HCD Comment: HCD reviewed the draft ordinance, dated April 10, 2018,  
and approves the ordinance with no further comments.

**Council File No.:** [15-1138-S30](#)

**Stoyan Bumbalov**  
Codes and Standards Administrator I  
Housing & Community Development Department  
State Housing Law Program  
2020 W. El Camino Avenue, Suite 250 | Sacramento, CA 95833  
Phone: 916.263.4715 | Fax: 916.263.4713

**Council Meeting Date:** April 10, 2018

**Agenda Item No.:** 40

**Agenda Description:** COMMUNICATIONS FROM THE LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY relative to amending Section 91.8605 of Division 86, Article 1, Chapter IX of the Los Angeles Municipal Code to clarify applicability of standards to include new and existing buildings or structures, and add provisions to facilitate the establishment of temporary emergency shelters with provisions to ensure safety of occupants.

**Council Action:** COMMUNICATIONS FROM THE LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY - ADOPTED FORTHWITH

<b>Council Vote:</b>	YES	BOB BLUMENFIELD
	YES	MIKE BONIN
	ABSENT	JOE BUSCAINO
	ABSENT	GILBERT A. CEDILLO
	YES	MITCHELL ENGLANDER
	YES	MARQUEECE HARRIS-DAWSON
	YES	JOSE HUIZAR
	YES	PAUL KORETZ
	ABSENT	PAUL KREKORIAN
	YES	NURY MARTINEZ
	YES	MITCH O'FARRELL
	YES	CURREN D. PRICE
	YES	MONICA RODRIGUEZ
	YES	DAVID RYU
	YES	HERB WESSON

HOLLY L. WOLCOTT  
CITY CLERK



# CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI  
MAYOR

BOARD OF  
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JAVIER NUNEZ

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

FRANK BUSH  
EXECUTIVE OFFICER  
SUPERINTENDENT OF BUILDING

OSAMA YOUNAN, P.E.  
EXECUTIVE OFFICER

April 5, 2018

## Council File: CF 15-1138-S30

I respectfully request that City Council instruct the City Attorney to work with the Department of Building and Safety and submit an ordinance to City Council amending Section 91.8605 of Division 86, Article 1, Chapter IX of the Los Angeles Municipal Code to clarify applicability of standards to include new and existing buildings or structures, add provisions to facilitate the establishment of temporary emergency shelters and add provisions to further ensure safety of occupants within temporary emergency homeless shelters.

Please direct any questions regarding the proposed ordinance to Eugene Barbeau at (213) 482-0409. Should you need my assistance, please contact me at (213) 482-6800.

Catherine Nuezca Gaba  
Director of Government and Community Relations  
Executive Office

# CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI  
MAYOR

BOARD OF  
**BUILDING AND SAFETY  
COMMISSIONERS**

—  
VAN AMBATIELOS  
PRESIDENT

E. FELICIA BRANNON  
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL  
GEORGE HOVAGUIMIAN  
JAVIER NUNEZ  
—

DEPARTMENT OF  
**BUILDING AND SAFETY**

201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

—  
FRANK BUSH  
EXECUTIVE OFFICER  
SUPERINTENDENT OF BUILDING

OSAMA YOUNAN, P.E.  
EXECUTIVE OFFICER  
—

April 4, 2018

Honorable City Council  
John Ferraro Council Chamber  
Room 340 City Hall  
City of Los Angeles

**PROPOSED ORDINANCE AMENDING SECTION 91.8605 OF DIVISION 86, ARTICLE 1, CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO CLARIFY APPLICABILITY OF STANDARDS TO INCLUDE NEW AND EXISTING BUILDINGS OR STRUCTURES, ADD PROVISIONS TO FACILITATE THE ESTABLISHMENT OF TEMPORARY EMERGENCY SHELTERS, ADD PROVISIONS TO FURTHER ENSURE SAFETY OF OCCUPANTS WITHIN TEMPORARY EMERGENCY HOMELESS SHELTERS.**

The Homeless and Poverty Committee motion filed February 9, 2018 directs the Los Angeles Department of Building and Safety (LADBS), the Los Angeles Fire Department (LAFD) and the Housing and Community Investment Department (HCID), to update the current minimum health and safety standards established to combat the current homeless crisis afflicting the City.

The original proposed ordinance has been reviewed by the California Department of Housing and Community Development with slight modifications recommended to better align the ordinance with Government Code Section 8698.3 and the Uniform Housing Code. The occupant load factor has been revised to allow 70 square feet per occupant for the first occupant within a homeless shelter and 50 square feet per occupant for each occupant thereafter. Lastly, a provision has been added for clarity to capture the delivery and/or catering of food where kitchens or cooking facilities are not proposed nor provided within a homeless shelter.



I respectfully request the revised ordinance to be forwarded to the City Council for its consideration at your earliest convenience.

Please direct any questions regarding the proposed ordinance to Eugene Barbeau at (213) 482-0409. Should you need my assistance, please contact me at (213) 482-6800.




Frank M. Bush  
General Manager  
Superintendent of Building

Attachment

## **SEC. 91.8605. EMERGENCY HOMELESS SHELTERS.**

**91.8605.1. Applicability of Standards.** The provisions and standards set forth in Section [91.8605.2](#) shall be applicable to any emergency shelter for the homeless located in new or existing buildings or structures that are established pursuant to the declaration of a shelter crisis under Section [12.80](#) of the Los Angeles Municipal Code.

 **91.8605.2. General.** Notwithstanding any provisions of this Code to the contrary, the following requirements shall apply to emergency homeless shelters operated during a shelter crisis, as provided for in Government Code Section 8698, et seq. Other than the requirements set forth below, the facilities need not comply with the requirements of this Code for Group R occupancies unless otherwise specified in this Code:

1. The maximum occupant load allowed in these facilities shall be the number determined appropriate by the professional service provider operating the facility and be computed at a rate of 70 square feet for the first occupant and 50 square feet for each occupant thereafter. The Superintendent of Building, with concurrence with the Fire Department, may grant an increase of occupant load provided that an aisle, seating, furniture, and fixed equipment diagram, substantiating the increase in occupant load, be submitted and approved pursuant to Section 91.8605.3 of this Code. Such diagram shall be posted onsite for each level where occupant load increase is granted.
2. **Fire Safety Requirements.**
  - A. Means of egress shall comply with Section 57.1001 through Section 57.1031 of [Article 7 of Chapter V](#) of the LAMC.
  - B. Smoke alarms shall be provided in all sleeping areas and shall be installed in accordance with [Article 7 of Chapter V](#) of the LAMC and CBC Section 907.2.11.
  - C. A fire alarm system capable of arousing occupants shall be installed in accordance with [Article 7 of Chapter V](#) of the LAMC and CBC Section 907.1.
  - D. The use of any open flames and the possession or storage of any combustibles shall not be permitted.

**EXCEPTION:** The Superintendent of Building may approve the use of open flames and storage of combustibles in these buildings with concurrence of the Fire Department.

- E. Sleeping quarters shall be limited to the ground floor only.
- F. Automatic fire sprinklers shall be provided for new and existing buildings or structures as required per Article 7 of Chapter V of the LAMC and CBC Section 903.



- G. New shelter buildings or structures shall be located in accordance with the requirements of Table 602 of the CBC, based on the fire-resistance rating of the exterior walls for the proposed type of construction.
- H. Portable fire extinguishers shall be provided per Article 7, Chapter V of the LAMC and Title 19 of the California Code of Regulations.
- I. Tents and membrane structures shall comply with Section 57.3101 through 57.3104 of Article 7 of Chapter V of the LAMC, and California Code of Regulations, Title 19, Division 1, Chapter 2, Sections 303, 310, 312, 315, 316, 317, 319, 320, 321, 324, 325, 326, 332, 334, 335, 340, and 341. Tents and membrane structures shall be limited to one level located at the level of Fire Department vehicle access road or lane.
- J. All interior finishes shall comply with Sections 57.803 and 57.804 of Article 7 of Chapter V of the LAMC.
- K. Fire Department access to building and premises identification shall be in compliance with Sections 57.503, 57.504, and 57.505 of Article 7 of Chapter V of the LAMC.

### **3. Light, Heating, Ventilation and Sanitation.**

- A. Exterior openings for natural light and ventilation shall be provided as required for Group R occupancy, CBC Sections 1203 and 1205; exterior openings for artificial lighting shall be provided per CBC section 1205.3; and exterior openings for mechanical ventilation shall be provided per the California Mechanical Code.
- B. All sleeping areas shall be provided with heating facilities capable of maintaining a room temperature of 70°F at a point eight feet above the floor.
- C. Every building shall be provided with at least one water closet and one bathing facility for every 15 occupants of each sex. Bathing facilities shall be provided with heating equipment that shall be capable of maintaining a temperature of 70 degrees F within such facilities. Lavatories shall be provided and maintained in or adjacent to the toilet facilities.
- D. Kitchen facilities, where provided, shall comply with applicable sections of Chapter IX of the LAMC and CBC Section 1208. Where kitchen or cooking facilities are not provided, all food shall be catered or delivered on site.
- E. All garbage, kitchen waste and rubbish shall be deposited in approved covered receptacles, which shall be emptied when filled and the contents shall be disposed of in a sanitary manner.

#### **4. Structural Requirements.**

- A. The structural design for the shelter shall comply with the provisions of this Code unless determined otherwise by the Superintendent of Building pursuant to Section 91.8605.3 of this Code. All structural design documents, where deemed necessary, shall be prepared and stamped by a licensed engineer or architect registered in the State of California.
- B. Shelters shall not be located in existing, substandard buildings subject to mandatory earthquake hazard reduction requirements such as:
  - Unreinforced masonry (URM) buildings,
  - Wood-frame with soft, weak or open-front walls,
  - Non-ductile concrete buildings

#### **5. Additional Requirements.**

- A. Operating procedures including a security plan and service requirements shall be developed by the professional service provider and shown to be consistent with the standards imposed by the Los Angeles Homeless Service Authority (LAHSA) service agreements. These procedures shall be designed to maintain order and safety within the Emergency Homeless Shelter.
- B. Emergency homeless shelters required to be accessible must be in compliance with Title 24 of the CBC, Chapters 11A and 11B and federal standards for accessibility, whichever is more stringent and/or the US Access Board Final Guidelines for Emergency Transportable Housing.

**91.8605.3.** Alternative compliance and/or slight modifications in individual cases, that are reasonably equivalent to the building ordinances of the city and regulations under Articles 1 through 8 of Chapter IX of the LAMC may be granted by the Department pursuant to Section 98.403.1(a)10 of the LAMC.



RMM Decl.  
**Exhibit 44**

RMM Decl.  
**Exhibit 44**

HOLLY L. WOLCOTT  
CITY CLERK

SHANNON D. HOPPE  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

**Council and Public Services Division**

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

PATRICE Y. LATTIMORE  
DIVISION MANAGER

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When making inquiries relative to  
this matter, please refer to the  
Council File No.: [15-1138-S40](#)

## OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

March 29, 2019

**Council File No.:** [15-1138-S40](#)

**Council Meeting Date:** March 27, 2019

**Agenda Item No.:** 14

**Agenda Description:** HOMELESSNESS AND POVERTY COMMITTEE REPORT relative to a shelter crisis declaration and a request for an Ordinance to align the Los Angeles City Municipal Code Sections 12.80 and 12.81 with State Government Code Section 8698, and ensure that the LAMC is not in conflict with existing State and local laws or regulations.

**Council Action:** HOMELESSNESS AND POVERTY COMMITTEE REPORT - ADOPTED

<b>Council Vote:</b>	YES	BOB BLUMENFIELD
	YES	MIKE BONIN
	YES	JOE BUSCAINO
	YES	GILBERT A. CEDILLO
	YES	MARQUEECE HARRIS-DAWSON
	YES	JOSE HUIZAR
	YES	PAUL KORETZ
	ABSENT	PAUL KREKORIAN
	YES	NURY MARTINEZ
	YES	MITCH O'FARRELL
	YES	CURREN D. PRICE
	ABSENT	MONICA RODRIGUEZ
	YES	DAVID RYU
	YES	GREIG SMITH
	YES	HERB WESSON

HOLLY L. WOLCOTT  
CITY CLERK

Adopted Report(s)

**Title**

Report from Homelessness and Poverty Committee

**Date**

03/20/2019

HOMELESSNESS AND POVERTY COMMITTEE REPORT relative to a shelter crisis declaration and a request for an ordinance to align the Los Angeles City Municipal Code (LAMC) Sections 12.80 and 12.81 with State Government Code Section 8698, and ensure that the LAMC is not in conflict with existing State and local laws or regulations.

Recommendations for Council action, as initiated by Motion (O'Farrell - Harris-Dawson):

1. RESOLVE to pursue the development of temporary homeless shelters under Government Code Section 8698.4. The City affirms that the same conditions which gave rise to the City's declaration of the shelter crisis pursuant to Government Code Section 8698.4 last year continue to exist - specifically, that the number of homeless people who need shelter significantly outnumbers the shelter beds that are available to them, despite the City's notable efforts to develop temporary homeless housing. Thus the City remains in a shelter crisis, as defined by Government Code Section 8698, et seq.
2. REQUEST the City Attorney, with the assistance of the Planning Department to prepare and present an Ordinance that would align the LAMC with State Government Code Section 8698 relative to the shelter crisis declaration, to ensure that the LAMC is not in conflict with existing State and local laws or regulations, and take effect on or before April 17, 2019.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

At its regular meeting held on March 20, 2019, the Homelessness and Poverty Committee considered Motion (O'Farrell - Harris-Dawson) relative to an ordinance on the shelter crisis declaration that would align the LAMC Sections 12.80 and 12.81 with State Government Code Section 8698, and ensure that the LAMC is not in conflict with existing State and local laws or regulations.

After providing an opportunity for public comment, the Committee approved the Motion as amended. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

HOMELESSNESS AND POVERTY COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
O'FARRELL:	YES
RODRIGUEZ:	YES
BONIN:	ABSENT

HARRIS-DAWSON: YES  
RYU. ABSENT

EV  
15-1138-S40\_rpt\_hp\_3-20-19

A handwritten signature in black ink, appearing to read 'M. O. Dawson', is written diagonally across the upper right portion of the page.

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**



RMM Decl.  
**Exhibit 45**

RMM Decl.  
**Exhibit 45**

HOLLY L. WOLCOTT  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

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

PATRICE Y. LATTIMORE  
DIVISION MANAGER

[CLERK.LACITY.ORG](http://CLERK.LACITY.ORG)

When making inquiries relative to  
this matter, please refer to the  
Council File No.: [15-1138-S40](#)

## OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

October 4, 2019

**Council File No.:** [15-1138-S40](#)

**Council Meeting Date:** October 02, 2019

**Agenda Item No.:** 5

**Agenda Description:** HOMELESSNESS AND POVERTY COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) to align the City's shelter crisis regulations with the State Government Code.

**Council Action:** HOMELESSNESS AND POVERTY COMMITTEE REPORT AND ORDINANCE ADOPTED

**Council Vote:**

YES BLUMENFIELD  
YES BONIN  
YES BUSCAINO  
YES CEDILLO  
ABSENT HARRIS-DAWSON

YES HUIZAR  
YES KORETZ  
YES KREKORIAN  
YES LEE  
YES MARTINEZ

YES O'FARRELL  
YES PRICE  
YES RODRIGUEZ  
ABSENT RYU  
ABSENT WESSON

HOLLY L. WOLCOTT  
CITY CLERK

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

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**FILE SENT TO MAYOR:**

10/04/2019

**LAST DAY FOR MAYOR TO ACT:**

10/15/2019



**APPROVED**

**\*DISAPPROVED**

**\*VETO**

Mayor

10/15/2019

**DATE SIGNED**

RMM Decl., Vol. 1, p. 150

Adopted Report(s)

Title	Date
Final Ordinance No. 186339	10/23/2019
Report from Homelessness and Poverty Committee	09/18/2019

## **ORDINANCE NO. 186339**

An ordinance amending Los Angeles Municipal Code Sections 12.80 and 12.81 to align the City's shelter crisis regulations with Government Code Section 8698 *et seq.*

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

Sec. 1. Section 12.80 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

#### **SEC. 12.80. HOMELESS SHELTERS – EMERGENCIES – GOVERNMENT OWNED AND LEASED PROPERTY.**

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, *et seq.*, a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or number of persons served. Facilities used as a shelter for the homeless under this section must comply with the minimum building regulations set forth in Section 91.8605 of this Code, as it is currently written or as it may be amended in the future. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21 A.4.(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

Sec. 2. Section 12.81 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

#### **SEC. 12.81. HOMELESS SHELTERS – EMERGENCIES – CHARITABLE ORGANIZATIONS.**

A. Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, *et seq.*, a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 zones without regard to the number of beds or number of persons served, if the shelter is operated by a religious institution or a non-profit, charitable organization and the shelter is located on property owned or leased by that institution or organization. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21 A.4.(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required. Unreinforced masonry and/or non-ductile concrete buildings shall not be used as shelters for the homeless.

**B. Requirements.**

1. Providers shall register with the City of Los Angeles by submitting "Cold/Wet Weather Temporary Shelter Application" online via the City's website ([www.lacity.org](http://www.lacity.org)); and
2. Providers shall comply with the "Cold/Wet Weather Temporary Shelter" requirements promulgated by the Los Angeles Fire Departments Fire Prevention and Public Safety Bureau; and
3. Providers shall provide written notification to the owners of properties abutting the subject property, as well as to any school located within 500 feet of the subject property, prior to operating a shelter for the homeless on the subject property.
4. Providers shall comply with all local, state, and federal requirements that apply to the permitted use of their property while operating a shelter for the homeless pursuant to this section.

**Sec. 3. URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The measures contained in the ordinance are designed to protect those without shelter from the life-threatening impacts related to homelessness, including, but not limited to, exposure to extreme temperatures, weather conditions, and communicable diseases. The City of Los Angeles is already in the midst of a shelter crisis, with the City Council having formally declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety, and the homeless population continues to grow. In order to address the threat to the health and safety of the homeless, there must be an increase in the number of shelters available to the homeless to find refuge. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.



Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
ADRIENNE S. KHORASANE  
Deputy City Attorney

Date 8-6-2019

File No. 15-1138-S40

Pursuant to Charter Section 559, I  
**approve** this ordinance on behalf  
of the City Planning Commission and  
recommend that it be adopted.

  
VINCENT P. BERTONI, AICP  
Director of Planning

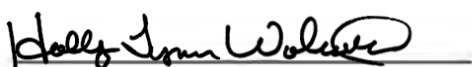
Date 8-7-19

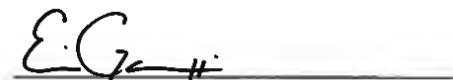
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declaration amendment\12.80 and 12.81 declaration amendment - ordinance.docx

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

CITY CLERK

MAYOR





Ordinance Passed 10/02/2019

Approved 10/15/2019

Published Date: 10/23/2019  
Ordinance Effective Date: 10/23/2019  
Council File No.: 15-1138-S40

HOMELESSNESS AND POVERTY COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) to align the City's shelter crisis regulations with the State Government Code.

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE, dated August 6, 2019, amending LAMC Sections 12.80 and 12.81 to align the City's shelter crisis regulations with Government Code Section 8698 et seq.

Fiscal Impact Statement: None submitted by City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

**URGENCY CLAUSE - 12 VOTES REQUIRED ON SECOND READING**

Summary:

On September 18, 2019, the Homelessness and Poverty Committee considered a City Attorney report and Ordinance dated August 6, 2019 relative to amending the LAMC to align the City's shelter crisis regulations with Government Code Section 8698, et seq. The City Attorney's report, attached to the Council file, provides additional background on the matter.

After consideration, and after providing an opportunity for public comment, the Committee recommended that Council adopt the Ordinance, with an Urgency Clause as reflected above. The matter is now submitted to Council for its consideration.

Respectfully Submitted,

HOMELESSNESS AND POVERTY COMMITTEE

<b>MEMBER</b>	<b>VOTE</b>
O'FARRELL:	YES
RODRIGUEZ:	YES
BONIN:	YES
HARRIS-DAWSON:	ABSENT
RYU:	YES

EV  
15-1138-s40\_rpt\_hp\_9-18-19r

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**





**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 19-0242  
AUG 06 2019

**REPORT RE:**

**DRAFT ORDINANCE AMENDING LOS ANGELES  
MUNICIPAL CODE SECTIONS 12.80 AND 12.81 TO  
ALIGN THE CITY'S SHELTER CRISIS REGULATIONS WITH  
GOVERNMENT CODE SECTION 8698, *ET SEQ.***

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

Council File No. 15-1138-S40

**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 Sections 12.80 and 12.81 of the Los Angeles Municipal Code (LAMC) to eliminate extraneous requirements and align the City's shelter crisis regulations with Government Code Section 8698, *et seq.*

**Background and Summary of Ordinance Provisions**

On March 28, 2017, the City Council adopted Ordinance Number 184836, which amended LAMC Sections 12.03, 12.80 and 12.81 to align local regulations with the provisions of Government Code Section 8698, thus providing for the development of temporary emergency shelters on public and private property pursuant to the declaration of a shelter crisis. The ordinance limited the declaration of a shelter crisis to 365 days, requiring the City to re-declare a shelter crisis on an annual basis.

On January 1, 2018, Government Code Section 8698.4 (also known as AB932), a special statute designed to address the problem of homelessness in certain cities,



including Los Angeles, became effective. That legislation provided certain exemptions and alternatives to expedite the development of temporary emergency homeless shelters on properties owned or leased by the City. On April 18, 2018, the City Council adopted Ordinance Number 185490, which updated local development standards to meet the requirements of Government Code 8698.4 to take advantage of the zoning exemptions and development alternatives provided under those regulations. However, the City's ordinance did not amend LAMC Sections 12.80 and 12.81 to remove the time limit on a shelter crisis declaration that the City imposed on itself, which state law does not require.

On March 6, 2019, a motion (O'Farrell-Harris-Dawson) was introduced requesting an ordinance that would align the requirements of LAMC Sections 12.80 and 12.81 with Government Code Section 8698, *et seq.* On March 20, 2019, the Homelessness and Poverty Committee of the City Council considered and recommended approval of the motion. The City Council adopted the recommendation of the Committee on March 27, 2018.

The City Planning Commission (CPC) considered Planning staff's report and proposed ordinance on May 9, 2019, and recommended approval of the proposed ordinance and related findings to the City Council. At its meeting on June 5, 2019, the Homelessness and Poverty Committee considered and approved the recommendations of the CPC. On June 14, the City Council adopted the Committee's recommendations and requested that this Office transmit the draft ordinance.

The draft ordinance amends LAMC Sections 12.80 and 12.81 to remove the paragraph in each section that limits the City's declaration of a shelter crisis to 365 days. Under the draft ordinance, the declaration of a shelter crisis remains until the City determines that the facts no longer support the finding that "a significant number of persons within the jurisdiction of the governing body are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons." Government Code Section 8698.2(a)(1).

The draft ordinance also includes an urgency clause so that, upon adoption by Council and approval by the Mayor, it can become effective upon publication. Given the dire homeless shelter situation that gave rise to the City Council's declaration of a homeless shelter crisis and that led to Council's motion requesting this Office to transmit this draft ordinance, the utilization of an urgency clause pursuant to Charter Section 253 is legally appropriate. The draft ordinance is required for "the immediate preservation of the public peace, health or safety" insofar as it provides for additional shelters to be established throughout Los Angeles to alleviate the shortage of beds that currently exists in the City in order to accommodate the many homeless in Los Angeles. The draft ordinance includes a statement describing the urgency as required by Charter Section 253. Urgency ordinances require a three-fourths vote of the Council in order to pass.

Charter Findings Required

Charter Section 558(b)(3) requires the Council to make the findings required in Subsection (b)(2) of the same section; namely, whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare, and good zoning practice. Charter Section 558(b)(3)(A) allows the Council to adopt an ordinance conforming to the City Planning Commission's recommendation of approval of the ordinance, if the City Planning Commission recommends such approval. Similarly, Charter Section 556 requires the Council to make findings showing that the action is in substantial conformance with the purposes, intent, and provisions of the General Plan. The City Council can either adopt the CPC's findings and recommendations as set forth in the CPC's transmittal report to the City Council on this matter, dated May 22, 2019, or make its own.

California Environmental Quality Act Standard of Review

The Department of City Planning recommends that the City Council, based on the whole of the administrative record, determine that the draft ordinance amending LAMC Sections 12.80 and 12.81 is exempt under California Public Resources Code Sections 15061(b)(3) and 15269 (statutory exemption for emergency projects). Reliance on these categorical exemptions is appropriate when substantial evidence in the record supports the use of the exemptions.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the City Administrative Officer with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Adrienne Khorasane at (213) 978-8246. She or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By   
DAVID MICHAELSON  
Chief Assistant City Attorney

DM:ASK:mgm  
Transmittal



RMM Decl.  
**Exhibit 46**

RMM Decl.  
**Exhibit 46**

MOTION

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

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

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

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

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

PRESENTED BY:

*Paul Krekorian*

PAUL KREKORIAN  
Councilmember, 2nd District

SECONDED BY:

*Debra Roue*

ORIGINAL

JUN 1 6 2023

PK

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

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

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

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

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

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

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



- (2) The Mayor shall order any action relative to the procurement of construction contracts, service provider contracts, supplies, and equipment for homelessness facilities to safeguard life, health or property caused by the emergency.
  - (3) Contracts using this subsection's suspended competitive bidding restrictions may be for a term no longer than one year; thereafter, further contracting for the same need shall be accomplished by competitive bidding whenever applicable;
  - (4) The City Council may terminate a contract awarded under this subsection and require competitive bidding.
  - (5) The City Administrative Officer shall evaluate and report monthly to the City Council on the reasons justifying why each contract using this subsection was necessary to respond to the emergency, including why the emergency did not permit a delay resulting from a competitive solicitation for bids or proposals and why competitive proposals or bidding was not reasonably practicable or compatible with the City's interests.
- (e) Whenever the Mayor declares a local housing and/or homelessness emergency, the Chief Legislative Analyst's Office shall prepare, with the assistance of the City Attorney, a resolution ratifying the existence of a local housing and/or homelessness emergency. Such resolution shall be submitted by the Mayor to the City Clerk for presentation to the Council. Within 30 days from the date of the original declaration by the Mayor, the City Council may consider the resolution and rescind it by majority vote. Thereafter, the declaration shall expire unless the City Council renews it by majority vote every 90 calendar days.
- (f) The Chief Administrative Officer and the General Managers of the Department of Housing and the Department of Planning, or their designee, shall monitor the state of the emergency and report



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

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

**AMENDING MOTION**

I HEREBY MOVE that Council AMEND Motion (Krekorian – Raman), relative to Los Angeles Administrative Code Section 8.33 regarding the declaration of a Local Housing or Homelessness Emergency by the Mayor, to include the following language:

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

PRESENTED BY \_\_\_\_\_  
PAUL KREKORIAN  
Councilmember, 2nd District

SECONDED BY \_\_\_\_\_  
NITHYA RAMAN  
Councilmember, 5th District

June 20, 2023

CF 23-0652

HOLLY L. WOLCOTT  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



KAREN BASS  
MAYOR

OFFICE OF THE  
CITY CLERK

**Council and Public Services Division**  
200 N. SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012  
GENERAL INFORMATION - (213) 978-1133  
FAX: (213)978-1040

PATRICE Y. LATTIMORE  
DIVISION MANAGER

[CLERK.LACITY.ORG](http://CLERK.LACITY.ORG)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

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

<b>Council Vote:</b>					
YES	Blumenfield	YES	de León	YES	Harris-Dawson
YES	Hernandez	YES	Hutt	YES	Krekorian
YES	Lee	YES	McOsker	YES	Park
ABSENT	Price Jr.	YES	Raman	ABSENT	Rodriguez
YES	Soto-Martínez	YES	Yaroslavsky		

HOLLY L. WOLCOTT  
CITY CLERK

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

**MOTION**

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

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

PRESENTED BY \_\_\_\_\_  
PAUL KREKORIAN  
Councilmember, 2nd District

SECONDED BY \_\_\_\_\_  
KATY YAROSLAVSKY  
Councilmember, 5th District

\_\_\_\_\_  
NITHYA RAMAN  
Councilmember, 4th District

June 27, 2023

CF 23-0652

HOLLY L. WOLCOTT  
CITY CLERK

City of Los Angeles  
CALIFORNIA

OFFICE OF THE  
CITY CLERK

PETTY F. SANTOS  
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KAREN BASS  
MAYOR

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**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

**Council File No.:** 23-0652

**Council Meeting Date:** June 27, 2023

**Agenda Item No.:** 43

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

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

**Council Vote:**

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

HOLLY L. WOLCOTT  
CITY CLERK

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

**FILE SENT TO MAYOR**  
**LAST DAY FOR MAYOR TO ACT**

06/28/2023
07/10/2023

APPROVED

6/28/2023  
RMW Decl. Vol. 1, p. 168



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Adopted Report(s) Title

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

Report from City Attorney dated 6-23-23

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

**ORDINANCE NO. \_\_\_\_\_**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Whenever the Mayor declares a local housing and/or homelessness emergency, the Chief Legislative Analyst's Office shall prepare, with the assistance of the City Attorney, a resolution ratifying the existence of a local housing and/or homelessness emergency. Such resolution shall be submitted by the Mayor to the City Clerk for presentation to the City Council. Within 30 days from the date of the original declaration by the Mayor, the City Council may consider the resolution and rescind it by majority vote. Thereafter, the declaration shall expire unless the City Council renews it by majority vote every 90 calendar days.

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

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

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



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



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

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By



VALERIE L. FLORES

Chief Assistant City Attorney

Date

June 23, 2023

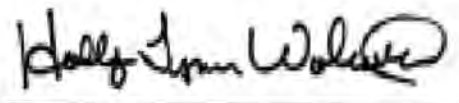
File No. 23-0652

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

CITY CLERK

MAYOR



Ordinance Passed June 27, 2023

Approved 06/28/2023

Published Date: 07/05/2023

Ordinance Effective Date: 07/05/2023

RMM Decl.  
**Exhibit 47**

RMM Decl.  
**Exhibit 47**



July 1, 2024

**Re: Mayor Bass Executive Directive No. 1 (3rd Revised)**

Dear Colleagues,

Executive Directive 1 (ED1) has led with historic urgency to bring Angelenos inside and provide new housing in Los Angeles, having expedited more than 18,000 affordable units in the City thus far. Today I issued a revision to Executive Directive 1 to continue this progress and provide regulatory guidance to new 100% affordable housing proposals so that as we build, we build better.

The revision will create additional protections for existing residential tenants, ensure the protection of historic resources, create safeguards for projects in very high fire risk areas and industrial sites, and improve the design, landscaping, and open spaces of new affordable housing. As the permanent Executive Directive 1 program is considered by Council, we can't forget about those who are building these projects and I am prepared to support labor standards and protections for qualifying 100% affordable ED1 projects receiving streamlined approvals. It is also important that we include regulations to promote geographic equity and the distribution of affordable housing citywide. I remain committed to making this program to boost affordable housing production a permanent part of our city codes and I thank the City Council for their continued work to make this a reality.

Sincerely,

KAREN BASS  
Mayor



## **EXECUTIVE DIRECTIVE NO. 1**

Issue Date: December 16, 2022

Revised: June 12, 2023

Revised: July 7, 2023

Revised: July 1, 2024

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

### **INTRODUCTION**

To aid in swiftly sheltering people who are unhoused in the City of Los Angeles, and by virtue of the authority vested in me as Mayor of the City of Los Angeles under Section 231(i) of the Los Angeles City Charter and the provisions of Section 8.33 of the Los Angeles Administrative Code, I hereby declare the following order to be necessary for the protection of life and property and I hereby order, effective immediately, that:

1. Applications for 100% affordable housing projects, or for Shelter as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) (hereinafter referred to as Shelter), shall be, and hereby are deemed exempt from discretionary review processes otherwise required by either the zoning provisions of Chapter 1 and 1A of the LAMC or other Project Review, including Site Plan Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4, and Haul Routes per LAMC Section 91.7006.7.5, and related Public Works reviews, including LAMC Section 62.161 through 62.178 and Section 46.00 through 46.06, as long as such plans do not require any zoning change, variance, or General Plan amendment, and in no instance shall the project be located in a single family or more restrictive zone. Furthermore, all eligible projects shall be consistent with the following standards:
  - A. The project site does not include any parcels located in a manufacturing zone that does not allow multifamily residential uses.

- B. The project is not located on a hazardous waste site that is listed pursuant to California Government Code Section 65962.5 or a hazardous waste site designated by the State Department of Toxic Substance Control pursuant to Section 25356 of the Health and Safety Code, unless the applicable regulatory authority has made a determination that the site is suitable for residential or residential mixed uses.
- C. Project sites that are or were previously used as a gas or oil well as identified by the California Geologic Energy Management Division shall not be approved until a Phase I environmental assessment, as defined in Section 25319.1 of the Health and Safety Code, is completed, and a Phase II environmental assessment, as defined in subdivision (o) of Section 25403 of the Health and Safety Code, is completed if warranted. A "No Further Action" letter, or some other comparable documentation issued by the appropriate regulatory agency shall be required to establish eligibility for this program.
- D. The project does not include any parcels that are located in the Very High Fire Hazard Severity Zone portion of the Hillside Area Map per Council File 09-1390.
- E. The project does not include any parcels that are included in the National Register of Historic Places or the California Register of Historical Resources, either individually or within a historic district, or included within a Historic Preservation Overlay Zone (HPOZ), or designated as a City Historic-Cultural Monument, does not include any eligible historic or architectural resource located in the Westwood Village Specific Plan, Central City West Specific Plan, Echo Park CDO District, or the North University Park Specific Plan, and does not include any eligible historic resource identified within the South Los Angeles Community Plan Implementation Overlay (CPIO) Section 1-6.C.5.b, the Southeast Los Angeles CPIO Section 1-6.C.5.b, the West Adams CPIO Section 6.C.5.b, or the San Pedro CPIO Section 7.C.5.b
- F. All at grade or above grade parking shall be screened with active uses or visually opaque materials and treatments along all facades visible from public rights-of-way, excluding driveway/garage entrances.
- G. Any building fronting a public street shall have at least one pedestrian entrance facing a public street. Pedestrian access to the street facing entrance shall be provided.
- H. All floors located above the ground floor shall have glazing equivalent to a minimum of 20 percent of the facade area. Ground floor facades in commercial zones fronting the primary street shall have glazing equivalent to a minimum of 30 percent of the facade area.



- I. For a project site with a residential zoning classification, the entire project site's zoning, prior to the granting of any density bonus, shall permit the construction of 5 or more residential units, rounded up to the nearest whole number, on the project site.
- J. Projects seeking Density Bonuses under LAMC Section 12.22A.25 shall be eligible for no more than five incentives and one waiver. Furthermore, any project seeking off-menu incentives, waivers, or modifications of any development standard(s) not on the menu described in LAMC Section 12.22A.25(g)(3) shall be limited as follows:
  - 1. A project in a residential land use designation shall be eligible to request no more than a 100 percent increase in floor area, or up to a floor area ratio of 3.5 to 1, whichever is greater.
  - 2. A project in a residential zone shall be eligible to receive no more than a total project height increase of three stories, or 33 feet, in excess of the otherwise applicable height limit imposed by the project's zoning.
  - 3. A project in a residential land use designation shall provide no less than a side yard setback of 5 feet and a rear yard setback of 8 feet. A reduction of front yard setbacks shall be limited to maintain the average of the front yards of adjoining buildings along the same street frontage. If located on a corner lot or adjacent to a vacant lot, the front yard setback may align with the facade of the adjoining building along the same front lot line. If there are no adjoining buildings, no reduction in the front yard setback is permitted. For the purpose of requesting an off-menu incentive or waiver to reduce required yards, all adjustments to individual yards or setbacks may be combined to count as one off-menu incentive or waiver.
  - 4. A project shall be eligible to request no more than a 50 percent reduction in the otherwise required open space.
  - 5. A project shall be eligible to request no more than a 50 percent reduction in the otherwise required bicycle parking
  - 6. A project shall be eligible to request no more than a 25 percent reduction in any otherwise required tree planting requirements
  - 7. A project located in a commercial zone shall be eligible to request no more than a 30 percent reduction in any otherwise required ground story requirement related to ground story minimum height requirements, ground story nonresidential floor area requirements, ground story glazing and transparency requirements, or ground story pedestrian entrance number and spacing requirements. If requesting multiple modifications to ground story requirements, they may be combined to count as one incentive or waiver, but each individual request shall not exceed a 30 percent reduction.
  - 8. The building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of any adjoining lot in the RW1 zone or more restrictive zone.
  - 9. For projects seeking a height increase of three stories, or more than 22 feet, the top story of the project shall be stepped back 10 feet from the exterior

building face fronting any public street; for buildings with 70 linear feet or greater in width along the front street frontage, the top story of the project shall be stepped back 10 feet from all exterior building faces. Any portion of a building that is already set back 10 feet or more from required front, side and rear yards shall be exempt from these requirements. Projects with any frontage on a street with a General Plan designation of Boulevard or Avenue shall be exempt from these requirements.

- K. For 100% affordable projects approved under this Directive, any inclusion of Accessory Dwelling Units, or the future conversion of amenity spaces and parking areas, including but not limited to recreation rooms, community rooms, storage rooms, office, and fitness rooms, into dwelling units (including Accessory Dwelling Units) shall be provided as covenanted affordable units at affordability levels and terms equal to the approved project.
- L. The project is not located on a parcel or parcels subject to the Rent Stabilization Ordinance (RSO) containing 12 or more total units that are occupied or were occupied in the five-year period preceding the application.
- M. The project shall replace all existing RSO units and RSO units demolished on or after January 1, 2020 pursuant to the replacement requirements of California Government Code Section 65915(c)(3). The project shall also comply with the following:
  - 1. If the income level of occupants is unknown, or if the income is above lower income, the units shall be replaced according to Sec. 65915(c)(3)(C)(i); and
  - 2. If the units are occupied by lower income households that intend to exercise the right to return, the units shall be replaced with an affordable unit subject to a recorded covenant so that rent is affordable to extremely low, very low, or low income households depending on the income of the household, as verified by the Los Angeles Housing Department.
- N. Returning tenants exercising the right of first refusal for a comparable affordable replacement unit shall be offered a new unit in the proposed development at an initial rate no higher than the most recent lawful rent for their prior unit if the prior unit was subject to the RSO, unless the affordable rent based on the household's income is lower, in which case the affordable rent shall be the initial rental rate. Thereafter, rent increases for such tenants shall not exceed the allowable rent increase for rent stabilized units under LAMC Chapter XV, and this limitation shall be included in the covenant recorded for the affordable replacement unit.
- O. Returning tenants shall not be required to pay a security deposit greater than one half of their initial monthly rent, and shall be permitted to pay any required security deposit up to 90 days after moving into their replacement unit.

- P. Prior to the issuance of a building permit for a 100% affordable housing project, a covenant acceptable to the Los Angeles Housing Department shall be recorded with the Los Angeles County Recorder guaranteeing that the affordability of units contained in such projects, including any required affordable replacement units, will be observed for at least 99 years from the issuance of the Certificate of Occupancy, except for a 100% affordable housing project which receives any form of public subsidy that is tied to a specified covenant period including Low Income Housing Tax Credits, as verified by the Los Angeles Housing Department, in which case all restricted affordable units shall be covenanted for at least a period of 55 years for rental units, or 45 years for for-sale units.
2. In determining the number of Protected Units contained on the site of the proposed development, the Housing Department shall allow a minimum Rental Unit Determination response period of 30 days to ensure low-income tenants are able to successfully and accurately demonstrate their true household income. The Housing Department's outreach to tenants shall consider tenants' internet and computer access and language needs. The Department shall also consider whether in-person outreach is appropriate.
  3. Consistent with fair housing and other legal requirements, the Housing Department, with the assistance of the City Attorney, is directed to develop a Priority Occupancy Process to give priority access to affordable housing to occupants of units removed as a result of a development incentive program, including this Directive, the Transit Oriented Communities program, Density Bonus program, or other policy or program that streamlines and accelerates the development of housing requiring the redevelopment of occupied units. Under the Priority Occupancy Process, eligible low-income tenants who occupied such units shall be given priority for placement in subsidized or covenanted affordable housing developments that are required to have LAHD-approved Property Management Plans and Tenant Selection Plans. The Priority Occupancy Process shall take into account the accessibility needs of disabled occupants, household income levels, and eligibility requirements of newly permitted affordable housing, and shall not require tenants to relinquish their right of first refusal should they elect to be relocated to a unit based on Priority Occupancy.
  4. The Housing Department shall prepare a report to the Chief of Housing and Homelessness Solutions within 45 days on improvements, enhancements, and expansion of services and outreach related to rental unit determinations, tenant navigation services, notifications to ensure tenants are able to successfully document their income, and notification and outreach related to the Priority Occupancy Process for newly constructed affordable housing and the Right of First Refusal. The Housing Department shall identify in the report existing and new resources that can be dedicated to this effort, including potential partnerships with established Community-Based Organizations to improve outreach.

5. All City departments are directed to process all plans for such 100% affordable housing projects or Shelter using the streamlined ministerial review process currently used for projects eligible under Government Code section 65913.4, State Density Bonus law.
6. I further direct all applicable City Departments to process clearances and utility releases related to building permit applications, certificates of occupancy, or temporary certificates of occupancy within 5 business days for 100% affordable housing projects and within 2 business days for Shelters.
7. I further direct all applicable City Departments to conduct and conclude all reviews and inspections required for 100% affordable housing projects or Shelters and to issue all appropriate approvals for such projects or Shelters within 60 days following the submission of the completed application. City Departments shall provide the applicant with all required changes or amendments on or before the 30th day following the submission of a completed application for such projects. To the extent practicable, all required reviews and approvals shall be conducted simultaneously, not sequentially, by all City departments so as to meet the 30 day and 60 day periods specified for such projects in this paragraph.
8. I hereby direct the City Planning Department to, within 45 days, create a public dashboard of projects seeking City Planning approval under this directive.
9. I hereby direct the Los Angeles Housing Department (LAHD) to coordinate with the Los Angeles City Controller to track and process all affordable housing projects and expedite payments thereon. LAHD shall track each pending pay application, initial submittal date, approval date, reasons for rejection or modification of submitted payment applications, and issuance of payment, and shall provide reports to the Mayor on all such payments at least monthly with the goal of expediting payments due for affordable housing projects.
10. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System as they apply within the City of Los Angeles be expanded, changed, or suspended, as allowed by federal law. Rules, guidelines and regulations will be developed to expedite the placement of unhoused neighbors into housing in the City of Los Angeles.
11. I hereby direct all City departments to prioritize and streamline compliance with the provisions of the Building Homes and Jobs Act – Government Code section 27388.1 in order to maximize the City's eligibility for state and federal funds to support the development of emergency shelters, transitional housing, and supportive housing. The City shall seek to comply with or otherwise meet all criteria specified under all applicable state and federal laws that provide for increased resources, funding, access or allowance for temporary or affordable housing.
12. Effective February 28, 2023, in accordance with the end of the State of California COVID-19 emergency, I hereby rescind the Public Order Under City of Los

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

13. The City Planning and Housing Departments shall issue guidelines as necessary to implement the provisions of this Executive Directive.
14. A project that has submitted a City Planning application or a Housing Crisis Act Vesting Preliminary Application Form to the Department of City Planning prior to the effective date of this revised Executive Directive shall be deemed eligible to proceed under the regulations of the July 7, 2023 version of this Executive Directive.
15. Upon the expiration of this Executive Directive any project that has submitted a City Planning application or a Housing Crisis Act Vesting Preliminary Application Form to the Department of City Planning after the effective date of this revised Executive Directive shall be deemed eligible to proceed under the regulations of this Directive. Any project that has submitted a City Planning application or a Housing Crisis Act Vesting Preliminary Application Form to the Department of City Planning prior to the effective date of this revised Executive Directive shall be deemed eligible to proceed under the regulations of the July 7, 2023 version of this Directive.

Executed this 1<sup>st</sup> day of July, 2024.



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KAREN BASS  
Mayor



RMM Decl.  
**Exhibit 48**

RMM Decl.  
**Exhibit 48**



KAREN BASS  
MAYOR

### **EXECUTIVE DIRECTIVE NO. 3**

Issue Date: February 10, 2023

Revised: July 7, 2023

Revised: March 27, 2024

**Subject: Emergency Use of Viable City-Owned Property**

#### **INTRODUCTION**

To aid in sheltering people who are unhoused in the City of Los Angeles, and by virtue of the authority vested in me as Mayor under the Charter Section 213(i) of the City of Los Angeles and the provisions of Section 8.29 and 8.33 of the Los Angeles Administrative Code, I hereby declare the following order to be necessary for the protection of life and property, and I hereby order, effective immediately, that:

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

2. The Chief of Housing and Homeless Solutions shall, upon receipt of such identifications, complete a formal assessment of each identified site to determine its suitability for housing or shelter for those experiencing homelessness. In making that assessment, the Chief of Housing and Homeless Solutions shall coordinate with CAO and all appropriate City departments, including General Services Department (GSD), the Department of Transportation (DOT), the Bureau of Engineering (BOE), and the Department of Building and Safety (DBS). Such assessment shall be completed and transmitted to the Mayor as soon as possible but, in any event, on or before the 30th day following receipt of the AMDS list referenced in paragraph 1 of this Executive Directive. Such assessment shall address each site's viability for habitation, including a site layout, access to infrastructure (including water, power, and sewer access), contamination risks, liability risks, the distance between each site and other residential uses, and the time and resources needed to prepare the site for habitation.
3. Within 30 days of receipt of the formal assessment of sites to be used for temporary or permanent housing with on-site supportive services to be occupied by persons experiencing homelessness, the Mayor's Office shall make designations for appropriate sites to install or construct housing or shelter, giving preference to sites that are easily serviceable by utilities (including water, power, and sewer services) and that are near assets to aid in support of people experiencing homelessness. Any new structures constructed on sites so designated shall be non-congregate shelter. To the extent possible, units shall include individual bathrooms. All sites shall include other appropriate amenities. The Mayor's Office, in conjunction with the CAO, shall specify the construction or contracting process for each site, including approvals for expediting the same, and may include additional exemptions from the requirements of the Los Angeles Municipal Code (LAMC).
4. City departments, bureaus, and agencies shall have the authority to install temporary or permanent housing with on-site supportive services on such designated sites, all in accordance with the designations made by the Mayor's Office.
5. The construction, emergency installation, use, and operation of temporary or permanent housing on such designated sites or on any property owned by the Los Angeles County Metropolitan Transportation Authority, the Housing Authority of the City of Los Angeles, or the Los Angeles Community College District, shall be and hereby are deemed exempt for the duration of this order from discretionary review processes otherwise required by either the zoning provisions of Chapter I

of the LAMC or Project Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4; or other ordinance; provided, however, that any temporary or permanent housing shall comply with applicable state law including Government Code Section 8698, et seq., to the extent those sections apply. For a project on property owned by the Los Angeles County Metropolitan Transportation Authority, the Housing Authority of the City of Los Angeles, or the Los Angeles Community College District, this paragraph does not apply if the project requires a zone change, variance, or General Plan amendment, or is located in a single family or more restrictive zone.

6. Temporary or permanent housing on such designated sites or on property owned by the Los Angeles County Metropolitan Transportation Authority, the Housing Authority of the City of Los Angeles, or the Los Angeles Community College District, shall also be exempt from LAMC Section 64.72 (Public Works and Property) except to the extent required by state law as applicable to either charter or general law cities. The Director of Sanitation shall respond to all Sewer Capacity Availability Requests (SCAR) and complete the department's reviews under LAMC Section 64.15 within seven business days of being submitted to the Bureau of Sanitation.
7. Construction activities related to temporary or permanent housing on such designated sites or on property owned by the Los Angeles County Metropolitan Transportation Authority, the Housing Authority of the City of Los Angeles, or the Los Angeles Community College District, shall be exempt from LAMC Section 41.40 (Public Welfare) in order to expedite construction and installation of housing, all in accordance with the designations made by the Mayor's Office.
8. All site plan reviews and approvals pursuant to LAMC Section 16.05 are hereby waived for all eligible temporary or permanent housing with on-site supportive services constructed or installed on such designated sites as specified in the Mayoral designations noted in paragraph 3 above, and on any property owned by the Los Angeles County Metropolitan Transportation Authority, the Housing Authority of the City of Los Angeles, or the Los Angeles Community College District. All minimum parking requirements are hereby waived for all eligible temporary or permanent housing with on-site supportive services constructed or installed on such designated City sites, as well as on any property owned by the Los Angeles County Metropolitan Transportation Authority, the Housing Authority of the City of Los Angeles, or the Los Angeles Community College District, all in accordance with the designations made by the Mayor's Office. For a project on property owned by the Los Angeles County Metropolitan Transportation Authority,

the Housing Authority of the City of Los Angeles, or the Los Angeles Community College District, this paragraph does not apply if the project requires a zone change, variance, or General Plan amendment, or is located in a single family or more restrictive zone.

9. To facilitate the temporary storage of operable and inoperable automobiles, operable and inoperable recreational vehicles, and related equipment, the installation and operation of temporary vehicle storage lots, temporary official police garages, and temporary related facilities shall be permitted in any non-residential zone and hereby are deemed exempt for the duration of this order from discretionary review processes, operational regulations, development standards, and development limitations otherwise required by either the zoning provisions of Chapter I of the LAMC or other ordinance. No habitation of vehicles or on-site demolition of vehicles is permitted. All such temporary vehicle storage lots, temporary official police garages and related facilities authorized by this paragraph shall only be located on land leased or owned by a public entity and shall be authorized to remain in temporary operation no longer than two years after the expiration of this order.
10. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System be expanded, changed, or eliminated, as allowed by federal law, pursuant to guidelines to be issued by the Mayor, for temporary or permanent housing with on-site supportive services constructed or installed on such designated City sites.
11. All City departments and bureaus with permitting requirements, including the DBS, the BOE, the Fire Department, City Planning, DOT and the Department of Water and Power (DWP), shall prioritize and streamline their review of any permits relating to the construction, emergency installation, use, and operation of temporary or permanent housing on such designated City sites, and on any property owned by the Los Angeles County Metropolitan Transportation Authority, the Housing Authority of the City of Los Angeles, or the Los Angeles Community College District, by conducting concurrent, rather than consecutive, reviews of such permit applications and completing those reviews within 30 days of application.
12. GSD shall establish guidelines for when a City department or bureau should consider a property vacant or underutilized, similar to the processes for declaring properties surplus, and they shall develop a process by which each City department and bureau shall regularly identify for the CAO and GSD, any properties that it deems to be vacant or underutilized.



13. The DWP, the Los Angeles World Airports, and the Los Angeles Harbor Department shall establish guidelines for identifying vacant, surplus, or underutilized property on a forward-going basis, and shall develop a process by which each of those departments shall regularly notify the Mayor and CAO of vacant, surplus, or underutilized properties.
14. The Mayor will request that other jurisdictions that control real property in the City consider adopting policies similar to those outlined in this order to make property available for temporary or permanent housing with on-site supportive services. Such jurisdictions include Los Angeles County, LA Metro, Los Angeles Unified School District (LAUSD), the California Department of Transportation (CalTrans), and other departments or agencies of the State of California.
15. The City Planning and Housing Departments shall issue guidelines as necessary to implement the provisions of this Executive Directive.

Executed this 27<sup>th</sup> day of March, 2024



---

KAREN BASS  
Mayor



KAREN BASS  
MAYOR

### **EXECUTIVE DIRECTIVE NO. 3**

Issue Date: February 10, 2023

Revised: July 7, 2023

**Subject: Emergency Use of Viable City-Owned Property**

#### **INTRODUCTION**

To aid in sheltering people who are unhoused in the City of Los Angeles, and by virtue of the authority vested in me as Mayor under the Charter Section 213(i) of the City of Los Angeles and the provisions of Section 8.33 of the Los Angeles Administrative Code, I hereby declare the following order to be necessary for the protection of life and property, and I hereby order, effective immediately, that:

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

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

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

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

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

or Project Review as described in LAMC Section 16.05 and LAMC Section 13B.2.4; or other ordinance; provided, however, that any temporary or permanent housing shall comply with applicable state law including Government Code Section 8698, et seq., to the extent those sections apply.

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

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

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

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

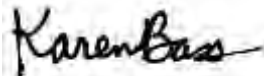
10. All City departments and bureaus with permitting requirements, including the DBS, the BOE, the Fire Department, City Planning, DOT and the Department of Water and Power (DWP), shall prioritize and streamline their review of any permits relating to the construction, emergency installation, use, and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

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

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

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

Executed this 7<sup>th</sup> day of July, 2023

A handwritten signature in black ink that reads "Karen Bass". The signature is written in a cursive, flowing style.

---

KAREN BASS  
Mayor





KAREN BASS  
MAYOR

### **EXECUTIVE DIRECTIVE NO. 3**

Issue Date: February 10, 2023

**Subject: Emergency Use of Viable City-Owned Property**

#### **INTRODUCTION**

To aid in sheltering people who are unhoused in the City of Los Angeles, and by virtue of the authority vested in me as Mayor under the Charter Section 213(i) of the City of Los Angeles and the provisions of Section 8.29 of the Los Angeles Administrative Code, I hereby declare the following order to be necessary for the protection of life and property, and I hereby order, effective immediately, that:

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

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

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

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

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

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

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

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

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

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

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

Executed this 10<sup>th</sup> day of February, 2023

---

KAREN BASS  
Mayor

RMM Decl.  
**Exhibit 49**

RMM Decl.  
**Exhibit 49**

HOLLY L. WOLCOTT  
CITY CLERK

City of Los Angeles  
CALIFORNIA

OFFICE OF THE  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER



KAREN BASS  
MAYOR

**Council and Public Services Division**  
200 N. SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012  
GENERAL INFORMATION - (213) 978-1133  
FAX: (213) 978-1040

PATRICE Y. LATTIMORE  
DIVISION MANAGER  
[CLERK.LACITY.GOV](http://CLERK.LACITY.GOV)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

**Council File No.:** 23-1066

**Council Meeting Date:** October 20, 2023

**Agenda Item No.:** 2

**Agenda Description:** CONTINUED CONSIDERATION OF STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTION 15269(C), PUBLIC RESOURCES CODE (PRC) SECTION 21080(B)(4), AND PRC SECTION 21080.27 (AB 1197); and HOUSING AND HOMELESSNESS COMMITTEE REPORT relative to funding allocation, construction, lease or similar agreement, and operation of an interim housing facility on the City-owned property located at 2377 Midvale Avenue in Council District 5.

**Council Action:** HOUSING AND HOMELESSNESS COMMITTEE REPORT - ADOPTED FORTHWITH

**Council Vote:**

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

HOLLY L. WOLCOTT  
CITY CLERK

**Pursuant to Charter/Los Angeles Administrative Code Section(s): 341**

**FILE SENT TO MAYOR**  
**LAST DAY FOR MAYOR TO ACT**

10/20/2023

10/30/2023

APPROVED



Karen Bass

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10/27/2023

---

DATE SIGNED

Adopted Report(s) Title

Report from Housing and Homelessness Committee\_10-04-23

RMM Decl.  
**Exhibit 50**

RMM Decl.  
**Exhibit 50**

STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTION 15269(C), PUBLIC RESOURCES CODE (PRC) SECTION 21080(B)(4), AND PRC SECTION 21080.27 (AB 1197); and HOUSING AND HOMELESSNESS COMMITTEE REPORT relative to funding allocation, construction, lease or similar agreement, and operation of an interim housing facility on the City-owned property located at 2377 Midvale Avenue in Council District 5.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the determination by the BOE that the action is statutorily exempt from the CEQA pursuant to PRC Section 21080(b)(4), as specific actions necessary to prevent or mitigate an emergency as also reflected in the State CEQA Guidelines Section 15269(c); and under PRC Section 21080.27 (AB 1197) applicable to City of Los Angeles homeless shelters.
2. APPROVE the September 29, 2023 City Administrative Officer (CAO) report, and September 29, 2023 Bureau of Engineering (BOE) report, attached to the Council file.

Fiscal Impact Statement: The CAO reports that the recommendations will be funded with the City's General Fund previously approved for homelessness interventions and the Homeless Housing, Assistance, and Prevention Round 1 funds. There is no additional impact to the General Fund as a result of the recommendations in the report. Funding for operations of the site will be programmed in a future funding report.

Financial Policies Statement: The CAO further reports that the recommendations in the report comply with the City Financial Policies in that budgeted funds are being used to fund recommended actions.

Community Impact Statement: None submitted

SUMMARY:

On October 4, 2023, your Housing and Homelessness Committee considered the September 29, 2023 CAO and BOE reports relative to the funding allocation, construction, lease or similar agreement, and operation of an interim housing facility that the City-owned located at 2377 Midvale Avenue; and a CEQA exemption determination that the project is statutorily exempt under PRC Section 21080(b)(4) as specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guidelines Section 15269(c); and under PRC Section 21080.27 (AB 1197) applicable to the City's emergency homeless shelters. The reports attached to the Council file include some background on the matter.

After providing an opportunity for public comment, the Committee moved to approve the recommendations reflected above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

HOUSING AND HOMELESSNESS COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
RAMAN:	YES
BLUMENFIELD:	YES
HARRIS-DAWSON:	YES
RODRIGUEZ:	YES
LEE:	YES

EV/MM 23-1066\_rpt\_hh\_10-04-23

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**

RMM Decl.  
**Exhibit 51**

RMM Decl.  
**Exhibit 51**

**BOARD OF PUBLIC WORKS  
MEMBERS**

**AURA GARCIA**  
PRESIDENT

**M. TERESA VILLEGAS**  
VICE PRESIDENT

**DR. MICHAEL R. DAVIS**  
PRESIDENT PRO TEMPORE

**VAHID KHORSAND**  
COMMISSIONER

**SUSANA REYES**  
COMMISSIONER

**DR. FERNANDO CAMPOS**  
EXECUTIVE OFFICER

**CITY OF LOS ANGELES**

CALIFORNIA



**KAREN BASS**  
MAYOR

**DEPARTMENT OF  
PUBLIC WORKS**

**BUREAU OF  
ENGINEERING**

**TED ALLEN, PE**  
CITY ENGINEER

1149 S. BROADWAY, SUITE 700  
LOS ANGELES, CA 90015-2213

<http://eng.lacity.org>

September 29, 2023

The Honorable Paul Krekorian  
President  
Los Angeles City Council

c/o Holly L. Wolcott  
City Clerk  
City Hall Room 360

**CRISIS AND INTERIM HOUSING AT 2377 MIDVALE AVENUE (C.F. 23-1066)  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICE OF EXEMPTION  
(NOE)**

Dear President Krekorian and Honorable Members:

The attached environmental documentation is being transmitted for City Council's consideration related to the new Interim Housing site at 2377 Midvale Avenue, Council District 5.

**RECOMMENDATION**

Staff recommends that Council determine the actions that allow for funding allocation, construction, lease or similar agreement, and operation of interim housing at 2377 Midvale Avenue is statutorily exempt from the California Environmental Quality Act under Public Resources Code Section 21080(b)(4), as specific actions necessary to prevent or mitigate an emergency as also reflected in the State CEQA Guidelines Section 15269(c); and under Public Resources Code Section 21080.27 (AB 1197) applicable to City of Los Angeles homeless shelters. Please refer to the attached NOE.

Honorable Paul Krekorian  
September 29, 2023  
Page 2 of 2

If you have any questions, please contact Maria Martin at [Maria.Martin@lacity.org](mailto:Maria.Martin@lacity.org) or (213) 485-5753.

Sincerely,

A digital signature block featuring a blue ink-style signature of "Alfred Mata" over a light blue rectangular background. To the right of the signature, there is small text that reads "Digitally signed by Alfred Mata" and "Date: 2023.09.29 11:57:47 -07'00'".

Ted Allen, PE  
City Engineer

TA/JF/MM:ja

Box\EXE\\_ReadyforSignature\TSA\Outbox\Archived\2023\CEQA\_NOE\_TRANSMITTAL  
\_BOE\_Report\_CF23-1066\_2377\_Midvale\_Ave\_09-29-23

Attachment

cc: Deborah Weintraub, Bureau of Engineering  
Jose Fuentes, Bureau of Engineering  
Marina Quinones, Bureau of Engineering  
Maria Martin, Bureau of Engineering



**CITY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF ENGINEERING  
1149 S. BROADWAY, 7<sup>th</sup> FLOOR  
LOS ANGELES, CALIFORNIA 90015  
CALIFORNIA ENVIRONMENTAL QUALITY ACT  
NOTICE OF EXEMPTION  
(Articles II and III – City CEQA Guidelines)**

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, pursuant to Public Resources Code Section 21152(b), and with the state Office of Planning and Research pursuant to Public Resources Code Section 21080.27(c) (AB1197), when applicable; and on the City website pursuant to Public Resources Code Section 21092.2(d). Pursuant to Public Resources Code Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

<b>LEAD CITY AGENCY AND ADDRESS:</b> City of Los Angeles c/o Bureau of Engineering (BOE) 1149 S. Broadway, MS 939 Los Angeles, CA 90015	<b>COUNCIL DISTRICT</b> 5
--	------------------------------

<b>PROJECT TITLE:</b> CD 5 - 2377 Midvale Ave Interim Housing	<b>LOG REFERENCE</b> C.F. 23-1066
--	--------------------------------------

**PROJECT LOCATION:** 2377 Midvale Avenue, Assessor's Parcel Number (APN) 4322-004-903; and 10901 - 10909 Pico Boulevard, APN 4322-004-902, in the West Los Angeles Community Plan Area of the City of Los Angeles (City), Los Angeles County, 90064. See Figure 1, Project Location. T.G. 632-C6

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:** The CD 5 - 2377 Midvale Ave Interim Housing project (Project) consists of funding allocation, construction of approximately 45 units including sleeping cabins (*ensuite* units) with restrooms in each unit, on-site laundry facilities, storage bins and a storage module, pet area, office/case management conferencing space, dining area/community space, security fencing, and staff parking; lease or similar agreement, and operation of an interim housing facility on an existing underutilized City-owned parking lot (Los Angeles Department of Transportation Lot No. 707). The purpose of the Project is to provide emergency shelter for approximately 33 individuals experiencing homelessness to help bridge their transition from living on the streets to finding services and, ultimately, living in transitional and/or permanent housing. Project beneficiaries include the homeless community, the public, and local businesses. (Please see the attached narrative for more details.) On \_\_\_\_\_, 2023, the City Council determined the Project was exempt under the California Environmental Quality Act (CEQA) and approved the Project.

<b>CONTACT PERSON</b> Maria Martin (Maria.Martin@lacity.org)	<b>TELEPHONE NUMBER</b> (213) 485-5753
---	---

<b>EXEMPT STATUS:</b>	<u>CITY CEQA GUIDELINES</u>	<u>STATE CEQA GUIDELINES</u>	<u>CA PUBLIC RESOURCE CODE</u>
<input checked="" type="checkbox"/> STATUTORY		15269(c)	21080(b)(4) & 21080.27

**JUSTIFICATION FOR PROJECT EXEMPTION:** This Project is statutorily exempt under Public Resources Code, Section 21080(b)(4), as a specific action necessary to prevent or mitigate an emergency, and as reflected in the CEQA Guidelines, Section 15269(c); Public Resources Code, Section 21080.27 (AB 1197) applicable to City of Los Angeles emergency homeless shelters (see attached narrative).

**IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING**

<b>SIGNATURE:</b>  Maria Martin <i>Pending Project approval.</i>	<b>TITLE:</b> Environmental Affairs Officer BOE Environmental Management Group	<b>DATE:</b>
<b>RECEIPT NO.</b>	<b>REC'D BY</b>	<b>DATE</b>

DISTRIBUTION: (1) County Clerk; (2) Agency Record

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## EXEMPTION NARRATIVE

### I. PROJECT DESCRIPTION, CONTINUED

The Project includes construction of approximately 45 units including 33 sleeping units, two of those would be Americans with Disabilities Act (ADA) accessible, (ensuite units) with restrooms in each unit; three on-site laundry units, storage bins and a storage module, pet area, office/case management conferencing space, dining area/community space, security fencing, and approximately two staff parking spaces; lease or similar agreement, and operation of an interim housing facility for up to 33 individuals experiencing homelessness, in furtherance of providing emergency homeless shelter beds in the City of Los Angeles. See ATTACHMENT 1: CONCEPTUAL SITE PLAN.

The shelter will be operated consistent with the Los Angeles Homeless Services Authority's (LAHSA) program requirements for bridge shelters including, but not limited to Crisis Housing Program for All Populations Scope of Required Services (LAHSA, 2020-2021). A third-party service provider will operate the project for the City and it is anticipated that a lease or similar operating and/or funding agreements may be executed with the service provider, County, and/or LAHSA. The site includes approximately 2 on-site parking spaces, including an Americans with Disabilities Act (ADA) accessible space.

This interim housing facility will provide emergency shelter, hygiene, storage, food services and case management for approximately 33 individuals experiencing homelessness. Additional services may include job training, group therapy, resume building and other workshops. Project operations will include approximately six to eight employees scheduled in shifts throughout the day, approximately three employees onsite at one time; with site security provided on a 24/7 basis or per a security plan consistent with the Los Angeles Homeless Services Authority's (LAHSA) standards. The homeless shelter will be operated consistent with LAHSA's program requirements for crisis and bridge shelters including, but not limited to, LAHSA's Scope of Required Services and Program Standards, as noted in the references section. A third-party service provider, County, and/or LAHSA will operate the Project for the City, and it is anticipated that a lease or similar operating and/or funding agreements may be executed with the service provider, County, and/or LAHSA.

The Project site consists of two parcels, APNs 4322-004-902 (Lot 1) and 4322-004-903 (Lot 2), bisected by an alley and with an area of approximately 16,860 square feet with frontages along Pico Boulevard and Midvale Avenue. Lot 1 is zoned NMU(EC)-POD which is a mixed-use zone that allows for multi-family uses. Lot 2 is zoned R1-1 which is a residential zone; however, the property qualifies as an infill site as defined by Public Resources Code Section 21061.3 since it is currently developed for qualified urban uses and at least 75 percent of the perimeter of the site adjoins parcels developed with qualified urban uses. Residential uses are located to the north, east, west of the site and surface transportation uses to the south of the site. (City of Los Angeles Department of City Planning, 2023).

## II. PROJECT HISTORY

### **A. Homelessness Imposes a Loss of, or Damage to, Life, Health, Property, and to Essential Public Services in the City**

Homelessness presents a danger of loss or damage to the health and property of the people of the City and an undue burden on essential public services. Based on information from the Census and the Los Angeles Homeless Services Authority (LAHSA), in 2020, homeless persons constituted approximately 1.07 percent of the City's population (U.S Census Bureau, 2021 & LAHSA, 2020).

In 2018, homeless persons constituted 13.5 percent of LAFD's total patient transports to a hospital, meaning a homeless person is 17 percent more likely to require emergency hospital transportation than the general population (LAFD Battalion Chief and Paramedic Douglas Zabalski, 2019). Studies have shown that individuals identified as homeless utilize health care services more frequently than comparable non-homeless individuals of the same age, gender, and low-income status, particularly high-cost services such as Emergency Room (ER) visits and psychiatric hospitalizations (Hunter, 2017) (Hwang SW, 2013).

Los Angeles County's Chief Executive Officer reported the County spent \$965 million on health, law enforcement, and social services toward individuals experiencing homelessness in fiscal year 2014–2015 (Wu, 2016). Consistent with that report, a 1998 study in the New England Journal of Medicine found that homelessness was associated with substantial excess costs per hospital stay in New York City, with homeless patient staying in the hospital 36 percent longer per admission on average than other patients (Salit, Hospitalization Costs Associated with Homelessness in New York City, 1988).

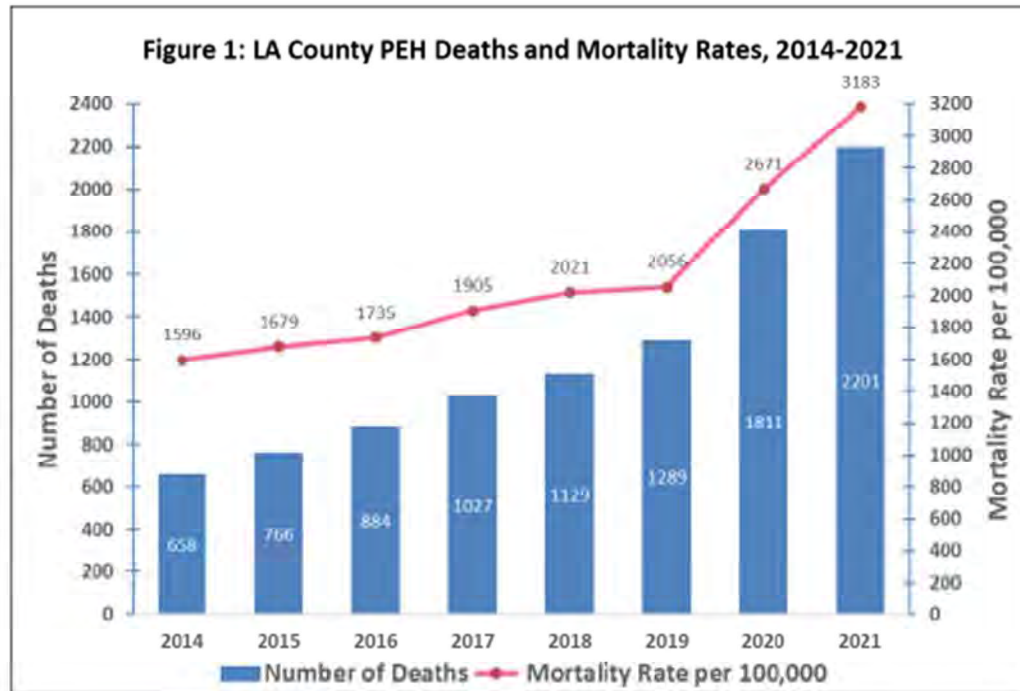
Homelessness also causes significant danger to the health and lives of persons who are homeless. Homeless individuals living in the City are frequent crime victims. In 2018, LAPD reported 2,965 instances where a homeless individual was a victim of a serious crime, including homicide, rape, aggravated assault, theft, and arson (also known as "Part 1 Crimes.") (Commander Dominic H. Choi, 2019). This compares to 1,762 such crimes in 2017, a 68 percent increase (*Id.*). This dramatic increase in Part 1 Crime statistics may be due to more rigorous LAPD data collection methodologies, however it is consistent with the increasing incidence of homelessness documented in June of 2019 detailed below (*Id.*). During the first six months of 2020, LAPD reported 1,738 instances where a homeless individual was a victim of a serious crime including homicide, rape, aggravated assault, burglary, and larceny (LAPD, 2020).

Overall, in 2018, the LAPD reported 6,671 instances in total where a homeless individual was a Part 1 Crime victim and/or suspect, among the 31,285 estimated homeless individuals throughout the City (Commander Dominic H. Choi, 2019). This means that in 2018 there was approximately one Part 1 Crime per every 4.68 homeless individuals in the City. By comparison, for the same year LAPD reported 129,549 total Part 1 Crimes Citywide among an estimated population of 4,054,400 City residents, or approximately one Part 1 crime per every 31.29 City residents. Accordingly, the rate of Part 1 crimes among homeless individuals in 2018 was approximately seven times higher than the rate among the City population as a whole (*Id.*). According to the LAPD Use of Force Year-

End Report in 2020, among the 41,290 estimated homeless individuals throughout the City, 7,872 persons were reported to be victims of a violent or property crime. In the same year, 5,722 persons experiencing homelessness were reported as suspects of a violent or property crime. (LAPD, 2020). On October 4, 2018 and again on February 6, 2019, the Los Angeles County Department of Public Health identified an outbreak of endemic flea-borne typhus in downtown Los Angeles among persons experiencing homelessness. On September 19, 2017, the Los Angeles County Department of Public Health declared a Hepatitis A virus outbreak among persons who are homeless and/or use illicit drugs in the County. Likewise, a January 2018 report from the Los Angeles County Department of Mental Health reported that data from the Los Angeles County Medical Examiner-Corner's showed that a significant number of deaths in the homeless population were caused by treatable conditions such as arteriosclerotic cardiovascular disease, pneumonia, diabetes, cancer, cirrhosis, severe bacterial infections and other conditions (Choi, 2019). As noted by the Board of Supervisors for the County of Los Angeles on October 29, 2019:

Mortality rates for people experiencing homelessness are much higher than those for the general population, have risen in the County over the past five years, and are expected to increase again for 2019. A recent analysis by the County's Department of Public Health on mortality rates and causes of death among people experiencing homelessness shed critical light on this issue and provided sobering data on recent trends. The overall mortality rate, which accounts for increases in the total homeless population over the 6-year period from 2013 to 2018, increased each year from 1,382 per 100,000 to 1,875 deaths per 100,000, with the total number of deaths among people experiencing homelessness increasing each year from 536 in 2013 to 1,047 in 2018. The leading causes of death included coronary heart disease (22%) and unintentional drug and alcohol overdose (21%), indicating that there are opportunities for interventions to prevent premature deaths (Supervisor Ridley-Thomas, Supervisor Solis, 2019) (Department of Public Health, 2019).

In May 2023, LA County Department of Public Health released a report on its finding that mortality rates among the homeless population have recently continued to drastically rise from 2,056 per 100,000 people experiencing homelessness in 2019 to 3,183 per 100,000 in 2021. (LAC Department of Public Health, May 2023.) Indicators of mortality in the homeless population "began increasing dramatically beginning in 2020, with the mortality rate increasing by 55% between 2019 and 2021." (LAC Department of Public Health, May 2023.)



(Source: LA County DPH May 2023.)

In a press release dated May 12, 2023, the LA County Board of Supervisors released statements noting “We have declared a state of emergency in Los Angeles County because there are far too many people on our streets” and the report “underscores how important it is that we continue to treat the homelessness crisis with a sense of urgency and move as many people as possible inside so we can begin to save their lives.” (LA County DPH May 12, 2023.)

These significant adverse health impacts suffered by the homeless in the City and County of Los Angeles are consistent with the impacts identified by a well-established body of expert social science studies that document the significant adverse health and welfare impacts experienced by homeless persons in the United States and in other countries, which the homeless in the City and County experience as well. Some of that research has documented the following impacts upon homeless persons:

**Mortality Rates.** A study of the mortality rates of sheltered homeless people in New York City between 1987 and 1994 documented that homeless men died at a rate more than twice that of other residents of New York, and that homeless women died at a rate more than 3.7 times greater than other New York residents (Barrow, Susan M., PhD, Daniel B. Herman, DSW, Pilar Cordova, BA, and Elmer L. Struening, PhD, 1999). A study conducted between 1985 and 1988 in Philadelphia found that the mortality rate among homeless persons in Philadelphia was nearly four times greater than for the general population (Hibbs, Jonathan R., MD, et. al., 1994). A review of five years of data between 2000 and 2005 in Glasgow, Scotland found that homelessness is, itself, is an independent risk factor for death, distinct from other specific causes (Morrison, 2009).



*Access to Healthcare.* A 2003 nationwide survey of homeless persons documented that homeless adults reported substantial unmet needs for multiple types of health care (Baggett, Travis P., MD, MPH, James J. O'Connell, MD, Daniel E. Singer, MD, and Nancy A. Rigotti, MD, 2010). The report found 73 percent of the respondents reported at least one unmet health need, including an inability to obtain needed medical or surgical care (32%), prescription medications (36%), mental health care (21%), eyeglasses (41%), and dental care (41%) (*Id.*).

*AIDs Impacts.* A study of San Francisco residents diagnosed with AIDS from 1996 through 2006 and reported to the San Francisco Department of Public Health demonstrated that homeless persons with HIV/AIDS have greater morbidity and mortality, more hospitalizations, less use of antiretroviral therapy, and worse medication adherence than HIV infected persons who are stably housed (Schwarcz, Sandra K, Ling C Hsu, Eric Vittinghoff, Annie Vu, Joshua D Bamberger and Mitchell H Katz, 2009).

*Cancer Impacts.* A study of 28,000 current and formerly homeless individuals in Boston documented that homeless men saw a significantly higher cancer incident rate than expected compared to the general Massachusetts general population, and that homeless women and men experienced significantly higher cancer mortality rates than the Massachusetts general population (Baggett, Travis P et al., 2015).

## **B. Unexpected and Unabated Dramatic Surge in Homelessness**

A 2017 Rand Corporation study reported the County of Los Angeles as having the highest rate in the United States of unsheltered individuals who experience homelessness (Hunter, Sarah B., Melody Harvey, Brian Briscoe, and Matthew Cefalu, 2017). The impacts of homelessness upon the homeless and upon the community, in terms of the danger to or loss of life, property, health and burden on public services is exacerbated in the City due the very size of the City's homeless population. The homeless shelter crisis and the rise in homelessness are the type of emergency situations that led the State to adopt AB 1197, an urgency statute addressing homelessness that was deemed necessary for the immediate preservation of the public peace, health, or safety and for the critical necessity to address the shelter and homeless crisis within the City of Los Angeles.

The City Council declared a homeless shelter crisis pursuant to Government Code Section 8698, et seq. on April 17, 2018 (The Honorable M. Bonin & M. O'Farrell, 2019), which is currently in effect (The Honorable M. Bonin & M. Harris-Dawson, 2019). Following significant investment of resources by both the County and City, the 2018 Homeless Count showed progress in reducing homelessness, documenting a 5.5 percent overall decrease in the number of persons experiencing homelessness in LA County (LAHSA, 2020).

*Table 1 - 2018 Homeless Count Data Summary* presents the data revealed by the 2018 Homeless Count concerning the City of Los Angeles, as documented in the 2018 Data Summary in Table 1 (LAHSA, 2020).

<b>Table 1</b> <b>2018 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2017</b>
Sheltered Homeless	8,398	6% Decrease
Unsheltered Homeless	22,887	5.3% Decrease
Total Homeless Persons	31,285	5.5% Decrease

Despite these efforts and the initial progress shown in 2018, the Homeless Counts unexpectedly documented a dramatic increase in the number of individuals experiencing both sheltered and unsheltered homelessness in (LAHSA, 2022) *Table 2 - 2019 Homeless Count Data Summary* presents the data revealed by the 2019 Homeless Count concerning the City of Los Angeles, as documented in the 2019 Data Summary as shown in Table 2 (LAHSA, 2020).

<b>Table 2</b> <b>2019 Homeless Count Data Summary (Revised 07/20/2020)</b>		
	<b>Number of Individuals</b>	<b>Change from 2018</b>
Sheltered Homeless	8,944	6.5% Increase
Unsheltered Homeless	26,606	16.2% Increase
Total Homeless Persons	35,550	13.7% Increase

LAHSA published its 2020 Homeless Count, released in July 20, 2020, which shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing both sheltered and unsheltered homelessness dramatically increased yet again, as shown in *Table 3 - 2020 Homeless Count Data Summary* (LAHSA, 2020).

<b>Table 3</b> <b>2020 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2019</b>
Sheltered Homeless	12,438	39% Increase
Unsheltered Homeless	28,852	8.4% Increase
Total Homeless Persons	41,290	16.1 % increase

LAHSA prepared a 2021 shelter point-in-time count for the City of Los Angeles that estimated the number and demographic characteristics of the sheltered homeless population on a single night in January 2021. Released in July 20, 2021, it shows that the homelessness emergency in the City of Los Angeles continues unabated and uncertain. The documented number of individuals experiencing sheltered homelessness increased yet again, as shown in *Table 4 - 2021 Housing Inventory Count and Shelter Count Data Summary* (LAHSA, 2021). The 2021 unsheltered street count could not be conducted due to the COVID-19 pandemic. However, the availability of vaccinations enabled the resumption of the Homeless Count for February 2022 with appropriate precautions (LAHSA, 2022).

<b>Table 4</b> <b>2021 Housing Inventory Count and Shelter Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2020</b>
Sheltered Homeless	12,503	1% Increase

LAHSA published its 2022 Homeless Count, released on September 7, 2022, which shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing sheltered homelessness dramatically increased yet again, while the documented number of unsheltered homelessness indicated a slight decrease as shown in *Table 5 - 2022 Homeless Count Data Summary* (LAHSA, 2022).

<b>Table 5</b> <b>2022 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2020</b>
Sheltered Homeless	13,522	8.72% Increase
Unsheltered Homeless	28,458	1.37% Decrease
Total Homeless Persons	41,980	1.67% Increase

LAHSA published its 2023 Homeless Count, released on June 29, 2023, which shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing sheltered homelessness dramatically increased, while the documented number of unsheltered homelessness indicated a slight increase as shown in *Table 6 - 2023 Homeless Count Data Summary* (LAHSA, 2023).

<b>Table 6</b> <b>2023 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2023</b>
Sheltered Homeless	13,580	0.43% Increase
Unsheltered Homeless	32,680	14.84% Increase
Total Homeless Persons	46,260	10.2% Increase

Taken together, the unexpected and dramatic increase in homelessness, exacerbated by the COVID-19 pandemic, is an emergency in the City of Los Angeles. This situation presents documented dangers to health, life, and property and a burden on, and loss of access to, essential public services, which presents an emergency as defined by CEQA as explained below.

### **III. THE PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW**

#### **A. The Project is Exempt Pursuant to the Emergency CEQA Statutory Exemption (PRC Section 21080(b)(4))**

Public Resources Code Section 21080(b)(4) provides that CEQA does not apply, to “specific actions necessary to prevent or mitigate an emergency.” Public Resources Code section 21060.3 defines Emergency as, “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.” Section 21060.3 further provides that Emergency, “includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.”

Finally, 14 California Code of Regulations (Governor's Office of Planning and Research, 2018) Section 15269, “Emergency Projects,” provides examples of emergency projects exempt from the requirements of CEQA, including the following:

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply

(i) 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, or

(ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

On December 12, 2022, City of Los Angeles Mayor Bass declared a homelessness emergency in the City of Los Angeles. She specifically stated that she “declare[s] the existence of a local emergency and direct[s] all Divisions of the Emergency Operations Organization (EOO) and all other City Departments to take necessary steps for the protection of life, health and safety in the City of Los Angeles.” (City of Los Angeles, Dec. 12, 2022.) The Mayor’s declaration discussed how the homelessness crisis created a dramatic unanticipated impact on the population, and how it displaced people even greater than major hurricanes and earthquake events, all of which are emergencies requiring prompt action to avoid clear and imminent danger to the displaced populations. The City Council ratified the declaration. (CF No. 22-1545.)

On July 7, 2023, Mayor Bass, again, declared a local housing and homelessness emergency because “the City still finds itself in an emergency” with emergency conditions continuing to require prompt abatement due to the severe shortage of beds available to the unhoused population. (City of Los Angeles July 7, 2023.) The Mayor noted the City “is acting with urgency” to provide shelter for the homeless, and she “declare[d] the existence of a local emergency on affordable housing and homelessness and direct[ed] all City Departments to take necessary steps for protection of life, health and safety in the City of Los Angeles.” (City of Los Angeles, July 7, 2023.) In a press release, the Mayor added “It’s no secret that Los Angeles is facing an emergency when it comes to homelessness. This is an issue of life and death for the thousands of people who are living in tents and cars. That’s why I signed an updated declaration of emergency and have continued to lock arms with the City Council to maintain our momentum toward confronting homelessness and building more affordable housing.” (City of Los Angeles, July 10, 2023.)

The Project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City’s already dangerously large homeless population, now adversely impacted by the COVID-19 pandemic for all of the reasons set forth above in Part II (Project History). The dramatic rise in the homeless population is a sudden unexpected occurrence, as is the unexpected and sudden occurrence of losing access to adequate shelter and essential services for each individual newly experiencing homelessness, as is the unexpected rise in mortality rates among the homeless population recently documented from 2019 to 2021. Each is an emergency presenting impending acute harm to the individuals experiencing homelessness. The project is necessary to avoid and prevent the emergency by providing shelter and services to the homeless occupants of the shelter, and by facilitating their transition from the streets, to this shelter, and then on to long-term housing. The City’s emergency shelters are critical short-term projects to address the above-noted high risk issues that face people experiencing homelessness. The Project, therefore is exempt from CEQA environmental review pursuant to Section 21080(b)(4) and CEQA Guidelines Section 15269(c) because it prevents and mitigates such imminent loss and damage.

**B. The Project is Exempt Pursuant to AB 1197 Codified at PRC Section 21080.27**

Assembly Bill 1197 (Santiago, 2019) was signed into law on September 26, 2019, which adopted Section 21080.27 of the California Public Resources Code (PRC) and created a statutory exemption for compliance with CEQA for emergency shelter projects located within the City of Los Angeles. The intent of AB 1197 is to help the City of Los Angeles address its homeless crisis and is an urgency statute that is deemed necessary for the immediate preservation of the public peace, health, or safety and for the critical necessity to address the shelter and homeless crisis. AB 1197 took immediate effect on September 26, 2019 in order to address the unique circumstances faced by the City of Los Angeles and to expedite the development of emergency homeless shelters. As noted in the following sections, this shelter Project complies with the requirements in AB 1197, and thus the Project is exempt from CEQA pursuant to AB 1197 (PRC § 21080.27).

**1. City of Los Angeles Declaration of a Shelter Crisis**

Public Resources Code, section 21080.27(a)(2) requires that emergency shelters be approved during a shelter crisis under Government Code, section 8698.2. The City of Los Angeles City Council declared a homeless shelter crisis pursuant to Government Code Section 8698, et seq. on April 17, 2018 (The Honorable M. Bonin & M. O'Farrell, 2019), which is currently in effect (The Honorable M. Bonin & M. Harris-Dawson, 2019).

**2. The Project Meets the Definition of a Low Barrier Navigational Center in Government Code Section 65660**

Under AB1197, emergency shelters must meet the definition of “Low Barrier Navigational Center” in Government Code Section 65660, which defines Low Barrier Navigation Center as a “Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing. The City builds and operates emergency shelters, such as this Project, to be operated as low barrier navigation centers consistent with Government Code Section 65660.

**Service-Enriched Shelter with Case Managers Connecting to Services.** The requirements are met by this Project for a “service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities, while case managers connect families experiencing homelessness to income, public benefits, health services, shelter and housing.” This Project provides temporary housing, with case managers staffing the facility that provide connections to homeless family services and assistance for the occupants. This is one of the fundamental purposes of this shelter project. For example, the Project’s programs include Trauma Informed Care policies and procedures that involve understanding, recognizing, and responding to the effects of all types of trauma. Trauma Informed Care also emphasizes physical, psychological and emotional safety for both families and providers, and helps families rebuild a sense of control and empowerment. Trauma Informed services take into account an understanding



of trauma in all aspects of service delivery and place priority on the trauma survivor's safety, choice, and control. Trauma Informed Care services create a culture of nonviolence, learning, and collaboration.

The Project will be operated by service providers coordinated with the Los Angeles Homeless Services Authority (LAHSA). The intention of this emergency shelter is to provide persons experiencing homelessness with some stability, so that they can more easily maintain contact with housing navigation and/or case management services to facilitate safe and supportive housing placement.

Per LAHSA's Crisis and Bridge Housing Scope of Required Services, which will be followed for operating the shelter in this Project, service providers that oversee an emergency shelter must provide case management services and develop a Housing Stability Plan with each person. The shelter will program implement a case management and service plan known as Housing-Focused Case Management and Support Services (HFCMSS). HFCMSS includes but is not limited to: support with completing housing applications, accompanying the individual to housing appointments and/or leasing appointments, and other support associated with the housing placement process. The primary objective of HFCMSS is to extend support to individuals through an individualized case management relationship that will ultimately translate to increased housing stability. The HFCMSS offers services to connect individuals to permanent housing. Case Managers present at the shelter make rapid connections to a broad continuum of resources and permanent housing, emphasizing a short-term stay.

HFCMSS connects families to a Housing Navigator who assists individuals to gain access to permanent housing through referrals to housing programs (such as RRH, Permanent Supportive Housing, affordable housing, etc.). A case manager is assigned to an individual when the person enters the program and then helps the participant establish a connection to a Housing Navigator. A Housing Navigator assists individuals with Housing Navigation services. Housing Navigation services are available to individuals to support their housing placement goals and must be focused on assisting the participant in identifying and accessing permanent housing within the general ninety (90) days. Housing Navigation services may be provided onsite or offsite, and may also require participants' to be accompanied to off-site appointments.

Case management must be conducted on a regular and routine basis and must be routinely documented. The content and outcome of case management meetings with individuals are entered into a housing management information system with case notes that are tracked in the system. Housing-focused case management sessions are dedicated to assessing and reassessing needs, educating individuals on community resource opportunities, developing Housing Stability Plans, scheduling appointments, and providing necessary follow up to ensure housing stability plans are progressing on schedule and needs are adequately being addressed.

As noted in LAHSA's Program Standards, supportive services for the shelters focus on the income, resources, skills and tools needed to pay rent, comply with a lease, take reasonable care of a housing unit, and avoid serious conflict with other tenants, the landlord, and/or the police. The Program Standards also require service providers to utilize and maintain referral networks with specific lists of health services and public benefit services for connecting occupants to those benefits. Thus, the project is a service-enriched shelter focused on moving individuals into permanent housing that provides temporary living facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing.

**Housing First.** The Project is a "Housing First" shelter pursuant to Government Code Section 65660. Also, in being such a Housing First shelter, the project complies with Chapter 6.5 of Division 8 of the Welfare and Institutions Code (commonly referred to as the Housing First Law) as required by Government Code Section 65662 (discussed further below). "Housing First" means the evidence-based model that uses housing as a tool, rather than a reward, for recovery from homelessness, and that centers on providing or connecting people experiencing homelessness to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

Housing First also includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient in accessing permanent housing and in securing longer-term rental assistance, income assistance, or employment. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance. If resources are needed to successfully divert an individual from entry into the homelessness system, a referral must immediately be made to a CES Diversion/Prevention program. In order to identify other permanent housing options, service providers continue to have such problem-solving conversations with the individual while residing in Crisis and Bridge Housing. More broadly, the project includes a housing and services plan and housing-focused case management, both with an orientation towards supporting individuals to exit to safe and stable housing. This Project meets the above-noted Housing First requirements.

The emergency shelters are operated by service providers coordinated through LAHSA. All service providers must comply with LAHSA's Scope of Required Services, Program Standards, and Facility Standards. Per LAHSA's Program Standards, all eligible participants are to be served with a Housing First approach. LAHSA's CES for Families' Principles and Practices that were approved by the CES Policy Council on August 23, 2017 shall be used to guide the development of systems-level policy and to ensure transparent and accountable decision-making with privately owned Service Providers who enter into a partnership with LAHSA. The basic underlying principle of LAHSA's System Components is that access to housing is the primary need for its program participants. Services are voluntary and not required to enter into a shelter. Individuals will not be rejected or exited from participation in the emergency shelter due to any unnecessary barriers.

The City's shelters are intended to be a Housing First program focused on quickly moving individuals experiencing homelessness into permanent housing and then providing the additional supports and services each person needs and wants to stabilize in that housing. The basic underlying Housing First principle is that individuals are better able to move forward with their lives once the crisis of homelessness is over and they have control of their housing. The City's emergency shelter will, provide a safe, low barrier, housing-focused, and homeless services support in a twenty-four (24) hour residence to help individuals who experience homelessness that meet the above-noted requirements for Housing First. One of the core components of the Housing First model is that longer-term housing accepts referrals directly from shelters. The City's shelters, including this Project, are primarily focused on connecting, transitioning, and referring homeless individuals into such permanent housing as quickly as possible in the Housing First model, and accepting occupants through the crisis response system. The intention of this emergency shelter project is to provide participants with some stability, so that they can more easily maintain contact with housing navigation and case management services and facilitate safe and supportive housing placement. Services in the City's shelters, including this Project, are never mandatory and cannot be a condition of obtaining the housing intervention. This Project will provide temporary housing, case managers and Housing Navigators staffed at the facility or offsite who provide connections to homeless services for the occupants. Based on the above-noted information, the project's emergency shelter meets the Housing First requirements relative to AB 1197.

**Low Barrier.** "Low Barrier" means the shelters use best practices to reduce barriers to entry, including but not limited to, the presence of partners (if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth); pets; storage for possessions; and privacy (such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms). The City's shelters, including this Project, meet these requirements.

The Project provides beds for approximately 33 individuals experiencing homelessness, which allow for the presence of partners. Participants are allowed to bring their pets to the shelter. The Project has storage within each sleeping area for personal possessions or storage bins. The Project is designed to provide privacy to participants by providing each family or individual with their own sleeping space. There are separated sleeping spaces with bathrooms in each "ensuite" unit. Therefore, the project is managed and designed to allow the privacy of participants and is a pet friendly facility for participants who choose to be accompanied by their pets.

The Project uses low barrier best practices that reduce barriers to entry. They include the allowance for presence of partners, pet friendly facilities, storage areas for some possessions, and management and design for individuals' privacy. All of the City's emergency shelters, including this project, meet these requirements. Therefore, none of the noted conditions would preclude access to the project, and the project is considered crisis and bridge housing that is "low barrier" within the meaning of Government Code Section 65660 and AB 1197.

In sum, based on the above-noted information, which is additionally explained and provided with additional details in the documents from LAHSA cited in the Reference section to this document, the Project meets the definition of Low Barrier Navigation Center set forth in Government Code Section 65660.

### **3. The Project Complies with Government Code Section 65662**

Under AB1197, emergency shelters must meet the four requirements identified in Government Code Section 65662(a) through (d), which are each discussed in turn in this section.

**Connecting to Permanent Housing through a Services Plan.** Government Code Section 65662(a) requires that Low Barrier Navigation Centers offer services to connect families and individuals to permanent housing through a services plan that identifies services staffing. This Project meets that requirement. As noted above, the Project includes housing-focused case management sessions that involve developing Housing Stability Plans/Housing and Services Plans, scheduling appointments, and providing the necessary follow-up to ensure housing stability plans are progressing on schedule and needs are adequately being addressed. This is required in LAHSA's Scope of Required Services.

The Housing Stability Plan is the family or individual's service plan that summarizes the participant's housing goals, services needed, what will be provided, actions that need to be taken (by staff and the participant), and referrals that need to be made. Case managers develop the services plan in coordination with the family or individual right after intake and assessment, track the plan in a homeless management information system, and revise the plan as the family or person's situation changes and steps are completed or revised accordingly.

Families and individuals are assisted with a range of activities that address the stated goals of the family or individual in the Housing Stability Plan, including but not limited to:

- Accessing personal identification (For quick referral to permanent housing)
- Accessing certification of the current income (For quick referral to permanent housing)
- Mainstream Benefits
- Substance Abuse services
- Mental Health Services
- Health Services
- Vocational Services
- Employment Services
- Educational Support
- Legal Services
- Life Skills Development
- Independent Living Program for Youth
- Transitional Housing Program for Youth
- CES and CoC Rapid Re-Housing Program

- Housing Navigation Assistance
- CoC Permanent Supportive Housing
- LA County Department of Health Services, Housing for Health or Housing and Jobs Collaborative
- LA County Department of Health Services, Countywide Benefits Entitlement Services Team
- LA County Department of Mental Health, Countywide Housing Assistance Program
- Veterans Administration Housing Programs
- Housing Opportunities for Persons with Aids (HOPWA) Housing
- Crisis Housing for Unaccompanied Youth
- Youth Family Reconnection Program

Progress and problems implementing the plan are reviewed and updated frequently.

**Coordinated Entry System.** Government Code Section 65662(b) requires Low Barrier Navigation Centers to be linked to a coordinated entry system allowing staff and co-locating staff to conduct assessments and provide services to connect families and individuals to permanent housing. This is required by LAHSA's Scope of Required Services and Program Standards. Thus, all City of Los Angeles homeless shelters, including this project, are linked to the Los Angeles County Coordinated Entry System, a centralized or coordinated assessment system designed to coordinate program participant intake, assessment, and referrals. The residents are prioritized through the coordinated entry system in the Los Angeles County Coordinated Entry System for safe and supportive housing resources. The City collaborates with Los Angeles County Case Entry System and provides case management services to program participants through a Housing Stability Plan. Case managers must develop a Housing Stability Plan in coordination with the participant right after intake and assessment. The Housing Stability Plan must be tracked in a Homeless Management Information System (HMIS) along with the date of completion.

The shelter will collaborate with Los Angeles County Case Entry System Housing Navigators and case managers from other outside agencies to provide case management services to program participants. Los Angeles County Coordinated Entry System case managers work with participants and assist by facilitating service appointments; and then eventually help them find permanent housing.

**Compliance with Welfare and Institutions Code.** Government Code Section 65662(c) requires Low Barrier Navigation Centers comply with Chapter 6.5 of Division 8 of the Welfare and Institutions Code, which specifies the Housing First requirements. As noted above, the City's emergency shelters, including this project, are Housing First shelters, and thus they comply with this requirement.

**Homeless Management Information System.** Government Code Section 65662(d) requires Low Barrier Navigation Centers to have a system for entering stays, demographics, income, and exit destinations through a local Homeless Management

Information System designed to coordinate program participant intake, assessment, and referrals. These are required by LAHSA's Scope of Required Services and Program Standards. The City's emergency shelters use such a system in the Los Angeles Continuum of Care Homeless Management Information System (HMIS). In 2001, Congress directed the U.S. Department of Housing and Urban Development (HUD) to ensure the collection of more reliable data regarding the use of homeless programs. HUD required all Continuum of Care applicants to demonstrate progress in implementing a Homeless Management System (HMIS). LAHSA led a regional planning process, encompassing three Continuums of Care - Los Angeles, Glendale, and Pasadena. This process resulted in the selection of a system that would not only satisfy the HUD mandate, but would also provide the Los Angeles Continuum with a means to measure the effectiveness of programs serving homeless families. Presently, the Los Angeles Continuum of Care (LACoC) is part of a collaborative called the Los Angeles HMIS Collaborative. The LA HMIS Collaborative consists of three Continuums of Care (CoC): Los Angeles, Glendale, and Pasadena.

HMIS is a web-based application that is designed to collect information on the characteristics and service needs of homeless persons. The system allows agency users and the Los Angeles Homeless Services Authority (LAHSA) to use collected information for informed programmatic decision-making. Participating agencies collect and input standardized client-level and demographic data into the system, including client/household demographic details; relationships within a family and household; client/household income; client/household documents; case management and services; housing placements; and progress for housing retention. The HMIS includes a focus on Outcomes Management that sets and measures milestones and target achievements of clients and program performance.

Housing Stability Plans are tracked in a Homeless Management Information System (HMIS) along with the date of completion. Case managers complete a Monthly Update with the family to assess progress towards achieving the goals defined in the Housing Stability Plan. All services must be tracked, and information is provided to families in HMIS with the goal of the individuals achieving housing stability and sustainability upon exit from the program. Exit destination information is also collected. Accordingly, the Project meets the HMIS requirements.

In sum, based on the above-noted information, which is additionally explained in more detail in the documents from LAHSA cited in the Reference section to this document, the Project meets the requirements set forth in Government Code Section 65662.

#### **4. The Project is in a Qualified Location Under AB 1197**

AB 1197 requires that the site be located in "either a mixed-use or nonresidential zone permitting multifamily uses or infill site...." (PRC § 21080.27(a)(2).)

Lot 1 of the Project site is zoned NMU(EC)-POD which is a mixed-use zone that allows for multi-family uses and Lot 2 is zoned R1-1 which is a residential zone; however, the property qualifies as an infill site as defined by Public Resources Code Section 21061.3



since it is currently developed for qualified urban uses and at least 75 percent of the perimeter of the site adjoins parcels developed with qualified urban uses. Residential uses are located to the north, east, west of the site and surface transportation uses to the south of the site, and therefore, the Project site is surrounded by qualified urban uses and is considered a qualified location under AB 1197. (City of Los Angeles Department of City Planning, 2023)

#### **5. The Project Involves Qualified Funding Under AB 1197**

AB 1197 (Public Resources Code Section 21080.27(a)(2)(A)-(D)) exempt emergency shelter projects from CEQA which have at least a portion of the funding from qualified sources. The City has identified and will be allocating Homeless Housing, Assistance and Prevention (HHAP) grant funds for construction of this Project, which qualifies this Project for the exemption under AB 1197. Because the Project is partly funded by a qualified funding sources under Public Resources Code Section 21080.27(a)(2)(A), the funding requirement is met.

#### **6. The City's Actions Qualify under AB 1197 as Actions in Furtherance of Providing Emergency Shelters in the City of Los Angeles**

AB 1197 (Public Resources Code Section 21080.27(b)(1)), exempts from CEQA "any activity approved by or carried out by the City of Los Angeles in furtherance of providing emergency shelters or supportive housing in the City of Los Angeles." This Project involves the construction and operation of interim housing on a City-owned property. The City will provide funding and enter into contracts with a qualified service provider and/or LAHSA, to lease and operate the emergency shelter. Therefore, the City's actions are in furtherance of providing emergency shelters in the City of Los Angeles and qualify for exemption from CEQA under AB 1197.

#### **7. AB 1197 Conclusion**

Based on the above-noted information, the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.27.

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RMM Decl.  
**Exhibit 52**

RMM Decl.  
**Exhibit 52**

## REPORT FROM

# OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: September 29, 2023

CAO File No. 0220-05151-0486  
Council File No.  
Related Council File No. 19-0914  
Council District: 5

To: The City Council

From: Matthew W. Szabo, City Administrative Officer



Reference: Council District 5 Midvale

Subject: **COUNCIL DISTRICT 5 INTERIM HOUSING - 2377 MIDVALE AVENUE**

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## SUMMARY

As part of the June 14, 2022, Alliance Lawsuit Settlement Agreement, the City has committed to provide 12,915 new interim or permanent housing units by 2027. This report recommends an interim housing site to provide assistance to people experiencing homelessness.

First, this Report reprograms unspent Homeless Housing, Assistance, and Prevention Round 1 (HHAP-1) funds from previous fiscal years and allocates uncommitted HHAP-1 funds and HHAP-1 interest.

Second, this Report recommends the approval of the design and construction of an interim housing site located at 2377 Midvale Avenue in Council District 5 for 33 beds. Funding recommended for this site includes General Fund and HHAP-1 funds.

Third, this Report authorizes the Department of General Services to negotiate an agreement with the Department of Transportation and enter into a commodities contract to acquire modular housing units for the interim housing site.

## RECOMMENDATIONS

That the City Council, subject to approval by the Mayor:

1. DETERMINE that the Interim Housing Project at 2377 Midvale Avenue, which allows for funding allocation, construction, lease or similar agreement, and operation of an interim housing facility to provide temporary emergency shelter to people experiencing homelessness, is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code, Section 21080(b)(4), as a specific action necessary to prevent or mitigate an emergency, and as reflected in State CEQA Guidelines, Section 15269(c); and Public Resources Code, Section 21080.27 (AB 1197), applicable to City of Los Angeles emergency homeless shelters.

2. REPROGRAM \$1,770,257 in unspent funds from previous fiscal years of State Homeless Housing, Assistance, and Prevention Program (HHAP) from the Los Angeles Housing Department to HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap from the following accounts:
  - a. \$246,363 from HHAP Fund No. 62Y/43, Account No. 43S846, Shower of Hope
  - b. \$22,630 from HHAP Fund No. 62Y/43, Account No. 43S853, Bridge Housing-Beacon Street;
  - c. \$300,760 from HHAP Fund No. 62Y/43, Account No. 43S988, Laundry Truck LA;
  - d. \$27 from HHAP Fund No. 62Y/43, Account No. 43V812, Services St. Andrews Place;
  - e. \$37,555 from HHAP Fund No. 62Y/43, Account No. 43V831, TPC Hygiene;
  - f. \$3,015 from HHAP Fund No. 62Y/43, Account No. 43V835, Homeless Outreach Integrated Care Sys-CD8;
  - g. \$434,399 from HHAP Fund No. 62Y/43, Account No. 43V839, Sepulveda Blvd Motel Initiative;
  - h. \$33,865 from HHAP Fund No. 62Y/43, Account No. 43V857, LA Mission Hygiene;
  - i. \$26,919 from HHAP Fund No. 62Y/43, Account No. 43V860, Downtown Women's Center Rapid Rehousing;
  - j. \$64,724 from HHAP Fund No. 62Y/43, Account No. 43VA24, HHRP-Tarzana Treatment Center-TTC;
  - k. \$600,000 from HHAP Fund No. 62Y/43, Account No. 43WC46, LAHSA PRK Housing Navigation Services;
3. REPROGRAM \$347,768 in unspent funds from previous fiscal years of State Homeless Housing, Assistance, and Prevention Program (HHAP) funds from the Office of the City Administrative Officer to HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap from the following accounts:
  - a. \$134,228 from HHAP Fund No. 62Y/10, Account No. 10T182, Bureau of Sanitation;
  - b. \$11,869 from HHAP Fund No. 62Y/10, Account No. 10V112, City Attorney;
  - c. \$201,671 from HHAP Fund No. 62Y/10, Account No. 10W110, City Administrative Officer;
4. APPROPRIATE \$266,087 of uncommitted HHAP funds from HHAP Fund No. 62Y/10, Account No. 10S656, FC-7: Administrative Costs to HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap;
5. APPROPRIATE up to \$865,986 from HHAP Grant Fund No. 62Y/10, RSRC 4903, Interest Income to HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap;
6. REPROGRAM maintenance savings in the amount of \$137,255 from Capital and Technology Improvement Expenditure Program (CTIEP) Fund No. 100/54, Account No. 00T773, Safe Sleep Village-317 N. Madison Avenue to HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap;

7. APPROVE \$4,597,353 for construction costs relative to the interim housing site located at 2377 Midvale Avenue in Council District 5 for 33 beds;
8. APPROPRIATE \$4,597,353 to a new CTIEP Fund No. 100/54, in a new account entitled "CD 5 Midvale IH" from the following accounts:
  - a. \$1,200,000 from General City Purposes Fund No. 100/56, Account No. 000903, Council Community Projects;
  - b. \$3,397,353 from HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap;
9. AUTHORIZE the General Services Department (GSD) to negotiate and enter into an agreement with the Los Angeles Department of Transportation (LADOT) for the LADOT owned lot #707 located at 2377 Midvale Avenue in Council District 5;
10. AUTHORIZE the GSD to negotiate and execute a sole source Commodities Contract for one year, with LifeArk SPC for the acquisition of prefabricated modular units for an interim housing facility to be located at the LADOT owned lot #707 at 2377 Midvale Avenue in Council District 5;
11. INSTRUCT the General Manager of the Los Angeles Housing Department or their designee to amend the HHAP contract with LAHSA (C-135650) to reflect the reprogramming of allocations shown in Recommendation 2; and
12. AUTHORIZE the CAO to:
  - a. Prepare Controller instructions or make necessary technical adjustments, including to the names of the Special Fund accounts recommended for this report, to implement the intent of these transactions, and authorize the Controller to implement these instructions;

## BACKGROUND

Under the June 14, 2022, Alliance Lawsuit Settlement Agreement, the City is required to develop 12,915 new interim or permanent housing units or other interventions by June 14, 2027, in order to accommodate 60 percent of unsheltered persons experiencing homelessness (PEH) within the City based on LAHSA's 2022 Point-in-Time Count who do not have a serious mental illness. As of June 30, 2023, 1,748 new interventions are open and occupiable and 6,206 interventions are in progress.

## DISCUSSION

### New Interim Housing in Council District 5

This Report introduces a City owned parking lot as consideration for a new interim housing intervention in Council District 5. The surface parking lot located at 2377 Midvale Avenue, also

known as 10907 Pico Blvd., is owned by the Los Angeles Department of Transportation (LADOT). The lot also known as Lot #707 sits at the intersection of Pico Boulevard and Midvale Avenue and is approximately 16,800 square feet, with a 40 percent utilization rate. This project will provide onsite laundry, housing units with ensuite bathrooms, storage, and services to people experiencing homelessness. This report recommends funding that would support construction, as well the authorities for the appropriate groups within the General Services Department (GSD) to enter into agreements with LADOT and the LifeArk SPC, a modular building system company. The proposed layout will provide 33 beds towards the City of Los Angeles Alliance Settlement Agreement.

The Bureau of Engineering (BOE) has conducted a CEQA analysis for these sites, which is transmitted under a separate cover. The Mayor and City Council must approve BOE's determinations that these uses are categorically exempt from CEQA. A future report will recommend funding for furniture, fixtures, and equipment and operating costs, and the authority for the GSD to negotiate and execute necessary license, lease, and/or sublease agreements for 2377 Midvale Ave.

## Funding

Funding for this site includes \$1.2 million of General Fund allocated to Council District 5 under Council Community Projects for homelessness interventions and unspent Homeless Housing, Assistance and Prevention Round 1 (HHAP-1) funds from previous fiscal years from the following programs in Table 1. Expenditure authority for these accounts ended on June 30, 2023. Funding for these programs have been continued using additional rounds of Homeless Housing, Assistance, and Prevention grant funds awarded to the City. Additionally, uncommitted HHAP-1 funds in the amount of \$276,087 and \$865,986 in HHAP-1 accrued interest have been recommended for this project. Table 2 below provides the details of the source of funds.

Table 1: HHAP Detail Breakdown

Program	Amount
Shower of Hope	\$246,363
Bridge Housing-Beacon Street (A Bridge Home Operations)	\$22,630
Laundry Truck LA	\$300,760
Services St. Andrews Place (A Bridge Home Operations)	\$27
The People Concern Hygiene	\$37,555
Homeless Outreach Integrated Care Sys-CD8	\$3,015
Sepulveda Blvd Motel Initiative (CD 7 Family Navigation Services)	\$434,399
LA Mission Hygiene	\$33,865
Downtown Women's Center Rapid Rehousing	\$26,919
HHRP-Tarzana Treatment Center-TTC	\$64,724
LAHSA PRK Housing Navigation Services	\$600,000
YMCA Shower Program (Bureau of Sanitation)	\$134,228
City Attorney (Salaries)	\$11,869

<b>Program</b>	<b>Amount</b>
City Administrative Officer (Salaries)	\$201,671
CTIEP Madison Safe Sleep Maintenance	\$137,255
Uncommitted HHAP-1 (Funding Category 1- A Bridge Home Capital and Operating)	\$10,000
Uncommitted HHAP-1 (Funding Category 7- Administrative Costs)	\$266,087
Uncommitted HHAP-1 (Accrued Interest)	\$865,986.03
<b>Total</b>	<b>\$3,397,353</b>

Table 2: Source of Funds

<b>Funding Source</b>	<b>Amount</b>
Homeless Housing, Assistance, and Prevention Round 1	\$3,397,353
General Fund	\$1,200,000
<b>Total</b>	<b>\$4,597,353</b>

## **FISCAL IMPACT STATEMENT**

The recommendations in this report will be funded with the City's General Fund previously approved for homelessness interventions and the Homeless Housing, Assistance, and Prevention Round 1 funds. There is no additional impact to the General Fund as a result of the recommendations in this report. Funding for operations of the site will be programmed in a future funding report.

## **FINANCIAL POLICIES STATEMENT**

The recommendations in this report comply with the City Financial Policies in that budgeted funds are being used to fund recommended actions.

MWS:ECG:KML:MP:MAG:16240023



RMM Decl.  
**Exhibit 53**

RMM Decl.  
**Exhibit 53**

HOLLY L. WOLCOTT  
CITY CLERK

City of Los Angeles  
CALIFORNIA

OFFICE OF THE  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER



KAREN BASS  
MAYOR

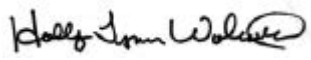
**Council and Public Services Division**  
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LOS ANGELES, CA 90012  
GENERAL INFORMATION - (213) 978-1133  
FAX: (213) 978-1040

PATRICE Y. LATTIMORE  
DIVISION MANAGER  
[CLERK.LACITY.GOV](http://CLERK.LACITY.GOV)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

**Council File No.:** 20-0841-S40  
**Council Meeting Date:** December 12, 2023  
**Agenda Item No.:** 41  
**Agenda Description:** EXEMPTION and HOUSING AND HOMELESSNESS COMMITTEE REPORT relative to **COVID-19 Homelessness Roadmap**, Twenty First Report.  
**Council Action:** HOUSING AND HOMELESSNESS **COMMITTEE REPORT - ADOPTED** FORTHWITH  
**Council Vote:**

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

  
HOLLY L. WOLCOTT  
CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 341

**FILE SENT TO MAYOR**  
**LAST DAY FOR MAYOR TO ACT**

12-14-2023
12/26/2023

APPROVED



12/21/2023

DATE SIGNED



HOUSING AND HOMELESSNESS COMMITTEE REPORT relative to COVID-19 Homelessness Roadmap, Twenty First Report.

Recommendations for Council action, SUBJECT TO APPROVAL OF THE MAYOR:

1. APPROVE the recommendations as stated in the City Administrative Officer (CAO) report dated December 1, 2023, attached to the Council file, with the following amendments:

- a. Amend the language for Recommendation 20 as follows:

AUTHORIZE the lease extension of the LA Grand Hotel in Council District 14 with 481 beds, to July 31, 2024, with expenditure authority through October 31, 2024; and, INSTRUCT the CAO, LAHD and REQUEST Mayor, LAHSA, Housing Authority of City of Los Angeles, and other needed departments, to report to Council at each Housing and Homelessness Committee meeting on the demobilization plan that ensures all residents continue on their housing solution path. The demobilization needs to use available beds throughout the Continuum of Care, inside and outside the City.

- b. Amend the language for Recommendation 21 as follows:

APPROVE and RATIFY the existing Emergency Occupancy Agreement (Contract Number C-135551) by and between Shen Zhen New World I, LLC, and the City of Los Angeles, as amended (the "LA Grand Occupancy Agreement"):

- a. For the use of the LA Grand Hotel pursuant to the terms set forth in the LA Grand Occupancy Agreement.
- b. Authorize the General Services Department (GSD) to negotiate and execute either an amendment to the LA Grand Occupancy Agreement with Shen Zhen New World I, LLC for the use of the LA Grand Hotel for interim shelter purposes under the terms and conditions substantially outlined in the attached term sheet.
- c. City shall seek to include in the LA Grand lease extension a labor harmony provision that requires the Owner to:
  - i. Sign a Labor Peace Agreement (LPA) with any labor organization representing or seeking to represent hotel workers at the hotel during the term of the lease.
  - ii. Submit to the City a document whereby the Owner and the labor organization attest to the execution of the LPA, including that the LPA contains a provision that prohibits the labor organization and its members from engaging in picketing, work stoppages, boycotts or other economic interference at the LA Grand for the duration of the City's lease.

2. DETERMINE that the Interim Housing Project at 406 North Bonnie Brae Street and 413 Burlington Avenue, which allows for funding allocation, construction, lease or similar agreement, and operation, for approximately up to three years; is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.27, applicable to City of Los Angeles emergency homeless shelters; and Public Resources Code Section 21080(b)(4), as a specific action necessary to prevent or mitigate an emergency, as also reflected in State CEQA Guidelines, Section 15269(c).
3. DETERMINE that the leases and continued use of the Crisis and Bridge Housing facilities at 1818 South Manhattan Place, 668 South Hoover Street, and 11471 Chandler Boulevard are statutorily exempt from CEQA under Public Resources Code Section 21080.27 applicable to City of Los Angeles emergency homeless shelters, and under Public Resources Code Section 21080(b)(4) as specific actions necessary to prevent or mitigate an emergency as also reflected in State CEQA Guidelines Section 15269(c). Please refer to Notice of Exemptions found in the Bureau of Engineering (BOE) report dated December 1, 2023, attached to the Council file.

Fiscal Impact Statement: The CAO reports that there is no additional General Fund impact as a result of the recommendations in said CAO report. The recommendations in this report utilize budgeted City's General Funds previously approved for homelessness interventions. Additionally, the recommendations also utilize the Emergency Solutions Grant CARES Act (ESG-CV) funds and Homeless Housing, Assistance, and Prevention funds for homelessness interventions.

Financial Policies Statement: The recommendations in said CAO report comply with the City Financial Policies in that budgeted funds are being used to fund recommended actions.

Community Impact Statement: None submitted

## SUMMARY

At the meeting held on December 6, 2023, your Housing and Homelessness Committee considered a CAO and BOE reports relative to COVID-19 Homelessness Roadmap, Twenty First Report.

After an opportunity for public comment was held, the Committee moved to approve the recommendations as amended, as detailed above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

HOUSING AND HOMELESSNESS COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
RAMAN	YES
BLUMENFIELD	YES
HARRIS-DAWSON	YES
RODRIGUEZ	YES
LEE	YES

JL 20-0841-S40 2023

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**



## REPORT FROM

# OFFICE OF THE CITY ADMINISTRATIVE OFFICER

---

Date: December 1, 2023

CAO File No. 0220-05151-0497  
Council File No. 20-0841, 23-1021  
Council District: 2, 3, 4, 5, 6, 9, 10,  
13, 14

To: The City Council

From: Matthew W. Szabo, City Administrative Officer



Reference: COVID-19 Homelessness Roadmap

Subject: **TWENTY FIRST REPORT: COVID-19 HOMELESSNESS ROADMAP FUNDING RECOMMENDATIONS**

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## SUMMARY

On September 9, 2020, the City Council approved funding for the initial projects under the COVID-19 Homelessness Roadmap (Roadmap) and directed this office to submit future funding recommendations through reports. This is the twenty-first such report.

First, this report provides exemption determinations for the California Environmental Quality Act (CEQA) for several projects, including renewal, and technical amendments to prior Roadmap recommendations. Additionally, this report recommends authorizing the General Services Department to execute new or amend existing agreements with various entities for interdepartmental, lease, or construction agreements for various projects.

Second, this report reprograms savings from various Roadmap projects and includes funding for the cost of Furniture, Fixtures and Equipment and operations for several projects. This report also recommends approval of the Homekey 1, Howard Johnson's, also known as The Sieroty, conversion to permanent housing.

Third, this report recommends the creation of a new appropriation account for Encampment Resolution Fund - Ballona (ERF-Ballona River) funds, as well as the allocation of HHAP funds to support the continuous work in the LA River Project and Board of Public Works Hygiene Program. Also included in this report are recommendations to continue funds for 30 Time-Limited Subsidies slots and supportive services for the Self-Help And Recovery Exchange (SHARE!) Collaborative Housing in Council District 3.

Lastly, this report provides the lease and contract extensions of the LA Grand Hotel in Council District 14 through July 31, 2024 to allow a seamless transition for participants to the Mayfair Hotel.

30. APPROVE \$186,069 of HHAP-3 funds for the Board of Public Works Hygiene Services Skid Row - Pit Stop in Council District 14;
  - a. APPROPRIATE \$186,069 from HHAP-3 Fund No. 65S/10, Account No. 10W744, FC-4 Outreach, Hygiene, Prevention, and Supportive Services to the Board of Public Works, Fund No. 100/74, Account No. 003040, Contractual Services to fill the projected shortfall for the Skid Row Hygiene Program;
31. APPROVE \$1,344,145 of HHAP-3 funds for Board of Public Works Citywide Pit Stop Program;
  - a. APPROPRIATE \$1,344,145 from HHAP-3 Fund No. 65S/10, Account No. 10W744, FC-4 Outreach, Hygiene, Prevention, and Supportive Services to the Board of Public Works, Fund No. 100/74, Account No. 003040, Contractual Services to fill the projected shortfall for the Skid Row Hygiene Program;
32. REQUEST LAHSA to conduct a Request for Proposals, or other qualifying competitive process, to identify a qualified service provider in relation to the interim housing site located at 2377 Midvale Avenue with 33 beds in Council District 5;
33. INSTRUCT the General Manager of LAHD, or their designee, to amend the City's General Fund contract (C-140706) with LAHSA to:
  - a. Add \$150,000 for SHARE! Time Limited Subsidies in Council District 3 through June 30, 2024
  - b. Extend the term of the SHARE! Shared Housing Program in Council District 3 through June 30, 2024
    - i. Add \$200,000 for the SHARE! Shared Housing Program in Council District 3 through June 30, 2024
34. INSTRUCT the General Manager of LAHD, or their designee, to amend the City's HHAP (C-135650) contract with LAHSA to:
  - a. Reflect the service funding reduction approved relative to the 20th Roadmap report dated October 13, 2023 (C.F. 20-0841-S37)
    - i. \$2,257,038 from LAHSA PRK Housing Navigation Services
35. INSTRUCT the General Manager of LAHD, or their designee, to amend the City's new Roadmap Contract (C-144656) with LAHSA to:
  - a. Reflect the service funding allocations/amendments in this report for:
    - i. ABH 14333 Aetna Street
    - ii. THV 850 North Mission
    - iii. ABH 1214 Lodi Place
    - iv. THV 2301 West 3rd Street
    - v. THV 1455 Alvarado Street
  - b. Reflect the service funding allocation approved relative to the 17th Roadmap report dated May 12, 2023 (C.F. 20-0841-S34):

RMM Decl.  
**Exhibit 54**

RMM Decl.  
**Exhibit 54**

HOLLY L. WOLCOTT  
CITY CLERK

City of Los Angeles  
CALIFORNIA

OFFICE OF THE  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER



KAREN BASS  
MAYOR

**Council and Public Services Division**  
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PATRICE Y. LATTIMORE  
DIVISION MANAGER  
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**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

**Council File No.:** 23-1022-S6

**Council Meeting Date:** August 13, 2024

**Agenda Item No.:** 16

**Agenda Description:** STATUTORY EXEMPTION and HOUSING AND HOMELESSNESS COMMITTEE REPORT relative to a **construction, lease, and operation** of residential interim housing/navigation centers at 600 East 116th Place and 503 San Fernando Road, and Tiny Home Villages at 7724 Van Nuys Boulevard and 8358 San Fernando Road, for those experiencing homelessness.

**Council Action:** HOUSING AND HOMELESSNESS **COMMITTEE REPORT - ADOPTED**

**Council Vote:**

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

HOLLY L. WOLCOTT  
CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 341

**FILE SENT TO MAYOR**  
**LAST DAY FOR MAYOR TO ACT**

08-14-2024

08-26-2024

APPROVED

8/22/2024

DATE SIGNED

Adopted Report(s) Title  
Report from Housing and Homelessness Committee dated 08-07-24

STATUTORY EXEMPTION and HOUSING AND HOMELESSNESS COMMITTEE REPORT relative to a construction, lease, and operation of residential interim housing/navigation centers at 600 E. 116th Place and 503 San Fernando Road and tiny home villages at 7724 Van Nuys Boulevard and 8358 San Fernando Road for those experiencing homelessness

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DETERMINE that the construction, lease, and operation of the residential interim housing/navigation centers at 600 E. 116th Place and 503 San Fernando Road and the tiny home villages at 7724 Van Nuys Boulevard and 8358 San Fernando Road, for those experiencing homelessness, are statutorily exempt from the California Environmental Quality Act (CEQA) under Public Resources Code (PRC) Section 21080.27, Government Code Section 65660(b), applicable to City of Los Angeles (City) low barrier navigation centers; Government Code Section 8698.4, governing homeless shelter projects under a shelter crisis declaration; and PRC Section 21080(b)(4) and State CEQA Guidelines, 14 California Code of Regulations (CCR) Section 15269(c), as specific actions necessary to prevent or mitigate an emergency.
2. APPROVE \$4,352,268 of Emergency Stabilization Beds Grant (ESB) funds to support the construction of the Tiny Home Village located at 600 E. 116th Place with 64 beds in Council District 15.
  - a. APPROPRIATE up to \$4,352,268 from Emergency Stabilization Beds Grant (ESB) Fund No. 67N/10, Account No. 10Y776, Emergency Stabilization Beds Grant to ESB Fund No. 67N/10, 10A753, CD 15 600 East 116th Place THV, for the construction of the Tiny Home Village located at 600 E. 116th Place with 64 beds in Council District 15.
3. APPROVE \$9,077,181 of ESB funds to support the construction of the Tiny Home Village located at 503 San Fernando Road with 64 beds in Council District 1.
  - a. APPROPRIATE up to \$9,077,181 from ESB Fund No. 67N/10, Account No. 10Y776, Emergency Stabilization Beds Grant to ESB Fund No. 67N/10, in a new account entitled "CD 1 503 San Fernando Rd THV", for the construction of the Tiny Home Village located at 503 San Fernando Road with 64 beds in Council District 1.
4. APPROVE \$4,894,086 of ESB funds to support the construction of the Tiny Home units located at the Van Nuys Metrolink station, 7724 Van Nuys Boulevard with 100 beds in Council District 2.
  - a. APPROPRIATE up to \$4,894,086 from Emergency Stabilization Beds Grant Fund No. 67N/10, Account No. 10Y776, Emergency Stabilization Beds Grant to ESB Fund No. 67N/10, in a new account entitled "CD 2 7724 Van Nuys Blvd THV", for the construction of the Tiny Home Village units located at the Van Nuys Metrolink station, 7724 Van Nuys Boulevard with 100 beds in Council District 2.
5. APPROVE \$9,387,727 of ESB funds to support the construction of the Tiny Home Village located at the Sun Valley Metrolink Station, 8358 San Fernando Road with 208 beds in Council District 6.
  - a. APPROPRIATE up to \$9,387,727 from Emergency Stabilization Beds Grant Fund No. 67N/10, Account No. 10Y776, Emergency Stabilization Beds Grant to ESB Fund No. 67N/10, in a new account entitled "CD 6 8358 Van Nuys Rd THV", for the construction of the Tiny Home Village located at the Sun Valley Metrolink Station, 8358 San Fernando Road with 208 beds in Council District 6.
6. APPROPRIATE \$1,283,581.84 of unspent funds from Homeless Housing, Assistance and Prevention Funds Round 2 (HHAP-2) Fund No. 64J/10, Account No. 10V754, CD 14 850 North



Mission Road THV to HHAP-2 Fund No. 64J/10, Account No. 10V771, FC-1 COVID-19 Homelessness Roadmap Operating Costs.

7. AMEND and REPLACE the approved Recommendation No. 32 relative to the 21st Homelessness Roadmap Report dated December 1, 2023 (C.F. 20-0841-S40), to read as follows:
  - a. REQUEST LAHSA to include 2377 Midvale Avenue with 33 beds in Council District 5 in the Fall 2024 procurement of its adult beds portfolio, or other qualifying competitive process, to identify a qualified service provider to operate the aforementioned interim housing site, expected to open no sooner than January 2025.
8. APPROVE and APPROPRIATE up to \$169,248.02 from Homeless Housing, Assistance and Prevention Funds Round 1 (HHAP-1) Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap to the Capital Improvement Expense Program Fund No. 100/54, Account No. 00Y990, CD 5 Midvale IH for construction costs at the interim housing site.
9. APPROVE and APPROPRIATE \$30,751.98 from HHAP-2 Fund No. 64J/10, Account No. to the Capital Improvement Expense Program Fund No. 100/54, Account No. 00Y990, CD 5 Midvale IH for construction costs at the interim housing site.
10. .AUTHORIZE the CAO to:
  - a. Prepare Controller instructions or make necessary technical adjustments, including to the names of the Special Fund accounts recommended for this report, to implement the intent of these transactions, and authorize the Controller to implement these instructions.
  - b. Prepare any additional Controller instructions to reimburse City Departments for their accrued labor, material or permit costs related to projects in this report, to implement the intent of these transactions, and authorize the Controller to implement these instructions.
11. INSTRUCT the CAO to report back at the next Housing and Homelessness Committee meeting with a plan to develop and bring online the nearly 4,000 remaining Alliance beds that have not been planned, and a budget proposal to develop and operationalize these beds.

Fiscal Impact Statement: The CAO reports there is no General Fund impact as a result of the recommendations in the CAO report. The recommendations in the report utilizes the Emergency Stabilization Beds and Homeless Housing, Assistance, and Prevention funds for homelessness interventions.

Financial Policies Statement: The CAO reports that the recommendations in the report comply with the City Financial Policies in that budgeted funds are being used to fund recommended actions.

Community Impact Statement: None submitted

#### SUMMARY

At the meeting held on August 7, 2024, your Housing and Homelessness Committee considered the CAO and Bureau of Engineering (BOE) reports relative to a construction, lease, and operation of residential interim housing/navigation centers at 600 E. 116th Place and 503 San Fernando Road and tiny home villages at 7724 Van Nuys Boulevard and 8358 San Fernando Road for those experiencing homelessness

After an opportunity for public comment was held, the Committee moved to the recommendations contained in the CAO and BOE reports, as amended, to not adopt Recommendation Nos. 6 and 8 from the CAO report and to include an additional Recommendation No. 11, as detailed above.

This matter is now submitted to the Council for consideration.

Respectfully Submitted,

HOUSING AND HOMELESSNESS COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
RAMAN:	YES
BLUMENFIELD:	YES
PADILLA:	ABSENT
DE LEÓN:	YES
RODRIGUEZ:	YES

JL 8.7.24 23-1022-S6

**- NOT OFFICIAL UNTIL COUNCIL ACTS-**

REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

---

Date: August 1, 2024

CAO File No. 0220-05151-0591  
Council File No. 23-1022; 19-0914;  
20-1524  
Council District: 1, 2, 5, 6, and 15

To: The City Council

From: Matthew W. Szabo, City Administrative Officer



Reference: Alliance Settlement Agreement

Subject: **SECOND FUNDING REPORT: ALLIANCE SETTLEMENT AGREEMENT  
PROGRAM (ASAP) FUNDING RECOMMENDATIONS**

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### SUMMARY

The City of Los Angeles is required to develop 12,915 new interim or permanent housing units or other interventions by June 14, 2027, to accommodate 60 percent of unsheltered persons experiencing homelessness within the City under the June 14, 2022, Alliance Lawsuit Settlement Agreement. This is the second Alliance Settlement Agreement Program funding report.

This report recommends the programming of Emergency Stabilization Beds Grant funds awarded by the State of California for the construction of four new interim housing sites with a total of 436 beds that will count towards the City's Alliance bed obligation in Council Districts 1, 2, 6, and 15, along with exemption determinations to the California Environmental Quality Act (CEQA). This report also provides recommendations for sites in Council District 5, including amended recommendations for a previously approved construction project, and the necessary authorities for the leasing and operations of a new interim housing site.

### RECOMMENDATION

That the City Council, subject to approval by the Mayor:

1. DETERMINE that the construction, lease, and operation of the residential interim housing/navigation centers at 600 E. 116th Place and 503 San Fernando Road and the tiny home villages at 7724 Van Nuys Boulevard and 8358 San Fernando Road, for those experiencing homelessness, are statutorily exempt from the California Environmental Quality Act (CEQA) under Public Resources Code (PRC) Section 21080.27, Government Code Section 65660(b), applicable to City of Los Angeles (City) low barrier navigation centers; Government Code Section 8698.4, governing homeless shelter projects under a

shelter crisis declaration; and PRC Section 21080(b)(4) and State CEQA Guidelines, 14 California Code of Regulations (CCR) Section 15269(c), as specific actions necessary to prevent or mitigate an emergency.

2. APPROVE \$4,352,268 of Emergency Stabilization Beds Grant (ESB) funds to support the construction of the Tiny Home Village located at 600 E. 116th Place with 64 beds in Council District 15;
  - a. APPROPRIATE up to \$4,352,268 from Emergency Stabilization Beds Grant (ESB) Fund No. 67N/10, Account No. 10Y776, Emergency Stabilization Beds Grant to ESB Fund No. 67N/10, 10A753, CD 15 600 East 116th Place THV, for the construction of the Tiny Home Village located at 600 E. 116th Place with 64 beds in Council District 15;
3. APPROVE \$9,077,181 of ESB funds to support the construction of the Tiny Home Village located at 503 San Fernando Road with 64 beds in Council District 1;
  - a. APPROPRIATE up to \$9,077,181 from ESB Fund No. 67N/10, Account No. 10Y776, Emergency Stabilization Beds Grant to ESB Fund No. 67N/10, in a new account entitled "CD 1 503 San Fernando Rd THV", for the construction of the Tiny Home Village located at 503 San Fernando Road with 64 beds in Council District 1;
4. APPROVE \$4,894,086 of ESB funds to support the construction of the Tiny Home units located at the Van Nuys Metrolink station, 7724 Van Nuys Boulevard with 100 beds in Council District 2;
  - a. APPROPRIATE up to \$4,894,086 from Emergency Stabilization Beds Grant Fund No. 67N/10, Account No. 10Y776, Emergency Stabilization Beds Grant to ESB Fund No. 67N/10, in a new account entitled "CD 2 7724 Van Nuys Blvd THV", for the construction of the Tiny Home Village units located at the Van Nuys Metrolink station, 7724 Van Nuys Boulevard with 100 beds in Council District 2;
5. APPROVE \$9,387,727 of ESB funds to support the construction of the Tiny Home Village located at the Sun Valley Metrolink Station, 8358 San Fernando Road with 208 beds in Council District 6;
  - a. APPROPRIATE up to \$9,387,727 from Emergency Stabilization Beds Grant Fund No. 67N/10, Account No. 10Y776, Emergency Stabilization Beds Grant to ESB Fund No. 67N/10, in a new account entitled "CD 6 8358 Van Nuys Rd THV", for the construction of the Tiny Home Village located at the Sun Valley Metrolink Station, 8358 San Fernando Road with 208 beds in Council District 6;
6. AUTHORIZE Department of General Services (GSD) to enter into a lease agreement with 7253 Melrose Partners, LLC and a sublease agreement with People Assisting the Homeless (PATH) for the proposed interim housing site located at 7253 Melrose Avenue in Council District 5 for up to 5 years;

7. APPROPRIATE \$1,283,581.84 of unspent funds from Homeless Housing, Assistance and Prevention Funds Round 2 (HHAP-2) Fund No. 64J/10, Account No. 10V754, CD 14 850 North Mission Road THV to HHAP-2 Fund No. 64J/10, Account No. 10V771, FC-1 COVID-19 Homelessness Roadmap Operating Costs;
8. APPROVE up to \$1,140,000 of HHAP-2 funds for GSD leasing costs at the proposed interim housing site located at 7253 Melrose Avenue in Council District 5 through June 30, 2025;
  - a. APPROPRIATE \$1,140,000 from HHAP-2 Fund No. 64J/10, Account No. 10V771, FC-1 COVID-19 Homelessness Roadmap Operating Costs to Citywide Leasing Fund No. 100/63, 000027, A Bridge Home Leasing for leasing costs at the proposed interim housing site located at 7253 Melrose Avenue with 60 beds in Council District 5 through June 30, 2025;
9. AMEND and REPLACE the approved Recommendation 32 relative to the 21st Homelessness Roadmap Report dated December 1, 2023 (C.F. 20-0841-S40), to read as follows:
  - a. REQUEST LAHSA to include 2377 Midvale Avenue with 33 beds in Council District 5 in the Fall 2024 procurement of its adult beds portfolio, or other qualifying competitive process, to identify a qualified service provider to operate the aforementioned interim housing site, expected to open no sooner than January 2025;
10. APPROVE and APPROPRIATE up to \$169,248.02 from Homeless Housing, Assistance and Prevention Funds Round 1 (HHAP-1) Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap to the Capital Improvement Expense Program Fund No. 100/54, Account No. 00Y990, CD 5 Midvale IH for construction costs at the interim housing site;
11. APPROVE and APPROPRIATE \$30,751.98 from HHAP-2 Fund No. 64J/10, Account No. to the Capital Improvement Expense Program Fund No. 100/54, Account No. 00Y990, CD 5 Midvale IH for construction costs at the interim housing site;
12. AUTHORIZE the CAO to:
  - a. Prepare Controller instructions or make necessary technical adjustments, including to the names of the Special Fund accounts recommended for this report, to implement the intent of these transactions, and authorize the Controller to implement these instructions; and
  - b. Prepare any additional Controller instructions to reimburse City Departments for their accrued labor, material or permit costs related to projects in this report, to implement the intent of these transactions, and authorize the Controller to implement these instructions.

## **BACKGROUND**

Under the June 14, 2022, Alliance Lawsuit Settlement Agreement (Settlement), the City is required to develop 12,915 new interim or permanent housing units or other interventions by June 14, 2027, in order to accommodate 60 percent of unsheltered persons experiencing homelessness (PEH) within the City based on LAHSA's 2022 Point-in-Time Count who do not have a serious mental illness. As of June 30, 2024, there are 4,017 new interventions open and occupiable and 4,646 interventions in progress. The recommendations in this report will add 436 in progress interventions to the City's Alliance Settlement bed obligation, for a new in progress total of 5,082 interventions and an updated delta of 3,187 requiring development.

On May 2, 2024, the City and County of Los Angeles executed a Memorandum of Understanding, under which the County has allocated \$259 million for services for the City's interim housing requirements under the Settlement. The County will reimburse at the bed rate established by the City and the Los Angeles Homeless Services Authority (LAHSA) until an adjusted and standardized interim housing bed rate schedule is adopted, at which point the County will reimburse the City consistent with the adjusted "basic bed rate" schedule. The not to exceed total amount of \$259,000,000 that the County has allocated for interim housing bed rates under the MOU will be adjusted if the basic bed rate under the standardized interim housing bed rate schedule exceeds \$100 per night. The County will contract for and fund permanent supportive housing (PSH) services for PSH units established by the City. The MOU will terminate on June 30, 2027.

## **DISCUSSION**

### **State Tiny Homes**

In 2023, the California Governor's Office announced a statewide initiative to provide assistance to procure up to 1,200 emergency sleeping cabins in municipalities across the state. Up to 500 of these units were designated for the City of Los Angeles, and a total of \$33,241,866 of Behavioral Health Continuum Infrastructure Program (BHCIP) - Emergency Stabilization Bed (ESB) Grant Funding is to be awarded to the City. The recommendations in this report program these monies to the selected projects.

To provide authority for these site renewals, the Bureau of Engineering (BOE) has conducted CEQA analysis for these sites, which is transmitted under a separate cover. The Mayor and City Council must approve the recommendations included in this report, which are based on BOE's determination that these uses are categorically exempt from CEQA in order to proceed.



#### *600 East 116th Place in Council District 15*

The property located at 600 E. 116th Place in Council District 15 is owned by the Los Angeles County Metropolitan Transportation Authority, also known as Metro. This site previously received funding and approval within the 11th Roadmap funding report (C.F. 20-0841-S23) for a Tiny Home Village with 41 beds, and was allocated Additional Homeless Services - General City Purposes (AHS-GCP) funds and Homeless Housing, Assistance, and Prevention Grant Program Round 2 (HHAP-2) funds in the total of \$3,752,687. Construction did not proceed as the original typology but \$616,512 was expended for initial site prep. The site now has a total of \$3,136,175 available of the original allocation and is now proposed for the State Tiny Home bed obligation. This project will now utilize modular units that will serve families with a total of 64 beds, and this report recommends an additional \$4,352,268 of ESB funds to support the new typology.

#### *503 San Fernando Road in Council District 1*

The proposed community located at 503 San Fernando Road in CD 1 is adjacent to the current North East New Beginnings community that provides up to 100 beds to people experiencing homelessness. This site will utilize 16 modular units that house up to 4 individuals at a time, providing up to 64 beds. This is the same typology utilized at the North East New Beginnings community, as these programs will operate concurrently. This report recommends \$9,077,181 of ESB funds to support the construction of the community.

#### *7724 Van Nuys Boulevard in Council District 2*

The property located at 7724 Van Nuys Boulevard in Council District 2 is an active A Bridge Home (ABH) site that became open and operational on August 17, 2020. The construction of the original membrane structure and modular trailers were funded with General Fund monies, which was subsequently reimbursed with Homeless Housing, Assistance, and Prevention Funds Round 1 (HHAP-1)(C.F. 19-1307). The site currently provides 100 beds to people experiencing homelessness and is operated by Hope this Mission. This report recommends \$4,894,086 of ESB funding to expand the ABH site by adding 50 Tiny Homes, which will provide an additional 100 beds. The recommendations in this report will expand this program from 100 beds to 200 beds.

#### *8358 San Fernando Road in Council District 6*

Council District 6 has proposed to use the City-owned property located at 8358 San Fernando Road for interim housing. The interim housing program will use about 50 percent of the property, while the other 50 percent will maintain its current Metro use for parking. The program will include 84 units for 208 beds to people experiencing homelessness, which will include trailers from a previous CD 6 intervention located at 14333 Aetna Avenue. This report recommends \$9,387,727 of ESB funds for the construction of the program.

## **7253 Melrose Avenue in Council District 5**

This report recommends the authority for the Department of General Services (GSD) to enter into a lease agreement with 7253 Melrose Partners, LLC for the property located at 7253 Melrose Avenue in Council District 5 for an interim housing intervention. The site will provide up to 60 beds to people experiencing homelessness. Additionally, this report recommends the authority for GSD to enter into a sublease agreement with the selected service provider, People Assisting the Homeless, also known as PATH.

The site is expected to operate for a term of three years with two, one-year, options to extend for a total of five years. This report recommends allocating up to \$1,140,000 of Housing Homeless, Assistance and Prevention Round 2 funds to support leasing costs at the proposed interim housing site.

## **2377 Midvale Avenue in Council District 5**

On December 21, 2023, the Mayor concurred with the City Council's approval of the recommendations in the 21st Roadmap funding report (C.F. 20-0841-S40). Recommendation 32 instructed LAHSA to conduct a Request for Proposals (RFP), or any other qualifying competitive process, to identify a qualified service provider for the proposed interim housing site located at 2377 Midvale Avenue in Council District 5. LAHSA has since conducted a competitive process, however, the construction schedule has changed which has impacted the timeframe of service provider selection.

Furthermore, LAHSA will conduct an RFP for the entire City adult interim housing portfolio in the Fall of 2024. In an effort to expand the pool of candidates for the Midvale project, this report recommends amending the approved recommendation from the 21st Roadmap funding report to re-solicit for service provider proposals within that procurement. Lastly, this report recommends \$200,000 of HHAP-2 funds to support the continued construction of the Midvale project, particularly the electrical connection of the two parcels that the program encompasses.

## **FISCAL IMPACT STATEMENT**

There is no General Fund impact as a result of the recommendations in this report. The recommendations in this report utilizes the Emergency Stabilization Beds and Homeless Housing, Assistance, and Prevention funds for homelessness interventions.

## **FINANCIAL POLICIES STATEMENT**

The recommendations in this report comply with the City Financial Policies in that budgeted funds are being used to fund recommended actions.

RMM Decl.  
**Exhibit 55**

RMM Decl.  
**Exhibit 55**

HOLLY L. WOLCOTT  
CITY CLERK

City of Los Angeles  
CALIFORNIA

OFFICE OF THE  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER



KAREN BASS  
MAYOR

**Council and Public Services Division**  
200 N. SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012  
GENERAL INFORMATION - (213) 978-1133  
FAX: (213) 978-1040

PATRICE Y. LATTIMORE  
DIVISION MANAGER  
[CLERK.LACITY.GOV](http://CLERK.LACITY.GOV)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

**Council File No.:** 20-0841-S49

**Council Meeting Date:** June 18, 2024

**Agenda Item No.:** 18

**Agenda Description:** STATUTORY EXEMPTION and HOUSING AND HOMELESSNESS COMMITTEE REPORT relative to lease extension and funding allocation for continued use of the "A Bridge Home" (ABH) bridge housing/navigation site located at 3248 Riverside Drive in Council District 4; and the 24th report regarding COVID-19 Homelessness Roadmap funding recommendations; and related matters.

**Council Action:** HOUSING AND HOMELESSNESS COMMITTEE REPORT - ADOPTED FORTHWITH

**Council Vote:**

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

HOLLY L. WOLCOTT  
CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 341

**FILE SENT TO MAYOR**  
**LAST DAY FOR MAYOR TO ACT**

06-18-2024
06-28-2024

APPROVED

6/18/2024  
RMW Decl., Vol. 1, p. 257

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DATE SIGNED

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Adopted Report(s) Title  
Housing and Homelessness Committee Report 6-5-24

STATUTORY EXEMPTION and HOUSING AND HOMELESSNESS COMMITTEE REPORT relative to lease extension and funding allocation for continued use of the “A Bridge Home” (ABH) bridge housing/navigation site located at 3248 Riverside Drive in Council District 4; and the 24th report regarding COVID-19 Homelessness Roadmap funding recommendations; and related matters.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AMEND AND APPROVE Recommendation No. 1 contained in the City Administrative Officer (CAO) report dated May 31, 2024, attached to Council file No. 20-0841-S49, respectively, as follows:

DETERMINE that the lease, funding allocation and continued use of the ABH bridge housing/navigation center located at 3248 Riverside Drive in Council District 4 for those experiencing homelessness, are statutorily exempt from the California Environmental Quality Act (CEQA) under Public Resources Code (PRC) Section 21080.27 and Government Code Section 65660(b), applicable to City of Los Angeles (City) low barrier navigation centers, Government Code Section 8698.4(a)(4), governing homeless shelter projects under a shelter crisis declaration, and PRC Section 21080(b)(4) and State CEQA Guidelines, 14 California Code of Regulations (CCR) Section 15269(c) as specific actions necessary to prevent or mitigate an emergency. This determination is consistent with, and supported by, the City Council's prior actions for the development and use of the properties as temporary shelters/navigation centers; and CEQA determinations made on December 10, 2019, August 1, 2023, respectively (Council file Nos. 19-0126 and 20-0841-S35).

2. RESCIND Recommendation Nos. 14 through 16 and No. 22.b contained in the CAO report dated May 31, 2024, attached to the Council file.
3. APPROVE Recommendation Nos. 2 through 13, Nos. 17 and 18, No. 20 and Nos. 22.a and 23 contained in the CAO report dated May 31, 2024, attached to the Council file.
4. AMEND and APPROVE Recommendation Nos. 19 and 21 contained in the CAO report dated May 31, 2024, attached to the Council file, respectively, as follows:

**19. INSTRUCT the City Clerk to place on the agenda of the first regular Council meeting on July 1, 2024, or shortly thereafter, the following instructions:**

a. **APPROVE the reappropriation of up to \$2,196,867, from the June 30, 2024 - unencumbered balances from various funding sources within the Capital Technology Improvement Expenditure Program, Fund No. 100/54 for the following accounts:**

i. **Up to \$131,705 of General City Purposes - Additional Homeless Services (GCP-AHS) funds from Fund No. 100/54, Account No. 00V894, CD 15 600 East 116th Place Tiny Home Village (THV) for construction costs associated with the 600 East 116th Place THV in Council District 15**

ii. **Up to \$ 2,065,162 of GCP (\$1,200,000) and Homeless Housing, Assistance, and Prevention (\$865,162) funds from Fund No. 100/54, Account No. 00Y990, CD 5 Midvale IH for the Interim Housing Project located at 2377 Midvale Avenue in Council District 5.**

b. **APPROVE the reappropriation of \$2,250,000 of General Fund from the June 30, 2024 - unencumbered balances within the Unappropriated Balance Fund**



**No. 100/58, Account No. 580422, Citywide Recreational Vehicle Program.**

21. INSTRUCT the General Manager, LAHD, or designee, to amend the City's General Fund Contract (C-140706) or execute a new General Fund contract with the Los Angeles Homeless Services Authority (LAHSA) to:
- a. Reflect operating costs for ABH sites located at through June 30, 2025:
    - i. 1533 Schrader Boulevard
    - ii. 711 North Alameda Street
    - iii. 1920 West 3rd Street
5. ADD and APPROVE the following recommendations to the CAO report dated May 31, 2024, attached to the Council file, respectively, to read as follows:
- a. APPROVE and APPROPRIATE \$158,876 of GCP-AHS Fund No. 100/56, Account No. 000931 to Citywide Leasing Fund No. 100/63, Account No. 000027, ABH Leasing for leasing costs for 1920 West 3rd Street through June 30, 2024.
  - b. APPROVE and APPROPRIATE \$165,231 of GCP-AHS Fund No. 100/56, Account No. 000931 to Citywide Leasing Fund No. 100/63, Account No. 000027, AHB Leasing for leasing costs for 1920 West 3rd Street through June 30, 2025.
  - c. APPROVE and APPROPRIATE \$329,067 from Homeless Efforts - County Funding Agreement Fund No. 63Q/10, Account No. 10T618, Homeless Effort - County Funding Agreement to the Los Angeles Housing Department Fund No. 63Q/43, Account No. 43WC38, 2022-23 LAHSA Leasing for 1904 Bailey leasing costs through June 30, 2024.

Fiscal Impact Statement: The CAO reports that there is no additional General Fund impact as a result of the recommendations in this report. The recommendations in this report utilize the City's General Fund that was previously budgeted and approved for homelessness interventions. Additionally, the recommendations in this report also utilizes the Homeless Housing, Assistance, and Prevention and County Roadmap funds for homelessness interventions.

Financial Policies Statement: The CAO reports that the recommendations in this report comply with the City's Financial Policies in that budgeted funds are being used to fund recommended actions.

Community Impact Statement: None submitted

**SUMMARY**

At the meeting held on June 5, 2024, your Housing and Homelessness Committee considered CAO and Bureau of Engineering reports relative to lease extension and funding allocation for continued use of the (ABH) bridge housing/navigation site located at 3248 Riverside Drive in Council District 4; and the 24th report regarding COVID-19 Homelessness Roadmap funding recommendations; and related matters.

After an opportunity for public comment was held, the Committee recommended to move forward the recommendations contained in the CAO report, as detailed above, as amended. This matter is now submitted to the Council for consideration.

Respectfully Submitted,

## HOUSING AND HOMELESSNESS COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
RAMAN:	YES
BLUMENFIELD:	YES
HARRIS-DAWSON:	YES
DE LEÓN:	YES
RODRIGUEZ:	YES

LV 6.5.24

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**

## REPORT FROM

# OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: May 31, 2024

CAO File No. 0220-05151-0558  
Council File No. 20-0841  
Council District: 1, 4, 5, 6, 9, 10, 12,  
13, and 14

To: The City Council

From: Matthew W. Szabo, City Administrative Officer



Reference: COVID-19 Homelessness Roadmap

Subject: **TWENTY FOURTH REPORT: COVID-19 HOMELESSNESS ROADMAP  
FUNDING RECOMMENDATIONS**

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## SUMMARY

On September 9, 2020, the City Council approved funding for the initial projects under the COVID-19 Homelessness Roadmap (Roadmap) and directed this office to submit future funding recommendations through reports. This is the twenty-fourth such report.

First, this report provides an exempt determination from the California Environmental Quality Act for the continued use of an A Bridge Home site located in Council District 4. Additionally, this report recommends authorizing the General Services Department to execute a new or amend an existing interdepartmental agreement with the Department of Recreation and Parks and a lease agreement with People Assisting the Homeless for the continued use of an A Bridge Home site located in Council District 4.

Second, this report programs funds for the continued cost of leasing for various existing interim housing sites. Also included in this report are recommendations to program funds for operation shortfalls at interim housing sites.

Lastly, this report recommends funding to continue operations at existing interim housing interventions through June 30, 2025.

## RECOMMENDATION

That the City Council, subject to approval by the Mayor:

1. DETERMINE that the leases, funding allocation, and continued use of the bridge housing/navigation center at 3248 Riverside Drive and the interim housing/navigation center at 1479 South La Cienega Boulevard, for those experiencing homelessness, are statutorily exempt from the California Environmental Quality Act (CEQA) under Public Resources Code (PRC) Section 21080.27 and Government Code Section 65660(b), applicable to City of Los

Angeles (City) low barrier navigation centers, Government Code Section 8698.4(a)(4), governing homeless shelter projects under a shelter crisis declaration, and PRC Section 21080(b)(4) and State CEQA Guidelines, 14 California Code of Regulations (CCR) Section 15269(c) as specific actions necessary to prevent or mitigate an emergency. This determination is consistent with, and supported by, the City Council's prior actions for the development and use of the properties as temporary shelters/navigation centers; and CEQA determinations made on December 10, 2019, August 1, 2023 and March 17, 2020, respectively (C.F. Nos. 19-0126, 20-0841-S35 and 19-1350, respectively).

2. AUTHORIZE the General Services Department (GSD) to execute a new or amend an existing interdepartmental agreement with the Department of Recreation and Parks and a lease agreement with the People Assisting the Homeless (PATH) for the A Bridge Home site located at 3248 Riverside Drive with 100 beds in Council District 4 for one year;
3. APPROPRIATE up to \$9,793,723 of unspent 2022-23 County Roadmap funds to the Homeless Efforts - County Funding Agreement Fund No. 63Q/10, Account No. 10T618, Homeless Effort - County Funding Agreement from the following accounts:
  - a. \$2,243,149 from Fund No. 63Q/43, Account No. 43WC27, 2022-23 Tiny Home Village Operations;
  - b. \$1,914,311 from Fund No. 63Q/43, Account No. 43WC28, 2022-23 Bridge Home Operations;
  - c. \$4,285,356 from Fund No. 63Q/43, Account No. 43WC29, 2022-23 Other Interim Housing Operations;
  - d. \$1,036,693 from Fund No. 63Q/43, Account No. 43WC30, 2022-23 Project Homekey Operations;
  - e. \$304,214 from Fund No. 63Q/43, Account No. 43WC31, 2022-23 Safe Parking Operations;
4. APPROVE up to \$68,878,513 from Homeless Efforts - County Funding Agreement Fund No. 63Q/10, Account No. 10T618, Homeless Effort - County Funding Agreement to the following accounts for continued operations of Roadmap interim housing interventions from July 1, 2024 through June 30, 2025:
  - a. \$33,984,715 to LAHSA Fund No. 63Q/43, Account No. 43AC27, 2024-25 Tiny Home Villages Op;
  - b. \$21,563,835 to LAHSA Fund No. 63Q/43, Account No. 43AC88, 2024-25 A Bridge Home Ops;
  - c. \$8,220,713 to LAHSA Fund No. 63Q/43, Account No. 43AC29, 2024-25 Other Interim Housing Ops;
  - d. \$2,044,000 to LAHSA Fund No. 63Q/43, Account No. 43AC31, 2024-25 Safe Parking Ops;
  - e. \$3,065,250 to LAHSA Fund No. 63Q/43, Account No. 43AC32, 2024-25 Safe Sleep Ops;

5. APPROVE \$3,493,050 from General City Purposes - Additional Homeless Services (GCP-AHS) Fund No. 100/56, Account No. 000931 to the Los Angeles Housing Department Fund No. 10A/43, Account No. 43AC88, 2024-25 A Bridge Housing Operations, for operating costs of the following ABH sites from July 1, 2024 through June 30, 2025;
  - a. \$1,734,480 for the ABH site located at 1533 Schrader Boulevard in Council District 13;
  - b. \$1,084,050 for the ABH site located at 711 North Alameda Street in Council District 14;
  - c. \$674,520 for the ABH site located at 1920 West 3rd Street in Council District 1;
6. APPROVE and APPROPRIATE up to \$349,000 from Homeless Housing, Assistance, and Prevention (HHAP) Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap to the Los Angeles Housing Department (LAHD) Fund No. 62Y/43, in the account 43YC29, 2023-24 Other Interim Housing Ops for an operations and leasing shortfall at the interim housing site located at 5100 S. Central Avenue with 25 beds for single adults in Council District 9 through June 30, 2024;
7. APPROVE and APPROPRIATE up to \$180,000 from HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap to LAHD HHAP Fund No. 62Y/43, in the account 43YC28, 2023-24 Bridge Home Operations for an operations shortfall at the A Bridge Home interim housing site located at 1818 S Manhattan Place (formerly 1819 S. Western Avenue) with 15 beds for single adult women in Council District 10 through June 30, 2024;
8. APPROVE and APPROPRIATE up to \$273,352 from Homeless Efforts - County Funding Agreement Fund No. 63Q/10, Account No. 10T618, Homeless Effort - County Funding Agreement to Fund No. 63Q/43, Account No. 43YC27, 2023-24 Tiny Home Village Operations for operations of the Tiny Home Village site located at 2301 W. 3rd Street in Council District 13 through June 30, 2024;
9. APPROVE and APPROPRIATE up to \$215,090 from Homeless Efforts - County Funding Agreement Fund No. 63Q/10, Account No. 10T618, Homeless Effort - County Funding Agreement to Fund No. 63Q/43, Account No. 43YC27, 2023-24 Tiny Home Village Operations for operations of the Tiny Home Village site located at 1455 Alvarado Street in Council District 13 through June 30, 2024;
10. APPROVE up to \$9,728 from HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap to GSD Fund No. 100/40, Account No. 003160, Maintenance Materials, Supplies & Services, for repairs at the Tiny Home Village site located at 1455 Alvarado Street in Council District 13;

11. APPROVE up to \$105,000 from HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap to Fund No. 100/40, Account No. 003180, Construction Materials, for leasing costs associated with the trailers located at the A Bridge Home site on 711 N. Alameda Street, also known as El Puente, in Council District 14 from July 1, 2024 through June 30, 2025;
12. APPROVE \$158,982 for leasing of the interim housing site located at 1904 Bailey Avenue in Council District 14 through June 30, 2025;
  - a. AUTHORIZE \$158,982 GCP-AHS Fund No. 100/56, Account No. 000931 to the Los Angeles Housing Department Fund No. 10A/43, Account No. for leasing of the interim housing site located at 1904 Bailey Avenue in Council District 14 through June 30, 2025;
13. APPROVE up to \$40,000 from HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap to BOE Contractual Services Fund No. 682/50, Account No. 50VVHF, Feasibility Studies for Homeless Roadmap to reimburse contractual service costs associated with phase one environmental studies of the Tiny Home Village located at 499 San Fernando Road in Council District 1 through June 30, 2025;
14. APPROVE up \$10,000 from HHAP Fund No. 62Y/10, Account No. 10S650, FC-1: A Bridge Home Capital and Operating Gap to to the Citywide Leasing Fund No. 100/63, 000027, A Bridge Home Leasing for GSD leasing costs at the La Cienega Motel located at 1725 South La Cienega Boulevard in Council District 5 with 20 beds not to exceed six months through June 30, 2025;
15. AMEND and REPLACE the approved Recommendation 16 relative to the 23rd Homelessness Roadmap Report dated March 29, 2024 (C.F. 20-0841-S46) to read as follows:
  - a. APPROVE up to \$398,200 of Homeless Efforts - County Funding Agreement Fund for GSD leasing costs at the La Cienega Motel located at 1725 South La Cienega Boulevard in Council District 5 with 20 beds not to exceed six months through June 30, 2025;
    - i. APPROPRIATE \$398,200 from Homeless Efforts - County Funding Agreement Fund No. 63Q/10, Account No. 10T618, Homeless Effort - County Funding Agreement to Fund No. 63Q/10, in a new account entitled, "Leasing - 1725 S La Cienega" for leasing costs of the La Cienega Motel located at 1725 South La Cienega Boulevard in Council District 5 not to exceed six months through June 30, 2025;
16. AMEND and REPLACE the approved Recommendation 17 relative to the 23rd Homelessness Roadmap Report dated March 29, 2024 (C.F. 20-0841-S46) to read as follows:



- a. APPROVE up to \$362,000 for the operations of the La Cienega Hotel located at 1725 South La Cienega Boulevard with 20 beds in Council District 5 through June 30, 2025;
    - i. APPROPRIATE \$362,000 from Homeless Efforts - County Funding Agreement Fund No. 63Q/10, Account No. 10T618, Homeless Effort - County Funding Agreement to Fund No. 63Q/43, Account No. 43AC29, 2024-25 Other Interim Housing Ops , for the operations cost of the La Cienega Motel located at 1725 South La Cienega Boulevard in Council District 5 through June 30, 2025;
17. REQUEST LAHSA to extend the Project HomeKey (PHK) 1.0 construction rehabilitation contracts with the following owner/operators through October 31, 2024:
- a. The National Health Foundation (NHF) for the Woodman/Arleta site at 9120 Woodman Avenue, Los Angeles, CA 91334, in Council District 6; and,
  - b. The Volunteers of America Los Angeles (VOALA) for the Travelodge Devonshire, 21603 Devonshire Street, Los Angeles, 91311, in Council District 12;
18. AMEND Recommendation 15 from the previously approved 17th Covid-19 Homelessness Roadmap (C.F. 20-0841-S34) and replace with the following:
- a. APPROVE up to \$657,530.46 from GCP-AHS Fund No. 100/56, Account No. 000931 to the Bureau of Engineering (BOE) Special Services Fund No. 682/50, Account No. 50VVIA, Salaries and Mileages for Homeless Roadmap to reimburse general salaries, transportation costs, and contractual services associated with the construction costs of previously approved interim housing sites and feasibility studies.
    - i. TRANSFER \$657,530.46 from the BOE Special Services Fund No. 682/50, Account No. 50VVIA, Salaries and Mileage for Homeless Roadmap to the following departments as needed to reimburse general salaries, transportation costs, and contractual services associated with the construction costs of previously approved interim housing sites and feasibility studies:
      - 1. \$373,218.25 to BOE Fund No. 100/78, Account No. 001010, Salaries General;
      - 2. \$1,705.54 to BOE Fund No. 100/78, Account No. 003310, Transportation;
      - 3. \$175,228.53 to BOE Fund No. 100/78, Account No. 536101, Fringe Benefits;
      - 4. \$52,566.22 to BCA Fund No. 100/76, Account No. 001010, Salaries General;
      - 5. \$52,209.98 to BCA Fund No. 100/76, Account No. 536101, Fringe Benefits;
      - 6. \$672.08 to BCA Fund No. 100/76, Account No. 001090, Overtime General;
      - 7. \$1,929.86 to BCA Fund No. 100/76, Account No. 003310 Transportation;

**19. INSTRUCT** the City Clerk to place on the agenda of the first regular Council meeting on July 1, 2024, or shortly thereafter, the following instructions:

- a. APPROVE the reappropriation of up to \$2,196,867, from the June 30, 2024 - unencumbered balances from various funding sources within in Capital Technology Improvement Expenditure Program, 100/54 for the following accounts:
  - i. Up to \$131,705 of GCP-AHS funds from Fund No. 100/54, Account No. 00V894, CD 15 600 East 116th Place THV for construction costs associated with the 600 East 116th Place Tiny Home Village in Council District 15; and
  - ii. Up to \$ 2,065,162 of GCP (\$1,200,000) and HHAP (\$865,162) funds from Fund 100/54, Account No. 00Y990, CD 5 Midvale IH for the Interim Housing Project at 2377 Midvale Avenue;

**20. INSTRUCT** the General Manager of LAHD, or their designee, to amend the City's new Roadmap Contract (C-144656) with LAHSA to:

- a. Continue services with expenditure authority through June 30, 2025. Funding Categories and allocations as follows:
  - i. Up to \$33,984,715 in FC-1 Tiny Home Village Operations;
  - ii. Up to \$21,563,835 in FC-2 A Bridge Home Operations;
  - iii. Up to \$8,220,713 in FC-3 Other Interim Housing Operations;
  - iv. Up to \$2,044,000 in FC-4 Safe Parking Operations;
  - v. Up to \$3,065,250 in FC-5 Safe Sleep Operations;
- b. Add and increase funding for the operations of the following interim housing sites:
  - i. 2301 W. 3rd Street in Council District 13;
  - ii. 1455 Alvarado Street in Council District 13;
- c. Add and increase funding for leasing of the interim housing site located at 1904 Bailey Avenue in Council District 14;
- d. Amend the service funding allocations and expenditure authority for 1725 South La Cienega Boulevard in Council District 5;

**21. INSTRUCT** the General Manager of LAHD, or their designee, to amend the City's General Fund contract (C-140706) with LAHSA to:

- a. Reflect operating costs for ABH sites located at through June 30, 2025:
  - i. 1533 Schrader Boulevard;
  - ii. 711 N. Alameda Street;
  - iii. 1920 W. 3rd Street;

**22. INSTRUCT** the General Manager of LAHD, or their designee, to amend the City's HHAP (C-135650) contract with LAHSA to:

- a. Add and increase funding for the operations of the following interim housing sites:
  - i. 5100 S. Central Avenue in Council District 9;
  - ii. 1818 S. Manhattan Place in Council District 10;
- b. Add and increase funding for leasing of the interim housing site located at 1725 S. La Cienega Boulevard in Council District 5;

23. AUTHORIZE the CAO to:

- a. Prepare Controller instructions or make necessary technical adjustments, including to the names of the Special Fund accounts recommended for this report, to implement the intent of these transactions, and authorize the Controller to implement these instructions; and
- b. Prepare any additional Controller instructions to reimburse City Departments for their accrued labor, material or permit costs related to projects in this report, to implement the intent of these transactions, and authorize the Controller to implement these instructions.

## BACKGROUND

As part of the LA Alliance case, on June 16, 2020, the City reached an agreement with the County to create 6,700 new homeless housing units within 18 months to address the COVID-19 emergency. This agreement is referred to as the Homelessness Roadmap.

The Roadmap set the following targets:

- 700 beds in existing agreements with the County within 10 months
- 5,300 new beds within 10 months
- 700 new beds within 18 months

The City is required to open and maintain 6,000 new beds, not covered by existing City-County agreements. The County will provide up to \$60 million in annual service funding, totaling up to \$300 million over the five-year agreement term, based on the number of interventions open and occupied within 60 days of July 1st each year. The agreement will terminate on June 30, 2025; therefore, Fiscal Year 2024-25 marks the fifth and final year of the Homelessness Roadmap.

The City has met all obligations under the agreement and will continue to do so. As of March 31, 7,172 new beds are open and occupiable, which includes 1,656 rapid rehousing/shared housing point-in-time placements overseen by the Los Angeles Homeless Services Authority (LAHSA).

## DISCUSSION

### 3248 Riverside Drive in Council District 4

This report recommends the authority for the General Services Department to enter into a new or amend an existing interdepartmental agreement with the Department of Recreation and Parks and a lease agreement with the People Assisting the Homeless for the continued use of the A Bridge Home (ABH) facility located at 3248 Riverside Drive in Council District 4 for an additional year. To provide authority for the site renewal, the Bureau of Engineering (BOE) has conducted a California

Environmental Quality Act analysis, which is transmitted under a separate cover. The Mayor and City Council must approve the recommendations included in this report, which are based on BOE's determination that these uses are categorically exempt from CEQA in order to proceed.

## **Ongoing/Service Costs of Interim Housing Interventions through June 30, 2025**

### *Roadmap Interventions*

The operating/service funding for 37 Roadmap interventions are needed for 2024-25. For 2024-25, the estimated total needed to continue the operations of existing interventions is \$68.8 million. The recommendations in this report continue funding for 37 interventions consisting of 2,997 beds. This report recommends the continuation of previously approved Roadmap interventions. Attachment 2 provides a detailed list of the sites in continuing operations using the County MOU commitment funds.

As part of the Homelessness Roadmap, the County will provide \$60 million in services funding, annually through the term of the agreement. Additionally, this report recommends reprogramming \$9.8 million in unspent County Funding Agreement funds from 2022-23. As such, the reprogramming of funds and the annual \$60 million shall be used to continue operations at previously approved Roadmap interventions for 2024-25.

### *Other Interim Housing Interventions*

This report recommends programming Additional Homeless Services - General City Purposes (AHS-GCP) funding to continue operations for interventions that operate outside of the Roadmap agreement. These include the ABH sites located at 1533 Schrader Boulevard with 72 beds in Council District 13, 711 North Alameda Street (El Puente) with 45 beds in Council District 14, and 1920 West 3rd Street with 41 beds in Council District 1. These sites were operational prior to the start of the Roadmap and LA Alliance Agreements, and thus do not count towards the bed count obligations for the settlement agreements.

## **Operation Shortfalls**

This report recommends funds to support **operation shortfalls** at four Roadmap interim housing interventions for 2023-24.

First, funding in the amount \$349,000 of HHAP funding is recommended for the site located at 5100 S. Central Avenue in Council District 9, operated by Home at Last (HAL). HAL has requested additional operations funding due to leasing costs and the increased cost per bed of operating a site with 25 beds. A separate report transmitted under a separate cover will recommend increased funding at a rate of \$118 per bed for 2024-25 for a total of \$1,076,750.

Second, funding in the amount of \$180,000 of HHAP funding is recommended for the ABH site located at 1818 S. Manhattan Place (formerly 1819 S. Western Avenue) in Council District 10, operated by 1736 Family Crisis Center. The service provider reports that the request for an increase in funding is due to the rising costs of operating a 15-bed shelter. A bed rate that factors in the increased operations funding is \$93 per bed; therefore, a total of \$509,175 is recommended for operations costs in 2024-25.

Lastly, a total of \$488,442 in County Funding Agreement Funds is recommended for two THVs in Council District 13. \$273,352 of County Funding Agreement Funds is recommended for the THV site located at 2301 W. 3rd Street with 64 beds. Funding in the amount of \$215,090 of County Funding Agreement Funds is recommended for the THV site located at 1455 Alvarado Street with 38 beds. Both THVs are operated by Urban Alchemy (UA) and the sites have reported a higher burn rate relative to the cost of operations. As of May 20, 2024, the 1455 Alvarado Street THV has transitioned operators from UA to Hope the Mission (HTM).

### **1455 Alvarado Street in Council District 13**

#### *Repairs and Maintenance*

On May 1, 2024, Council approved the Municipal Facilities Committee report (20-0841-S7) relative to negotiating and executing a lease with Kirby Properties and a sublease agreement with Hope the Mission (HTM) for continuing operations at this Tiny Home Village (THV). The site has transitioned operators from UA to HTM. This report recommends funding in the amount \$9,728 of HHAP-1 funding for maintenance and repairs performed by the General Services Department at the THV in preparation for the hand-off between service providers.

### **Additional Funding Items**

#### *711 N. Alameda Street (El Puente ABH) Trailer Leasing in Council District 14*

The El Puente ABH, located at 711 N. Alameda Street in Council District 14, has provided 45 beds to the Homelessness Roadmap. The site became open and operational on September 1, 2021, and is operated by The People Concern. This report recommends \$105,000 of HHAP-1 funds to continue supporting leasing costs for the non-City owned onsite trailers.

#### *1904 Bailey Avenue in Council District 14*

This report recommends \$158,982 in GCP-AHS funding for leasing costs of the interim housing site located at 1904 Bailey Avenue with 72 beds in Council District 14. This amount is a portion of the total leasing cost at this site for additional rent relative to construction improvements completed by the site owner and has been amortized over the duration of the lease. Funding for the remaining total base rent shall be included as a recommendation in a separate report, which will be transmitted under a separate council file that is to be determined.

### *Northeast New Beginnings in Council District 1*

The interim housing site located at 499 San Fernando Road, also known as Northeast New Beginnings, has provided 95 beds to the Homelessness Roadmap. The site became open and operational on January 23, 2024, and is operated by John Wesley Health Centers. This report recommends \$40,000 of HHAP-1 funds to support the Bureau of Engineering's phase I environmental studies for additional parking and mobile medical services at an adjacent lot.

### *La Cienega Motel in Council District 5 Amendment*

On April 17, 2024, the City Council and Mayor approved the 23rd COVID-19 Homelessness Roadmap Funding Report (C.F. 20-0841-S46), which allocated funding for leasing and operations costs for an interim housing intervention, not to exceed six months, at the La Cienega Motel located at 1725 S. La Cienega Boulevard in Council District 5, through December 31, 2024. After initiating discussions with the owner, the projected open date has been delayed with an expected operational date now in September 2024. As such, recommendations 16 and 17 require an amendment to reduce the cost and extend the expenditure authority for operations and leasing through June 30, 2025.

### **Project HomeKey (PHK) 1.0 Contract Extensions**

This report requests contract extensions for two PHK 1.0 LAHSA rehabilitation contracts with the owner/operators of the Woodman/Arleta site, NHF, and the Travelodge Devonshire, VOALA, through October 31, 2024. The extension is needed to allow for the completion of all the rehabilitation work on both sites and the invoice closeout. The Woodman/Arleta will provide 148 beds for homeless seniors and is expected to open for occupancy on June 26, 2024. The Travelodge Devonshire has been open for occupancy since April 2021, but has been completing its final life/safety rehabilitation, which impacted the occupancy of the last 23 rooms. The site is set to complete its rehabilitation by September 30, 2024.

### **Public Works Bureau of Engineering**

On June 12, 2023, the Council and Mayor approved the 17th Covid-19 Homelessness Roadmap Funding Report (C.F. 20-0841-S34). The report included funding for the Bureau of Engineering (BOE) to reimburse staffing costs on the City's homelessness interventions construction. This Report amends the original funding recommendation breakdown to better reflect the actual expenditures for salaries and related costs. The recommended amendment does not impact the total cost previously allocated for reimbursement.

### **FISCAL IMPACT STATEMENT**

There is no additional General Fund impact as a result of the recommendations in this report. The recommendations in this report utilize the City's General Fund that was previously budgeted and



approved for homelessness interventions. Additionally, the recommendations in this report also utilizes the Homeless Housing, Assistance, and Prevention and County Roadmap funds for homelessness interventions.

## **FINANCIAL POLICIES STATEMENT**

The recommendations in this report comply with the City Financial Policies in that budgeted funds are being used to fund recommended actions.

### **Attachments:**

1. COVID-19 Homelessness Roadmap Status of Capital and Operating Funding if 24th Homeless Roadmap Funding Recommendations are Approved
2. Proposed LAHSA Roadmap Housing Interventions 2024-25 Continued Operations Funding

*MWS:ECG:KML:MP:MAG:MZ:16240145*

May 29, 2024

The Honorable Paul Krekorian  
President  
Los Angeles City Council

c/o Holly L. Wolcott  
City Clerk  
City Hall Room 360

**LEASE EXTENSION AND CONTINUED USE OF BRIDGE HOUSING AT 3248 RIVERSIDE DRIVE AND INTERIM HOUSING AT 1479 S. LA CIENEGA BOULEVARD (C.F. 20-0841) CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICES OF EXEMPTIONS (NOEs)**

Dear President Krekorian and Honorable Members:

The attached environmental documentation is being transmitted for City Council's consideration related to the lease extension, funding allocation, and continued use of the Bridge Housing/Navigation Center at 3248 Riverside Drive, Council District 4, and the Interim Housing/Navigation Center at 1479 South La Cienega Boulevard, Council District 5.

**RECOMMENDATIONS**

Staff recommends that the City Council find the lease extensions, funding allocation, and continued use of the bridge housing/navigation center at 3248 Riverside Drive and the interim housing/navigation center at 1479 South La Cienega Boulevard, for those experiencing homelessness, are statutorily exempt from CEQA under Public Resources Code (PRC) Section 21080.27 and Government Code Section 65660(b), applicable to City of Los Angeles (City) low barrier navigation centers, Government Code Section 8698.4(a)(4), governing homeless shelter projects under a shelter crisis declaration, and PRC Section 21080(b)(4) and State CEQA Guidelines, 14 California Code of Regulations (CCR) Section 15269(c) as specific actions necessary to prevent or mitigate an emergency. This determination is consistent with, and supported by, the City Council's prior actions for the development and use of the properties as temporary

shelters/navigation centers; and CEQA determinations made on December 10, 2019, August 1, 2023, and March 17, 2020, respectively (C.F. Nos. 19-0126, 20-0841-S35, and 19-1350, respectively). Please refer to the attached NOEs.

If you have any questions, please contact Maria Martin at [Maria.Martin@lacity.org](mailto:Maria.Martin@lacity.org) or (213) 485-5753.

Sincerely,



for

Ted Allen, PE  
City Engineer

TA/JF/MM:

Box\EXE\\_Ready for Signature\TSA\Outbox\Archived\

Attachment

cc: Deborah Weintraub, Bureau of Engineering  
Jose Fuentes, Bureau of Engineering  
Marina Quinones, Bureau of Engineering  
Maria Martin, Bureau of Engineering

**ATTACHMENT**

BOE Report Council File 20-0841-S49

CEQA Notice of Exemption for  
Bridge Housing at 3248 Riverside Dr. Lease  
and

CEQA Notice of Exemption for  
CD 5 1479 S La Cienega Bl Bridge Housing Facility Lease

**CITY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF ENGINEERING  
1149 S. BROADWAY, 7<sup>th</sup> FLOOR  
LOS ANGELES, CALIFORNIA 90015  
CALIFORNIA ENVIRONMENTAL QUALITY ACT  
NOTICE OF EXEMPTION  
(Articles II and III – City CEQA Guidelines)**

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, pursuant to Public Resources Code (PRC) Section 21152(b), and with the state Office of Planning and Research pursuant to PRC Section 21080.27(c), when applicable; and on the City website pursuant to PRC Section 21092.2(d). Pursuant to PRC Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

<b>LEAD CITY AGENCY AND ADDRESS:</b> City of Los Angeles c/o Bureau of Engineering (BOE) 1149 S. Broadway, MS 939, Los Angeles, CA 90015	<b>COUNCIL DISTRICT</b> 4
<b>PROJECT TITLE:</b> Bridge Housing at 3248 Riverside Dr. Lease	<b>LOG REFERENCE</b> CF 20-0841-S49

**PROJECT LOCATION:** 3248 Riverside Drive, in the Hollywood Community Plan Area of the City of Los Angeles (City), Los Angeles County. See Figure 1, Project Location. T.G. 594-C2

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:** The Bridge Housing at 3248 Riverside Dr. Lease project (Project) consists of an extended, or new lease, for approximately up to one year with continued use/operation, for approximately up to five years total use of the temporary bridge housing/navigation center facility. A third-party service provider will operate the Project for the City and it is anticipated that a lease or similar operating and/or funding agreement may be executed. The purpose of the Project is to provide approximately up to one additional year, to the previously approved four years of emergency shelter and case management for people experiencing homelessness to help bridge their transition from living on the streets to finding services and, ultimately, living in transitional and/or permanent housing. Project beneficiaries include the homeless community, the public, and local businesses. (Please see the attached narrative for more details.) On \_\_\_\_\_, 2024, the Board of Recreation and Park Commission (Board) determined the Project is exempt under the California Environmental Quality Act (CEQA) and approved the Project. On \_\_\_\_\_, 2024, the City Council determined the Project is exempt under CEQA and approved the Project.

<b>CONTACT PERSON</b> Maria Martin (Maria.Martin@lacity.org)	<b>TELEPHONE NUMBER</b> (213) 485-5753
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<b>EXEMPT STATUS:</b>  <input checked="" type="checkbox"/> STATUTORY	GOVERNMENT CODE <u>SECTIONS</u> 65660(b) & 8698.4(a)(4)	STATE CEQA <u>GUIDELINES</u> 15269(c)	CA PUBLIC <u>RESOURCE CODE</u> 21080.27 & 21080(b)(4)
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**JUSTIFICATION FOR PROJECT EXEMPTION:** This Project is statutorily exempt from CEQA under PRC Section 21080.27 and Government Code Section 65660(b), applicable to City low barrier navigation centers, Government Code Section 8698.4(a)(4), governing homeless shelter projects under a shelter crisis declaration, and PRC Section 21080(b)(4) and State CEQA Guidelines, 14 California Code of Regulations (CCR) Section 15269(c) as specific actions necessary to prevent or mitigate an emergency. This determination is consistent with the Notices of Exemption (NOE) supporting documents in Board File Nos. 19-179 and 23-110; and Council File (CF) Nos. 19-0126 and 20-0841-S35; and consistent with, and supported by, the City Council's prior actions approving the development and use of this shelter (see attached narrative).

**IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING**

<b>SIGNATURE:</b>  <div style="text-align: right;">Maria Martin</div>	<b>TITLE:</b> Environmental Affairs Officer BOE Environmental Management Group	<b>DATE:</b>	
	<b>RECEIPT NO.</b>	<b>REC'D BY</b>	<b>DATE</b>

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## EXEMPTION NARRATIVE

### I. PROJECT DESCRIPTION, CONTINUED

The Project consists of an approximately up to one-year lease extension or new lease, and operation, in furtherance of providing an emergency homeless shelter/navigation center in the City at the Bridge Housing facility located on a City-owned property at 3248 (3210 and 3428 also used previously) Riverside Drive. The development and operation of the facility were found to be statutorily exempt and approved by the Board of Recreation and Park Commissioners on September 4, 2019 (Board Report No. 19-179) and subsequently by the City Council on December 10, 2019 (CF No. 19-0126). A one-year lease extension, which extended the term of the lease to July 7, 2024, and continued use of the facility were approved by the Board on June 1, 2023 (Board Report No. 23-110) and subsequently by the City Council on August 1, 2023 (CF 20-0841-S35). The documents supporting those determinations (Board File Nos. 19-179 and 23-110; and CF Nos. 19-0126 and 20-0841-S35) are incorporated herein by reference as support for this CEQA determination. This Project continues the existing use of the facility that was built, and is currently operating, without substantial change.

The approximately 100 bed shelter, which opened in July 2020, is located on three irregularly shaped lots with a combined area of approximately 180,341 square feet with frontage along Riverside Drive on a portion of Griffith Park. The Shelter and its associated amenities include a 10,800 square-foot membrane structure with approximately 100 beds, a 1,080-square foot hygiene trailer, a 1,080-square foot administration/intake trailer, bin storage area, approximately 1,000 square feet of elevated deck with stairs and ramps, a 680-square foot outdoor pet area, and general open space.

The shelter/navigation center will continue to be operated consistent with the Los Angeles Homeless Services Authority's (LAHSA) program requirements for bridge shelters, low barrier navigation centers, and transitional homeless facilities including, but not limited to the following project requirements as they exist and are updated by the LAHSA:

- 2022-2023 LAHSA Program Standards, <https://www.lahsa.org/documents?id=2280-lahsa-program-standards.pdf>
- 05/15/2023 Crisis/Bridge Housing for Adult Programs Scope of Required Services (SRS), <https://www.lahsa.org/documents?id=7216-scope-required-services-srs-crisis-bridge-housing-for-adults-program-srs-final-fy2023-2024.pdf>
- 2023-2024 LAHSA Facility Standards, <https://www.lahsa.org/documents?id=2767-lahsa-facility-standards.pdf>

All service providers must comply with LAHSA's Scope of Required Services, Program Standards, and Facility Standards. Additional relevant LAHSA operations documents are cited in the reference section of this document. Based on the LAHSA operational standards implemented for the City's shelters, the project qualifies as a low barrier navigation center and shelter under the CEQA exemptions discussed in this document.

A third-party service provider, e.g., People Assisting the Homeless (PATH), will operate

the Project for the City and it is anticipated that a lease, lease extension, or similar operating and/or funding agreements may be executed with the service provider, County, and/or LAHSA.

LAHSA's Coordinated Entry System (CES) will be used to enter participants and facilitate service providers conducting assessments and providing services to connect people to permanent housing. (LAHSA CES Brochure, <https://www.lahsa.org/documents?id=1500-coordinated-entry-system-ces-brochure.pdf>.) The basic underlying principle of LAHSA's System Components is that access to housing is the primary need for its program participants. Services are voluntary and not required to enter into a shelter. Individuals will not be rejected or exited from participation in the emergency shelter due to any unnecessary barriers.

Project operation continues per a security plan consistent with the LAHSA's standards. By creating a stable environment and providing access to basic needs, clients can maintain a consistent connection to outreach workers and case managers to create a path to interim or permanent housing. The shelter will continue to be operated consistent with LAHSA program requirements for crisis and bridge shelters including, but not limited to, LAHSA's Scope of Required Services and Program Standards, as noted in the references section.

According to LAHSA's project requirements, service providers that oversee an emergency shelter must provide case management services and develop a Housing Stability Plan with each person. The shelter will program and implement a case management and service plan known as Housing-Focused Case Management and Support Services (HFCMSS). HFCMSS includes but is not limited to: support with completing housing applications, accompanying the individual to housing appointments and/or leasing appointments, and other support associated with the housing placement process. The primary objective of HFCMSS is to extend support to individuals through an individualized case management relationship that will ultimately translate to increased housing stability. The HFCMSS offers services to connect individuals to permanent housing. Case Managers present at the shelter make rapid connections to a broad continuum of resources and permanent housing, emphasizing a short-term stay.

HFCMSS connects families to a Housing Navigator who assists individuals to gain access to permanent housing through referrals to housing programs (such as RRH, Permanent Supportive Housing, affordable housing, etc.). A case manager is assigned to an individual when the person enters the program and then helps the participant establish a connection to a Housing Navigator. A Housing Navigator assists individuals with Housing Navigation services. Housing Navigation services are available to individuals to support their housing placement goals and must be focused on assisting the participant in identifying and accessing permanent housing within the general ninety (90) days. Housing Navigation services may be provided onsite or offsite, and may also require participants' to be accompanied to off-site appointments.

Case management must be conducted on a regular and routine basis and must be routinely documented. The content and outcome of case management meetings with

individuals are entered into a housing management information system with case notes that are tracked in the system. Housing-focused case management sessions are dedicated to assessing and reassessing needs, educating individuals on community resource opportunities, developing Housing Stability Plans, scheduling appointments, and providing necessary follow up to ensure housing stability plans are progressing on schedule and needs are adequately being addressed.

As noted in LAHSA's Program Standards, supportive services for the shelters focus on the income, resources, skills and tools needed to pay rent, comply with a lease, take reasonable care of a housing unit, and avoid serious conflict with other tenants, the landlord, and/or the police. The Program Standards also require service providers to utilize and maintain referral networks with specific lists of health services and public benefit services for connecting occupants to those benefits. Thus, the Project is a service-enriched shelter focused on moving individuals into permanent housing that provides temporary living facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing.

Case managers and the Project will not provide 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

**Housing First.** The Project is a "Housing First" shelter pursuant to Government Code Section 65660. The project complies with Chapter 6.5 of Division 8 of the Welfare and Institutions Code (commonly referred to as the Housing First Law). "Housing First" means an evidence-based model that uses housing as a tool, rather than a reward, for recovery from homelessness, and that centers on providing or connecting people experiencing homelessness to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

Housing First also includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient in accessing permanent housing and in securing longer-term rental assistance, income assistance, or employment. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance. If resources are needed to successfully divert an individual from entry into the homelessness system, a referral must immediately be made to a CES Diversion/Prevention program. In order to identify other permanent housing options, service providers continue to have such problem-solving conversations with the individual while residing in low barrier navigation centers, crisis and bridge housing. More broadly, the Project includes a housing and services plan and housing-focused case management, both with an orientation towards supporting individuals to exit to safe and stable housing. This Project meets the above-noted Housing First requirements.

The Project will continue to be a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living

facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing.

The intention of this low barrier navigation center is to provide persons experiencing homelessness with some stability, so that they can more easily maintain contact with housing navigation and/or case management services to facilitate safe and supportive housing placement.

**Low Barrier.** This Project is low barrier in that, among other things, (1) facility design allows for the presence of partners at the low barrier navigation center; (2) participants' pets are allowed in the facility, which provides a pet area; (3) the storage of possessions is provided in the a bin storage area; and (4) privacy to participants is provided with partitions. The City intends for this Project to be operated as low barrier navigation centers consistent with Government Code Section 65660.

**Funding.** The City identified and allocated Homeless Housing, Assistance, and Prevention (HHAP) Program funds for the construction and operation of the facility and anticipates allocating some HHAP funds for the continued operation of the shelter. All of the Project's costs are publicly funded.

## **II. CEQA EXEMPTIONS**

### **A. Public Resources Code Section 21080.27**

The Project is statutorily exempt from the requirements of CEQA pursuant to PRC section 21080.27(b), subparts (2), (3), and (5). Section 21080.27(b) specifically exempts certain City actions concerning low barrier navigation centers from CEQA. In its amendment to Section 21080.27 adopted October 10, 2023, and effective January 1, 2024, exempting City low barrier navigation centers providing shelter to people experiencing homelessness, the Legislature found and declared as part of the statute's purposes that in 2022, statistics documented that 41,980 people experience homelessness in the City. (CA LEGIS 726 (2023), 2023 Cal. Legis. Serv. Ch. 726 (A.B. 785) (WEST)).

Section 21080.27(b) provides that CEQA, "does not apply to any of the following activities undertaken by the City of Los Angeles within the City of Los Angeles: . . . (2) An action to lease . . . land for . . . a low barrier navigation center; (3) An action to facilitate the lease . . . of land owned . . . for . . . a low barrier navigation center; and . . . (5) An action to provide financial assistance in furtherance of implementing . . . a low barrier navigation center . . ."

Section 21080.27(a)(6), states that a "low barrier navigation center" is a facility that meets the definition provided at Government Code section 65660(a) and is funded, "in whole or in part" by a series of sources including, (A) the Homeless Housing, Assistance, and Prevention program [HHAPP] established pursuant to Section 50217 of the Health and Safety Code; (B) Measure H sales tax proceeds approved by the voters at the March 7, 2017, special election in the County of Los Angeles; (C) general obligation bonds issued pursuant to Proposition HHH, approved by the voters of the City of Los Angeles at the

November 8, 2016, statewide general election; (D) the program referred to as Homekey, as described in Section 50675.1.1 of the Health and Safety Code; (E) the Encampment Resolution Funding program established pursuant to Section 50251 of the Health and Safety Code; (F) the Building Homes and Jobs Trust Fund established pursuant to Section 50470 of the Health and Safety Code; (G) the Behavioral Health Bridge Housing Program established pursuant to Item 4260-101-0001 of Section 2.00 of the Budget Act of 2022; (H) the Behavioral Health Continuum Infrastructure Program established pursuant to Chapter 1 (commencing with Section 5960) of Part 7 of Division 5 of the Welfare and Institutions Code.

Government Code section 65660(a), in turn, provides the definition of “Low Barrier Navigation Center, as follows:

“Low Barrier Navigation Center” means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following: (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth, (2) Pets, (3) The storage of possessions, and (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.”

Further, because the Project is paid for entirely with public funds, and it is, in its entirety, a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code and Public Resources Code Section 21080.27(e)(1)(A), because any construction, alteration, demolition, installation, or repair work associated with the Project will be funded in whole or in part out of public funds and the City will require prevailing wages for all such work, to the extent applicable, as required by Charter Section 377, the Project is not subject to the requirements of subdivision (e) of PRC Section 21080.27.

As shown by the facts stated above in the Project Description, the Project qualifies as exempt from the requirements of CEQA Pursuant to PRC section 21080.27 because it meets the definition of Low Barrier Navigation Center in Government Code Section 65660(a), is funded by qualifying funds, and involves the leasing of land, facilitating the leasing of land, and financial assistance in the furtherance of implementing a low barrier navigation center.

#### **B. Government Code Section 65660(b)**

The Project is statutorily exempt from the requirements of CEQA pursuant to Government Code Section 65660(b) which states, “[CEQA] shall not apply to actions taken by a public agency to lease . . . land owned by a public agency, or to facilitate the lease . . . of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a

Low Barrier Navigation Center constructed or allowed by this section.” As stated above, and noted in the Project Description, the Project meets the definition of Low Barrier Navigation Center as defined by Section 65660. The City is a public agency and the Project involves actions to lease, convey or encumber and facilitate the lease, conveyance, or encumbrance of the City’s land, and to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center under Section 65660. Based on this, the Project qualifies for the statutory exemption from CEQA in Government Code Section 65660(b).

### **C. Government Code Section 8698.4**

The Legislature enacted Government Code Section 8698.4 to authorize a municipality to enact a shelter crisis declaration. Once a shelter crisis declaration is in place, Emergency housing may include homeless shelters for the homeless located or constructed on any land owned or leased by a city (Gov. Code, § 8698.4(a)(1)). Subsection (a)(4) of Government Code Section 8698.4 provides, “The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to actions taken by a . . . city . . . to lease . . . land owned by a city . . . , or to facilitate the lease . . . of land owned by the local government for, or to provide financial assistance to, a homeless shelter constructed or allowed by this section.” Subpart (a)(2)(B) of Section 8698.4, provides that the provisions of the Section apply only to a public facility or homeless shelters reserved entirely for the homeless pursuant to Chapter 7.8 of the Government Code.

The City Council declared a shelter crisis on April 17, 2018, and the declaration remains in effect. (City Council File Nos. 15-1138-S30, 15-1138-S33, and 15-1138-S40). The City codified the ordinance allowing shelters during a shelter crisis declaration at Los Angeles Municipal Code (LAMC) section 12.80, which states,

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or number of persons served.”

LAMC Section 12.03 states,

A facility operated by a “provider”, other than a “community care facility” as defined in California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the standards for shelters contained in Title 25, Division 1, Chapter 7 of the California Code of Regulations. The term “temporary accommodations” means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a “provider” shall mean a government agency,



religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing Department of the City of Los Angeles to meet all applicable requirements contained in the California Health and Safety Code and the California Code of Regulations.

The State Department of Social Services' regulations at 22 CCR Section 80007(a)(7) provide that a Community Care Facility does not include any homeless shelter which provides no element of "care and supervision", as defined in 22 CCR section 80001(c)(2).<sup>1</sup> Care and supervision, "means any one or more of the following activities provided by a person or facility to meet the needs of the clients: (A) Assistance in dressing, grooming, bathing and other personal hygiene. (B) Assistance with taking medication, as specified in Section 80075. (C) Central storing and/or distribution of medications, as specified in Section 80075. (D) Arrangement of and assistance with medical and dental care. (E) Maintenance of house rules for the protection of clients. (F) Supervision of client schedules and activities. (G) Maintenance and/or supervision of client cash resources or property. (H) Monitoring food intake or special diets. (I) Providing basic services as defined in section 80001(b)(2)." (22 CCR § 80001(c)(3)).

The Project meets the requirements of Government Code 8698.4(a)(4) because it involves a City lease of City-owned (RAP-controlled) land for a homeless shelter and the Project consists of the City providing financial assistance to the same. The Project is entirely reserved for the homeless. Pursuant to Government Code Section 8698.4, the Project is statutorily exempt from the requirements of CEQA.

#### **D. Public Resources Code Section 21080 and CEQA Guideline Section 15269**

Public Resources Code Section 21080(b)(4) provides that CEQA does not apply to "specific actions necessary to prevent or mitigate an emergency." Public Resources Code section 21060.3 defines Emergency as, "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services." Section 21060.3 further provides that Emergency, "includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage."

Title 14, California Code of Regulations Section 15269, "Emergency Projects," provides examples of emergency projects exempt from the requirements of CEQA, including the following:

- (c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or

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<sup>1</sup> Examination of 22 CCR § 80001 demonstrates a typo at Section 80001 because "care and supervision" is defined at subpart (c)(3) of 80007 and not subpart (c)(2).

mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply

- (i) 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, or
- (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

As detailed below, the Project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City’s already dangerously large homeless population, also adversely impacted by the COVID-19 pandemic. The dramatic rise in the homeless population is a sudden unexpected occurrence, as is the unexpected and sudden occurrence of losing access to adequate shelter and essential services for each individual newly experiencing homelessness. Each is an emergency presenting impending acute harm to the individuals experiencing homelessness that would be prevented and mitigated through providing housing to those individuals, including through the emergency shelter/low barrier navigation center provided by this Project.

### **1. Homelessness Imposes a Loss of, or Damage to, Life, Health, Property, and to Essential Public Services in the City**

Homelessness presents a danger of loss or damage to the health and property of the people of the City and an undue burden on essential public services. Based on information from the Census and the Los Angeles Homeless Services Authority (LAHSA), in 2020, homeless persons constituted approximately 1.07 percent of the City’s population. (U.S Census Bureau, 2021 & LAHSA, 2020)

In 2018, homeless persons constituted 13.5 percent of LAFD’s total patient transports to a hospital, meaning a homeless person is 17 percent more likely to require emergency hospital transportation than the general population (LAFD Battalion Chief and Paramedic Douglas Zabilski, 2019). Studies have shown that individuals identified as homeless utilize health care services more frequently than comparable non-homeless individuals of the same age, gender, and low-income status, particularly high-cost services such as Emergency Room (ER) visits and psychiatric hospitalizations (Hunter, 2017) (Hwang SW, 2013).

Los Angeles County’s Chief Executive Officer reported the County spent \$965 million on health, law enforcement, and social services toward individuals experiencing homelessness in fiscal year 2014–2015 (Wu, 2016). Consistent with that report, a 1998 study in the New England Journal of Medicine found that homelessness was associated with substantial excess costs per hospital stay in New York City, with homeless patient staying in the hospital 36 percent longer per admission on average than other patients

(Salit, Hospitalization Costs Associated with Homelessness in New York City, 1988).

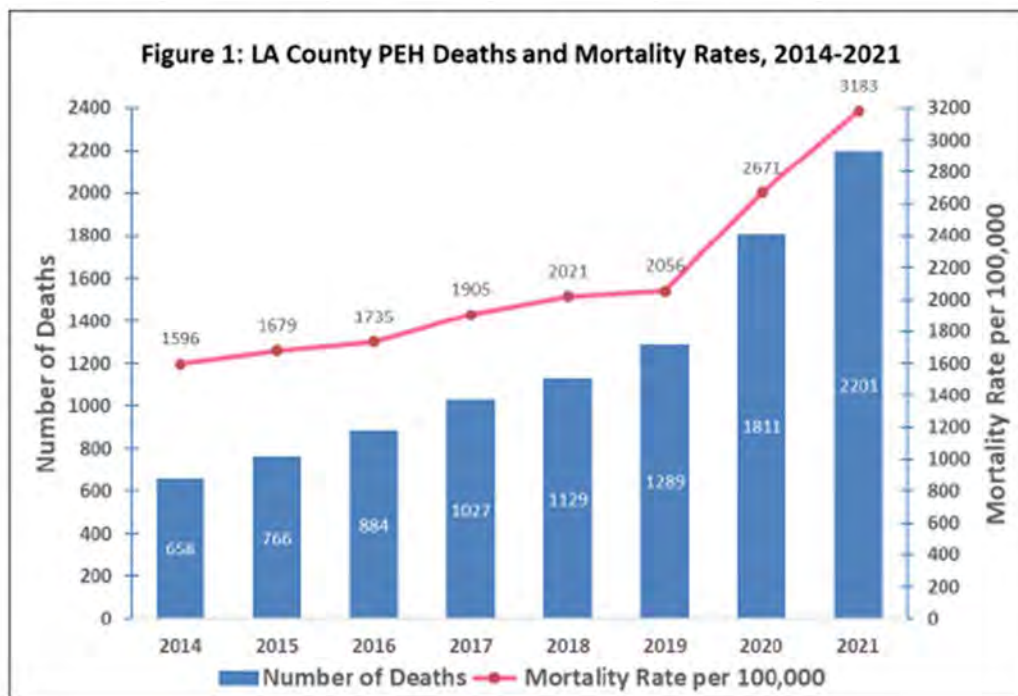
Homelessness also causes significant danger to the health and lives of persons who are homeless. Homeless individuals living in the City are frequent crime victims. In 2018, LAPD reported 2,965 instances where a homeless individual was a victim of a serious crime, including homicide, rape, aggravated assault, theft, and arson (also known as “Part 1 Crimes.”) (Commander Dominic H. Choi, 2019). This compares to 1,762 such crimes in 2017, a 68 percent increase (*Id.*). This dramatic increase in Part 1 Crime statistics may be due to more rigorous LAPD data collection methodologies, however it is consistent with the increasing incidence of homelessness documented in June of 2019 detailed below (*Id.*). During the first six months of 2020, LAPD reported 1,738 instances where a homeless individual was a victim of a serious crime including homicide, rape, aggravated assault, burglary, and larceny (LAPD, 2020).

Overall, in 2018, the LAPD reported 6,671 instances in total where a homeless individual was a Part 1 Crime victim and/or suspect, among the 31,285 estimated homeless individuals throughout the City (Commander Dominic H. Choi, 2019). This means that in 2018 there was approximately one Part 1 Crime per every 4.68 homeless individuals in the City. By comparison, for the same year LAPD reported 129,549 total Part 1 Crimes Citywide among an estimated population of 4,054,400 City residents, or approximately one Part 1 crime per every 31.29 City residents. Accordingly, the rate of Part 1 crimes among homeless individuals in 2018 was approximately seven times higher than the rate among the City population as a whole (*Id.*). According to the LAPD Use of Force Year-End Report in 2020, among the 41,290 estimated homeless individuals throughout the City, 7,872 persons were reported to be victims of a violent or property crime. In the same year, 5,722 persons experiencing homelessness were reported as suspects of a violent or property crime (LAPD, 2020). On October 4, 2018 and again on February 6, 2019, the Los Angeles County Department of Public Health identified an outbreak of endemic flea-borne typhus in downtown Los Angeles among persons experiencing homelessness. On September 19, 2017, the Los Angeles County Department of Public Health declared a Hepatitis A virus outbreak among persons who are homeless and/or use illicit drugs in the County. Likewise, a January 2018 report from the Los Angeles County Department of Mental Health reported that data from the Los Angeles County Medical Examiner-Corner’s showed that a significant number of deaths in the homeless population were caused by treatable conditions such as arteriosclerotic cardiovascular disease, pneumonia, diabetes, cancer, cirrhosis, severe bacterial infections and other conditions (Choi, 2019). As noted by the Board of Supervisors for the County of Los Angeles on October 29, 2019:

Mortality rates for people experiencing homelessness are much higher than those for the general population, have risen in the County over the past five years, and are expected to increase again for 2019. A recent analysis by the County’s Department of Public Health on mortality rates and causes of death among people experiencing homelessness shed critical light on this issue and provided sobering data on recent trends. The overall mortality rate, which accounts for increases in the total homeless population over the 6-year period from 2013 to 2018, increased each year from 1,382 per

100,000 to 1,875 deaths per 100,000, with the total number of deaths among people experiencing homelessness increasing each year from 536 in 2013 to 1,047 in 2018. The leading causes of death included coronary heart disease (22%) and unintentional drug and alcohol overdose (21%), indicating that there are opportunities for interventions to prevent premature deaths (Supervisor Ridley-Thomas, Supervisor Solis, 2019) (Department of Public Health, 2019).

In May 2023, LA County Department of Public Health released a report on its finding that mortality rates among the homeless population have continued to drastically rise from 2,056 per 100,000 people experiencing homelessness in 2019 to 3,183 per 100,000 in 2021. (LAC Department of Public Health, May 2023.) Indicators of mortality in the homeless population “began increasing dramatically beginning in 2020, with the mortality rate increasing by 55% between 2019 and 2021.” (LAC Department of Public Health, May 2023.)



(Source: LA County DPH May 2023.)

In a press release dated May 12, 2023, the LA County Board of Supervisors released statements noting “We have declared a state of emergency in Los Angeles County because there are far too many people on our streets” and the report “underscores how important it is that we continue to treat the homelessness crisis with a sense of urgency and move as many people as possible inside so we can begin to save their lives.” (LA County DPH May 12, 2023.)

These significant adverse health impacts suffered by the homeless in the City and County of Los Angeles are consistent with the impacts identified by a well-established body of expert social science studies that document the significant adverse health and welfare

impacts experienced by homeless persons in the United States and in other countries, which the homeless in the City and County experience as well. Some of that research has documented the following impacts upon homeless persons:

*Mortality Rates.* A study of the mortality rates of sheltered homeless people in New York City between 1987 and 1994 documented that homeless men died at a rate more than twice that of other residents of New York, and that homeless women died at a rate more than 3.7 times greater than other New York residents (Barrow, Susan M., PhD, Daniel B. Herman, DSW, Pilar Cordova, BA, and Elmer L. Struening, PhD, 1999). A study conducted between 1985 and 1988 in Philadelphia found that the mortality rate among homeless persons in Philadelphia was nearly four times greater than for the general population (Hibbs, Jonathan R., MD, et. al., 1994). A review of five years of data between 2000 and 2005 in Glasgow, Scotland found that homelessness is, itself, is an independent risk factor for death, distinct from other specific causes (Morrison, 2009).

*Access to Healthcare.* A 2003 nationwide survey of homeless persons documented that homeless adults reported substantial unmet needs for multiple types of health care (Baggett, Travis P., MD, MPH, James J. O'Connell, MD, Daniel E. Singer, MD, and Nancy A. Rigotti, MD, 2010). The report found 73 percent of the respondents reported at least one unmet health need, including an inability to obtain needed medical or surgical care (32%), prescription medications (36%), mental health care (21%), eyeglasses (41%), and dental care (41%) (*Id.*).

*AIDs Impacts.* A study of San Francisco residents diagnosed with AIDS from 1996 through 2006 and reported to the San Francisco Department of Public Health demonstrated that homeless persons with HIV/AIDS have greater morbidity and mortality, more hospitalizations, less use of antiretroviral therapy, and worse medication adherence than HIV infected persons who are stably housed (Schwarcz, Sandra K, Ling C Hsu., Eric Vittinghoff, Annie Vu, Joshua D Bamberger and Mitchell H Katz, 2009).

*Cancer Impacts.* A study of 28,000 current and formerly homeless individuals in Boston documented that homeless men saw a significantly higher cancer incident rate than expected compared to the general Massachusetts general population, and that homeless women and men experienced significantly higher cancer mortality rates than the Massachusetts general population (Baggett, Travis P et al., 2015).

## **2. Unexpected Dramatic Surge in Homelessness**

A 2017 Rand Corporation study reported the County of Los Angeles as having the highest rate in the United States of unsheltered individuals who experience homelessness (Hunter, Sarah B., Melody Harvey, Brian Briscoe, and Matthew Cefalu, 2017). The impacts of homelessness upon the homeless and upon the community, in terms of the danger to or loss of life, property, health and burden on public services is exacerbated in the City due the very size of the City's homeless population. The homeless shelter crisis and the rise in homelessness are the type of emergency situations that led the State to adopt Assembly Bill 1197, an urgency statute addressing homelessness that was deemed

necessary for the immediate preservation of the public peace, health, or safety and for the critical necessity to address the shelter and homeless crisis within the City of Los Angeles.

The City Council declared a homeless shelter crisis pursuant to Government Code Section 8698, et seq. on April 17, 2018 (The Honorable M. Bonin & M. O'Farrell, 2019), which is currently in effect (The Honorable M. Bonin & M. Harris-Dawson, 2019). Following significant investment of resources by both the County and City, the 2018 Homeless Count showed progress in reducing homelessness, documenting a 5.5 percent overall decrease in the number of persons experiencing homelessness in LA County (LAHSA, 2020).

*Table 1 - 2018 Homeless Count Data Summary* presents the data revealed by the 2018 Homeless Count concerning the City of Los Angeles, as documented in the 2018 Data Summary in Table 1 (LAHSA, 2020).

<b>Table 1</b> <b>2018 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2017</b>
Sheltered Homeless	8,398	6% Decrease
Unsheltered Homeless	22,887	5.3% Decrease
Total Homeless Persons	31,285	5.5% Decrease

Despite these efforts and the initial progress shown in 2018, the Homeless Counts, released since 2018, unexpectedly documented dramatic increases in the number of individuals experiencing both sheltered and unsheltered homelessness in (LAHSA, 2022) *Table 2 - 2019 Homeless Count Data Summary* presents the data revealed by the 2019 Homeless Count concerning the City of Los Angeles, as documented in the 2019 Data Summary as shown in Table 2 (LAHSA, 2020).

<b>Table 2</b> <b>2019 Homeless Count Data Summary (Revised 07/20/2020)</b>		
	<b>Number of Individuals</b>	<b>Change from 2018</b>
Sheltered Homeless	8,944	6.5% Increase
Unsheltered Homeless	26,606	16.2% Increase
Total Homeless Persons	35,550	13.7% Increase

LAHSA published its 2020 Homeless Count, released in July 20, 2020, which shows that

the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing both sheltered and unsheltered homelessness dramatically increased yet again, as shown in *Table 3 - 2020 Homeless Count Data Summary* (LAHSA, 2020).

<b>Table 3</b> <b>2020 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2019</b>
Sheltered Homeless	12,438	39% Increase
Unsheltered Homeless	28,852	8.4% Increase
Total Homeless Persons	41,290	16.1 % increase

LAHSA prepared a 2021 shelter point-in-time count for the City of Los Angeles that estimated the number and demographic characteristics of the sheltered homeless population on a single night in January 2021. Released on July 20, 2021, it shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing sheltered homelessness increased yet again, as shown in *Table 4 - 2021 Housing Inventory Count and Shelter Count Data Summary* (LAHSA, 2021). The 2021 unsheltered street count could not be conducted due to the COVID-19 pandemic. However, the availability of vaccinations enabled the resumption of the Homeless Count for February 2022 with appropriate precautions (LAHSA, 2022).

<b>Table 4</b> <b>2021 Housing Inventory Count and Shelter Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2020</b>
Sheltered Homeless	12,503	1% Increase

Homeless Count data in 2022 showed the City's homeless population continued to unexpectedly increase 1.67 percent from 41,290 to 41,980 persons, and while its sheltered population increased 8.7 percent, its unsheltered population only decreased 1.37 percent, as shown *Table 5 - 2022 Homeless Count Data Summary* (LAHSA, 2022).

<b>Table 5</b> <b>2022 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2020</b>
Sheltered Homeless	13,522	8.72% Increase
Unsheltered Homeless	28,458	1.37% Decrease



<b>Table 5</b> <b>2022 Homeless Count Data Summary</b>		
Total Homeless Persons	41,980	1.67% Increase

LAHSA published its 2023 Homeless Count, released on June 29, 2023, which shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing sheltered homelessness dramatically increased, while the documented number of unsheltered homelessness indicated a slight increase as shown in *Table 6 - 2023 Homeless Count Data Summary* (LAHSA, 2023).

<b>Table 6</b> <b>2023 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2022</b>
Sheltered Homeless	13,580	0.43% Increase
Unsheltered Homeless	32,680	14.84% Increase
Total Homeless Persons	46,260	10.2% Increase

Taken together, the unexpected and dramatic increase in homelessness, exacerbated by the COVID-19 pandemic, is an emergency in the City of Los Angeles. This situation presents documented dangers to health, life, and property and a burden on, and loss of access to, essential public services, which presents an emergency as defined by CEQA.

On December 12, 2022, City of Los Angeles Mayor Bass declared a homelessness emergency in the City of Los Angeles. She specifically stated that she “declare[s] the existence of a local emergency and direct[s] all Divisions of the Emergency Operations Organization (EOO) and all other City Departments to take necessary steps for the protection of life, health and safety in the City of Los Angeles.” (City of Los Angeles, Dec. 12, 2022.) The Mayor’s declaration discussed how the homelessness crisis created a dramatic unanticipated impact on the population, and how it displaced people even greater than major hurricanes and earthquake events, all of which are emergencies requiring prompt action to avoid clear and imminent danger to the displaced populations. The City Council ratified the declaration. (CF No. 22-1545.)

On July 7, 2023, Mayor Bass, again, declared a local housing and homelessness emergency because “the City still finds itself in an emergency” with emergency conditions continuing to require prompt abatement due to the severe shortage of beds available to the unhoused population. (City of Los Angeles July 7, 2023.) The Mayor noted the City “is acting with urgency” to provide shelter for the homeless, and she “declare[d] the existence of a local emergency on affordable housing and homelessness and direct[ed] all City Departments to take necessary steps for protection of life, health and safety in the City of Los Angeles.” (City of Los Angeles, July 7, 2023.) In a press release, the Mayor

added “It’s no secret that Los Angeles is facing an emergency when it comes to homelessness. This is an issue of life and death for the thousands of people who are living in tents and cars. That’s why I signed an updated declaration of emergency and have continued to lock arms with the City Council to maintain our momentum toward confronting homelessness and building more affordable housing.” (City of Los Angeles, July 10, 2023.)

### **3. The Project is Exempt from CEQA Compliance as an Action to Prevent or Mitigate an Emergency**

The Project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City’s already dangerously large homeless population, also adversely impacted by the COVID-19 pandemic. The dramatic rise in the homeless population is a sudden unexpected occurrence, as is the unexpected and sudden occurrence of losing access to adequate shelter and essential services for each individual newly experiencing homelessness. Each is an emergency presenting impending acute harm to the individuals experiencing homelessness that would be prevented and mitigated through providing housing to those individuals, including through the emergency shelter/low barrier navigation center provided by this Project. The Project, therefore, is exempt from CEQA environmental review pursuant to PRC Section 21080(b)(4), since it prevents and mitigates such imminent loss and damage.

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**CITY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF ENGINEERING  
1149 S. BROADWAY, 7<sup>th</sup> FLOOR  
LOS ANGELES, CALIFORNIA 90015  
CALIFORNIA ENVIRONMENTAL QUALITY ACT  
NOTICE OF EXEMPTION  
(Articles II and III – City CEQA Guidelines)**

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, pursuant to Public Resources Code (PRC) Section 21152(b), and with the state Office of Planning and Research pursuant to PRC Section 21080.27(c), when applicable; and on the City website pursuant to PRC Section 21092.2(d). Pursuant to PRC Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

<b>LEAD CITY AGENCY AND ADDRESS:</b> City of Los Angeles c/o Bureau of Engineering (BOE) 1149 S. Broadway, MS 939, Los Angeles, CA 90015	<b>COUNCIL DISTRICT</b> 5
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<b>PROJECT TITLE:</b> CD 5 1479 S La Cienega Bl Bridge Housing Facility Lease	<b>LOG REFERENCE</b> CF 20-0841-S35
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**PROJECT LOCATION:** 1479 S. La Cienega Boulevard, in the Wilshire Community Plan Area of the City of Los Angeles (City), Los Angeles County. See Figure 1, Project Location. T.G. 632-J4

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:** The CD 5 1479 S La Cienega Bl Bridge Housing Facility Lease project (Project) consists of an extended, or new lease, for approximately up to one year with continued use/operation of the interim housing/navigation center facility. A third-party service provider will operate the Project for the City and it is anticipated that a lease or similar operating and/or funding agreement may be executed. The purpose of the Project is to provide approximately up to one additional year, to the previously approved three years of emergency shelter and case management for people experiencing homelessness to help bridge their transition from living on the streets to finding services and, ultimately, living in transitional and/or permanent housing. Project beneficiaries include the community being served, the public, and local businesses. (Please see the attached narrative for more details.)

On \_\_\_\_\_, 2024, the City Council determined the Project is exempt under the California Environmental Quality Act (CEQA) and approved the Project.

<b>CONTACT PERSON</b> Maria Martin (maria.martin@lacity.org)	<b>TELEPHONE NUMBER</b> (213) 485-5753
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<b>EXEMPT STATUS:</b>	GOVERNMENT <u>CODE</u> 65660(b) & 8698.4(a)(4)	STATE CEQA <u>GUIDELINES</u> 15269(c)	CA PUBLIC <u>RESOURCE CODE</u> 21080.27 & 21080(b)(4)
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**JUSTIFICATION FOR PROJECT EXEMPTION:** This Project is statutorily exempt from CEQA under PRC Section 21080.27 and Government Code Section 65660(b), applicable to City low barrier navigation centers, Government Code Section 8698.4(a)(4), governing homeless shelter projects under a shelter crisis declaration, and PRC Section 21080(b)(4) and State CEQA Guidelines, 14 California Code of Regulations (CCR) Section 15269(c) as specific actions necessary to prevent or mitigate an emergency. This determination is consistent with the Notice of Exemption (NOE) supporting documents in Council File (CF) No. 19-1350; and consistent with, and supported by, the City Council's prior actions approving the lease and use of this shelter (see attached narrative).

**IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING**

<b>SIGNATURE:</b>  <div style="text-align: right; margin-top: 20px;">Maria Martin</div>	<b>TITLE:</b> Environmental Affairs Officer BOE Environmental Management Group	<b>DATE:</b>
<b>RECEIPT NO.</b>	<b>REC'D BY</b>	<b>DATE</b>



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## EXEMPTION NARRATIVE

### I. PROJECT DESCRIPTION, CONTINUED

The Project consists of an approximately up to one-year lease extension or new lease, and operation, in furtherance of providing emergency interim housing/navigation center in the City at the facility located on a privately-owned property at 1479 S. La Cienega Boulevard. The funding, lease, and operation of the facility were found to be statutorily exempt and approved by the City Council on March 17, 2020 (CF No. 19-1350). The documents supporting this determination (CF No. 19-1350) are incorporated herein by reference as support for this CEQA determination. This Project continues the existing use of the facility, that was funded, leased, and is currently operating, without substantial change.

The approximately 54 bed shelter, which opened in June 2020, is located on an irregularly shaped 12,159-square foot privately-owned parcel that includes two lots currently developed as a 5,926-square foot, seventeen-room interim housing/navigation facility with an intake office, an ICMS office, a Community Room, and nine parking spaces.

The shelter/navigation center will continue to be operated consistent with the Los Angeles Homeless Services Authority's (LAHSA) program requirements for bridge shelters, low barrier navigation centers, and transitional homeless facilities including, but not limited to the following project requirements as they exist and are updated by the LAHSA:

- 2022-2023 LAHSA Program Standards, <https://www.lahsa.org/documents?id=2280-lahsa-program-standards.pdf>
- 2023-2024 LAHSA Tiny Home Interim Housing Program, Scope of Required Services, <https://www.lahsa.org/documents?id=7223-scope-required-services-srs-tiny-home-village-program-srs-final-fy2023-2024.pdf>
- 05/15/2023 Crisis/Bridge Housing for Adult Programs Scope of Required Services (SRS), <https://www.lahsa.org/documents?id=7216-scope-required-services-srs-crisis-bridge-housing-for-adults-program-srs-final-fy2023-2024.pdf>
- 2023-2024 LAHSA Facility Standards, <https://www.lahsa.org/documents?id=2767-lahsa-facility-standards.pdf>

All service providers must comply with LAHSA's Scope of Required Services, Program Standards, and Facility Standards. Additional relevant LAHSA operations documents are cited in the reference section of this document. Based on the LAHSA operational standards implemented for the City's shelters, the project qualifies as a low barrier navigation center and shelter under the CEQA exemptions discussed in this document.

A third-party service provider, e.g., People Assisting the Homeless (PATH), will operate the Project for the City and it is anticipated that a lease, lease extension, or similar operating and/or funding agreements may be executed with the service provider, County, and/or LAHSA.

LAHSA's Coordinated Entry System (CES) will be used to enter participants and facilitate

service providers conducting assessments and providing services to connect people to permanent housing. (LAHSA CES Brochure, <https://www.lahsa.org/documents?id=1500-coordinated-entry-system-ces-brochure.pdf>.) The basic underlying principle of LAHSA's System Components is that access to housing is the primary need for its program participants. Services are voluntary and not required to enter into a shelter. Individuals will not be rejected or exited from participation in the emergency shelter due to any unnecessary barriers.

Project operation continues per a security plan consistent with the LAHSA's standards. By creating a stable environment and providing access to basic needs, clients can maintain a consistent connection to outreach workers and case managers to create a path to interim or permanent housing. The shelter will continue to be operated consistent with LAHSA program requirements for crisis and bridge shelters including, but not limited to, LAHSA's Scope of Required Services and Program Standards, as noted in the references section.

According to LAHSA's project requirements, service providers that oversee an emergency shelter must provide case management services and develop a Housing Stability Plan with each person. The shelter will program and implement a case management and service plan known as Housing-Focused Case Management and Support Services (HFCMSS). HFCMSS includes but is not limited to: support with completing housing applications, accompanying the individual to housing appointments and/or leasing appointments, and other support associated with the housing placement process. The primary objective of HFCMSS is to extend support to individuals through an individualized case management relationship that will ultimately translate to increased housing stability. The HFCMSS offers services to connect individuals to permanent housing. Case Managers present at the shelter make rapid connections to a broad continuum of resources and permanent housing, emphasizing a short-term stay.

HFCMSS connects families to a Housing Navigator who assists individuals to gain access to permanent housing through referrals to housing programs (such as RRH, Permanent Supportive Housing, affordable housing, etc.). A case manager is assigned to an individual when the person enters the program and then helps the participant establish a connection to a Housing Navigator. A Housing Navigator assists individuals with Housing Navigation services. Housing Navigation services are available to individuals to support their housing placement goals and must be focused on assisting the participant in identifying and accessing permanent housing within the general ninety (90) days. Housing Navigation services may be provided onsite or offsite, and may also require participants' to be accompanied to off-site appointments.

Case management must be conducted on a regular and routine basis and must be routinely documented. The content and outcome of case management meetings with individuals are entered into a housing management information system with case notes that are tracked in the system. Housing-focused case management sessions are dedicated to assessing and reassessing needs, educating individuals on community resource opportunities, developing Housing Stability Plans, scheduling appointments, and providing necessary follow up to ensure housing stability plans are progressing on

schedule and needs are adequately being addressed.

As noted in LAHSA's Program Standards, supportive services for the shelters focus on the income, resources, skills and tools needed to pay rent, comply with a lease, take reasonable care of a housing unit, and avoid serious conflict with other tenants, the landlord, and/or the police. The Program Standards also require service providers to utilize and maintain referral networks with specific lists of health services and public benefit services for connecting occupants to those benefits. Thus, the Project is a service-enriched shelter focused on moving individuals into permanent housing that provides temporary living facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing.

**Housing First.** The Project is a "Housing First" shelter pursuant to Government Code Section 65660. The project complies with Chapter 6.5 of Division 8 of the Welfare and Institutions Code (commonly referred to as the Housing First Law). "Housing First" means an evidence-based model that uses housing as a tool, rather than a reward, for recovery from homelessness, and that centers on providing or connecting people experiencing homelessness to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

Housing First also includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient in accessing permanent housing and in securing longer-term rental assistance, income assistance, or employment. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance. If resources are needed to successfully divert an individual from entry into the homelessness system, a referral must immediately be made to a CES Diversion/Prevention program. In order to identify other permanent housing options, service providers continue to have such problem-solving conversations with the individual while residing in low barrier navigation centers, crisis and bridge housing. More broadly, the Project includes a housing and services plan and housing-focused case management, both with an orientation towards supporting individuals to exit to safe and stable housing. This Project meets the above-noted Housing First requirements.

The Project will continue to be a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing.

The intention of this low barrier navigation center is to provide persons experiencing homelessness with some stability, so that they can more easily maintain contact with housing navigation and/or case management services to facilitate safe and supportive housing placement.

**Low Barrier.** This Project is low barrier in that, among other things, (1) the operation of

the bridge housing facility and the separate rooms allow for the presence of partners at the low barrier navigation center; (2) participants' pets are allowed in the facility; (3) the storage of possessions is provided in the rooms; and (4) privacy to participants is provided in the rooms by providing partitions in rooms with more than two beds. The City intends for this Project to be operated as low barrier navigation centers consistent with Government Code Section 65660.

**Funding.** The City identified and allocated HHAP Program funds for the operation of the facility and anticipates allocating additional HHAP funds for the continued operation of the shelter. All of the Project's costs are publicly funded.

## **II. CEQA EXEMPTIONS**

### **A. Public Resources Code Section 21080.27**

The Project is statutorily exempt from the requirements of CEQA pursuant to PRC section 21080.27(b), subparts (2), (3), and (5). Section 21080.27(b) specifically exempts certain City actions concerning low barrier navigation centers from CEQA. In its amendment to Section 21080.27 adopted October 10, 2023, and effective January 1, 2024, exempting City low barrier navigation centers providing shelter to people experiencing homelessness, the Legislature found and declared as part of the statute's purposes that in 2022, statistics documented that 41,980 people experience homelessness in the City. (CA LEGIS 726 (2023), 2023 Cal. Legis. Serv. Ch. 726 (A.B. 785) (WEST)).

Section 21080.27(b) provides that CEQA, "does not apply to any of the following activities undertaken by the City of Los Angeles within the City of Los Angeles: . . . (2) An action to lease . . . land for . . . a low barrier navigation center; (3) An action to facilitate the lease . . . of land owned . . . for . . . a low barrier navigation center; and . . . (5) An action to provide financial assistance in furtherance of implementing . . . a low barrier navigation center . . ."

Section 21080.27(a)(6), states that a "low barrier navigation center" is a facility that meets the definition provided at Government Code section 65660(a) and is funded, "in whole or in part" by a series of sources including, (A) the Homeless Housing, Assistance, and Prevention program [HHAPP] established pursuant to Section 50217 of the Health and Safety Code; (B) Measure H sales tax proceeds approved by the voters at the March 7, 2017, special election in the County of Los Angeles; (C) general obligation bonds issued pursuant to Proposition HHH, approved by the voters of the City of Los Angeles at the November 8, 2016, statewide general election; (D) the program referred to as Homekey, as described in Section 50675.1.1 of the Health and Safety Code; (E) the Encampment Resolution Funding program established pursuant to Section 50251 of the Health and Safety Code; (F) the Building Homes and Jobs Trust Fund established pursuant to Section 50470 of the Health and Safety Code; (G) the Behavioral Health Bridge Housing Program established pursuant to Item 4260-101-0001 of Section 2.00 of the Budget Act of 2022; (H) the Behavioral Health Continuum Infrastructure Program established pursuant to Chapter 1 (commencing with Section 5960) of Part 7 of Division 5 of the Welfare and Institutions Code.

Government Code section 65660(a), in turn, provides the definition of “Low Barrier Navigation Center, as follows:

“Low Barrier Navigation Center” means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following: (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth, (2) Pets, (3) The storage of possessions, and (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.”

Further, because the Project is paid for entirely with public funds, and it is, in its entirety, a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code and Public Resources Code Section 21080.27(e)(1)(A), because any construction, alteration, demolition, installation, or repair work associated with the Project will be funded in whole or in part out of public funds and the City will require prevailing wages for all such work, to the extent applicable, as required by Charter Section 377, the Project is not subject to the requirements of subdivision (e) of PRC Section 21080.27.

As shown by the facts stated above in the Project Description, the Project qualifies as exempt from the requirements of CEQA Pursuant to PRC section 21080.27 because it meets the definition of Low Barrier Navigation Center in Government Code Section 65660(a), is funded by qualifying funds, and involves the leasing of land, facilitating the leasing of land, and financial assistance in the furtherance of implementing a low barrier navigation center.

#### **B. Government Code Section 65660(b)**

The Project is statutorily exempt from the requirements of CEQA pursuant to Government Code Section 65660(b) which states, “[CEQA] shall not apply to actions taken by a public agency to lease . . . land owned by a public agency, or to facilitate the lease . . . of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center constructed or allowed by this section.” As stated above, and noted in the Project Description, the Project meets the definition of Low Barrier Navigation Center as defined by Section 65660. The City is a public agency and the Project involves actions to lease, convey or encumber and facilitate the lease, conveyance, or encumbrance of the City’s land, and to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center under Section 65660. Based on this, the Project qualifies for the statutory exemption from CEQA in Government Code Section 65660(b).

### **C. Government Code Section 8698.4**

The Legislature enacted Government Code Section 8698.4 to authorize a municipality to enact a shelter crisis declaration. Once a shelter crisis declaration is in place, Emergency housing may include homeless shelters for the homeless located or constructed on any land owned or leased by a city (Gov. Code, § 8698.4(a)(1)). Subsection (a)(4) of Government Code Section 8698.4 provides, “The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to actions taken by a . . . city . . . to lease . . . land owned by a city . . . , or to facilitate the lease . . . of land owned by the local government for, or to provide financial assistance to, a homeless shelter constructed or allowed by this section.” Subpart (a)(2)(B) of Section 8698.4, provides that the provisions of the Section apply only to a public facility or homeless shelters reserved entirely for the homeless pursuant to Chapter 7.8 of the Government Code.

The City Council declared a shelter crisis on April 17, 2018, and the declaration remains in effect. (City Council File Nos. 15-1138-S30, 15-1138-S33, and 15-1138-S40). The City codified the ordinance allowing shelters during a shelter crisis declaration at **Los Angeles Municipal Code (LAMC) section 12.80**, which states,

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or number of persons served.”

**LAMC Section 12.03 states,**

A facility operated by a “provider”, other than a “**community care facility**” as defined in California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets **the standards for shelters contained in Title 25, Division 1, Chapter 7 of the California Code of Regulations**. The term “temporary accommodations” means that a homeless person or family will be allowed to reside at the shelter for a time period **not to exceed six months**. For the purpose of this definition, a “provider” shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing Department of the City of Los Angeles to meet all applicable requirements contained in the California Health and Safety Code and the California Code of Regulations.

The State Department of Social Services’ regulations at 22 CCR Section 80007(a)(7) provide that a Community Care Facility does not include any homeless shelter which



provides no element of “care and supervision”, as defined in 22 CCR section 80001(c)(2).<sup>1</sup> Care and supervision, “means any one or more of the following activities provided by a person or facility to meet the needs of the clients: (A) Assistance in dressing, grooming, bathing and other personal hygiene. (B) Assistance with taking medication, as specified in Section 80075. (C) Central storing and/or distribution of medications, as specified in Section 80075. (D) Arrangement of and assistance with medical and dental care. (E) Maintenance of house rules for the protection of clients. (F) Supervision of client schedules and activities. (G) Maintenance and/or supervision of client cash resources or property. (H) Monitoring food intake or special diets. (I) Providing basic services as defined in section 80001(b)(2).” (22 CCR § 80001(c)(3)).

The Project meets the requirements of Government Code 8698.4(a)(4) because it involves a City lease of privately-owned land for a homeless shelter and the Project consists of the City providing financial assistance to the same. The Project is entirely reserved for the homeless. Pursuant to Government Code Section 8698.4, the Project is statutorily exempt from the requirements of CEQA.

#### **D. Public Resources Code Section 21080 and CEQA Guideline Section 15269**

Public Resources Code Section 21080(b)(4) provides that CEQA does not apply to “specific actions necessary to prevent or mitigate an emergency.” Public Resources Code section 21060.3 defines Emergency as, “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.” Section 21060.3 further provides that Emergency, “includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.”

Title 14, California Code of Regulations Section 15269, “Emergency Projects,” provides examples of emergency projects exempt from the requirements of CEQA, including the following:

- (c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply
  - (i) 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, or
  - (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

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<sup>1</sup> Examination of 22 CCR § 80001 demonstrates a typo at Section 80001 because “care and supervision” is defined at subpart (c)(3) of 80007 and not subpart (c)(2).

As detailed below, the Project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City’s already dangerously large homeless population, also adversely impacted by the COVID-19 pandemic. The dramatic rise in the homeless population is a sudden unexpected occurrence, as is the unexpected and sudden occurrence of losing access to adequate shelter and essential services for each individual newly experiencing homelessness. Each is an emergency presenting impending acute harm to the individuals experiencing homelessness that would be prevented and mitigated through providing housing to those individuals, including through the emergency shelter/low barrier navigation center provided by this Project.

### **1. Homelessness Imposes a Loss of, or Damage to, Life, Health, Property, and to Essential Public Services in the City**

Homelessness presents a danger of loss or damage to the health and property of the people of the City and an undue burden on essential public services. Based on information from the Census and the Los Angeles Homeless Services Authority (LAHSA), in 2020, homeless persons constituted approximately 1.07 percent of the City’s population. (U.S Census Bureau, 2021 & LAHSA, 2020)

In 2018, homeless persons constituted 13.5 percent of LAFD’s total patient transports to a hospital, meaning a homeless person is 17 percent more likely to require emergency hospital transportation than the general population (LAFD Battalion Chief and Paramedic Douglas Zabilski, 2019). Studies have shown that individuals identified as homeless utilize health care services more frequently than comparable non-homeless individuals of the same age, gender, and low-income status, particularly high-cost services such as Emergency Room (ER) visits and psychiatric hospitalizations (Hunter, 2017) (Hwang SW, 2013).

Los Angeles County’s Chief Executive Officer reported the County spent \$965 million on health, law enforcement, and social services toward individuals experiencing homelessness in fiscal year 2014–2015 (Wu, 2016). Consistent with that report, a 1998 study in the New England Journal of Medicine found that homelessness was associated with substantial excess costs per hospital stay in New York City, with homeless patient staying in the hospital 36 percent longer per admission on average than other patients (Salit, Hospitalization Costs Associated with Homelessness in New York City, 1988).

Homelessness also causes significant danger to the health and lives of persons who are homeless. Homeless individuals living in the City are frequent crime victims. In 2018, LAPD reported 2,965 instances where a homeless individual was a victim of a serious crime, including homicide, rape, aggravated assault, theft, and arson (also known as “Part 1 Crimes.”) (Commander Dominic H. Choi, 2019). This compares to 1,762 such crimes in 2017, a 68 percent increase (*Id.*). This dramatic increase in Part 1 Crime statistics may be due to more rigorous LAPD data collection methodologies, however it is consistent with the increasing incidence of homelessness documented in June of 2019 detailed below (*Id.*). During the first six months of 2020, LAPD reported 1,738 instances where a homeless individual was a victim of a serious crime including homicide, rape, aggravated

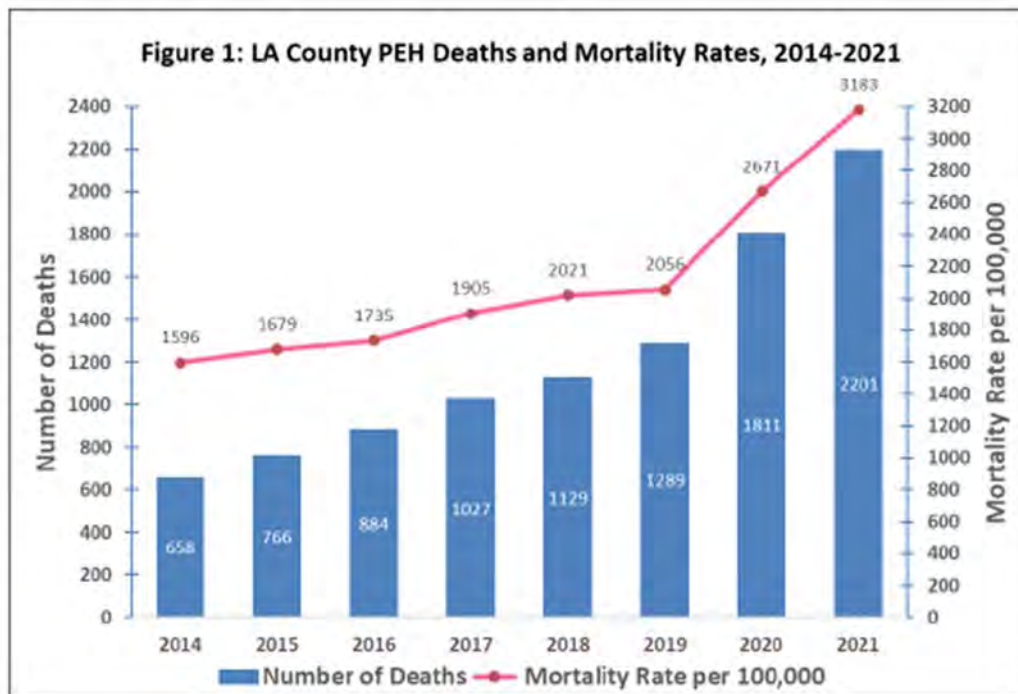
assault, burglary, and larceny (LAPD, 2020).

Overall, in 2018, the LAPD reported 6,671 instances in total where a homeless individual was a Part 1 Crime victim and/or suspect, among the 31,285 estimated homeless individuals throughout the City (Commander Dominic H. Choi, 2019). This means that in 2018 there was approximately one Part 1 Crime per every 4.68 homeless individuals in the City. By comparison, for the same year LAPD reported 129,549 total Part 1 Crimes Citywide among an estimated population of 4,054,400 City residents, or approximately one Part 1 crime per every 31.29 City residents. Accordingly, the rate of Part 1 crimes among homeless individuals in 2018 was approximately seven times higher than the rate among the City population as a whole (*Id.*). According to the LAPD Use of Force Year-End Report in 2020, among the 41,290 estimated homeless individuals throughout the City, 7,872 persons were reported to be victims of a violent or property crime. In the same year, 5,722 persons experiencing homelessness were reported as suspects of a violent or property crime (LAPD, 2020). On October 4, 2018 and again on February 6, 2019, the Los Angeles County Department of Public Health identified an outbreak of endemic flea-borne typhus in downtown Los Angeles among persons experiencing homelessness. On September 19, 2017, the Los Angeles County Department of Public Health declared a Hepatitis A virus outbreak among persons who are homeless and/or use illicit drugs in the County. Likewise, a January 2018 report from the Los Angeles County Department of Mental Health reported that data from the Los Angeles County Medical Examiner-Corner's showed that a significant number of deaths in the homeless population were caused by treatable conditions such as arteriosclerotic cardiovascular disease, pneumonia, diabetes, cancer, cirrhosis, severe bacterial infections and other conditions (Choi, 2019). As noted by the Board of Supervisors for the County of Los Angeles on October 29, 2019:

Mortality rates for people experiencing homelessness are much higher than those for the general population, have risen in the County over the past five years, and are expected to increase again for 2019. A recent analysis by the County's Department of Public Health on mortality rates and causes of death among people experiencing homelessness shed critical light on this issue and provided sobering data on recent trends. The overall mortality rate, which accounts for increases in the total homeless population over the 6-year period from 2013 to 2018, increased each year from 1,382 per 100,000 to 1,875 deaths per 100,000, with the total number of deaths among people experiencing homelessness increasing each year from 536 in 2013 to 1,047 in 2018. The leading causes of death included coronary heart disease (22%) and unintentional drug and alcohol overdose (21%), indicating that there are opportunities for interventions to prevent premature deaths (Supervisor Ridley-Thomas, Supervisor Solis, 2019) (Department of Public Health, 2019).

In May 2023, LA County Department of Public Health released a report on its finding that mortality rates among the homeless population have continued to drastically rise from 2,056 per 100,000 people experiencing homelessness in 2019 to 3,183 per 100,000 in 2021. (LAC Department of Public Health, May 2023.) Indicators of mortality in the

homeless population “began increasing dramatically beginning in 2020, with the mortality rate increasing by 55% between 2019 and 2021.” (LAC Department of Public Health, May 2023.)



(Source: LA County DPH May 2023.)

In a press release dated May 12, 2023, the LA County Board of Supervisors released statements noting “We have declared a state of emergency in Los Angeles County because there are far too many people on our streets” and the report “underscores how important it is that we continue to treat the homelessness crisis with a sense of urgency and move as many people as possible inside so we can begin to save their lives.” (LA County DPH May 12, 2023.)

These significant adverse health impacts suffered by the homeless in the City and County of Los Angeles are consistent with the impacts identified by a well-established body of expert social science studies that document the significant adverse health and welfare impacts experienced by homeless persons in the United States and in other countries, which the homeless in the City and County experience as well. Some of that research has documented the following impacts upon homeless persons:

*Mortality Rates.* A study of the mortality rates of sheltered homeless people in New York City between 1987 and 1994 documented that homeless men died at a rate more than twice that of other residents of New York, and that homeless women died at a rate more than 3.7 times greater than other New York residents (Barrow, Susan M., PhD, Daniel B. Herman, DSW, Pilar Cordova, BA, and Elmer L. Struening, PhD, 1999). A study conducted between 1985 and 1988 in Philadelphia found that the mortality rate among homeless persons in Philadelphia was nearly four times greater than for the general population (Hibbs, Jonathan R., MD, et. al.,

1994). A review of five years of data between 2000 and 2005 in Glasgow, Scotland found that homelessness is, itself, is an independent risk factor for death, distinct from other specific causes (Morrison, 2009).

*Access to Healthcare.* A 2003 nationwide survey of homeless persons documented that homeless adults reported substantial unmet needs for multiple types of health care (Baggett, Travis P., MD, MPH, James J. O'Connell, MD, Daniel E. Singer, MD, and Nancy A. Rigotti, MD, 2010). The report found 73 percent of the respondents reported at least one unmet health need, including an inability to obtain needed medical or surgical care (32%), prescription medications (36%), mental health care (21%), eyeglasses (41%), and dental care (41%) (*Id.*).

*AIDs Impacts.* A study of San Francisco residents diagnosed with AIDS from 1996 through 2006 and reported to the San Francisco Department of Public Health demonstrated that homeless persons with HIV/AIDS have greater morbidity and mortality, more hospitalizations, less use of antiretroviral therapy, and worse medication adherence than HIV infected persons who are stably housed (Schwarcz, Sandra K, Ling C Hsu,, Eric Vittinghoff, Annie Vu, Joshua D Bamberger and Mitchell H Katz, 2009).

*Cancer Impacts.* A study of 28,000 current and formerly homeless individuals in Boston documented that homeless men saw a significantly higher cancer incident rate than expected compared to the general Massachusetts general population, and that homeless women and men experienced significantly higher cancer mortality rates than the Massachusetts general population (Baggett, Travis P et al., 2015).

## **2. Unexpected Dramatic Surge in Homelessness**

A 2017 Rand Corporation study reported the County of Los Angeles as having the highest rate in the United States of unsheltered individuals who experience homelessness (Hunter, Sarah B., Melody Harvey, Brian Briscoe, and Matthew Cefalu, 2017). The impacts of homelessness upon the homeless and upon the community, in terms of the danger to or loss of life, property, health and burden on public services is exacerbated in the City due the very size of the City's homeless population. The homeless shelter crisis and the rise in homelessness are the type of emergency situations that led the State to adopt Assembly Bill 1197, an urgency statute addressing homelessness that was deemed necessary for the immediate preservation of the public peace, health, or safety and for the critical necessity to address the shelter and homeless crisis within the City of Los Angeles.

The City Council declared a homeless shelter crisis pursuant to Government Code Section 8698, et seq. on April 17, 2018 (The Honorable M. Bonin & M. O'Farrell, 2019), which is currently in effect (The Honorable M. Bonin & M. Harris-Dawson, 2019). Following significant investment of resources by both the County and City, the 2018 Homeless Count showed progress in reducing homelessness, documenting a 5.5 percent overall decrease in the number of persons experiencing homelessness in LA County (LAHSA, 2020).

*Table 1 - 2018 Homeless Count Data Summary* presents the data revealed by the 2018 Homeless Count concerning the City of Los Angeles, as documented in the 2018 Data Summary in Table 1 (LAHSA, 2020).

<b>Table 1</b> <b>2018 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2017</b>
Sheltered Homeless	8,398	6% Decrease
Unsheltered Homeless	22,887	5.3% Decrease
Total Homeless Persons	31,285	5.5% Decrease

Despite these efforts and the initial progress shown in 2018, the Homeless Counts, released since 2018, unexpectedly documented dramatic increases in the number of individuals experiencing both sheltered and unsheltered homelessness in (LAHSA, 2022) *Table 2 - 2019 Homeless Count Data Summary* presents the data revealed by the 2019 Homeless Count concerning the City of Los Angeles, as documented in the 2019 Data Summary as shown in Table 2 (LAHSA, 2020).

<b>Table 2</b> <b>2019 Homeless Count Data Summary (Revised 07/20/2020)</b>		
	<b>Number of Individuals</b>	<b>Change from 2018</b>
Sheltered Homeless	8,944	6.5% Increase
Unsheltered Homeless	26,606	16.2% Increase
Total Homeless Persons	35,550	13.7% Increase

LAHSA published its 2020 Homeless Count, released in July 20, 2020, which shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing both sheltered and unsheltered homelessness dramatically increased yet again, as shown in *Table 3 - 2020 Homeless Count Data Summary* (LAHSA, 2020).

<b>Table 3</b> <b>2020 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2019</b>
Sheltered Homeless	12,438	39% Increase

<b>Table 3</b> <b>2020 Homeless Count Data Summary</b>		
Unsheltered Homeless	28,852	8.4% Increase
Total Homeless Persons	41,290	16.1 % increase

LAHSA prepared a 2021 shelter point-in-time count for the City of Los Angeles that estimated the number and demographic characteristics of the sheltered homeless population on a single night in January 2021. Released on July 20, 2021, it shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing sheltered homelessness increased yet again, as shown in *Table 4 - 2021 Housing Inventory Count and Shelter Count Data Summary* (LAHSA, 2021). The 2021 unsheltered street count could not be conducted due to the COVID-19 pandemic. However, the availability of vaccinations enabled the resumption of the Homeless Count for February 2022 with appropriate precautions (LAHSA, 2022).

<b>Table 4</b> <b>2021 Housing Inventory Count and Shelter Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2020</b>
Sheltered Homeless	12,503	1% Increase

Homeless Count data in 2022 showed the City's homeless population continued to unexpectedly increase 1.67 percent from 41,290 to 41,980 persons, and while its sheltered population increased 8.7 percent, its unsheltered population only decreased 1.37 percent, as shown *Table 5 - 2022 Homeless Count Data Summary* (LAHSA, 2022).

<b>Table 5</b> <b>2022 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2020</b>
Sheltered Homeless	13,522	8.72% Increase
Unsheltered Homeless	28,458	1.37% Decrease
Total Homeless Persons	41,980	1.67% Increase

LAHSA published its 2023 Homeless Count, released on June 29, 2023, which shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing sheltered homelessness dramatically increased, while the documented number of unsheltered homelessness indicated a slight increase as shown in *Table 6 - 2023 Homeless Count Data Summary* (LAHSA, 2023).



**Table 6**  
**2023 Homeless Count Data Summary**

	Number of Individuals	Change from 2022
Sheltered Homeless	13,580	0.43% Increase
Unsheltered Homeless	32,680	14.84% Increase
Total Homeless Persons	46,260	10.2% Increase

Taken together, the unexpected and dramatic increase in homelessness, exacerbated by the COVID-19 pandemic, is an emergency in the City of Los Angeles. This situation presents documented dangers to health, life, and property and a burden on, and loss of access to, essential public services, which presents an emergency as defined by CEQA.

On December 12, 2022, City of Los Angeles Mayor Bass declared a homelessness emergency in the City of Los Angeles. She specifically stated that she “declare[s] the existence of a local emergency and direct[s] all Divisions of the Emergency Operations Organization (EOO) and all other City Departments to take necessary steps for the protection of life, health and safety in the City of Los Angeles.” (City of Los Angeles, Dec. 12, 2022.) The Mayor’s declaration discussed how the homelessness crisis created a dramatic unanticipated impact on the population, and how it displaced people even greater than major hurricanes and earthquake events, all of which are emergencies requiring prompt action to avoid clear and imminent danger to the displaced populations. The City Council ratified the declaration. (CF No. 22-1545.)

On July 7, 2023, Mayor Bass, again, declared a local housing and homelessness emergency because “the City still finds itself in an emergency” with emergency conditions continuing to require prompt abatement due to the severe shortage of beds available to the unhoused population. (City of Los Angeles July 7, 2023.) The Mayor noted the City “is acting with urgency” to provide shelter for the homeless, and she “declare[d] the existence of a local emergency on affordable housing and homelessness and direct[ed] all City Departments to take necessary steps for protection of life, health and safety in the City of Los Angeles.” (City of Los Angeles, July 7, 2023.) In a press release, the Mayor added “It’s no secret that Los Angeles is facing an emergency when it comes to homelessness. This is an issue of life and death for the thousands of people who are living in tents and cars. That’s why I signed an updated declaration of emergency and have continued to lock arms with the City Council to maintain our momentum toward confronting homelessness and building more affordable housing.” (City of Los Angeles, July 10, 2023.)

### **3. The Project is Exempt from CEQA Compliance as an Action to Prevent or Mitigate an Emergency**

The Project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City’s already

dangerously large homeless population, also adversely impacted by the COVID-19 pandemic. The dramatic rise in the homeless population is a sudden unexpected occurrence, as is the unexpected and sudden occurrence of losing access to adequate shelter and essential services for each individual newly experiencing homelessness. Each is an emergency presenting impending acute harm to the individuals experiencing homelessness that would be prevented and mitigated through providing housing to those individuals, including through the emergency shelter/low barrier navigation center provided by this Project. The Project, therefore, is exempt from CEQA environmental review pursuant to PRC Section 21080(b)(4) since it prevents and mitigates such imminent loss and damage.

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RMM Decl.  
**Exhibit 56**

RMM Decl.  
**Exhibit 56**



HOLLY L. WOLCOTT  
CITY CLERK

City of Los Angeles  
CALIFORNIA

OFFICE OF THE  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER



KAREN BASS  
MAYOR

**Council and Public Services Division**  
200 N. SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012  
GENERAL INFORMATION - (213) 978-1133  
FAX: (213) 978-1040

PATRICE Y. LATTIMORE  
DIVISION MANAGER  
[CLERK.LACITY.GOV](http://CLERK.LACITY.GOV)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

**Council File No.:** 20-0841-S41  
**Council Meeting Date:** February 16, 2024  
**Agenda Item No.:** 8  
**Agenda Description:** STATUTORY EXEMPTION and HOUSING AND HOMELESSNESS COMMITTEE REPORT relative to funding allocation and lease extension for continued use of the Tiny Home Village located at 1455 North Alvarado Street; and the 22nd report regarding COVID-19 Homelessness Roadmap funding recommendations; and related matters.  
**Council Action:** HOUSING AND HOMELESSNESS COMMITTEE REPORT - ADOPTED  
**Council Vote:**

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

HOLLY L. WOLCOTT  
CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 341

**FILE SENT TO MAYOR**  
**LAST DAY FOR MAYOR TO ACT**

02-20-2024

03/01/2024

APPROVED

2/22/2024

DATE SIGNED

Form Dec., Vol. 1, p. 319

AN EQUAL EMPLOYMENT OPPORTUNITY

Adopted Report(s)Title  
Housing and Homelessness Committee Report 2-7-24

STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTION 15269(c), PUBLIC RESOURCES CODE (PRC) SECTION 21080.27 (AB 1197), GOVERNMENT CODE (GC) SECTION 65660(b), GC SECTION 8698.4, and PRC SECTION 21080(b)(4); and HOUSING AND HOMELESSNESS COMMITTEE REPORT relative to funding allocation and lease extension for continued use of the Tiny Home Village located at 1455 North Alvarado Street; and the 22nd report regarding COVID-19 Homelessness Roadmap funding recommendations; and related matters.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DETERMINE that the lease, funding allocation and continued use of the Tiny Home Village at 1455 North Alvarado Street is statutorily exempt from CEQA under PRC Section 21080.27 and GC § 65660(b), applicable to City of Los Angeles (City) low barrier navigation centers, GC § 8698.4, governing homeless shelter projects under a shelter crisis declaration, and PRC § 21080(b)(4) and State CEQA Guidelines, 14 California Code of Regulations § 15269(c) as a specific action necessary to prevent or mitigate an emergency. This determination is consistent with, and supported by, the City Council's prior actions for the development and use of the property as a tiny home village shelter and navigation center; and CEQA determination made on December 9, 2020 (Council file No.20-0841).
2. APPROVE Recommendation Nos. 2 through 26, contained in the City Administrative Officer (CAO) report dated February 2, 2024, attached to Council file No. 20-0841-S41.

Fiscal Impact Statement: The CAO reports that there is no additional General Fund impact as a result of the recommendations in this report. The recommendations in this report utilize the City's General Fund that was previously budgeted and approved for homelessness interventions. Additionally, the recommendations in this report also utilizes the Homeless Housing, Assistance, and Prevention and County Roadmap funds for homelessness interventions.

Financial Policies Statement: The CAO reports that the recommendations in this report comply with the City's Financial Policies in that budgeted funds are being used to fund recommended actions.

Community Impact Statement: None submitted.

## SUMMARY

At a regular meeting held on February 7, 2024, your Housing and Homelessness Committee considered reports from the CAO and Bureau of Engineering relative to funding allocation and lease extension for continued use of the Tiny Home Village at 1455 North Alvarado Street, the 22nd report regarding COVID-19 Homelessness Roadmap funding recommendations, and related matters.

After an opportunity for public comment was held, the Committee moved to approve the recommendations contained in the reports, as detailed above. This matter is now forwarded to the Council for consideration.

Respectfully submitted,



HOUSING AND HOMELESSNESS COMMITTEE

<u>MEMBER:</u>	<u>VOTE</u>
RAMAN:	YES
BLUMENFIELD:	YES
HARRIS-DAWSON:	YES
RODRIGUEZ:	YES
LEE:	ABSENT

CGR/LV 20-0841-S41\_rpt\_hh\_2-7-2024

**– NOT OFFICIAL UNTIL COUNCIL ACTS –**

February 1, 2024

The Honorable Paul Krekorian  
President  
Los Angeles City Council

c/o Holly L. Wolcott  
City Clerk  
City Hall Room 360

**TINY HOME VILLAGE AT 1455 N. ALVARADO STREET (C.F. 20-0841) CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICE OF EXEMPTION (NOE)**

Dear President Krekorian and Honorable Members:

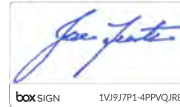
The attached environmental documentation is being transmitted for City Council's consideration related to the lease, funding allocation, and continued use of the Tiny Home Village at 1455 N. Alvarado Street, Council District 13.

**RECOMMENDATIONS**

Staff recommends that the Council determine that the lease, funding allocation, and continued use of the Tiny Home Village at 1455 N. Alvarado Street is statutorily exempt from CEQA under Public Resources Code (PRC) Section 21080.27 and Government Code § 65660(b), applicable to City of Los Angeles (City) low barrier navigation centers, Government Code § 8698.4, governing homeless shelter projects under a shelter crisis declaration, and PRC § 21080(b)(4) and State CEQA Guidelines, 14 California Code of Regulations (CCR) § 15269(c) as a specific action necessary to prevent or mitigate an emergency. This determination is consistent with, and supported by, the City Council's prior actions for the development and use of the property as a tiny home village shelter and navigation center; and CEQA determination made on December 9, 2020 (C.F. No. 20-0841). Please refer to the attached NOE.

If you have any questions, please contact Maria Martin at [Maria.Martin@lacity.org](mailto:Maria.Martin@lacity.org) or (213) 485-5753.

Sincerely,

  
A handwritten signature in blue ink, appearing to read "Jose Fuentes", is positioned above a small rectangular box. The box contains the text "box SIGN" and a long alphanumeric string "1VJ9J7P1-4PPVQJR8".

for

Ted Allen, P.E.  
City Engineer

TA/JF/MM:ab

Box\EXE\\_ReadyforSignature\TSA\Outbox\Archived\2024\CEQA\_NOE\_TRANSMITTAL\_BOE\_  
Report\_CF20-0841\_02-01-24

Attachment

cc: Deborah Weintraub, Bureau of Engineering  
Jose Fuentes, Bureau of Engineering  
Marina Quinones, Bureau of Engineering  
Maria Martin, Bureau of Engineering

**CITY OF LOS ANGELES**  
**DEPARTMENT OF PUBLIC WORKS**  
**BUREAU OF ENGINEERING**  
1149 S. BROADWAY, 7<sup>th</sup> FLOOR  
LOS ANGELES, CALIFORNIA 90015  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**NOTICE OF EXEMPTION**  
(Articles II and III - City CEQA Guidelines)

**ATTACHMENT**

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, and with the State Clearinghouse in the Office of Planning and Research, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

<b>LEAD CITY AGENCY AND ADDRESS:</b>	City of Los Angeles c/o Bureau of Engineering (BOE) 1149 S. Broadway, MS 939 Los Angeles, CA 90015	<b>COUNCIL DISTRICT</b> 13
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<b>PROJECT TITLE:</b> 1455 N. Alvarado St. Tiny Home Village Lease	<b>LOG REFERENCE</b> C.F. 20-0841
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**PROJECT LOCATION:** 1455 N. Alvarado Street, in the Silver Lake - Echo Park - Elysian Valley Community Plan Area of the City of Los Angeles (City), Los Angeles County. See Figure 1: Project Location. T.G. 594-D6, D7, E6, E7.

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:** The 1455 N. Alvarado St. Tiny Home Village Lease (Project) consists of funding allocation and an extended, or new lease, for approximately up to three years with continued use/operation, for approximately up to six years total use of the Tiny Home Village shelter facility. A third-party service provider will operate the Tiny Home Village for the City and it is anticipated that a lease or similar operating and/or funding agreement may be executed. The purpose of the Project is to provide approximately up to three additional year, to the previously approved three years, of emergency shelter and case management for people experiencing homelessness to help bridge their transition from living on the streets to finding services and, ultimately, living in transitional and/or permanent housing. Project beneficiaries include people experiencing homelessness, the public, and local businesses. (Please see the attached narrative for more details.)

On \_\_\_\_\_, 2024, the City Council determined the Project was exempt under the California Environmental Quality Act (CEQA) and approved the Project.

<b>CONTACT PERSON</b>	<b>TELEPHONE NUMBER</b>
Maria Martin (maria.martin@lacity.org)	(213) 485-5753

**EXEMPT STATUS:**

STATE CEQA GUIDELINES    15269(c)  
PUBLIC RESOURCE CODE    21080.27 & 21080(b)(4)  
GOVERNMENT CODE        8698.4(a)(4) & 65660(b)

**JUSTIFICATION FOR PROJECT EXEMPTION:** This Project is statutorily exempt from CEQA under Public Resources Code (PRC) Section 21080.27 and Government Code § 65660(b), applicable to City of Los Angeles (City) low barrier navigation centers, Government Code § 8698.4, governing homeless shelter projects under a shelter crisis declaration, and PRC § 21080(b)(4) and State CEQA Guidelines, 14 California Code of Regulations (CCR) § 15269(c) as a specific action necessary to prevent or mitigate an emergency. These determinations are consistent with the NOE supporting documents in Council File (CF) No. 20-0841 and consistent with, and supported by, the City Council's prior actions approving the development and use of this shelter (see attached narrative).

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE: <div>Pending Project approval.</div> Maria Martin		TITLE: Environmental Affairs Officer Environmental Management Group	DATE:
FEE: 75.00_____	RECEIPT NO.	REC'D BY	DATE



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## EXEMPTION NARRATIVE

### I. PROJECT DESCRIPTION, CONTINUED

The Project consists of funding allocation, for an approximately three-year lease extension, or new lease, and operation of the Tiny Home Village facility located on a privately-owned property at 1455 N. Alvarado Street in furtherance of providing emergency homeless shelter and low barrier navigation services in the City of Los Angeles, as further described in the section below. The Tiny Home Village facility was found to be statutorily exempt and was approved by the City Council on December 9, 2020 (CF No. 18-0392). The documents supporting this determination (CF No. 20-0841) are incorporated herein by reference as support for this CEQA determination. This Project continues the existing use of the facility, that was built, and is currently operating, without substantial change.

The 74-bed Tiny Home Village facility, which includes small, detached pallet shelters, opened in June 2021. The Project site consists of a rectangular property with an area of approximately 22,593 square feet with frontage along Alvarado Street and Scott Street. The Project site is zoned RD2, with a City of Los Angeles General Plan Community Commercial land use designation. Commercial uses are located to the north and east of the site and residential uses are located to the west and south of the site. The site itself is currently developed with the Tiny Home Village facility.

The Tiny Home Village will continue to be operated consistent with the Los Angeles Homeless Services Authority's (LAHSA) program requirements for bridge shelters, low barrier navigation centers, and transitional homeless facilities including, but not limited to the following project requirements as they exist and are updated by the LAHSA:

- 2022-2023 LAHSA Program Standards, <https://www.lahsa.org/documents?id=2280-lahsa-program-standards.pdf>
- 2023-2024 LAHSA Tiny Home Interim Housing Program, Scope of Required Services, <https://www.lahsa.org/documents?id=7223-scope-required-services-srs-tiny-home-village-program-srs-final-fy2023-2024.pdf>
- 05/15/2023 Crisis/Bridge Housing for Adult Programs Scope of Required Services (SRS), <https://www.lahsa.org/documents?id=7216-scope-required-services-srs-crisis-bridge-housing-for-adults-program-srs-final-fy2023-2024.pdf>
- 2023-2024 LAHSA Facility Standards, <https://www.lahsa.org/documents?id=2767-lahsa-facility-standards.pdf>

All service providers must comply with LAHSA's Scope of Required Services, Program Standards, and Facility Standards. Additional relevant LAHSA operations documents are cited in the reference section of this document. Based on the LAHSA operational standards implemented for the City's shelters, the project qualifies as a low barrier navigation center and shelter under the CEQA exemptions discussed in this document.

A third-party service provider, e.g., Volunteers of America Los Angeles (VOALA), will operate the Project for the City and it is anticipated that a lease, lease extension, or similar operating and/or funding agreements may be executed with the service provider, County, and/or LAHSA.

LAHSA's Coordinated Entry System (CES) will be used to enter participants and facilitate service providers conducting assessments and providing services to connect people to permanent housing. (LAHSA CES Brochure, <https://www.lahsa.org/documents?id=1500-coordinated-entry-system-ces-brochure.pdf>.) The basic underlying principle of LAHSA's System Components is that access to housing is the primary need for its program participants. Services are voluntary and not required to enter into a shelter. Individuals will not be rejected or exited from participation in the emergency shelter due to any unnecessary barriers.

Project operation continues per a security plan consistent with the LAHSA's standards. By creating a stable environment and providing access to basic needs, clients can maintain a consistent connection to outreach workers and case managers to create a path to interim or permanent housing. The shelter will continue to be operated consistent with LAHSA program requirements for crisis and bridge shelters including, but not limited to, LAHSA's Scope of Required Services and Program Standards, as noted in the references section.

According to LAHSA's project requirements, service providers that oversee an emergency shelter must provide case management services and develop a Housing Stability Plan with each person. The shelter will program and implement a case management and service plan known as Housing-Focused Case Management and Support Services (HFCMSS). HFCMSS includes but is not limited to: support with completing housing applications, accompanying the individual to housing appointments and/or leasing appointments, and other support associated with the housing placement process. The primary objective of HFCMSS is to extend support to individuals through an individualized case management relationship that will ultimately translate to increased housing stability. The HFCMSS offers services to connect individuals to permanent housing. Case Managers present at the shelter make rapid connections to a broad continuum of resources and permanent housing, emphasizing a short-term stay.

HFCMSS connects families to a Housing Navigator who assists individuals to gain access to permanent housing through referrals to housing programs (such as RRH, Permanent Supportive Housing, affordable housing, etc.). A case manager is assigned to an individual when the person enters the program and then helps the participant establish a connection to a Housing Navigator. A Housing Navigator assists individuals with Housing Navigation services. Housing Navigation services are available to individuals to support their housing placement goals and must be focused on assisting the participant in identifying and accessing permanent housing within the general ninety (90) days. Housing Navigation services may be provided onsite or offsite, and may also require participants' to be accompanied to off-site appointments.

Case management must be conducted on a regular and routine basis and must be routinely documented. The content and outcome of case management meetings with individuals are entered into a housing management information system with case notes that are tracked in the system. Housing-focused case management sessions are dedicated to assessing and reassessing needs, educating individuals on community resource opportunities, developing Housing Stability Plans, scheduling appointments, and providing necessary follow up to ensure housing stability plans are progressing on schedule and needs are adequately being addressed.

As noted in LAHSA's Program Standards, supportive services for the shelters focus on the income, resources, skills and tools needed to pay rent, comply with a lease, take reasonable care of a housing unit, and avoid serious conflict with other tenants, the landlord, and/or the police. The Program Standards also require service providers to utilize and maintain referral networks with specific lists of health services and public benefit services for connecting occupants to those benefits. Thus, the Project is a service-enriched shelter focused on moving individuals into

permanent housing that provides temporary living facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing.

Case managers and the Project will not provide 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

**Housing First.** The Project is a “Housing First” shelter pursuant to Government Code Section 65660. The project complies with Chapter 6.5 of Division 8 of the Welfare and Institutions Code (commonly referred to as the Housing First Law). “Housing First” means an evidence-based model that uses housing as a tool, rather than a reward, for recovery from homelessness, and that centers on providing or connecting people experiencing homelessness to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

Housing First also includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient in accessing permanent housing and in securing longer-term rental assistance, income assistance, or employment. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance. If resources are needed to successfully divert an individual from entry into the homelessness system, a referral must immediately be made to a CES Diversion/Prevention program. In order to identify other permanent housing options, service providers continue to have such problem-solving conversations with the individual while residing in low barrier navigation centers, crisis and bridge housing. More broadly, the Project includes a housing and services plan and housing-focused case management, both with an orientation towards supporting individuals to exit to safe and stable housing. This Project meets the above-noted Housing First requirements.

The Project will continue to be a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing.

The intention of this low barrier navigation center is to provide persons experiencing homelessness with some stability, so that they can more easily maintain contact with housing navigation and/or case management services to facilitate safe and supportive housing placement.

**Low Barrier.** This Project is low barrier in that, among other things, (1) the presence of partners is allowed at the low barrier navigation center; (2) participants’ pets are allowed in the shelter and the shelter provides a pet relief area; (3) the storage of possessions is provided in the individual small pallet cabins; and (4) privacy to participants is provided in the individual pallet shelters. The City intends for this Project to be operated as low barrier navigation centers consistent with Government Code Section 65660.

**Funding.** The City Council is authorizing the use of some Homeless Housing, Assistance, and Prevention Program (HAAP) funds for the for continued operation of the Tiny Home Village as part of this Project. All of the Project’s costs are publicly funded.

## II. CEQA EXEMPTIONS

### A. Public Resources Code Section 21080.27

The Project is statutorily exempt from the requirements of CEQA pursuant to PRC section 21080.27(b), subparts (2), (3), and (5). Section 21080.27(b) specifically exempts certain City actions concerning low barrier navigation centers from CEQA. In its amendment to Section 21080.27 adopted October 10, 2023, and effective January 1, 2024, exempting City low barrier navigation centers providing shelter to people experiencing homelessness, the Legislature found and declared as part of the statute's purposes that in 2022, statistics documented that 41,980 people experience homelessness in the City. (CA LEGIS 726 (2023), 2023 Cal. Legis. Serv. Ch. 726 (A.B. 785) (WEST)).

Section 21080.27(b) provides that CEQA, "does not apply to any of the following activities undertaken by the City of Los Angeles within the City of Los Angeles: . . . (2) An action to lease . . . land for . . . a low barrier navigation center; (3) An action to facilitate the lease . . . of land owned . . . for . . . a low barrier navigation center; and . . . (5) An action to provide financial assistance in furtherance of implementing . . . a low barrier navigation center . . ."

Section 21080.27(a)(6), states that a "low barrier navigation center" is a facility that meets the definition provided at Government Code section 65660(a) and is funded, "in whole or in part" by a series of sources including, (A) the Homeless Housing, Assistance, and Prevention program [HHAPP] established pursuant to Section 50217 of the Health and Safety Code; (B) Measure H sales tax proceeds approved by the voters at the March 7, 2017, special election in the County of Los Angeles; (C) general obligation bonds issued pursuant to Proposition HHH, approved by the voters of the City of Los Angeles at the November 8, 2016, statewide general election; (D) the program referred to as Homekey, as described in Section 50675.1.1 of the Health and Safety Code; (E) the Encampment Resolution Funding program established pursuant to Section 50251 of the Health and Safety Code; (F) the Building Homes and Jobs Trust Fund established pursuant to Section 50470 of the Health and Safety Code; (G) the Behavioral Health Bridge Housing Program established pursuant to Item 4260-101-0001 of Section 2.00 of the Budget Act of 2022; (H) the Behavioral Health Continuum Infrastructure Program established pursuant to Chapter 1 (commencing with Section 5960) of Part 7 of Division 5 of the Welfare and Institutions Code.

Government Code section 65660(a), in turn, provides the definition of "Low Barrier Navigation Center, as follows:

"Low Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following: (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth, (2) Pets, (3) The storage of possessions, and (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms."

Further, because the Project is paid for entirely with public funds, the Project is not subject to the requirements of subdivision (e) of PRC Section 21080.27. As shown by the facts stated above in the Project Description, the Project qualifies as exempt from the requirements of CEQA Pursuant

to PRC section 21080.27 because it meets the definition of Low Barrier Navigation Center in Government Code Section 65660(a), is funded by qualifying funds, and involves the leasing of land, facilitating the leasing of land, and financial assistance in the furtherance of implementing a low barrier navigation center.

**B. Government Code Section 65660(b)**

The Project is statutorily exempt from the requirements of CEQA pursuant to Government Code Section 65660(b) which states, “[CEQA] shall not apply to actions taken by a public agency to lease . . . land owned by a public agency, or to facilitate the lease . . . of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center constructed or allowed by this section.” As stated above, and noted in the Project Description, the Project meets the definition of Low Barrier Navigation Center as defined by Section 65660. The City is a public agency and the Project involves actions to lease, convey or encumber and facilitate the lease, conveyance, or encumbrance of the City’s land, and to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center under Section 65660. . Based on this, the Project qualifies for the statutory exemption from CEQA in Government Code Section 65660(b).

**C. Government Code Section 8698.4**

The Legislature enacted Government Code Section 8698.4 to authorize a municipality to enact a shelter crisis declaration. Once a shelter crisis declaration is in place, Emergency housing may include homeless shelters for the homeless located or constructed on any land owned or leased by a city (Gov. Code, § 8698.4(a)(1)). Subsection (a)(4) of Government Code Section 8698.4 provides, “The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to actions taken by a . . . city . . . to lease . . . land owned by a city . . . , or to facilitate the lease . . . of land owned by the local government for, or to provide financial assistance to, a homeless shelter constructed or allowed by this section.” Subpart (a)(2)(B) of Section 8698.4, provides that the provisions of the Section apply only to a public facility or homeless shelters reserved entirely for the homeless pursuant to Chapter 7.8 of the Government Code.

The City Council declared a shelter crisis on April 17, 2018, and the declaration remains in effect. (City Council File Nos. 15-1138-S30, 15-1138-S33, and 15-1138-S40). The City codified the ordinance allowing shelters during a shelter crisis declaration at Los Angeles Municipal Code (LAMC) section 12.80, which states,

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or number of persons served.”

LAMC Section 12.03 states,

A facility operated by a “provider”, other than a "community care facility" as defined in California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the standards for shelters contained in Title 25, Division 1, Chapter 7 of the

California Code of Regulations. The term “temporary accommodations” means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a “provider” shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing Department of the City of Los Angeles to meet all applicable requirements contained in the California Health and Safety Code and the California Code of Regulations.

The State Department of Social Services’ regulations at 22 CCR § 80007(a)(7) provide that a Community Care Facility does not include any homeless shelter which provides no element of “care and supervision”, as defined in 22 CCR section 80001(c)(2).<sup>1</sup> Care and supervision, “means any one or more of the following activities provided by a person or facility to meet the needs of the clients: (A) Assistance in dressing, grooming, bathing and other personal hygiene. (B) Assistance with taking medication, as specified in section 80075. (C) Central storing and/or distribution of medications, as specified in section 80075. (D) Arrangement of and assistance with medical and dental care. (E) Maintenance of house rules for the protection of clients. (F) Supervision of client schedules and activities. (G) Maintenance and/or supervision of client cash resources or property. (H) Monitoring food intake or special diets. (I) Providing basic services as defined in section 80001(b)(2).” (22 CCR § 80001(c)(3)).

The Project meets the requirements of Government Code 8698.4(a)(4) because it involves a City lease of privately-owned land for a homeless shelter and the Project consists of the City providing financial assistance to the same. The Project is entirely reserved for the homeless. Pursuant to Government Code Section 8698.4, the Project is statutorily exempt from the requirements of CEQA.

#### **D. Public Resources Code Section 21080 and CEQA Guideline Section 15269**

Public Resources Code Section 21080(b)(4) provides that CEQA does not apply, to “specific actions necessary to prevent or mitigate an emergency.” Public Resources Code section 21060.3 defines Emergency as, “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.” Section 21060.3 further provides that Emergency, “includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.”

Title 14, California Code of Regulations Section 15269, “Emergency Projects,” provides examples of emergency projects exempt from the requirements of CEQA, including the following:

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply

(i) 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, or

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<sup>1</sup> Examination of 22 CCR § 80001 demonstrates a typo at Section 80001 because “care and supervision” is defined at subpart (c)(3) of 80007 and not subpart (c)(2).



(ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

As detailed below, the Project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City’s already dangerously large homeless population, also adversely impacted by the COVID-19 pandemic. The dramatic rise in the homeless population is a sudden unexpected occurrence, as is the unexpected and sudden occurrence of losing access to adequate shelter and essential services for each individual newly experiencing homelessness. Each is an emergency presenting impending acute harm to the individuals experiencing homelessness that would be prevented and mitigated through providing housing to those individuals, including through the emergency shelter/low barrier navigation center provided by this Project.

**1. Homelessness Imposes a Loss of, or Damage to, Life, Health, Property, and to Essential Public Services in the City**

Homelessness presents a danger of loss or damage to the health and property of the people of the City and an undue burden on essential public services. Based on information from the Census and the Los Angeles Homeless Services Authority (LAHSA), in 2020, homeless persons constituted approximately 1.07 percent of the City’s population. (U.S Census Bureau, 2021 & LAHSA, 2020)

In 2018, homeless persons constituted 13.5 percent of LAFD’s total patient transports to a hospital, meaning a homeless person is 17 percent more likely to require emergency hospital transportation than the general population (LAFD Battalion Chief and Paramedic Douglas Zabilski, 2019). Studies have shown that individuals identified as homeless utilize health care services more frequently than comparable non-homeless individuals of the same age, gender, and low-income status, particularly high-cost services such as Emergency Room (ER) visits and psychiatric hospitalizations (Hunter, 2017) (Hwang SW, 2013).

Los Angeles County’s Chief Executive Officer reported the County spent \$965 million on health, law enforcement, and social services toward individuals experiencing homelessness in fiscal year 2014–2015 (Wu, 2016). Consistent with that report, a 1998 study in the New England Journal of Medicine found that homelessness was associated with substantial excess costs per hospital stay in New York City, with homeless patient staying in the hospital 36 percent longer per admission on average than other patients (Salit, Hospitalization Costs Associated with Homelessness in New York City, 1988).

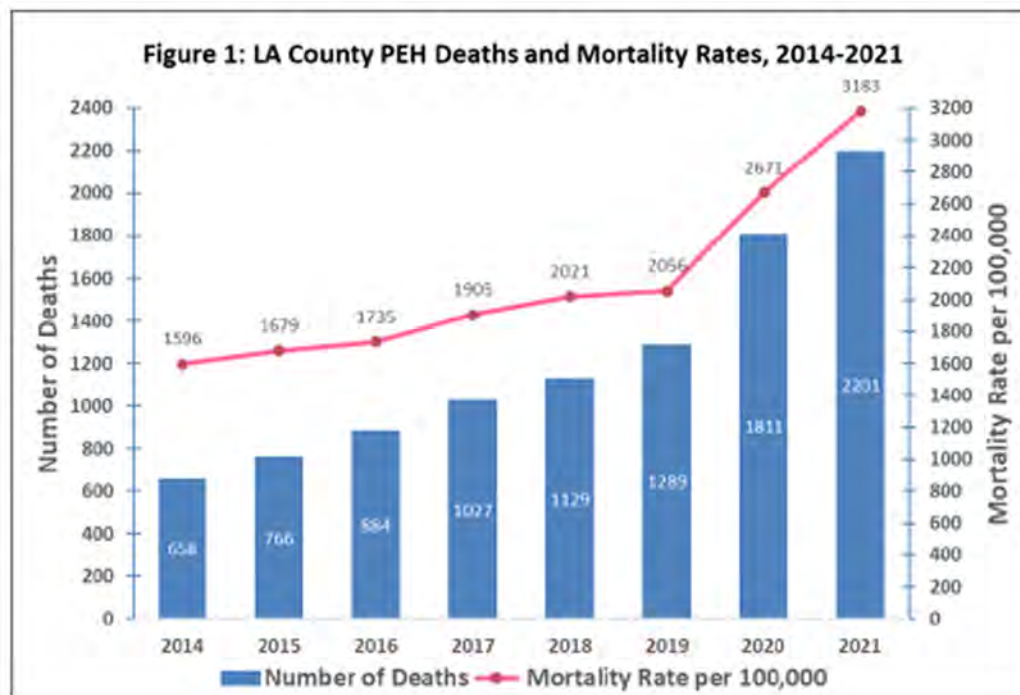
Homelessness also causes significant danger to the health and lives of persons who are homeless. Homeless individuals living in the City are frequent crime victims. In 2018, LAPD reported 2,965 instances where a homeless individual was a victim of a serious crime, including homicide, rape, aggravated assault, theft, and arson (also known as “Part 1 Crimes.”) (Commander Dominic H. Choi, 2019). This compares to 1,762 such crimes in 2017, a 68 percent increase (*Id.*). This dramatic increase in Part 1 Crime statistics may be due to more rigorous LAPD data collection methodologies, however it is consistent with the increasing incidence of homelessness documented in June of 2019 detailed below (*Id.*). During the first six months of 2020, LAPD reported 1,738 instances where a homeless individual was a victim of a serious crime including homicide, rape, aggravated assault, burglary, and larceny (LAPD, 2020).

Overall, in 2018, the LAPD reported 6,671 instances in total where a homeless individual was a

Part 1 Crime victim and/or suspect, among the 31,285 estimated homeless individuals throughout the City (Commander Dominic H. Choi, 2019). This means that in 2018 there was approximately one Part 1 Crime per every 4.68 homeless individuals in the City. By comparison, for the same year LAPD reported 129,549 total Part 1 Crimes Citywide among an estimated population of 4,054,400 City residents, or approximately one Part 1 crime per every 31.29 City residents. Accordingly, the rate of Part 1 crimes among homeless individuals in 2018 was approximately seven times higher than the rate among the City population as a whole (*Id.*). According to the LAPD Use of Force Year-End Report in 2020, among the 41,290 estimated homeless individuals throughout the City, 7,872 persons were reported to be victims of a violent or property crime. In the same year, 5,722 persons experiencing homelessness were reported as suspects of a violent or property crime (LAPD, 2020). On October 4, 2018 and again on February 6, 2019, the Los Angeles County Department of Public Health identified an outbreak of endemic flea-borne typhus in downtown Los Angeles among persons experiencing homelessness. On September 19, 2017, the Los Angeles County Department of Public Health declared a Hepatitis A virus outbreak among persons who are homeless and/or use illicit drugs in the County. Likewise, a January 2018 report from the Los Angeles County Department of Mental Health reported that data from the Los Angeles County Medical Examiner-Corner's showed that a significant number of deaths in the homeless population were caused by treatable conditions such as arteriosclerotic cardiovascular disease, pneumonia, diabetes, cancer, cirrhosis, severe bacterial infections and other conditions (Choi, 2019). As noted by the Board of Supervisors for the County of Los Angeles on October 29, 2019:

Mortality rates for people experiencing homelessness are much higher than those for the general population, have risen in the County over the past five years, and are expected to increase again for 2019. A recent analysis by the County's Department of Public Health on mortality rates and causes of death among people experiencing homelessness shed critical light on this issue and provided sobering data on recent trends. The overall mortality rate, which accounts for increases in the total homeless population over the 6-year period from 2013 to 2018, increased each year from 1,382 per 100,000 to 1,875 deaths per 100,000, with the total number of deaths among people experiencing homelessness increasing each year from 536 in 2013 to 1,047 in 2018. The leading causes of death included coronary heart disease (22%) and unintentional drug and alcohol overdose (21%), indicating that there are opportunities for interventions to prevent premature deaths (Supervisor Ridley-Thomas, Supervisor Solis, 2019) (Department of Public Health, 2019).

In May 2023, LA County Department of Public Health released a report on its finding that mortality rates among the homeless population have continued to drastically rise from 2,056 per 100,000 people experiencing homelessness in 2019 to 3,183 per 100,000 in 2021. (LAC Department of Public Health, May 2023.) Indicators of mortality in the homeless population "began increasing dramatically beginning in 2020, with the mortality rate increasing by 55% between 2019 and 2021." (LAC Department of Public Health, May 2023.)



(Source: LA County DPH May 2023.)

In a press release dated May 12, 2023, the LA County Board of Supervisors released statements noting “We have declared a state of emergency in Los Angeles County because there are far too many people on our streets” and the report “underscores how important it is that we continue to treat the homelessness crisis with a sense of urgency and move as many people as possible inside so we can begin to save their lives.” (LA County DPH May 12, 2023.)

These significant adverse health impacts suffered by the homeless in the City and County of Los Angeles are consistent with the impacts identified by a well-established body of expert social science studies that document the significant adverse health and welfare impacts experienced by homeless persons in the United States and in other countries, which the homeless in the City and County experience as well. Some of that research has documented the following impacts upon homeless persons:

**Mortality Rates.** A study of the mortality rates of sheltered homeless people in New York City between 1987 and 1994 documented that homeless men died at a rate more than twice that of other residents of New York, and that homeless women died at a rate more than 3.7 times greater than other New York residents (Barrow, Susan M., PhD, Daniel B. Herman, DSW, Pilar Cordova, BA, and Elmer L. Struening, PhD, 1999). A study conducted between 1985 and 1988 in Philadelphia found that the mortality rate among homeless persons in Philadelphia was nearly four times greater than for the general population (Hibbs, Jonathan R., MD, et. al., 1994). A review of five years of data between 2000 and 2005 in Glasgow, Scotland found that homelessness is, itself, is an independent risk factor for death, distinct from other specific causes (Morrison, 2009).

**Access to Healthcare.** A 2003 nationwide survey of homeless persons documented that homeless adults reported substantial unmet needs for multiple types of health care (Baggett, Travis P., MD, MPH, James J. O’Connell, MD, Daniel E. Singer, MD, and Nancy A. Rigotti, MD, 2010). The report found 73 percent of the respondents reported at least

one unmet health need, including an inability to obtain needed medical or surgical care (32%), prescription medications (36%), mental health care (21%), eyeglasses (41%), and dental care (41%) (*Id.*).

*AIDs Impacts.* A study of San Francisco residents diagnosed with AIDS from 1996 through 2006 and reported to the San Francisco Department of Public Health demonstrated that homeless persons with HIV/AIDS have greater morbidity and mortality, more hospitalizations, less use of antiretroviral therapy, and worse medication adherence than HIV infected persons who are stably housed (Schwarcz, Sandra K, Ling C Hsu., Eric Vittinghoff, Annie Vu, Joshua D Bamberger and Mitchell H Katz, 2009).

*Cancer Impacts.* A study of 28,000 current and formerly homeless individuals in Boston documented that homeless men saw a significantly higher cancer incident rate than expected compared to the general Massachusetts general population, and that homeless women and men experienced significantly higher cancer mortality rates than the Massachusetts general population (Baggett, Travis P et al., 2015).

## 2. Unexpected Dramatic Surge in Homelessness

A 2017 Rand Corporation study reported the County of Los Angeles as having the highest rate in the United States of unsheltered individuals who experience homelessness (Hunter, Sarah B., Melody Harvey, Brian Briscoe, and Matthew Cefalu, 2017). The impacts of homelessness upon the homeless and upon the community, in terms of the danger to or loss of life, property, health and burden on public services is exacerbated in the City due the very size of the City's homeless population. The homeless shelter crisis and the rise in homelessness are the type of emergency situations that led the State to adopt Assembly Bill 1197, an urgency statute addressing homelessness that was deemed necessary for the immediate preservation of the public peace, health, or safety and for the critical necessity to address the shelter and homeless crisis within the City of Los Angeles.

The City Council declared a homeless shelter crisis pursuant to Government Code Section 8698, et seq. on April 17, 2018 (The Honorable M. Bonin & M. O'Farrell, 2019), which is currently in effect (The Honorable M. Bonin & M. Harris-Dawson, 2019). Following significant investment of resources by both the County and City, the 2018 Homeless Count showed progress in reducing homelessness, documenting a 5.5 percent overall decrease in the number of persons experiencing homelessness in LA County (LAHSA, 2020).

*Table 1 - 2018 Homeless Count Data Summary* presents the data revealed by the 2018 Homeless Count concerning the City of Los Angeles, as documented in the 2018 Data Summary in Table 1 (LAHSA, 2020).

<b>Table 1 2018 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2017</b>
Sheltered Homeless	8,398	6% Decrease
Unsheltered Homeless	22,887	5.3% Decrease
Total Homeless Persons	31,285	5.5% Decrease

Despite these efforts and the initial progress shown in 2018, the Homeless Counts, released since 2018, unexpectedly documented dramatic increases in the number of individuals experiencing both sheltered and unsheltered homelessness in (LAHSA, 2022) *Table 2 - 2019 Homeless Count Data Summary* presents the data revealed by the 2019 Homeless Count concerning the City of Los Angeles, as documented in the 2019 Data Summary as shown in Table 2 (LAHSA, 2020).

<b>Table 2</b> <b>2019 Homeless Count Data Summary (Revised 07/20/2020)</b>		
	<b>Number of Individuals</b>	<b>Change from 2018</b>
Sheltered Homeless	8,944	6.5% Increase
Unsheltered Homeless	26,606	16.2% Increase
Total Homeless Persons	35,550	13.7% Increase

LAHSA published its 2020 Homeless Count, released in July 20, 2020, which shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing both sheltered and unsheltered homelessness dramatically increased yet again, as shown in *Table 3 - 2020 Homeless Count Data Summary* (LAHSA, 2020).

<b>Table 3</b> <b>2020 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2019</b>
Sheltered Homeless	12,438	39% Increase
Unsheltered Homeless	28,852	8.4% Increase
Total Homeless Persons	41,290	16.1 % increase

LAHSA prepared a 2021 shelter point-in-time count for the City of Los Angeles that estimated the number and demographic characteristics of the sheltered homeless population on a single night in January 2021. Released in July 20, 2021, it shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing sheltered homelessness increased yet again, as shown in *Table 4 - 2021 Housing Inventory Count and Shelter Count Data Summary* (LAHSA, 2021). The 2021 unsheltered street count could not be conducted due to the COVID-19 pandemic. However, the availability of vaccinations enabled the resumption of the Homeless Count for February 2022 with appropriate precautions (LAHSA, 2022).

<b>Table 4</b> <b>2021 Housing Inventory Count and Shelter Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2020</b>
Sheltered Homeless	12,503	1% Increase

Homeless Count data in 2022 showed the City's homeless population continued to unexpectedly increase 1.67 percent from 41,290 to 41,980 persons, and while its sheltered population increased 8.7 percent, its unsheltered population only decreased 1.37 percent, as shown *Table 5 - 2022 Homeless Count Data Summary* (LAHSA, 2022).

<b>Table 5</b> <b>2022 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2020</b>
Sheltered Homeless	13,522	8.72% Increase
Unsheltered Homeless	28,458	1.37% Decrease
Total Homeless Persons	41,980	1.67% Increase

LAHSA published its 2023 Homeless Count, released on June 29, 2023, which shows that the homelessness emergency in the City of Los Angeles continues. The documented number of individuals experiencing sheltered homelessness dramatically increased, while the documented number of unsheltered homelessness indicated a slight increase as shown in *Table 6 - 2023 Homeless Count Data Summary* (LAHSA, 2023).

<b>Table 6</b> <b>2023 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2022</b>
Sheltered Homeless	13,580	0.43% Increase
Unsheltered Homeless	32,680	14.84% Increase
Total Homeless Persons	46,260	10.2% Increase

Taken together, the unexpected and dramatic increase in homelessness, exacerbated by the COVID-19 pandemic, is an emergency in the City of Los Angeles. This situation presents documented dangers to health, life, and property and a burden on, and loss of access to, essential public services, which presents an emergency as defined by CEQA.

On December 12, 2022, City of Los Angeles Mayor Bass declared a homelessness emergency in the City of Los Angeles. She specifically stated that she “declare[s] the existence of a local emergency and direct[s] all Divisions of the Emergency Operations Organization (EOO) and all other City Departments to take necessary steps for the protection of life, health and safety in the City of Los Angeles.” (City of Los Angeles, Dec. 12, 2022.) The Mayor’s declaration discussed how the homelessness crisis created a dramatic unanticipated impact on the population, and how it displaced people even greater than major hurricanes and earthquake events, all of which are emergencies requiring prompt action to avoid clear and imminent danger to the displaced populations. The City Council ratified the declaration. (CF No. 22-1545.)

On July 7, 2023, Mayor Bass, again, declared a local housing and homelessness emergency because “the City still finds itself in an emergency” with emergency conditions continuing to require prompt abatement due to the severe shortage of beds available to the unhoused population. (City of Los Angeles July 7, 2023.) The Mayor noted the City “is acting with urgency” to provide shelter for the homeless, and she “declare[d] the existence of a local emergency on affordable housing and homelessness and direct[ed] all City Departments to take necessary steps for protection of life, health and safety in the City of Los Angeles.” (City of Los Angeles, July 7, 2023.) In a press release, the Mayor added “It’s no secret that Los Angeles is facing an emergency when it comes to homelessness. This is an issue of life and death for the thousands of people who are living in tents and cars. That’s why I signed an updated declaration of emergency and have continued to lock arms with the City Council to maintain our momentum toward confronting homelessness and building more affordable housing.” (City of Los Angeles, July 10, 2023.)

### **3. The Project is Exempt from CEQA Compliance as an Action to Prevent or Mitigate an Emergency**

The Project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City’s already dangerously large homeless population, also adversely impacted by the COVID-19 pandemic. The dramatic rise in the homeless population is a sudden unexpected occurrence, as is the unexpected and sudden occurrence of losing access to adequate shelter and essential services for each individual newly experiencing homelessness. Each is an emergency presenting impending acute harm to the individuals experiencing homelessness that would be prevented and mitigated through providing housing to those individuals, including through the emergency shelter/low barrier navigation center provided by this Project. The Project, therefore, is exempt from CEQA environmental review pursuant to PRC Section 21080(b)(4), since it prevents and mitigates such imminent loss and damage.



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RMM Decl.  
**Exhibit 57**

RMM Decl.  
**Exhibit 57**

HOLLY L. WOLCOTT  
CITY CLERK

OFFICE OF THE  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



KAREN BASS  
MAYOR

**Council and Public Services Division**  
200 N. SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012  
GENERAL INFORMATION - (213) 978-1133  
FAX: (213) 978-1040

PATRICE Y. LATTIMORE  
DIVISION MANAGER  
[CLERK.LACITY.GOV](http://CLERK.LACITY.GOV)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

**Council File No.:** 23-0792

**Council Meeting Date:** August 18, 2023

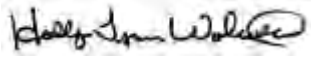
**Agenda Item No.:** 11

**Agenda Description:** STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTION 15269(C), PUBLIC RESOURCES CODE (PRC) SECTION 21080(B)(4), AND PRC SECTION 21080.27 (AB 1197); COMMUNICATION FROM THE MUNICIPAL FACILITIES COMMITTEE relative to funding allocation, site acquisition, minor renovations, lease or similar agreement, and operation as temporary shelter of the property located at 1256 West 7th Street, and California Environmental Quality Act (CEQA) exemption; and purchase and sale agreement and related agreements in connection with the purchase of property located at 1256 West 7th Street, commonly known as the Mayfair Hotel, for use as interim housing; and related matters(Housing and Homelessness, Government Operations, and Budget, Finance and Innovation Committee reports to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)(Click on [www.lacouncilfile.com](http://www.lacouncilfile.com) for background documents.)The Council may recess to Closed Session, pursuant to Government Code Section 54956.8, ADJOURN TO CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property Location: Real Property located at 1256 West 7th Street, Los Angeles, CA (APN: 5143-012-029). Agency Negotiator/Presenters: Amy Benson, Director, Real Estate Division, General Services Department; Melody McCormick, Assistant General Manager, General Services Department, Kenneth Stanberry, Assistant Director, General Services Department, Jenna Hornstock, Deputy Mayor of Housing, Office of the Mayor, Onno Zwaneveld, Executive Vice President, CBRE, Inc. Negotiating Parties: City of Los Angeles, Department of General Services, and Mayfair Lofts, LLC, a California Limited Liability Company. Under Negotiation: Price and terms of payment of purchase and sale agreement.

**Council Action:** JOINT HOUSING AND HOMELESSNESS AND GOVERNMENT OPERATIONS COMMITTEES' REPORT AND BUDGET, FINANCE AND INNOVATION COMMITTEE REPORT - ADOPTED AS AMENDED BY MOTION 11A (HERNANDEZ - BLUMENFIELD) URGENT FORTHWITH

**Council Vote:**

YES	Blumenfield	YES	de León	YES	Harris-Dawson
NO	Hernandez	YES	Hutt	YES	Krekorian
YES	Lee	NO	McOsker	YES	Padilla
YES	Park	YES	Price Jr.	ABSENT	Raman
YES	Rodriguez	YES	Soto-Martínez	YES	Yaroslavsky



HOLLY L. WOLCOTT  
CITY CLERK

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**Pursuant to Charter/Los Angeles Administrative Code Section(s): 341**

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**FILE SENT TO MAYOR**  
**LAST DAY FOR MAYOR TO ACT**

08/18/2023
08/28/2023

APPROVED



8/18/2023

DATE SIGNED

Adopted Report(s) Title

Amending Motion 11A (Hernandez - Blumenfield) 8-18-23

Report from Budget, Finance and Innovation Committee\_8-17-23\_v3

Joint Report from Housing and Homelessness Committee and Government Operations Committee dated 8-16-23



STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTION 15269(C), PUBLIC RESOURCES CODE (PRC) SECTION 21080(B)(4), AND PRC SECTION 21080.27 (AB 1197); HOUSING AND HOMELESSNESS AND GOVERNMENT OPERATIONS COMMITTEES REPORT relative to funding allocation, site acquisition, minor renovations, lease or similar agreement, and operation as temporary shelter of the property located at 1256 West 7th Street, commonly known as the Mayfair Hotel, in Council District 1 for use as interim housing; and related matters.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. APPROVE recommendation Nos. 1 through 5, 7 through 12, 14, 17 and 18, contained in the Municipal Facilities Committee (MFC) report dated July 31, 2023, attached to the Council file.
2. DETERMINE that the Interim Housing Project located at 1256 West 7th Street in Council District 1, which allows for funding allocation, site acquisition, minor renovations, lease or similar agreement, and operation of the property as temporary shelter, is statutorily exempt from CEQA pursuant to PRC, Section 21080(b)(4), as a specific action necessary to prevent or mitigate an emergency, and as reflected in State CEQA Guidelines, Section 15269(c); and PRC, Section 21080.27 (AB 1197), applicable to City of Los Angeles emergency homeless shelters, as noted in the Notice of Exemption by the Bureau of Engineering (BOE) contained in the MFC report dated July 31, 2023, attached to Council file No. 23-0792.
3. AMEND and APPROVE recommendation Nos. 6, 13, 15 and 16, contained in the MFC report dated July 31, 2023, attached to the Council file, respectively, as follows:
  6. AUTHORIZE AND APPROPRIATE up to \$18,000,000 from the GOB Series 2022-A Proposition HHH Fund No. 17G/43 to a new account entitled "Mayfair Hotel" for the acquisition and rehabilitation of the Mayfair Hotel in Council District 1.
  13. NOTE \$1,000,000 from General City Purposes Fund No. 100/56, Account No. 000959, Homelessness Emergency Account, to the General Services Department Fund No. 100/40, Account No. 003040, Contractual Services has been transferred for the Escrow Holder for the earnest money deposit and release upon the delivery of the Purchase and Sale Agreement to escrow, subject to the approval of the Mayor.
  15. AUTHORIZE AND TRANSFER up to \$27,687,000 from General City Purposes Fund No. 100/56, Account No. 000959, Homelessness Emergency Account to Community Development Trust Fund (Community Development Block Grant) Fund No. 424/21, 21YB37, Mayfair Hotel Transitional Housing Acquisition as a cash flow loan to be used towards the acquisition costs for the Mayfair Hotel; and, AUTHORIZE the repayment of the cash flow loan to the originating account using monies within the Community Development Block Grant Fund (No. 424/21) authorized for this purpose, subject to final adoption of the Program Year 49 Consolidated Plan and receipt of grant funds.
  16. AUTHORIZE the General Managers, Community Investment for Families Department, General Services Department, or designee, to disburse all committed funding for the Mayfair Hotel Acquisition, including utilizing the method of a wire transfer to an escrow company, in amounts not to exceed the funding sources in the table below:

<u>Funding Source</u>	<u>Department</u>	<u>Amount</u>
Community Development Block Grant	Community Investment for Families Department	\$27,687,000
General City Purposes	General Services Department	<u>31,192,270</u>
		Total: \$58,879,270

4. ADD and APPROVE the following recommendations to the MFC report dated July 31, 2023, attached to the Council file, respectively, as follows:
  19. TRANSFER \$15,192,270 from the General City Purposes Fund No. 100/56, Account No. 000959, Homelessness Emergency Account to the General Services Department Fund No. 100/40, in the new account entitled "Permanent Interim Housing Acquisitions" to front fund the Mayfair acquisition cost, subject to the approval of the Mayor.
  20. AUTHORIZE the Los Angeles Housing Department to transfer \$15,192,270 to the General City Purposes Fund No. 100/56, Account No. 000959, Homelessness Emergency Account to repay the front funding of the Mayfair acquisition costs from the following funds and accounts:
    - a. Proposition HHH Fund No.17G/43, in the new established account entitled "Mayfair Hotel" (\$5,192,270).
    - b. Municipal Housing Finance Fund No. 815/43, Account No. 43Y012, Acquisition for Interim and Permanent Housing (\$10,000,000).
  21. INSTRUCT the City Administrative Officer (CAO) to identify \$400,000 to fund clean team services in the area surrounding the Mayfair Hotel to enhance street and sidewalk cleaning, bus shelter maintenance, and regular public trash pickup.
  22. INSTRUCT the Los Angeles Homeless Services Authority (LAHSA) to include language in the service provider contract for the formation of a Community Advisory Board consisting of community members, service providers, the Council offices and other elected official representatives, including the Mayor's Office.
  23. INSTRUCT the Bureau of Street Lighting to create a Street Lighting Improvement Plan for the area within a 1,000 foot radius of the Mayfair Hotel and to report on the estimated cost to implement it, with the report due prior to the facility being opened.
  24. INSTRUCT the Economic and Workforce Development Department to identify and report on funding or existing programs to assist small businesses near the Mayfair Hotel with grants and/or low interest loans for maintenance and repair.
  25. INSTRUCT the CAO, LAHSA, and other agencies to report to Council prior to the occupation of the site. The report should include:
    - a. A comprehensive operations plan for the site.
    - b. An exterior maintenance plan.
    - c. An action plan for clients that are exited from the site so as to mitigate the impact to the surrounding community.
  26. REQUEST the Mayor's Office, in collaboration with Council District 1, to identify encampments in the surrounding community and conduct Inside Safe Operations to serve unhoused community members in the Westlake adjacent area within 30 days.
  27. REQUEST the Mayor's Office to provide quarterly reporting to the Community Advisory Board and Council on the outcomes for clients residing at the Mayfair Hotel.
5. REQUEST that service providers contracted at any City interim-housing facility, and depending on the service provider contracted to provide the services, be contractually obligated to provide

regular reports on their exit numbers to evaluate the efficacy of the efforts of the service provider at City interim-housing facilities.

6. INSTRUCT the CAO; and, REQUEST the Mayor's Office to include in the contract with the Mayfair Hotel operator to establish a "Good Neighbor" policy that includes:
  - a. Definition of "security" that sets a minimum level of staffing, hours of operations, and level of service that addresses conflict resolution and the monitoring of the site and surrounding neighborhood.
  - b. Obligation to inform clients of existing City laws and other policies and procedures that apply to conduct inside and outside an interim-housing facility.
  - c. Regular communication between the service provider and with the City, including Council Offices, and surrounding community to discuss shelter operations and address any concerns that arise.
  - d. "Good Neighbor" policies and ability to implement "Community Agreements."
  - e. Measures to provide for the addition of enhanced safety features such as lighting, security cameras, ingress/egress protocols, if issues arise at these sites.
  - f. Requirement to notify the City when changes to security service contracts and/or personnel is made.
  - g. Regular cleaning of the area immediately surrounding the facility to minimize litter or hazards.
  - h. Contact information of facility operator posted onsite to address community concerns/complaints.
  - i. Requirement to notify the appropriate Council office when an individual exits to a non-permanent housing site, to coordinate with the individual appropriately.
  - j. A community hotline for individuals to report incidents and complaints.
7. INSTRUCT the Department of General Services and BOE to report, after the City takes possession of the Mayfair Hotel, the full costs of operating and maintaining the facility, including:
  - a. Cost and length of time to build out facilities needed to provide services to Mayfair residents, including kitchen and dining areas; laundry facilities; and areas for social services.
  - b. All work required to bring the Mayfair Hotel into full compliance with current Americans with Disabilities Act standards, including elevators, common areas such as the ballroom, common bathrooms and kitchens, and individual rooms.
  - c. Cost of external improvements, such as lighting, cameras and security to help ensure the Mayfair is a good neighbor to nearby residents and businesses.
  - d. Annual cost of ensuring that the Mayfair Hotel building is kept in a state of good repair, including amortization of projected costs for major systems including roof, plumbing, electrical and HVAC.

- e. Need for and cost of providing parking for resident or staff vehicles, bicycles or other devices.
  - f. Time and cost of any needed seismic work, including rooms and other facilities that must be vacated during work.
8. REQUEST the City Attorney, with the assistance of the Los Angeles Housing Department and Housing Authority of the City of Los Angeles, to report regarding the following:
- a. Liability that the City may face as the owner of housing, including any options for mitigating that risk or transferring risk to service providers.
  - b. Applicability of the Rent Stabilization Ordinance or other tenant protections to residents.

Fiscal Impact Statement: The MFC reports that there is a fiscal impact of \$15,000,000 from the General Fund from the Unappropriated Balance and \$1,266,100 from the Homelessness Emergency Account. Additionally, special funds from the Community Development Block Grant, Proposition HHH, and the Municipal Housing Finance Fund are provided to support the recommendations in this report. There is a potential future impact on the General Fund in the amount of \$5,067,000 relative to the annual operations of the Mayfair Hotel. Operations funding for 2023-24 will be supported by Special Fund/grant monies (Encampment Resolution Funds), and/or other contributions from Homelessness Emergency Account.

Financial Policies Statement: The MFC reports that the above recommendations comply with the City's Financial Policies.

Community Impact Statement: Yes

For: Downtown Los Angeles Neighborhood Council

## SUMMARY

At the joint meeting held on August 16, 2023, your Housing and Homelessness and Government Operations Committees considered a MFC report relative to funding allocation, site acquisition, minor renovations, lease or similar agreement, and operation as temporary shelter of the property located at 1256 West 7th Street, commonly known as the Mayfair Hotel, in Council District 1 for use as interim housing; and related matters.

After an opportunity for public comment was held, the Committees recommended to move forward the recommendations contained in the MFC report and approved technical amendments to the MFC report introduced by the Department of General Services. Additionally, Motions were introduced to amend the MFC report further; Motion Councilmember (CM) Rodriguez seconded by CM Blumenfield; Motion Blumenfield seconded and further amended by CMs Raman and Rodriguez; Motion CM Hernandez seconded by CMs Padilla and Hutt; and an additional Motion by CM Blumenfield seconded by CM Raman, as detailed above, as amended. This matter is now submitted to the Council for consideration.

Respectfully Submitted,

HOUSING AND HOMELESSNESS COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
RAMAN:	YES
BLUMENFIELD:	YES
HARRIS-DAWSON:	ABSENT
RODRIGUEZ:	NO
LEE:	YES

## GOVERNMENT OPERATIONS COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
PADILLA:	YES
HERNANDEZ:	YES
HUTT:	YES

LV 8.17.23

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**

**TRANSMITTAL**

TO City Council	DATE 07/31/2023	COUNCIL FILE NO.
FROM Municipal Facilities Committee		COUNCIL DISTRICT 1

At its meeting on July 31, 2023, the Municipal Facilities Committee (MFC) approved as amended the recommendations in the attached revised report (Attachment A) from the General Services Department (GSD) relative to the Request Authority to Negotiate and Execute a Purchase and Sale Agreement and Related Agreements in Connection with the Purchase of 1256 W. 7<sup>th</sup> Street, Los Angeles, CA 90017 (Mayfair Hotel) for the Inside Safe Initiative and is hereby transmitted to the City Council for consideration. The adoption of this report would authorize GSD to negotiate and execute a Purchase and Sale Agreement between the City and Mayfair Lofts, LLC for the acquisition of the Mayfair Hotel to provide interim housing and support services for persons experiencing homelessness. Additionally, the adoption of the report approves the rehabilitation of the Mayfair Hotel and for GSD to enter into an agreement with the Housing Authority of the City of Los Angeles for asset management services.

There is a fiscal impact of \$15,000,000 from the General Fund from the Unappropriated Balance and \$1,266,100 from the Homelessness Emergency Account. Additionally, special funds from the Community Development Block Grant, Proposition HHH, and the Municipal Housing Finance Fund are provided to support the recommendations in this report. There is a potential future impact on the General Fund in the amount of \$5,067,000 relative to the annual operations of the Mayfair Hotel. Operations funding for 2023-24 will be supported by Special Fund/grant monies (Encampment Resolution Funds), and/or other contributions from Homelessness Emergency Account.



Matthew W. Szabo  
City Administrative Officer  
Chair, Municipal Facilities Committee

July 31, 2023

Honorable City Council  
City of Los Angeles  
c/o City Clerk  
Room 395, City Hall  
Los Angeles, CA, 90012

Attention: Mandy Morales, Legislative Assistant

**REVISED: REQUEST AUTHORITY TO NEGOTIATE AND EXECUTE A PURCHASE  
AND SALE AGREEMENT AND RELATED AGREEMENTS IN CONNECTION WITH  
THE PURCHASE OF 1256 W. 7TH STREET, LOS ANGELES, CA 90017  
(MAYFAIR HOTEL) FOR THE INSIDE SAFE INITIATIVE**

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The Department of General Services (GSD), at the request of the Mayor's Office, seeks authorization to negotiate and execute a Purchase and Sale Agreement (PSA) with Mayfair Lofts, LLC, a California Limited Liability Company, and related agreements, including an Asset Management Agreement with the Housing Authority of the City of Los Angeles (HACLA), in connection with acquiring the property located at 1256 W. 7th Street, Los Angeles, CA 90017, APN: 5143-012-029, (commonly known as the Mayfair Hotel, "Property" or "Mayfair") (Exhibit "A"). The proposed use of the Property is permanent interim housing in support of the City's Inside Safe Initiative.

Under the contemplated transaction, the City would pay the Property owner \$60,247,266 for the Property in its as-is condition.

The proposed Asset Management Agreement with HACLA is recommended to be executed as soon as possible to ensure that the City is fully prepared to take title to the Property on its anticipated closing date of August 31, 2023.

**BACKGROUND**

In March 2020, the County and City of Los Angeles declared a public health emergency related to the Coronavirus (COVID-19) pandemic. To combat the spread of COVID-19 and address the needs of the most vulnerable individuals in the community, local leaders created a hotel/motel program to provide temporary housing for people experiencing homelessness (PEH) who were most at-risk of contracting COVID-19.



As a response to the COVID-19 pandemic, the City launched Project Roomkey (PRK), which housed unsheltered individuals in various motels and hotels. One PRK site, which operated for 24 months until July 2022, was the Mayfair Hotel, a 294-room boutique hotel with a three-level 183 parking space garage downtown in Council District 1. The Mayfair was constructed in 1926, and underwent substantial renovations in 2018-2019 that included cosmetic as well as structural renovations. The property has remained vacant since the second quarter of 2022, when the PRK contract with the City expired. The City began negotiations with the owner to acquire the Mayfair in the first quarter of 2023.

As part of the Inside Safe Initiative, the City is looking to acquire a permanent infrastructure for interim housing throughout Los Angeles. Further, under the 2022 Settlement Agreement of the Alliance Lawsuit the City is required to provide 12,915 new units of interim or permanent housing by 2027. This meets the terms of the agreement, wherein the City is to provide enough housing and shelter interventions to house 60% of the unsheltered population, less those that suffer from serious mental illness. The CAO is the lead on tracking progress and during the budget hearings for the FY24 budget, the CAO noted that under current projections the City will need approximately 5,000 additional units to reach its target. Acquiring the Mayfair will allow the City to work toward the goals of lowering the cost of Inside Safe, realizing its obligations under the Alliance Settlement and creating a permanent infrastructure of available beds that can transition individuals from encampments to safe interim housing with wrap-around services, and eventually into permanent affordable housing.

This strategy ensures an available stock of interim housing units that are not subjected to greater market forces. PRK benefitted from a depressed tourism market during the COVID-19 pandemic, which resulted in a greater availability of hotel rooms that the City could use for unsheltered individuals. There is no guarantee these market conditions will remain for the long term, and the availability of these privately-owned units is not guaranteed. The City owning and operating its own facilities as a permanent supply of interim housing will ensure that the City has a constant number of rooms available to house unsheltered people, and will support the City's aim to move unsheltered people to interim housing, and ultimately to permanent housing. The Mayfair will immediately provide the City with up to 294 units that can be utilized for interim housing, in a site and area that is familiar to the City through PRK.

### Cost Benefit Analysis

Providing services at the Mayfair after acquisition will provide substantial operational cost savings allowing the City to house unsheltered populations at a lower rate than long-term or day-to-day occupancy of hotels and motels. The cost of individual rooms at the L.A. Grand Hotel downtown has averaged a rate of \$154 for single occupants and \$183 for double occupants per night, which results in an annual cost of \$58,035 to \$68,620 per occupant. The City has been paying for motel rooms at various hotels/motels as part of Inside Safe at an average rate of \$114 per night, which results in an annual cost of \$41,610 per room. These rates are unsustainable for the long term, whereas, post-acquisition, operating the Mayfair as interim housing is projected to cost much less per occupant annually, resulting in substantial cost savings.

	<b>Nightly Rate</b>	<b>Monthly Rate</b>	<b>Annual Rate</b>
<b>Grand Hotel</b>	\$154-\$183	\$4,770-\$5,640	\$58,035-\$68,620
<b>Inside Safe Motel Average</b>	\$114	\$3,420	\$41,610
<b>Mayfair Projection (post acquisition annual costs)</b>	\$47.22	\$1,436	\$17,235

### Participant Services

While the Mayfair was utilized as a PRK site, onsite services will differ from the services that were previously provided and will be far more extensive. PRK was mainly a public health and public safety focused program. The Mayfair will be operated as part of the new \$60M Encampment Resolution Grant secured by the County and City. The County's Housing for Health program will lead extensive case management and wrap-around services.

On site services at the Mayfair will include, among other services, support for county-wide entitlement, physical health, mental health, substance use disorder, intensive case management, life skills, employment and housing navigation. Participants will be assessed to determine the best type of permanent housing that should be provided, as well as determine their level of vulnerability and need for enhanced supportive services. Participants will also be provided with laundry services and three daily meals.

### Target Date for Operations and Transition

The Mayfair will provide interim housing for individuals as part of a new Encampment Resolution Grant which is a partnership between the County and City. Some participants will have formerly resided at the Grand Hotel, which the City is currently occupying as part of its Inside Safe Initiative, and previously as part of PRK. At this time there is not an exact timeline for when the Mayfair hotel will be ready for operations, as the final renovation needs and estimates were provided to the City just before this report was completed and staff are working with the City's Bureau of Engineering (BOE) to determine the best path toward the repair work. The target for operations would be February 1, 2024, at the conclusion of the City's occupancy agreement with the Grand Hotel, so that participants can be transitioned to the Mayfair as needed.

### Community Input

Site operations for the Mayfair are still being finalized, and community input will be gathered over the course of the 2023, year to provide the community and stakeholders the opportunity to inform operational plans for the site.

## **ACQUISITION/OPERATION DISCUSSION**

### Property Description

The Mayfair Hotel was built in 1926, and consists of an improved, 37,200 square foot (sf), or 0.85 acre, parcel of land, containing a 15-story with basement, 294-room, full-service,

self-contained hotel, totaling approximately 160,000 sf of building area. It includes a three-level parking garage with 183 parking spaces.

### Appraisal

The Property was appraised by Gribin, Kapadia & Associates, the City's appraisal consultant. The January 20, 2023 appraisal report was reviewed and accepted by Pacific Real Estate Consultants, an independent third-party reviewer. The appraisal supports the purchase price being offered for the Mayfair.

### Real Estate Brokerage Services

On February 24, 2023, the City issued a Request for Bids (RFP) to potential bidders on the CAO list of Pre-Qualified Real Estate and Economic Development Consultants in Service Area 1: Real Estate Services and Brokerage as approved by Council on June 15, 2022 (C.F. 12-1549). On March 10, 2023, CBRE, Inc. was selected to provide the brokerage services required to identify, evaluate and negotiate the purchase, and to manage and review the due diligence process for the Mayfair Hotel, as well as alternate site(s). The seller agreed to pay 0.5% of the gross 1.5% commission obligation to the City's broker. Therefore, the City is responsible for paying CBRE the remaining 1% of the sale price, which is estimated at up to approximately \$602,473.

### Purchase and Sale Agreement (PSA)

On April 13, 2023, the City and owner (Seller) entered into a non-binding Letter of Intent (LOI) to purchase the Mayfair, and subsequently began the due diligence process and development of the PSA based on the LOI. The LOI establishes a closing deadline to occur on or before 30 days after the execution of the PSA. Subsequent to the LOI, and based on the City's need to expand due diligence efforts, the parties have extended the closing date to August 31, 2023. The Seller has indicated that this is a hard deadline because he has a binding agreement with a hotel operator which can only be terminated if the City closes on or before August 31, 2023.

As contemplated under the LOI, the City has completed its due diligence. Once City Council has approved the acquisition, the parties will immediately enter into a binding, no due-diligence contingency purchase and sale agreement. A non-refundable deposit of \$1,000,000 would be required at the opening of escrow, and such deposit would be applied toward the purchase price if closing occurs. If closing does not occur due to the City's fault, then the seller would keep that deposit as liquidated damages.

### Asset Management

As City departments do not have the experience to manage the building and the daily operations of a residential asset, the City is proposing to enter into an agreement with HACLA to serve as the Asset Manager for the property. As part of their duties HACLA would contract with a Property Management company for the site's operations. HACLA has experience serving as an asset manager for 106 properties totaling 2,784 units, and has a list of property management companies that they have regularly contracted with for day-to-day site operations.

The agreement with HACLA is being negotiated and is modeled after a similar arrangement between HACLA and the Los Angeles Housing Department for asset management of properties acquired during the Project Homekey 2 process. HACLA or their contracted Property Management company would be responsible for security, custodial landscaping, building maintenance, utilities and all necessary repairs for the property including the development of a five-year capital plan.

The proposed substantive terms of the Asset Management Agreement are:

- The City will engage HACLA to manage and operate the property.
- HACLA shall provide property management services necessary to operate the site daily (ie. maintenance, custodial, repair, security, etc.)
- HACLA shall coordinate activities as needed between property management/operations and services teams.
- HACLA shall be responsible for the oversight and response to all emergency services.
- HACLA shall not be responsible for any costs or expenses associated with the maintenance or operation of the property, all of which shall be the City's responsibility.
- A cash account shall be funded by the City which shall be for the maintenance and operation of the property.
- HACLA shall not be responsible for any occupancy related activities.
- HACLA shall attend resident and building meetings, oversee reasonable accommodation requests and respond to client complaints.
- HACLA shall provide reports and dashboards to the City on property performance.
- HACLA shall produce regular, monthly financial reports.
- HACLA has agreed to provide these services for a monthly Asset Management fee of \$7,000.
- The term of the agreement is for three years with automatic one year renewals with an outside expiration date of 10 years.

### Operating Costs

The operating cost estimates for the Mayfair are based on analysis of PRK operating costs from both LAHD and the CAO, conversations and sample budgets from service providers and a review of 10 months of actual operating costs for the Mayfair while it was being operated as a PRK site (provided by the current Owner) in 2021, and 2022. Staff also reviewed seven months of actual operating expenses while the Mayfair was vacant.

The Operating Cost Budget is the projected annual operating cost for the Mayfair upon closing. It assumes that the Mayfair is fully occupied, however, costs will be lower during the months while the repairs are underway. Funding for these operations will be covered by the FY24 Inside Safe budget (Homelessness Emergency Account) and/or the awarded \$60,000,000 Encampment Resolution Grant from the State, which is a two-year grant. A Detailed Operating Budget is included as Exhibit B and the table below is a summary of the combined Asset Management, Property Management and Operating costs.

<b>MAYFAIR SUMMARY OPERATING BUDGET</b>		
	<b>Monthly</b>	<b>Annually</b>
<i>Utilities</i>	\$81,500.00	\$978,000.00
<i>Life Safety</i>	\$6,300.00	\$75,600.00
<i>Groundskeeping</i>	\$8,750.00	\$105,000.00
<i>Repairs/Maintenance</i>	\$41,000.00	\$492,000.00
<i>Hotel Expenses</i>	\$111,500.00	\$1,338,000.00
<i>Asset Management Fee (HACLA)</i>	\$7,000.00	\$84,000.00
<i>Property Management Fee</i>	\$5,000.00	\$60,000.00
<i>Security Costs</i>	\$30,000	\$360,000
<i>Annual Replacement Reserve @\$9.60/sf</i>	\$131,200.00	\$1,574,400.00
<b>TOTAL</b>	<b>\$422,250.00</b>	<b>\$5,067,000.00</b>
<b>Nightly Cost Per Room, @294 rooms</b>		<b>\$47.22</b>

#### On-Site Operations Provider

A service provider has not been chosen for onsite operations at the Mayfair. The City will select a service and operations provider who has been approved by LAHSA through their Request for Statement of Qualifications (RFSQ) process and possesses extensive experience operating low to high-acuity interim housing projects.

#### Due Diligence

Given the time constraints and limited City staff resources, CBRE, as the contracted broker, also engaged consultants to conduct due diligence activities. Draft reports were generated and BOE has reviewed and provided their review. Costs for the due diligence reports and project management total \$266,100 under GSD's contract with CBRE. The reports generated and reviewed are:

1. Property/Facility Condition Report
2. Phase 1 ESA
3. Asbestos (ABM) Survey
4. Lead (LBP) Survey
5. SME Seismic Reports
6. SME Roofing and Façade Report
7. SME Elevator Report
8. SME ADA report
9. SME MEP Memo/Email and Field Report
10. Cost Summary Activation Report/Estimate

Based on the results of the Property/Facility Condition assessments and physical property due diligence, the Seller agreed to provide the City a Price Reduction in Lieu of Seller repairs totaling \$705,813.

The Property/Facility Condition and Cost Summary Activation Reports were utilized by CBRE to develop an estimated cost for immediate renovations to activate the hotel as well as longer term repairs. Each of these expenses are further detailed in the Hotel Activation section below as well as the sources and uses outlined in the Funding section of this report for the proposed acquisition.

These reports in combination also assessed the facility and its building systems and raised certain concerns and provided some recommendations that should be taken into consideration for the hotel acquisition.

Based on a review of public records, it has been determined that the parking structure has undergone a seismic retrofit while the hotel building itself has not. At BOE's recommendation, a structural engineer completed a seismic study for the building and concluded that no seismic work is legally required for the City's intended use, now or in the foreseeable future. The structural engineer also indicated that if the City wishes to further strengthen the hotel building as a matter of choice, several preliminary seismic strengthening concepts are available to enhance the seismic condition of the hotel building.

Public records also revealed that the building had open permits, all of which have been resolved, with the exception of one remaining for the roof top sign. Notwithstanding these and other concerns, BOE finds the building is in fair condition overall with certain exceptions as per the CBRE Report findings and to be addressed with the proposed repairs and renovations budget.

### Hotel Activation Costs

CBRE, as the City's contracted broker, was contracted to provide a detailed cost estimate of repairs needed for operations. The Mayor's Office also sought feedback from a service provider with experience operating interim housing to identify additional space improvement needs to best prepare the hotel for immediate interim housing as well as suggestions for longer term renovations and improvements.

The rehabilitation budget included in the acquisition sources and uses has the estimated repair work divided into three areas. The cost estimates are subject to change once bids are received, but the total rehabilitation budget is as described in this report.

*Renovations Budget (\$19,335,095):* The immediate renovations needed to open the hotel were identified through the due diligence reports, CBRE provided detailed cost estimates, and through review and recommendation from BOE. These primary repairs to the hotel rooms include flooring, wall coverings, furniture, minor plumbing and electrical, two larger projects related to building maintenance (recommended within the next 3 -5 years), and the optional seismic strengthening concepts. Upon approval of the acquisition, BOE will immediately begin the design process for these renovations.

**BOE Costs (\$2,000,000):** To meet the February 2024, move-in date, BOE will need to hire consultants to augment City staff as well as complete further design and estimates for the renovations. It is anticipated that BOE will need approximately \$2,000,000 to cover soft costs and consultant fees for the renovations and optional seismic strengthening.

**Space Improvement Allowance (\$772,635):** These improvements were recommended by a service provider to prepare the site for operations as interim housing with wrap-around services. CBRE prepared a rough order of magnitude (ROM) estimate for these improvements, however these estimated numbers will be further refined and the final determination of additional space improvements will be determined with the selected service provider.

<b>Improvement</b>	<b>Explanation</b>	<b>Rough Order of Magnitude</b>
Elevator access control	Install key card floor access system in the elevators	\$20,000
Fill in pool	Cover or fill in the rooftop deck pool for improved safety	\$134,498
Resident laundry	Install 5 washers and dryers for resident use	\$161,874
Parking ingress/egress	Install key fob system for parking entry and exit	\$39,675
Provider office spaces	Convert existing spaces for service provider offices, install electrical equipment, and install cubicles and privacy measures	\$200,000
Entrance security desk	Provide electrical upgrades to allow an entrance security desk with wiring for metal detectors	\$37,294.50
Lobby reception	Modify the existing reception desk to accommodate pest control and heat bags	\$25,443.75
Bike storage	Install bike racks for 50 bicycles in the existing garage	\$4,240.63
Client Storage	Provide lockers or other on-site storage for resident belongings	\$149,609.25
<b>Total Rough Order of Magnitude</b>		<b>\$772,635.13</b>

**Future Repairs:** Longer term or other identified work will be covered through the annual replacement reserve, which is part of the operating budget (not the sources and uses budget below) and sets aside \$1,574,400 annually. The replacement reserve was sized to meet anticipated needs over the next five years, according to the CBRE comprehensive property condition report. If additional funding is needed in the short term, the Mayor's Office will request access to its acquisitions and other funds identified in the Inside Safe Budget approved with the FY24 budget.



## **FUNDING FOR ACQUISITION AND RENOVATIONS**

The City has identified a mix of funding sources for the acquisition of the Mayfair. The table below shows the sources identified and seeking approval in this report, along with the uses of these funds. The utilization of CDBG and Prop HHH funds will be subject to specific covenants pertaining to their designated use and future possibilities for leasing or selling the property.

The budget allows for needed renovations and a space improvement allowance to be further refined once a service provider is selected. Once BOE completes its final estimates of immediate repairs, if additional funding is needed it can be funded through the replacement reserve anticipated in the operating budget or through the Inside Safe funding allocated toward acquisitions.

The total sources available for the acquisition, and renovation of the Mayfair to operate as interim housing is displayed in the following table below.

<b>Mayfair Acquisition and Renovation</b>	
<b>SOURCES</b>	<b>FY23/24 Budget \$</b>
CDBG	\$27,687,000
Prop HHH	\$18,000,000
Municipal Housing Finance Funds	\$10,000,000
General Fund (1)	\$15,000,000
Homelessness Emergency Account (Inside Safe)	\$10,566,100
Closing Credits	\$1,994,185
<b>Total Sources</b>	<b>\$83,247,285</b>
(1) Within the Mayor's Office requested \$15M unappropriated balance	
<b>USES (2)</b>	
Acquisition Cost	\$60,247,266
Due Diligence (already completed)	\$266,100
Estimated Closing Costs	\$626,189
Soft Costs + Oversight	\$2,000,000
Renovations Budget	\$19,335,095
Space Improvement Allowance for Service Provider	\$772,635
<b>Subtotal</b>	<b>\$83,247,285</b>
(2) All budgeted items for renovations and repairs are estimates.	

## **PURCHASE PRICE AND RELATED COSTS**

### Deposit

In connection with the full execution and delivery of the PSA, the City will deliver an earnest money deposit to "Escrow Holder" in immediately available funds in the amount of One million and No/100 dollars (\$1,000,000.00) (the "Deposit"). Upon receipt by the Escrow Holder, the Deposit shall be placed in an interest-bearing account acceptable to the City.

### Property Purchase Price

The City has negotiated a total amount of up to \$60,247,266 for the purchase and acquisition of the building in its as-is condition.

Because the City is purchasing the hotel, this transaction is not subject to transfer taxes, including the new ULA Transfer Tax. The City has negotiated a 50% credit for the new ULA Transfer Tax savings and 100% credit for all other transfer tax savings, both to be credited against the purchase price at closing. Based on the purchase price (i.e., \$60,247,266), the total credit the City will receive at closing would be \$1,994,185.

### Title Insurance, Closing Cost and Broker Commission

The City shall bear any cost beyond the California Land Title Association (CLTA) policy, as the owner (seller) will only cover the expense of the CLTA policy. Specifically, the City has made a request for an American Land Title Association (ALTA) Title Insurance policy, which provides enhanced coverage compared to the CLTA policy. The estimated cost of the ALTA Title Insurance policy is an additional \$6,025 beyond the CLTA policy. Additionally, the City is accountable for the cost of a survey, which is necessary to obtain the ALTA policy. This is considered customary and reasonable in a transaction of this type. The survey has been completed at an additional cost of \$6,000.

Estimated escrow fees payable by the City for this transaction amount to \$7,230. The broker commission for this transaction is calculated based on 1.5% percent of the net Property Purchase Price. The Seller has agreed to cover 0.5% of the commission, while the remaining 1%, (estimated up to approximately \$602,473) is the City's responsibility.

These estimates are subject to change based on final negotiations and agreement between the City and the Seller.

### **ENVIRONMENTAL SITE ASSESSMENT**

The Department of Public Works - Bureau of Engineering Environmental Management Group has reviewed the proposed project to provide the environmental clearance.

### CEQA

The Project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City's already dangerously large homeless population, now adversely impacted by the COVID-19 pandemic. The dramatic rise in the homeless population is a sudden unexpected

occurrence, as is the unexpected and sudden occurrence of losing access to adequate shelter and essential services for each individual newly experiencing homelessness, as is the unexpected rise in mortality rates among the homeless population since 2019. Each is an emergency presenting impending acute harm to the individuals experiencing homelessness that would be prevented and mitigated through providing housing to those individuals, including through the emergency shelter provided by this Project.

The Project, therefore, is exempt from CEQA environmental review pursuant to Public Resources Code, Section 21080(b)(4) since it prevents and mitigates such imminent loss and damage. Article II, Section 2.a.3 of the City CEQA Guidelines also clarifies that projects necessary to prevent or mitigate emergencies are exempt from the requirements of CEQA.

Assembly Bill 1197 (Santiago, 2019) was signed into law on September 26, 2019, which adopted Section 21080.27 of the California Public Resources Code (PRC) and created a statutory exemption for compliance with CEQA for emergency shelter projects located within the City of Los Angeles. The intent of AB 1197 is to help the City of Los Angeles address its homeless crisis and is an urgency statute that is deemed necessary for the immediate preservation of the public peace, health, or safety and for the critical necessity to address the shelter and homeless crisis. As documented in the attached Notice of Exemption (Exhibit C), the proposed Project meets the requirements in AB 1197, and thus the proposed Project is also exempt from CEQA pursuant to AB 1197.

## **FISCAL IMPACT**

There is a fiscal impact of \$15,000,000 from the General Fund from the Unappropriated Balance and \$1,266,100 from the Homelessness Emergency Account. Additionally, special funds from the Community Development Block Grant, Proposition HHH, and the Municipal Housing Finance Fund are provided to support the recommendations in this report. There is a potential future impact on the General Fund in the amount of \$5,067,000 relative to the annual operations of the Mayfair Hotel. Operations funding for 2023-24 will be supported by Special Fund/grant monies (Encampment Resolution Funds), and/or other contributions from Homeless Emergency Account.

## **RECOMMENDATIONS**

That the Los Angeles City Council, subject to the approval of the Mayor,

1. AUTHORIZE the Department of General Services (GSD), with the assistance of the City Attorney, to negotiate and execute a Purchase and Sale Agreement and all documents necessary to effectuate the acquisition of the Property located at 1256 W. 7th Street, Los Angeles, CA 90017, APN: 5143-012-029, based on the terms and conditions described in this report, and take any action necessary to complete such acquisition and accept title to the Property;
2. APPROVE up to \$61,139,555 for the acquisition of the Mayfair Hotel in Council District 1, including acquisition, due diligence, and closing costs;
3. DETERMINE that the Interim Housing Project at 1256 West 7th Street, which allows for funding allocation, site acquisition, minor renovations, lease or similar agreement, and operation of the property as temporary shelter, is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code, Section 21080(b)(4), as a specific action necessary to prevent or mitigate an emergency, and as reflected in State CEQA Guidelines, Section 15269(c); and Public Resources Code, Section 21080.27 (AB 1197), applicable to City of Los Angeles emergency homeless shelters, as noted in the accompanying Notice of Exemption by the Bureau of Engineering (BOE) to this report;
4. AUTHORIZE the General Services Department to enter into a Asset Management Agreement with the Housing Authority of the City of Los Angeles (HACLA) in a newly established escrow account in the General Services Department under the terms and conditions as outlined in this report;
5. APPROVE the Amendment to the Fiscal Year 2020-21 Proposition HHH Project Expenditure Plan to increase by up to \$18,000,000 for the acquisition and rehabilitation of the Mayfair Hotel;
6. AUTHORIZE up to \$18,000,000 from Proposition HHH Fund No.17G/43, account number to be determined for the acquisition and rehabilitation of the Mayfair Hotel in Council District 1;
7. APPROPRIATE up to \$15,000,000 from the Unappropriated Balance, Fund No. 100/58, Account No. 580414, Acquisition for Interim and Permanent Housing, to the to the General Services Department Fund No. 100/40, in a new account entitled "Permanent Interim Housing Acquisitions", for the acquisition of the Mayfair Hotel in the Council District 1;
8. APPROVE up to \$22,107,730 for the rehabilitation of the Mayfair Hotel with 294 units at 1256 W. 7th Street in Council District 1;

9. APPROPRIATE up to \$22,107,730 to BOE Special Service Fund No. 682/50, in a new account entitled, "CD 1 Mayfair Interim Housing Rehab" for the rehabilitation and project management costs of the Mayfair Hotel in Council District 1 from the following accounts:
  - a. \$12,807,730 from Proposition HHH Fund No.17G/43, account number to be determined;
  - b. \$9,300,000 from the General City Purposes Fund No. 100/56, Account No. 000959, Homelessness Emergency Account, subject to Mayor approval;
10. APPROVE up to \$10,000,000 from the Municipal Housing Finance Fund No. 815/43, Account No. 43Y012, Acquisition for Interim and Permanent Housing for the acquisition of the Mayfair Hotel in the Council District 1;
11. APPROVE \$5,067,000 from the General City Purposes Fund No. 100/56, Account No. 000959, Homelessness Emergency Account, to the General Services Department Fund No. 100/40, in a new account entitled "Master Trust Account " to pay for monthly costs (first annual year) associated with the aforementioned Asset Management Agreement with HACLA, through June 30, 2026, with automatic one- year renewals, subject to Mayor approval;
12. APPROVE \$266,100 from General City Purposes Fund No. 100/56, Account No. 000959, Homelessness Emergency Account, to the General Services Department Fund No. 100/40, Account No. 003040, Contractual Services for costs relative to due diligence and project management under Contract C-142917 with CBRE, subject to the approval of the Mayor;
13. APPROVE \$1,000,000 from General City Purposes Fund No. 100/56, Account No. 000959, Homelessness Emergency Account, to the Escrow Holder for the earnest money deposit and release upon the delivery of the Purchase and Sale Agreement to escrow, subject to the approval of the Mayor;
14. NOTE \$27,687,000 of Community Development Trust Fund (Community Development Block Grant) was approved by the Mayor and Council on June 13, 2023 in the 49th Program Year (2023-24) Housing and Community Development Consolidated Plan Budget (C.F. 22-1205-S1) for the acquisition of the Mayfair Hotel in Council District 1;
15. AUTHORIZE AND TRANSFER up to \$12 million from General City Purposes Fund No. 100/56, Account No. 000959, Homelessness Emergency Account to Community Development Trust Fund (Community Development Block Grant) Fund No. 424/21, 21YB37, Mayfair Hotel Transitional Housing Acquisition as a cash flow loan to be used towards the acquisition costs for the Mayfair Hotel, and authorize the repayment of the cash flow loan to the originating account using monies within the Community Development Block Grant Fund (No. 424/21) authorized for this purpose, subject to final adoption of the Program Year 49 Consolidated Plan and receipt of grant funds;

16. AUTHORIZE the General Managers of the Los Angeles Housing Department, Community Investment for Families Department, General Services Department, and/or their designee, to disburse all committed funding for the Mayfair Hotel Acquisition, including utilizing the method of a wire transfer to an escrow company, in amounts not to exceed the funding sources in the table below:

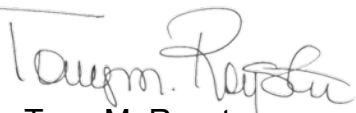
<b>Funding Source</b>	<b>Department</b>	<b>Amount</b>
Community Development Block Grant	Community Investment for Families Department	\$27,687,000
Proposition HHH	Los Angeles Housing Department	\$5,192,270
Municipal Housing Finance Fund	Los Angeles Housing Department	\$10,000,000
General Fund	General Services Department	\$16,000,000
<b>Total</b>		<b>\$58,879,270</b>

17. AUTHORIZE the Controller, subject to the availability of funds, to expend funds upon presentation of proper documentation and demand of the General Manager or designee;

18. AUTHORIZE the CAO to prepare Controller instructions or make any necessary technical adjustments, including adjustments to the names of the Special Fund accounts recommended in this report, consistent with the Mayor and Council action in this matter, upon submission of proper documentation, and authorize the Controller to implement these instructions.

#### FINANCIAL POLICIES STATEMENT

The actions recommended in this report comply with the City's Financial Policies.



Tony M. Royster  
General Manager

Attachments: Exhibit "A" - Legal Description  
Exhibit "B" - Detailed Operating Budget  
Exhibit "C" - CEQA Notice of Exemption

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Real property in the City of Los Angeles, County of Los Angeles, State of California, described as follows:

PARCEL 1: (APN: 5143-012-029)

LOTS 3, 4, 5, 6 AND 7 OF GARLAND TRACT EXTENSION, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 78 PAGES 3 AND 4 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



<b>EXHIBT B</b>		
<b>Mayfair - Detailed Operating Budget</b>		
<b>Utilities</b>	<b>Monthly</b>	<b>Annually</b>
Garbage	\$6,000.00	\$72,000.00
Electric	\$40,000.00	\$480,000.00
Gas Fuel	\$10,000.00	\$120,000.00
Service Contracts	\$500.00	\$6,000.00
Water/Sewer	\$25,000.00	\$300,000.00
<b>Total</b>	<b>\$81,500.00</b>	<b>\$978,000.00</b>
<b>Life Safety</b>	<b>Monthly</b>	<b>Annually</b>
Fire Panel Monitoring & Maintenance	\$600.00	\$7,200.00
Access Control and Maintenance	\$1,000.00	\$12,000.00
Fire Sprinkler/Extinguisher/Smoke Detector	\$700.00	\$8,400.00
Courtesy Patrol	\$500.00	\$6,000.00
Telephone Monitoring	\$500.00	\$6,000.00
Other Security	\$500.00	\$6,000.00
Generator & Emergency Services	\$500.00	\$6,000.00
LS Tests	\$1,500.00	\$18,000.00
RM-Life and Safety	\$500.00	\$6,000.00
Security Costs	\$30,000.00	\$360,000.00
<b>Total</b>	<b>\$36,300.00</b>	<b>\$435,600.00</b>
<b>Groundskeeping</b>	<b>Monthly</b>	<b>Annually</b>
Maint and Landscaping	\$2,500.00	\$30,000.00
Parking Garage- Cleaning/Sealing/Striping	\$6,250.00	\$75,000.00
	<b>\$8,750.00</b>	<b>\$105,000.00</b>
<b>Repairs/Maintenance</b>	<b>Monthly</b>	<b>Annually</b>
Electrical repairs	\$1,000.00	\$12,000.00
Lighting repairs and supplies	\$500.00	\$6,000.00
Plumbing Repairs	\$5,000.00	\$60,000.00
Plumbing Fixtures	\$500.00	\$6,000.00
HVAC Contract	\$1,000.00	\$12,000.00
HVAC Repairs	\$5,000.00	\$60,000.00
Elevator Maintenance Contract	\$5,000.00	\$60,000.00
Elevator Repairs	\$2,500.00	\$30,000.00
Maintenance Labor	\$2,500.00	\$30,000.00
Maintenance Supplies	\$2,500.00	\$30,000.00
Doors/Windows/Hardware	\$2,000.00	\$24,000.00
Painting	\$500.00	\$6,000.00
Pest	\$7,500.00	\$90,000.00
Gates/Fences	\$500.00	\$6,000.00
Exterior Building Repairs	\$1,500.00	\$18,000.00

Licenses	\$1,000.00	\$12,000.00
Service Contract	\$1,000.00	\$12,000.00
Water Treatment	\$500.00	\$6,000.00
Refrigeration	\$1,000.00	\$12,000.00
<b>Total</b>	<b>\$41,000.00</b>	<b>\$492,000.00</b>
<b>Hotel Expenses</b>	<b>Monthly</b>	<b>Annually</b>
Housekeeping	\$50,000.00	\$600,000.00
Cable	\$1,000.00	\$12,000.00
Cleaning Supplies	\$2,500.00	\$30,000.00
Contract Labor	\$40,000.00	\$480,000.00
Guest Supplies	\$750.00	\$9,000.00
Laundry/Valet	\$15,000.00	\$180,000.00
Laundry Supplies	\$750.00	\$9,000.00
Operating Supplies	\$500.00	\$6,000.00
Printing	\$500.00	\$6,000.00
Dormakaba (smart access)	\$500.00	\$6,000.00
<b>Total</b>	<b>\$111,500.00</b>	<b>\$1,338,000.00</b>

**EXHIBIT "C"**  
**CITY OF LOS ANGELES**  
**DEPARTMENT OF PUBLIC WORKS**  
**BUREAU OF ENGINEERING**  
**1149 S. BROADWAY, 7<sup>th</sup> FLOOR**  
**LOS ANGELES, CALIFORNIA 90015**  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**NOTICE OF EXEMPTION**  
 (Articles II and III – City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, pursuant to Public Resources Code Section 21152(b), and with the state Office of Planning and Research pursuant to Public Resources Code Section 21080.27(c) (AB1197), when applicable; and on the City website pursuant to Public Resources Code Section 21092.2(d). Pursuant to Public Resources Code Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

<b>LEAD CITY AGENCY AND ADDRESS:</b> City of Los Angeles c/o Bureau of Engineering (BOE) 1149 S. Broadway, MS 939 Los Angeles, CA 90015	<b>COUNCIL DISTRICT</b> 1
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<b>PROJECT TITLE:</b> 1256 W. 7 <sup>th</sup> Street (Mayfair Hotel) Interim Housing	<b>LOG REFERENCE</b> C.F.
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**PROJECT LOCATION:** 1256 West 7<sup>th</sup> Street, in the Westlake Community Plan Area of the City of Los Angeles (City), Los Angeles County. See Figure 1, Project Location. T.G. 634-D4

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:** The 1256 W. 7<sup>th</sup> Street (Mayfair Hotel) Interim Housing project (Project) consists of funding allocation, site acquisition, minor renovations, lease or similar agreement, and operation of an interim housing facility at an existing 294-room hotel that is currently vacant, but that through July 2022 operated as a Project Roomkey facility. The purpose of the Project is to provide emergency shelter for people experiencing homelessness to help bridge their transition from living on the streets to finding services and, ultimately, living in transitional and/or permanent housing. Project beneficiaries include the homeless community, the public, and local businesses. (Please see the attached narrative for more details.) On \_\_\_\_\_, 2023, the City Council determined the Project was exempt under the California Environmental Quality Act (CEQA) and approved the Project.

<b>CONTACT PERSON</b> Maria Martin (Maria.Martin@lacity.org)	<b>TELEPHONE NUMBER</b> (213) 485-5753
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<b>EXEMPT STATUS:</b>  <input checked="" type="checkbox"/> STATUTORY	<u>CITY CEQA</u> <u>GUIDELINES</u>	<u>STATE CEQA</u> <u>GUIDELINES</u> 15269(c)	<u>CA PUBLIC</u> <u>RESOURCE CODE</u> 21080(b)(4) & 21080.27
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**JUSTIFICATION FOR PROJECT EXEMPTION:** This Project is statutorily exempt under Public Resources Code, Section 21080(b)(4), as a specific action necessary to prevent or mitigate an emergency, and as reflected in the CEQA Guidelines, Section 15269(c); Public Resources Code, Section 21080.27 (AB 1197) applicable to City of Los Angeles emergency homeless shelters (see attached narrative).

**IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING**

<b>SIGNATURE:</b> <i>Pending Project approval</i> Maria Martin	<b>TITLE:</b> Environmental Affairs Officer BOE Environmental Management Group	<b>DATE:</b>
<b>RECEIPT NO.</b>	<b>REC'D BY</b>	<b>DATE</b>

DISTRIBUTION: (1) County Clerk; (2) Agency Record

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## EXEMPTION NARRATIVE

### I. PROJECT DESCRIPTION, CONTINUED

The Mayfair Hotel site is being transitioned from a Project Roomkey shelter use within an existing hotel facility to a permanent interim housing shelter facility with approximately 294 private rooms for people experiencing homelessness, in furtherance of providing emergency homeless shelter beds in the City. The Project includes minor interior renovations, including but not be limited to, replacing or repairing damaged furniture as needed, repairing damaged bathroom fixtures as needed, patching and repairing drywall, painting over any damaged paint, replacing hallway lighting and light fixtures as needed, repairing doors to individual rooms, and possibly installing an updated radio-frequency identification (RFID) system for room entry. The site includes approximately 183 on-site parking spaces, including Americans with Disabilities Act (ADA) accessible spaces.

This interim housing facility will provide emergency shelter, hygiene, storage, food services and case management to individuals experiencing homelessness. Additional services may include job training, group therapy, resume building and other workshops. Project operations will include employees scheduled in shifts throughout the day with site security provided on a 24/7 basis or per a security plan consistent with the Los Angeles Homeless Services Authority's (LAHSA) standards. The homeless shelter will be operated consistent with LAHSA's program requirements for crisis and bridge shelters including, but not limited to, LAHSA's Scope of Required Services and Program Standards, as noted in the references section. A third-party service provider, County, and/or LAHSA will operate the Project for the City, and it is anticipated that a lease or similar operating and/or funding agreements may be executed with the service provider, County, and/or LAHSA.

The Project site consists of one rectangular parcel having an area of approximately 37,045 square feet with frontages along Hartford Avenue, 7<sup>th</sup> Street, and Witmer Street. The Project site is developed with a hotel that is currently vacant, but that from approximately July 10, 2020 through July 31, 2022 served as a Project Roomkey facility that provided temporary shelter to people experiencing homelessness. The property is designed with a Regional Center Commercial land use and is zoned C4(CW)-U/4.5 and R5(CW)-U/4.5, which are mixed-use zones that allow for multifamily residential uses. In addition, at least 75% of the perimeter of the site is surrounded by qualified urban uses. There are commercial uses to the north and residential uses to the east, south, and west of the site. Therefore, the site meets the definition of infill site (City of Los Angeles Department of City Planning, 2023).

### II. PROJECT HISTORY

#### **A. Homelessness Imposes a Loss of, or Damage to, Life, Health, Property, and to Essential Public Services in the City**

Homelessness presents a danger of loss or damage to the health and property of the people of the City and an undue burden on essential public services. Based on information from the Census and the Los Angeles Homeless Services Authority (LAHSA),

in 2020, homeless persons constituted approximately 1.07 percent of the City's population (U.S Census Bureau, 2021 & LAHSA, 2020).

In 2018, homeless persons constituted 13.5 percent of LAFD's total patient transports to a hospital, meaning a homeless person is 17 percent more likely to require emergency hospital transportation than the general population (LAFD Battalion Chief and Paramedic Douglas Zabalski, 2019). Studies have shown that individuals identified as homeless utilize health care services more frequently than comparable non-homeless individuals of the same age, gender, and low-income status, particularly high-cost services such as Emergency Room (ER) visits and psychiatric hospitalizations (Hunter, 2017) (Hwang SW, 2013).

Los Angeles County's Chief Executive Officer reported the County spent \$965 million on health, law enforcement, and social services toward individuals experiencing homelessness in fiscal year 2014–2015 (Wu, 2016). Consistent with that report, a 1998 study in the *New England Journal of Medicine* found that homelessness was associated with substantial excess costs per hospital stay in New York City, with homeless patient staying in the hospital 36 percent longer per admission on average than other patients (Salit, Hospitalization Costs Associated with Homelessness in New York City, 1988).

Homelessness also causes significant danger to the health and lives of persons who are homeless. Homeless individuals living in the City are frequent crime victims. In 2018, LAPD reported 2,965 instances where a homeless individual was a victim of a serious crime, including homicide, rape, aggravated assault, theft, and arson (also known as "Part 1 Crimes.") (Commander Dominic H. Choi, 2019). This compares to 1,762 such crimes in 2017, a 68 percent increase (*Id.*). This dramatic increase in Part 1 Crime statistics may be due to more rigorous LAPD data collection methodologies, however it is consistent with the increasing incidence of homelessness documented in June of 2019 detailed below (*Id.*). During the first six months of 2020, LAPD reported 1,738 instances where a homeless individual was a victim of a serious crime including homicide, rape, aggravated assault, burglary, and larceny (LAPD, 2020).

Overall, in 2018, the LAPD reported 6,671 instances in total where a homeless individual was a Part 1 Crime victim and/or suspect, among the 31,285 estimated homeless individuals throughout the City (Commander Dominic H. Choi, 2019). This means that in 2018 there was approximately one Part 1 Crime per every 4.68 homeless individuals in the City. By comparison, for the same year LAPD reported 129,549 total Part 1 Crimes Citywide among an estimated population of 4,054,400 City residents, or approximately one Part 1 crime per every 31.29 City residents. Accordingly, the rate of Part 1 crimes among homeless individuals in 2018 was approximately seven times higher than the rate among the City population as a whole (*Id.*). According to the LAPD Use of Force Year-End Report in 2020, among the 41,290 estimated homeless individuals throughout the City, 7,872 persons were reported to be victims of a violent or property crime. In the same year, 5,722 persons experiencing homelessness were reported as suspects of a violent or property crime. (LAPD, 2020). On October 4, 2018 and again on February 6, 2019, the Los Angeles County Department of Public Health identified an outbreak of endemic flea-borne typhus in downtown Los Angeles among persons experiencing homelessness. On September 19, 2017, the Los Angeles County Department of Public Health declared a Hepatitis A virus outbreak among persons who are homeless and/or use illicit drugs in

the County. Likewise, a January 2018 report from the Los Angeles County Department of Mental Health reported that data from the Los Angeles County Medical Examiner-Corner's showed that a significant number of deaths in the homeless population were caused by treatable conditions such as arteriosclerotic cardiovascular disease, pneumonia, diabetes, cancer, cirrhosis, severe bacterial infections and other conditions (Choi, 2019). As noted more recently by the Board of Supervisors for the County of Los Angeles on October 29, 2019:

Mortality rates for people experiencing homelessness are much higher than those for the general population, have risen in the County over the past five years, and are expected to increase again for 2019. A recent analysis by the County's Department of Public Health on mortality rates and causes of death among people experiencing homelessness shed critical light on this issue and provided sobering data on recent trends. The overall mortality rate, which accounts for increases in the total homeless population over the 6-year period from 2013 to 2018, increased each year from 1,382 per 100,000 to 1,875 deaths per 100,000, with the total number of deaths among people experiencing homelessness increasing each year from 536 in 2013 to 1,047 in 2018. The leading causes of death included coronary heart disease (22%) and unintentional drug and alcohol overdose (21%), indicating that there are opportunities for interventions to prevent premature deaths (Supervisor Ridley-Thomas, Supervisor Solis, 2019) (Department of Public Health, 2019).

These significant adverse health impacts suffered by the homeless in the City and County of Los Angeles are consistent with the impacts identified by a well-established body of expert social science studies that document the significant adverse health and welfare impacts experienced by homeless persons in the United States and in other countries, which the homeless in the City and County experience as well. Some of that research has documented the following impacts upon homeless persons:

*Mortality Rates.* A study of the mortality rates of sheltered homeless people in New York City between 1987 and 1994 documented that homeless men died at a rate more than twice that of other residents of New York, and that homeless women died at a rate more than 3.7 times greater than other New York residents (Barrow, Susan M., PhD, Daniel B. Herman, DSW, Pilar Cordova, BA, and Elmer L. Struening, PhD, 1999). A study conducted between 1985 and 1988 in Philadelphia found that the mortality rate among homeless persons in Philadelphia was nearly four times greater than for the general population (Hibbs, Jonathan R., MD, et. al., 1994). A review of five years of data between 2000 and 2005 in Glasgow, Scotland found that homelessness is, itself, is an independent risk factor for death, distinct from other specific causes (Morrison, 2009).

*Access to Healthcare.* A 2003 nationwide survey of homeless persons documented that homeless adults reported substantial unmet needs for multiple types of health care (Baggett, Travis P., MD, MPH, James J. O'Connell, MD, Daniel E. Singer, MD, and Nancy A. Rigotti, MD, 2010). The report found 73 percent of the respondents reported at least one unmet health need, including an inability to



obtain needed medical or surgical care (32%), prescription medications (36%), mental health care (21%), eyeglasses (41%), and dental care (41%) (*Id.*).

*AIDs Impacts.* A study of San Francisco residents diagnosed with AIDS from 1996 through 2006 and reported to the San Francisco Department of Public Health demonstrated that homeless persons with HIV/AIDS have greater morbidity and mortality, more hospitalizations, less use of antiretroviral therapy, and worse medication adherence than HIV infected persons who are stably housed (Schwarcz, Sandra K, Ling C Hsu, Eric Vittinghoff, Annie Vu, Joshua D Bamberger and Mitchell H Katz, 2009).

*Cancer Impacts.* A study of 28,000 current and formerly homeless individuals in Boston documented that homeless men saw a significantly higher cancer incident rate than expected compared to the general Massachusetts general population, and that homeless women and men experienced significantly higher cancer mortality rates than the Massachusetts general population (Baggett, Travis P et al., 2015).

## **B. Unexpected and Unabated Dramatic Surge in Homelessness**

A 2017 Rand Corporation study reported the County of Los Angeles as having the highest rate in the United States of unsheltered individuals who experience homelessness (Hunter, Sarah B., Melody Harvey, Brian Briscoe, and Matthew Cefalu, 2017). The impacts of homelessness upon the homeless and upon the community, in terms of the danger to or loss of life, property, health and burden on public services is exacerbated in the City due the very size of the City's homeless population. The homeless shelter crisis and the rise in homelessness are the type of emergency situations that led the State to adopt AB 1197, an urgency statute addressing homelessness that was deemed necessary for the immediate preservation of the public peace, health, or safety and for the critical necessity to address the shelter and homeless crisis within the City of Los Angeles.

The City Council declared a homeless shelter crisis pursuant to Government Code Section 8698, et seq. on April 17, 2018 (The Honorable M. Bonin & M. O'Farrell, 2019), which is currently in effect (The Honorable M. Bonin & M. Harris-Dawson, 2019). Following significant investment of resources by both the County and City, the 2018 Homeless Count showed progress in reducing homelessness, documenting a 5.5 percent overall decrease in the number of persons experiencing homelessness in LA County (LAHSA, 2020).

*Table 1 - 2018 Homeless Count Data Summary* presents the data revealed by the 2018 Homeless Count concerning the City of Los Angeles, as documented in the 2018 Data Summary in Table 1 (LAHSA, 2020).

<b>Table 1</b> <b>2018 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2017</b>
Sheltered Homeless	8,398	6% Decrease
Unsheltered Homeless	22,887	5.3% Decrease
Total Homeless Persons	31,285	5.5% Decrease

Despite these efforts and the initial progress shown in 2018, the Homeless Counts unexpectedly documented a dramatic increase in the number of individuals experiencing both sheltered and unsheltered homelessness in (LAHSA, 2022) *Table 2 - 2019 Homeless Count Data Summary* presents the data revealed by the 2019 Homeless Count concerning the City of Los Angeles, as documented in the 2019 Data Summary as shown in Table 2 (LAHSA, 2020).

<b>Table 2</b> <b>2019 Homeless Count Data Summary (Revised 07/20/2020)</b>		
	<b>Number of Individuals</b>	<b>Change from 2018</b>
Sheltered Homeless	8,944	6.5% Increase
Unsheltered Homeless	26,606	16.2% Increase
Total Homeless Persons	35,550	13.7% Increase

LAHSA published its 2020 Homeless Count, released in July 20, 2020, which shows that the homelessness emergency in the City of Los Angeles continues unabated. The documented number of individuals experiencing both sheltered and unsheltered homelessness dramatically increased yet again, as shown in *Table 3 - 2020 Homeless Count Data Summary* (LAHSA, 2020).

<b>Table 3</b> <b>2020 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2019</b>
Sheltered Homeless	12,438	39% Increase
Unsheltered Homeless	28,852	8.4% Increase
Total Homeless Persons	41,290	16.1 % increase

LAHSA prepared a 2021 shelter point-in-time count for the City of Los Angeles that estimated the number and demographic characteristics of the sheltered homeless population on a single night in January 2021. Released in July 20, 2021, it shows that the homelessness emergency in the City of Los Angeles continues unabated and uncertain. The documented number of individuals experiencing sheltered homelessness increased yet again, as shown in *Table 4 - 2021 Housing Inventory Count and Shelter Count Data Summary* (LAHSA, 2021). The 2021 unsheltered street count could not be conducted due to the COVID-19 pandemic. However, the availability of vaccinations enabled the resumption of the Homeless Count for February 2022 with appropriate precautions (LAHSA, 2022).

<b>Table 4</b> <b>2021 Housing Inventory Count and Shelter Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2020</b>
Sheltered Homeless	12,503	1% Increase

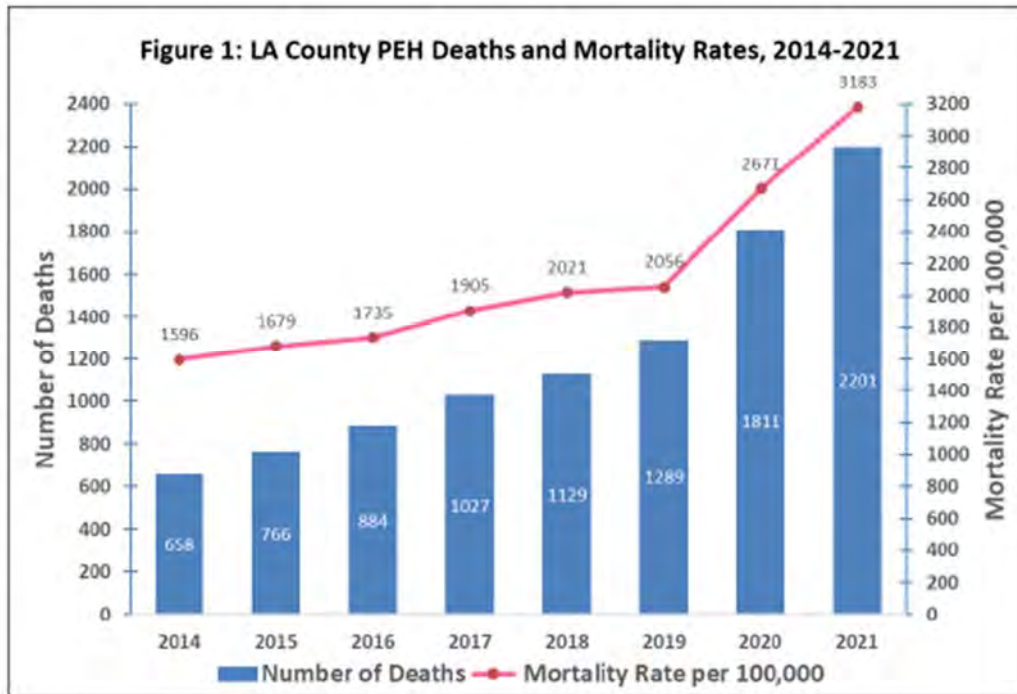
Homeless count data in 2022 showed the City's homeless population continued to unexpectedly increase 1.7% from 41,290 to 41,980 persons, and while its sheltered population increased 8.7%, its unsheltered population only decreased 1.4%. (LAHSA, 2022.)

Taken together, the City faces an unexpected and dramatic increase in homelessness, which was exacerbated by the COVID-19 pandemic beginning in early 2020 posing a critical emergency situation in the City of Los Angeles.

On December 12, 2022, Mayor Bass declared a homelessness emergency in the City of Los Angeles, specifically stating that the Mayor "declare[s] the existence of a local emergency and direct[s] all Divisions of the Emergency Operations Organization (EOO) and all other City Departments to take necessary steps for the protection of life, health and safety in the City of Los Angeles." (City of Los Angeles, Dec. 12, 2022.) The Mayor's declaration discussed how the homelessness crisis created a dramatic unanticipated impact on the population, and how it displaced people even greater than major hurricanes and earthquake events, all of which are emergencies requiring prompt action to avoid clear and imminent danger to the displaced populations.

### **C. Unexpected Dramatic Increase in Homeless Population Mortality**

A report released in May 2023 by the Los Angeles County Department of Public Health found that indicators of mortality in the homeless population "began increasing dramatically beginning in 2020, with the mortality rate increasing by 55% between 2019 and 2021." (LA County DPH May 2023.)



(Source: LA County DPH May 2023.)

In a press release dated May 12, 2023, the LA County Board of Supervisors released statements noting “We have declared a state of emergency in Los Angeles County because there are far too many people on our streets” and the report “underscores how important it is that we continue to treat the homelessness crisis with a sense of urgency and move as many people as possible inside so we can begin to save their lives.” (LA County DPH May 12, 2023.)

This situation presents documented dangers to health, life, and property, and a burden on, and a loss of access to, essential public services, which presents an emergency as defined by CEQA as explained below. Furthermore, the State has created additional CEQA exemptions applicable in the City of Los Angeles concerning homelessness and homeless shelters.

### III. THE PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW

#### A. The Project is Exempt Pursuant to the Emergency CEQA Statutory Exemption (PRC Section 21080(b)(4))

Public Resources Code Section 21080(b)(4) provides that CEQA does not apply, to “specific actions necessary to prevent or mitigate an emergency.” Public Resources Code section 21060.3 defines Emergency as, “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.” Section 21060.3 further provides that Emergency, “includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.”

Finally, 14 California Code of Regulations (Governor's Office of Planning and Research, 2018) Section 15269, "Emergency Projects," provides examples of emergency projects exempt from the requirements of CEQA, including the following:

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply

(i) 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, or

(ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

The Project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City's already dangerously large homeless population, now adversely impacted by the COVID-19 pandemic for all of the reasons set forth above in Part II (Project History). The dramatic rise in the homeless population is a sudden unexpected occurrence, as is the unexpected and sudden occurrence of losing access to adequate shelter and essential services for each individual newly experiencing homelessness, as is the unexpected rise in mortality rates among the homeless population since 2019. Each is an emergency presenting impending acute harm to the individuals experiencing homelessness that would be prevented and mitigated through providing housing to those individuals, including through the emergency shelter provided by this Project. The Project, therefore, is exempt from CEQA environmental review pursuant to Section 21080(b)(4) since it prevents and mitigates such imminent loss and damage.

#### **B. The Project is Exempt Pursuant to AB 1197 Codified at PRC Section 21080.27**

Assembly Bill 1197 (Santiago, 2019) was signed into law on September 26, 2019, which adopted Section 21080.27 of the California Public Resources Code (PRC) and created a statutory exemption for compliance with CEQA for emergency shelter projects located within the City of Los Angeles. The intent of AB 1197 is to help the City of Los Angeles address its homeless crisis and is an urgency statute that is deemed necessary for the immediate preservation of the public peace, health, or safety and for the critical necessity to address the shelter and homeless crisis. AB 1197 took immediate effect on September 26, 2019 in order to address the unique circumstances faced by the City of Los Angeles and to expedite the development of emergency homeless shelters. As noted in the following sections, this shelter Project complies with the requirements in AB 1197, and thus the Project is exempt from CEQA pursuant to AB 1197 (PRC § 21080.27).

**1. City of Los Angeles Declaration of a Shelter Crisis**

Public Resources Code, section 21080.27(a)(2) requires that emergency shelters be approved during a shelter crisis under Government Code, section 8698.2. The City of Los Angeles City Council declared a homeless shelter crisis pursuant to Government Code Section 8698, et seq. on April 17, 2018 (The Honorable M. Bonin & M. O'Farrell, 2019), which is currently in effect (The Honorable M. Bonin & M. Harris-Dawson, 2019).

**2. The Project Meets the Definition of a Low Barrier Navigational Center in Government Code Section 65660**

Under AB1197, emergency shelters must meet the definition of “Low Barrier Navigational Center” in Government Code Section 65660, which defines Low Barrier Navigation Center as a “Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing. The City builds and operates emergency shelters, such as this Project, to be operated as low barrier navigation centers consistent with Government Code Section 65660.

**Service-Enriched Shelter with Case Managers Connecting to Services.** The requirements are met by this Project for a “service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities, while case managers connect families experiencing homelessness to income, public benefits, health services, shelter and housing.” This Project provides temporary housing, with case managers staffing the facility that provide connections to homeless family services and assistance for the occupants. This is one of the fundamental purposes of this shelter project. For example, the Project’s programs include Trauma Informed Care policies and procedures that involve understanding, recognizing, and responding to the effects of all types of trauma. Trauma Informed Care also emphasizes physical, psychological and emotional safety for both families and providers, and helps families rebuild a sense of control and empowerment. Trauma Informed services take into account an understanding of trauma in all aspects of service delivery and place priority on the trauma survivor’s safety, choice, and control. Trauma Informed Care services create a culture of nonviolence, learning, and collaboration.

The Project will be operated by service providers coordinated with the Los Angeles Homeless Services Authority (LAHSA). The intention of this emergency shelter is to provide persons experiencing homelessness with some stability, so that they can more easily maintain contact with housing navigation and/or case management services to facilitate safe and supportive housing placement.

Per LAHSA’s Crisis and Bridge Housing Scope of Required Services, which will be followed for operating the shelter in this Project, service providers that oversee an emergency shelter must provide case management services and develop a Housing Stability Plan with each person. The shelter will program implement a case management

and service plan known as Housing-Focused Case Management and Support Services (HFCMSS). HFCMSS includes but is not limited to: support with completing housing applications, accompanying the individual to housing appointments and/or leasing appointments, and other support associated with the housing placement process. The primary objective of HFCMSS is to extend support to individuals through an individualized case management relationship that will ultimately translate to increased housing stability. The HFCMSS offers services to connect individuals to permanent housing. Case Managers present at the shelter make rapid connections to a broad continuum of resources and permanent housing, emphasizing a short-term stay.

HFCMSS connects families to a Housing Navigator who assists individuals to gain access to permanent housing through referrals to housing programs (such as RRH, Permanent Supportive Housing, affordable housing, etc.). A case manager is assigned to an individual when the person enters the program and then helps the participant establish a connection to a Housing Navigator. A Housing Navigator assists individuals with Housing Navigation services. Housing Navigation services are available to individuals to support their housing placement goals and must be focused on assisting the participant in identifying and accessing permanent housing within the general ninety (90) days. Housing Navigation services may be provided onsite or offsite, and may also require participants' to be accompanied to off-site appointments.

Case management must be conducted on a regular and routine basis and must be routinely documented. The content and outcome of case management meetings with individuals are entered into a housing management information system with case notes that are tracked in the system. Housing-focused case management sessions are dedicated to assessing and reassessing needs, educating individuals on community resource opportunities, developing Housing Stability Plans, scheduling appointments, and providing necessary follow up to ensure housing stability plans are progressing on schedule and needs are adequately being addressed.

As noted in LAHSA's Program Standards, supportive services for the shelters focus on the income, resources, skills and tools needed to pay rent, comply with a lease, take reasonable care of a housing unit, and avoid serious conflict with other tenants, the landlord, and/or the police. The Program Standards also require service providers to utilize and maintain referral networks with specific lists of health services and public benefit services for connecting occupants to those benefits. Thus, the project is a service-enriched shelter focused on moving individuals into permanent housing that provides temporary living facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing.

**Housing First.** The Project is a "Housing First" shelter pursuant to Government Code Section 65660. Also, in being such a Housing First shelter, the project complies with Chapter 6.5 of Division 8 of the Welfare and Institutions Code (commonly referred to as the Housing First Law) as required by Government Code Section 65662 (discussed further below). "Housing First" means the evidence-based model that uses housing as a tool, rather than a reward, for recovery from homelessness, and that centers on providing



or connecting people experiencing homelessness to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

Housing First also includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient in accessing permanent housing and in securing longer-term rental assistance, income assistance, or employment. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance. If resources are needed to successfully divert an individual from entry into the homelessness system, a referral must immediately be made to a CES Diversion/Prevention program. In order to identify other permanent housing options, service providers continue to have such problem-solving conversations with the individual while residing in Crisis and Bridge Housing. More broadly, the project includes a housing and services plan and housing-focused case management, both with an orientation towards supporting individuals to exit to safe and stable housing. This Project meets the above-noted Housing First requirements.

The emergency shelters are operated by service providers coordinated through LAHSA. All service providers must comply with LAHSA's Scope of Required Services, Program Standards, and Facility Standards. Per LAHSA's Program Standards, all eligible participants are to be served with a Housing First approach. LAHSA's CES for Families' Principles and Practices that were approved by the CES Policy Council on August 23, 2017 shall be used to guide the development of systems-level policy and to ensure transparent and accountable decision-making with privately owned Service Providers who enter into a partnership with LAHSA. The basic underlying principle of LAHSA's System Components is that access to housing is the primary need for its program participants. Services are voluntary and not required to enter into a shelter. Individuals will not be rejected or exited from participation in the emergency shelter due to any unnecessary barriers.

The City's shelters are intended to be a Housing First program focused on quickly moving individuals experiencing homelessness into permanent housing and then providing the additional supports and services each person needs and wants to stabilize in that housing. The basic underlying Housing First principle is that individuals are better able to move forward with their lives once the crisis of homelessness is over and they have control of their housing. The City's emergency shelter will, provide a safe, low barrier, housing-focused, and homeless services support in a twenty-four (24) hour residence to help individuals who experience homelessness that meet the above-noted requirements for Housing First. One of the core components of the Housing First model is that longer-term housing accepts referrals directly from shelters. The City's shelters, including this Project, are primarily focused on connecting, transitioning, and referring homeless individuals into such permanent housing as quickly as possible in the Housing First model, and accepting occupants through the crisis response system. The intention of this emergency shelter project is to provide participants with some stability, so that they can more easily maintain contact with housing navigation and case management services and

facilitate safe and supportive housing placement. Services in the City's shelters, including this Project, are never mandatory and cannot be a condition of obtaining the housing intervention. This Project will provide temporary housing, case managers and Housing Navigators staffed at the facility or offsite who provide connections to homeless services for the occupants. Based on the above-noted information, the project's emergency shelter meets the Housing First requirements relative to AB 1197.

**Low Barrier.** "Low Barrier" means the shelters use best practices to reduce barriers to entry, including but not limited to, the presence of partners (if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth); pets; storage for possessions; and privacy (such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms). The City's shelters, including this Project, meet these requirements.

The Project provides approximately 294 private rooms for up to 300 individuals experiencing homelessness, which allow for the presence of partners. Participants are allowed to bring their pets to the shelter. The Project has storage within each sleeping area for personal possessions or storage bins. The Project is designed to provide privacy to participants by providing each family or individual with their own sleeping space. There are separated sleeping spaces with private and/or communal bathrooms. Therefore, the project is managed and designed to allow the privacy of participants and is a pet friendly facility for participants who choose to be accompanied by their pets.

The Project uses low barrier best practices that reduce barriers to entry. They include the allowance for presence of partners, pet friendly facilities, storage areas for some possessions, and management and design for individuals' privacy. All of the City's emergency shelters, including this project, meet these requirements. Therefore, none of the noted conditions would preclude access to the project, and the project is considered crisis and bridge housing that is "low barrier" within the meaning of Government Code Section 65660 and AB 1197.

In sum, based on the above-noted information, which is additionally explained and provided with additional details in the documents from LAHSA cited in the Reference section to this document, the Project meets the definition of Low Barrier Navigation Center set forth in Government Code Section 65660.

### **3. The Project Complies with Government Code Section 65662**

Under AB1197, emergency shelters must meet the four requirements identified in Government Code Section 65662(a) through (d), which are each discussed in turn in this section.

**Connecting to Permanent Housing through a Services Plan.** Government Code Section 65662(a) requires that Low Barrier Navigation Centers offer services to connect families and individuals to permanent housing through a services plan that identifies services staffing. This Project meets that requirement. As noted above, the Project

includes housing-focused case management sessions that involve developing Housing Stability Plans/Housing and Services Plans, scheduling appointments, and providing the necessary follow-up to ensure housing stability plans are progressing on schedule and needs are adequately being addressed. This is required in LAHSA's Scope of Required Services.

The Housing Stability Plan is the family or individual's service plan that summarizes the participant's housing goals, services needed, what will be provided, actions that need to be taken (by staff and the participant), and referrals that need to be made. Case managers develop the services plan in coordination with the family or individual right after intake and assessment, track the plan in a homeless management information system, and revise the plan as the family or person's situation changes and steps are completed or revised accordingly.

Families and individuals are assisted with a range of activities that address the stated goals of the family or individual in the Housing Stability Plan, **including** but not limited to:

- Accessing personal identification (For quick referral to permanent housing)
- Accessing certification of the current income (For quick referral to permanent housing)
- Mainstream Benefits
- Substance Abuse services
- Mental Health Services
- Health Services
- Vocational Services
- Employment Services
- Educational Support
- Legal Services
- Life Skills Development
- Independent Living Program for Youth
- Transitional Housing Program for Youth
- CES and CoC Rapid Re-Housing Program
- Housing Navigation Assistance
- CoC Permanent Supportive Housing
- LA County Department of Health Services, Housing for Health or Housing and Jobs Collaborative
- LA County Department of Health Services, Countywide Benefits Entitlement Services Team
- LA County Department of Mental Health, Countywide Housing Assistance Program
- Veterans Administration Housing Programs
- Housing Opportunities for Persons with Aids (HOPWA) Housing
- Crisis Housing for Unaccompanied Youth
- Youth Family Reconnection Program

Progress and problems implementing the plan are reviewed and updated frequently.

**Coordinated Entry System.** Government Code Section 65662(b) requires Low Barrier Navigation Centers to be linked to a coordinated entry system allowing staff and co-locating staff to conduct assessments and provide services to connect families and individuals to permanent housing. This is required by LAHSA's Scope of Required Services and Program Standards. Thus, all City of Los Angeles homeless shelters, including this project, are linked to the Los Angeles County Coordinated Entry System, a centralized or coordinated assessment system designed to coordinate program participant intake, assessment, and referrals. The residents are prioritized through the coordinated entry system in the Los Angeles County Coordinated Entry System for safe and supportive housing resources. The City collaborates with Los Angeles County Case Entry System and provides case management services to program participants through a Housing Stability Plan. Case managers must develop a Housing Stability Plan in coordination with the participant right after intake and assessment. The Housing Stability Plan must be tracked in a Homeless Management Information System (HMIS) along with the date of completion.

The shelter will collaborate with Los Angeles County Case Entry System Housing Navigators and case managers from other outside agencies to provide case management services to program participants. Los Angeles County Coordinated Entry System case managers work with participants and assist by facilitating service appointments; and then eventually help them find permanent housing.

**Compliance with Welfare and Institutions Code.** Government Code Section 65662(c) requires Low Barrier Navigation Centers comply with Chapter 6.5 of Division 8 of the Welfare and Institutions Code, which specifies the Housing First requirements. As noted above, the City's emergency shelters, including this project, are Housing First shelters, and thus they comply with this requirement.

**Homeless Management Information System.** Government Code Section 65662(d) requires Low Barrier Navigation Centers to have a system for entering stays, demographics, income, and exit destinations through a local Homeless Management Information System designed to coordinate program participant intake, assessment, and referrals. These are required by LAHSA's Scope of Required Services and Program Standards. The City's emergency shelters use such a system in the Los Angeles Continuum of Care Homeless Management Information System (HMIS). In 2001, Congress directed the U.S. Department of Housing and Urban Development (HUD) to ensure the collection of more reliable data regarding the use of homeless programs. HUD required all Continuum of Care applicants to demonstrate progress in implementing a Homeless Management System (HMIS). LAHSA led a regional planning process, encompassing three Continuums of Care - Los Angeles, Glendale, and Pasadena. This process resulted in the selection of a system that would not only satisfy the HUD mandate, but would also provide the Los Angeles Continuum with a means to measure the effectiveness of programs serving homeless families. Presently, the Los Angeles Continuum of Care (LACoC) is part of a collaborative called the Los Angeles HMIS

Collaborative. The LA HMIS Collaborative consists of three Continuums of Care (CoC): Los Angeles, Glendale, and Pasadena.

HMIS is a web-based application that is designed to collect information on the characteristics and service needs of homeless persons. The system allows agency users and the Los Angeles Homeless Services Authority (LAHSA) to use collected information for informed programmatic decision-making. Participating agencies collect and input standardized client-level and demographic data into the system, including client/household demographic details; relationships within a family and household; client/household income; client/household documents; case management and services; housing placements; and progress for housing retention. The HMIS includes a focus on Outcomes Management that sets and measures milestones and target achievements of clients and program performance.

Housing Stability Plans are tracked in a Homeless Management Information System (HMIS) along with the date of completion. Case managers complete a Monthly Update with the family to assess progress towards achieving the goals defined in the Housing Stability Plan. All services must be tracked, and information is provided to families in HMIS with the goal of the individuals achieving housing stability and sustainability upon exit from the program. Exit destination information is also collected. Accordingly, the Project meets the HMIS requirements.

In sum, based on the above-noted information, which is additionally explained in more detail in the documents from LAHSA cited in the Reference section to this document, the Project meets the requirements set forth in Government Code Section 65662.

#### **4. The Project is in a Qualified Location Under AB 1197**

AB 1197 requires that the site be located in "either a mixed-use or nonresidential zone permitting multifamily uses or infill site...." (PRC § 21080.27(a)(2).)

The Project site lot is zoned C4(CW)-U/4.5 and R5(CW)-U/4.5 which are mixed-use zones that allow for multifamily residential uses, and thus the Project's location qualifies for the exemption. In addition, the Project is qualified as an infill site location because the site has been developed with, and at least 75% of the perimeter of the site is surrounded by qualified urban uses. The site is a former commercial hotel use, which qualifies as infill. Also, there are commercial uses to the north and residential uses to the east, south, and west of the site, and therefore, the Project site is surrounded by qualified urban uses and is considered a qualified location under AB 1197. (City of Los Angeles Department of City Planning, 2023)

#### **5. The Project Involves Qualified Funding Under AB 1197**

AB 1197 (Public Resources Code Section 21080.27(a)(2)(A)-(D)) exempt emergency shelter projects from CEQA which have at least a portion of the funding from qualified sources. The City has identified and will be allocating Proposition HHH funds for this Project and has determined that the Project is a homeless shelter project that would

qualify for the other homeless shelter funding sources identified in AB 1197, and that those funds may be applied to this Project if such funding becomes available, which further qualifies this Project for the exemption under AB 1197. Because the Project is partly funded by a qualified funding sources under Public Resources Code Section 21080.27(a)(2)(A), the funding requirement is met.

**6. The City's Actions Qualify under AB 1197 as Actions in Furtherance of Providing Emergency Shelters in the City of Los Angeles**

AB 1197 (Public Resources Code Section 21080.27(b)(1)), exempts from CEQA "any activity approved by or carried out by the City of Los Angeles in furtherance of providing emergency shelters or supportive housing in the City of Los Angeles." This Project involves the purchase of a hotel in the City of Los Angeles, lease or other agreement, and operation of an existing hotel / RoomKey shelter, as interim housing. The City will provide funding and enter into contracts with a qualified service provider and/or LAHSA, to lease and operate the emergency shelter. Therefore, the City's actions are in furtherance of providing emergency shelters in the City of Los Angeles and qualify for exemption from CEQA under AB 1197.

**7. AB 1197 Conclusion**

Based on the above-noted information, the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.27.

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RMM Decl.  
**Exhibit 58**

RMM Decl.  
**Exhibit 58**

HOLLY L. WOLCOTT  
CITY CLERK

PETTY F. SANTOS  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



Eric Garcetti  
MAYOR

OFFICE OF THE  
CITY CLERK

**Council and Public Services Division**

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PATRICE Y. LATTIMORE  
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When making inquiries relative to  
this matter, please refer to the  
Council File No.: [20-0841](#), [20-0841-S3](#)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

November 25, 2020

**Council File No.:** [20-0841](#), [20-0841-S3](#)

**Council Meeting Date:** November 24, 2020

**Agenda Item No.:** 16

**Agenda Description:** STATUTORY EXEMPTION and AD HOC ON COVID-19 RECOVERY AND NEIGHBORHOOD INVESTMENT COMMITTEE REPORT relative to Bridge Home facilities on 5941 Hollywood Boulevard, 1060 North Vignes Street, and 12600 North Saticoy Street; and the Third Report for funding recommendations to implement the COVID-19 Homelessness Roadmap Projects.

**Council Action:** AD HOC ON COVID-19 RECOVERY AND NEIGHBORHOOD INVESTMENT COMMITTEE REPORT - ADOPTED FORTHWITH

**Council Vote:**

YES BLUMENFIELD  
YES BONIN  
YES BUSCAINO  
YES CEDILLO  
YES DE LEON

YES HARRIS-DAWSON  
ABSENT KORETZ  
YES KREKORIAN  
YES LEE  
YES MARTINEZ

YES O'FARRELL  
YES PRICE  
YES RODRIGUEZ  
YES RYU  
ABSENT WESSON

HOLLY L. WOLCOTT  
CITY CLERK

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**Pursuant to Charter/Los Angeles Administrative Code Section(s): 341**

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**FILE SENT TO MAYOR:**

11/25/2020

**LAST DAY FOR MAYOR TO ACT:**

12/07/2020



**APPROVED**

**\*DISAPPROVED**

**\*VETO**

Mayor

12/01/2020

**DATE SIGNED**

RMM Decl., Vol. 1, p. 394

Adopted Report(s)

Title	Date
Technical Corrections Submitted by the City Administrative Officer	11/24/2020
Report from Ad Hoc Committee on COVID-19 Recovery and Neighborhood Investment	11/17/2020



**Los Angeles City Council  
Item 16 – 20-0841  
November 24, 2020**

**Corrected Recommendations**

That the City Council, subject to approval by the Mayor:

1. DETERMINE that these projects are statutorily exempt from the California Environmental Quality Act (CEQA) as set forth by the Notices of Exemption attached to this Council file as follows:
  - a. The tiny home project at 12600 N. Saticoy St. in Council District (CD) 2, which allows for the lease of State of California land to construct and operate a new homeless tiny home site with a maximum of 150 beds, is statutorily exempt from CEQA under Public Resources Code Section 21080(b)(4) as a specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guideline Section 15269(c); and because the project uses “Homeless Housing, Assistance, and Prevention Program funds,” it is exempt under Governor’s order N-32-20;
  - b. The project at 5941 Hollywood Blvd. in CD 13, which allows for the minor interior tenant improvements and the operations of an existing homeless shelter owned and operated by the Salvation Army with a maximum of 30 beds, is statutorily exempt from CEQA under Public Resources Code Section 21080(b)(4) as a specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guideline Section 15269(c); and under Government Code § 65660 (AB 101) applicable to providing financial assistance to Low Barrier Navigational Centers;
  - c. The project at 1060 N. Vignes St. in CD 14, which allows for providing financial assistance to the County of Los Angeles (County) for the operations of a new homeless shelter on a County owned parcel with a maximum of 232 beds, is statutorily exempt under Public Resources Code § 21080(b)(4) as a specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guideline Section 15269(c); Government Code §§ 8698.4 and 65660, applicable to actions providing financial assistance to construct a homeless shelter; CEQA Guidelines 15332, 15301(a), (h); 15303(d), (e), 15304(a), (b), (f); 15311(b);
2. APPROVE the reprogramming up to \$33,092,261 from HHAP Category 3 - Prevention, Shelter Diversion to Permanent Housing and Bridge Home Housing Operations (\$23,878,171) and HHAP Category 4 - Rental Assistance and Rapid Rehousing and Permanent Housing (\$9,214,090) to HHAP Category 1 A Bridge Home Capital and reserve up to \$34,226,628 to cover construction costs for Roadmap projects.
  - a. Appropriate up to \$23,878,171 from HHAP Special Fund Grant Fund No. 62Y, Account No. 10S652 to HHAP Special Fund Grant Fund No. 62Y,

Account No. 10S650;

- b. Appropriate up to \$9,214,090 from HHAP Special Fund Grant Fund No. 62Y, Account No. 10S653 to HHAP Special Fund Grant Fund No. 62Y, Account No. 10S650.
  - c. Reserve up to \$11,667,250 in HHAP Category 1 - A Bridge Home Capital funding for construction costs for pending Roadmap sites.
3. APPROVE and appropriate up to \$13,678,378 from the HHAP Special Fund Grant Fund No. 62Y, Account No. 10S650, HHAP Category 1 - A Bridge Home Capital to the Fund No. 62Y, Department No. 10, account numbers to be determined, for previously approved Roadmap projects and to add funding to reflect actual costs based on contractor bid amounts as follows, if the Coronavirus Relief Funds (CRF) expenditure deadline of December 30, 2020 is not extended:

CD	Site	Number of Beds	Amount
2	11471 Chandler Blvd.	66	\$1,309,719
2	6099 Laurel Canyon Blvd.	200	\$6,181,215
3	6700 Vanalden Ave.	104	\$1,676,419
3	6073 Reseda Blvd	146	\$1,132,050
15	1221 Figueroa Pl.	75	\$3,378,975
	<b>Total</b>	<b>591</b>	<b>\$ 13,678,378</b>

4. APPROVE and appropriate up to \$8,881,000 in HHAP funding for the construction of a tiny home village at 12600 Saticoy in CD 2, pending the Department of Recreation and Parks Commission releasing the Porterville lease on this site with the State of California Department of Transportation (Caltrans) and the Department of General Services executing a new lease with Caltrans as part of the City COVID-19 Homelessness Roadmap (Roadmap):

CD	Site	Number of Beds	Amount
2	12600 Saticoy	150	\$8,881,000

- a. DIRECT the Department of General Services, with the assistance of the City Attorney, to negotiate and execute a no-cost lease for up to five (5) years with Caltrans for the use of the 12600 Saticoy Street site.
5. AUTHORIZE the City Administrative Officer to allocate an estimated balance of up to \$18,041,234 from the COVID-19 Federal Relief Fund No. 63M, Department No. 10, Account No. 10T695 if the Coronavirus Relief Fund expenditure deadline is extended to reduce the HHAP allocation in recommendations two (2) through four (4) above.

6. APPROVE the following two (2) new Roadmap sites with a total of 262 beds:
- a. 5941 Hollywood Blvd., owned by the Salvation Army, to establish 30 new interim housing beds for individual adult men; and
  - b. 1060 Vignes St., being constructed by the County on County-owned property, establishing 232 new interim housing beds for individual adults.
7. APPROVE up to \$25,718,946 for operations/services for Homelessness Roadmap sites through June 30, 2022, from the following sources:
- a. \$20,237,195 from Emergency Solutions Grant (ESG-COVID); \$451,561 of this amount will be allocated to furniture, fixtures, and equipment;
  - b. \$5,481,751 from the Homelessness Efforts - County Funding Agreement Fund;
  - c. Appropriate up to \$5,481,751 from the Homelessness Efforts - County Funding Agreement Fund No. 63Q, Department No. 10, Account No. 10T618 to the Homelessness Efforts - County Funding Agreement Fund No. 63Q, Department No. 43, Account No. 43TXXX, Pallet Shelter - 1060 Vignes St. and appropriate up to \$20,237,195 within ESG-COVID Fund No. 517, Department 43, account numbers to be determined for the cost of operations as described below:

CD	Site	Number of Beds	Operating Costs through June 30, 2022	Furniture, Fixtures and Equipment	Total	Service Provider
2	11471 Chandler Blvd.	75	\$2,074,875	\$23,500	\$2,098,375	Hope of the Valley
2	6099 Laurel Canyon	200	\$4,741,000	\$35,500	\$4,776,500	Hope of the Valley
2	12600 Saticoy	150	\$3,341,250	\$126,000	\$3,467,250	To be determined
3	6700 Vanalden Ave.	104	\$2,562,560	\$20,500	\$2,583,060	To be determined
3	6073 N. Reseda Blvd.	146	\$3,597,440	\$62,000	\$3,659,440	To be determined
13	5941 Hollywood Blvd.	30	\$950,400	\$85,226	\$1,035,626	The Salvation Army
14	1060 Vignes St.	232	\$6,201,360	\$0	\$6,201,360	To be determined

15	1221 S. Figueroa St.	75	\$1,798,500	\$98,835	\$1,897,335	To be determined
	<b>Total</b>	<b>1,012</b>	<b>\$25,267,385</b>	<b>\$451,561</b>	<b>\$25,718,946</b>	

8. REQUEST the Los Angeles Homeless Services Authority to:
- Execute contracts with the providers described in recommendation seven (7) for furniture, fixtures and equipment, services and operations costs through June 30, 2022 at these sites; and
  - Work with the Council Offices to identify service providers for the facilities listed above without named service providers in recommendation (7) and execute contracts for furniture, fixtures and equipment, services and operations costs through June 30, 2022 at these sites.
9. APPROVE up to \$39,000 from the COVID-19 Federal Relief Fund No. 63M, Department No. 10, Account No. 10T695 to the Department of General Services No. 40, General Fund 100, for the cost to relocate storage containers to allow construction of the tiny home village at 6700 Vanalden Ave. as follows:

<b>Appropriation Unit</b>	<b>Description</b>	<b>Amount</b>
001014	Construction Salaries	\$15,624
003180	Construction Materials	\$23,376
	<b>Total</b>	<b>\$39,000</b>

10. APPROVE funds in the amount of \$109,506 for an RV Safe Parking site at 15380 Oxnard Street in CD 4 for four (4) months from March 1, 2021 through June 30, 2021.
- Allocate \$109,506 from the Homelessness Efforts - County Funding Agreement Fund No. 63Q, Department No. 10, Account No. 10T618 to the Homelessness Efforts - County Funding Agreement Fund No. 63Q, Department No. 43, Account No. 43TXXX, Safe Parking - 15380 Oxnard Street.
11. REQUEST the Los Angeles Homeless Service Authority to execute a contract with North Valley Caring Services to operate the RV Safe Parking site at 15380 Oxnard Street in CD 4 for four (4) months from March 1, 2021 through June 30, 2021.
12. AUTHORIZE the City Administrative Officer to execute a Memorandum of Understanding (MOU) with the County of Los Angeles, or designee, to accept \$2,100,000 from the County for the construction of a family bridge housing facility located at 3061 Riverside Drive in CD 4, which is one of the 700 Homelessness Roadmap sites in existing agreements with the County.

13. AUTHORIZE the Controller to deposit \$2,100,000 to the Capital Improvement Expenditure Program Fund No 100/54, Account No. 00T761, Bridge Housing – 3061 Riverside Drive upon receipt from the County, or designee.
14. AUTHORIZE the City Administrative Officer to negotiate and execute a letter of agreement with the County of Los Angeles, or designee, agreeable to Council District 14, for the construction of a bridge housing facility located at 1060 Vignes Street, outlining the following:
- a. All 232 beds at this site will count toward the Roadmap target of 6,700 new homeless interventions;
  - b. The County will fund all capital costs;
  - c. The City will fund operating costs up to \$55 per bed per night through June 30, 2025;
  - d. The County will pay any operating costs in excess of \$55 per bed per night; and
  - e. The target date to begin operations is March 1, 2021.
15. APPROVE up to \$6,658,937 from the Federal Emergency Shelter Grant Fund No. 517 for ESG-COVID administrative costs as follows:
- a. APPROPRIATE \$5,500,682 within the Federal Emergency Shelter Grant Fund No. 517, Account No. 43TXXX, ESG-COVID LAHSA Administrative Costs for interim housing sites in this report (\$2,520,262) and Project Homekey sites (\$2,980,420).
  - b. APPROPRIATE \$1,158,255 within the Federal Emergency Shelter Grant Fund No. 517, Account No. 43TXXX, ESG-COVID HCID Administrative Costs.
    - i. Transfer \$649,832 from Fund No. 517, Account No. 43TXXX, ESG-COVID HCID Administrative Costs to the General Fund No. 100, Housing + Community Investment Department No. 43, Account No. 001010, Salaries General;
    - ii. Transfer \$410,948 from Fund No. 517, Account No. 43TXXX, ESG-COVID HCID Administrative Costs to Fund No. 517, Account No. 43T299 Reimbursements of General Fund Costs, and further reimburse to the General Fund No. 100, Department No. 43, RSRC 5366, Federal Emergency Shelter Related Costs;
    - iii. Transfer \$97,475 from Fund No. 517, Account No. 43TXXX, ESG-COVID HCID Administrative Costs to the General Fund No. 100, Housing and Community Investment Department No. 43, Account No. 006030, Leasing.
16. APPROPRIATE \$811,302.82 to AB1290 Fund No. 53P, Department No. 28, Account No. 281202, Council District 2 Redevelopment Projects - Services to repay the loan from the Council District 2 Council's budget for the design, engineering, architecture, and preliminary work on the Council District 2 tiny home villages as follows:

- a. \$321,350.17 from the COVID-19 Federal Relief Fund No. 63M, Department No. 10, Account No. 10T612, 11471 Chandler Blvd.;
- b. \$471,063.43 from the COVID-19 Federal Relief Fund No. 63M, Department No. 10, Account No. 10T613, 6099 Laurel Canyon; and
- c. \$18,889.22 from the COVID-19 Federal Relief Fund No. 63M, Department No. 10, Account No. 10T695, CIEP/Homelessness Roadmap/Capital.

17. ALLOCATE \$923,911 in previously approved funds from the Homelessness Efforts - County Funding Agreement Fund No. 63Q, Department No. 10, Account No. 10T618 to the Homelessness Efforts - County Funding Agreement Fund No. 63Q, Department No. 43, account numbers to be determined with updated amounts for previously approved overnight safe parking sites for 6 months from January 1, 2021 to June 30, 2021 as follows;

No	Location	Council District	Ownership	Proposed No. of Spaces	Proposed Funding
1	7128 Jordan Ave.	3	Public - LADOT	25	\$135,869
2	11000 National Blvd.	5	Private - Church	30	\$163,043
3	4301 S Central Ave.	9	Public - GSD	10	\$54,348
4	2444-2450 S. Crenshaw Blvd	10	Public HCID	10	\$54,348
5	4591 Santa Monica Blvd.	13	Public - Library	10	\$54,348
6	711 S. Beacon	15	Public - GSD	30	\$163,043
7	19610 Hamilton Ave	15	Public - HACLA	25	\$135,869
8	8775 Wilbur Ave	12	Public - LADOT	20	\$108,695
9	1033 Cole Avenue	13	LADWP	10	\$54,348
<b>Total</b>				<b>170</b>	<b>\$923,911</b>

18. INSTRUCT the General Manager, Housing and Community Investment Department, or designee, to:

- a. Amend the City's Roadmap Contract with LAHSA to be effective for the term September 1, 2020 - September 30, 2022 and to reflect funding allocations in this report.

19. APPROPRIATE \$426,000 from the ESG Federal Emergency Shelter Grant Fund No. 517 and \$2,602,965 from the Community Development Trust Fund No. 424, Department No. 43, account numbers to be determined for previously approved three months funding for four Measure H strategies A5, B4, C7 and D6 for the period from November 1, 2020 through January 31, 2021 as follows:



- a. Increase \$426,000 within the ESG Federal Emergency Shelter Grant Fund No. 517, Account No. 43TXXX, LAHSA - HACLA Measure H Strategy B4 (Landlord Incentives).
- b. Increase \$1,620,000 within the Community Development Trust Fund No. 424, Account No. 43TXXX, LAHSA Measure H Strategy A5 (Prevention for Adults).
- c. Increase \$750,000 within the Community Development Trust Fund No. 424, Account No. 43TXXX, Measure H Strategy C7 (Employment).
  - i. Transfer \$75,000 from Fund No. 424, Account No. 43TXXX, Measure H Strategy C7 (Employment) to City GF Homeless Program Fund No. 10C, Economic and Workforce Development Department No. 22, Account No. 22T622, EWDD Oversight; and
  - ii. Transfer \$675,000 from Fund No. 424, Account No. 43TXXX, Measure H Strategy C7 (Employment) to City GF Homeless Program Fund No. 10C, Economic and Workforce Development Department No. 22, Account No. 22TXXX, LA RISE City CDBG-COVID.
- d. Increase \$232,965 within the Community Development Trust Fund No. 424, Account No. 43TXXX, Measure H Strategy D6 (Criminal Record Clearing Project).
  - i. Transfer \$152,751 from Fund No. 424, Account No. 43TXXX, Measure H Strategy D6 (Criminal Record Clearing Project) to the General Fund No. 100, Office of the City Attorney Department No. 12, Account No. 001010, Salaries General;
  - ii. Transfer \$10,529 from Fund No. 424, Account No. 43TXXX, Measure H Strategy D6 (Criminal Record Clearing Project) to the General Fund No. 100, Office of the City Attorney Department No. 12, Account No. 006010, Expenses; and
  - iii. Transfer \$69,685 from Fund No. 424, Account No. 43TXXX, Measure H Strategy D6 (Criminal Record Clearing Project) to Fund No. 424, Account No. 43T291 Reimbursements of General Fund Costs - City Attorney, and further reimburse to the General Fund No. 100, Department No. 12, Account No. RSC 5334.

20. AUTHORIZE the City Administrative Officer to:

- a. Prepare Controller instructions or make necessary technical adjustments, including to the names of the Special Fund accounts recommended for this report, consistent with the Mayor and Council action in this matter, and authorize the Controller to implement these instructions; and
- b. Prepare any additional Controller instructions to reimburse City Departments for their accrued labor, material or permit costs related to projects in this report consistent with the Mayor and Council action on this



matter and authorize the Controller to implement these instructions.

STATUTORY EXEMPTION and AD HOC ON COVID-19 RECOVERY AND NEIGHBORHOOD INVESTMENT COMMITTEE REPORT relative to a Bridge Home facilities on 5941 Hollywood Boulevard, 1060 North Vignes Street, and 12600 North Saticoy Street; and the Third Report for funding recommendations to implement the COVID-19 Homelessness Roadmap Projects.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DETERMINE the Bridge Home facilities on the addresses listed below are statutorily exempt from the California Environmental Quality Act (CEQA) as set forth in the Notice of Exemption, attached to the Council file, and as follows:
  - a. 5941 Hollywood Boulevard Hollywood Salvation Army in CD 13, which allows for the minor interior tenant improvements, and the operations of an existing homeless shelter with a maximum of 30 beds, is statutorily exempt from CEQA under Public Resources Code Section 21080(b)(4) as a specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guideline Section 15269(c); and under Government Code 65660 (AB 101) applicable to providing financial assistance to Low Barrier Navigational Centers.
  - b. 1060 North Vignes Street Homeless Shelter in CD 14, which allows for providing financial assistance to the County of Los Angeles (County) for the operations of a new homeless shelter on a County owned parcel with a maximum of 232 beds, is statutorily exempt under Public Resources Code 21080(b)(4) as a specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guideline Section 15269(c); Government Code 8698.4 and 65660, applicable to actions providing financial assistance to construct a homeless shelter; CEQA Guidelines 15332, 15301(a), (h); 15303(d), (e), 15304(a), (b), (f); 15311(b).
  - c. 12600 North Saticoy St. Pallet Shelter in CD 02, which allows for the lease of State of California land to construct and operate a new homeless Pallet Shelter site with a maximum of 150 beds, is statutorily exempt from CEQA under Public Resources Code Section 21080(b)(4) as a specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guideline Section 15269(c); and because the project uses Homeless Housing, Assistance, and Prevention Program funds, it is exempt under Governor's order N-32-20.
2. APPROVE the reprogramming up to \$33,092,261 from HHAP Category 3 - Prevention, Shelter Diversion to Permanent Housing and Bridge Home Housing Operations (\$23,878,171) and HHAP Category 4 - Rental Assistance and Rapid Rehousing and Permanent Housing (\$9,214,090) to HHAP Category 1 A Bridge Home Capital and reserve up to \$34,226,628 to cover construction costs for Roadmap projects.
  - a. Appropriate up to \$23,878,171 from HHAP Special Fund Grant Fund No. 62Y, Account No. 10S652 to HHAP Special Fund Grant Fund No. 62Y, Account No. 10S650.

- b. Appropriate up to \$9,214,090 from HHAP Special Fund Grant Fund No. 62Y, Account No. 10S653 to HHAP Special Fund Grant Fund No. 62Y, Account No. 10S650.
  - c. Reserve up to \$11,667,250 in HHAP Category 1 - A Bridge Home Capital funding for construction costs for pending Roadmap sites.
3. APPROVE and APPROPRIATE up to \$13,678,378 from the HHAP Special Fund Grant Fund No. 62Y, Account No. 10S650, HHAP Category 1 - A Bridge Home Capital to the Fund No. 62Y/10, account numbers to be determined, for previously approved Roadmap projects and to add funding to reflect actual costs based on contractor bid amounts as follows, if the Coronavirus Relief Funds (CRF) expenditure deadline of December 30, 2020 is not extended.

<u>CD</u>	<u>Site</u>	<u>Number of Beds</u>	<u>CDBG-COVID Amount</u>
2	11471 Chandler Blvd.	66	\$1,309,719
2	6099 Laurel Canyon Blvd.	200	6,181,215
3	6700 Vanalden Ave.	104	1,676,419
3	6073 Reseda Blvd.	146	1,132,050
15	1221 Figueroa Pl.	<u>75</u>	<u>3,378,975</u>
		Total 591	\$13,678,378

4. APPROVE and APPROPRIATE up to \$8,881,000 in HHAP funding for the construction of a tiny home village at 12600 Saticoy in CD 2, pending the Department of Recreation and Parks Commission releasing the Porterville lease on this site with the State of California Department of Transportation (Caltrans) and the Department of General Services executing a new lease with Caltrans as part of the City COVID-19 Homelessness Roadmap (Roadmap):

<u>CD</u>	<u>Site</u>	<u>Number of Beds</u>	<u>Amount</u>
2	12600 Saticoy	150	\$8,881,000

- a. DIRECT the Department of General Services, with the assistance of the City Attorney, to negotiate and execute a no-cost lease for up to five years with Caltrans for the use of the 12600 Saticoy Street site.
5. AUTHORIZE the City Administrative Officer to allocate an estimated balance of up to \$18,041,234 from the COVID-19 Federal Relief Fund No. 63M/10, Account No. 10T695 if the Coronavirus Relief Fund expenditure deadline is extended to reduce the HHAP allocation in recommendations two through four above.
6. APPROVE the following two new Roadmap sites with a total of 262 beds:
- a. 5941 Hollywood Boulevard., owned by the Salvation Army, to establish 30 new interim housing beds for individual adult men.

- b. 1060 Vignes Street., being constructed by the County on County-owned property, establishing 232 new interim housing beds for individual adults.
7. APPROVE up to \$25,202,621 for operations/services for Homelessness Roadmap sites through June 30, 2022, from the following sources:
- a. \$20,237,195 from Emergency Solutions Grant (ESG-COVID); \$451,561 of this amount will be allocated to furniture, fixtures, and equipment.
  - b. \$4,965,426 from the Homelessness Efforts - County Funding Agreement Fund.
  - c. Appropriate up to \$4,965,426 from the Homelessness Efforts - County Funding Agreement Fund No. 63Q/10, Account No. 10T618 to the Homelessness Efforts - County Funding Agreement Fund No. 63Q/43, Account No. 43TXXX, Pallet Shelter - 1060 Vignes Street, and appropriate up to \$20,237,195 within ESG-COVID Fund No. 517/43, account numbers to be determined for the cost of operations as described below.

<u>CD</u>	<u>Site</u>	<u>No. of Beds</u>	<u>Operating Costs through June 30, 2020</u>	<u>Furniture, Fixtures, and Equipment</u>	<u>Total</u>	<u>Service Provider</u>
2	11471 Chandler Boulevard	66	\$1,825,890	\$23,500	\$1,849,350	Hope of the Valley
2	6099 Laurel Canyon	200	4,741,000	35,300	4,776,500	Hope of the Valley
2	12600 Saticoy	150	3,073,950	126,000	3,199,950	TBD
3	6700 Vanalden Avenue	104	2,562,560	20,500	2,583,060	TBD
3	6073 North Reseda Boulevard	146	3,597,440	62,000	3,659,440	TBD
13	5941 Hollywood Boulevard	30	950,400	85,226	1,035,626	The Salvation Army
14	1060 Vignes Street	232	6,201,360	0	6,201,360	TBD
15	1221 South Figueroa Street	<u>75</u>	<u>1,798,500</u>	<u>98,835</u>	<u>1,897,335</u>	TBD
	Total	591	\$24,751,100	\$451,561	\$25,202,621	

8. REQUEST the Los Angeles Homeless Services Authority (LAHSA) to:

- a. Execute contracts with the providers described in recommendation seven for furniture, fixtures and equipment, services and operations costs through June 30, 2022 at these sites.
  - b. Work with the Council Offices to identify service providers for the facilities listed above without named service providers in recommendation seven and execute contracts for furniture, fixtures and equipment, services and operations costs through June 30, 2022 at these sites.
9. APPROVE up to \$39,000 from the COVID-19 Federal Relief Fund No. 63M/10, Account No. 10T695 to Fund No. 100/40, for the cost to relocate storage containers to allow construction of the tiny home village at 6073 North Reseda Boulevard as follows:

<u>Appropriation Unit</u>	<u>Description</u>	<u>Amount</u>
001040	Construction Salaries	\$15,624
003180	Construction Materials	<u>23,376</u>
	Total	\$39,000

10. APPROVE funds in the amount of \$109,506 for an RV Safe Parking site at 15380 Oxnard Street in CD 4 for four months from March 1, 2021 through June 30, 2021.
- a. Allocate \$109,506 from the Homelessness Efforts - County Funding Agreement Fund No. 63Q, Department No. 10, Account No. 10T618 to the Homelessness Efforts - County Funding Agreement Fund No. 63Q/43, Account No. 43TXXX, Safe Parking -15380 Oxnard Street.
11. REQUEST the LAHSA to execute a contract with North Valley Caring Services to operate the RV Safe Parking site at 15380 Oxnard Street in CD 4 for four months from March 1, 2021 through June 30, 2021.
12. AUTHORIZE the City Administrative Officer to execute a Memorandum of Understanding (MOU) with the County of Los Angeles, or designee, to accept \$2,100,000 from the County for the construction of a family bridge housing facility located at 3061 Riverside Drive in CD 4, which is one of the 700 Homelessness Roadmap sites in existing agreements with the County.
13. AUTHORIZE the Controller to deposit \$2,100,000 to the Capital Improvement Expenditure Program Fund No 100/54, Account No. 00T761, Bridge Housing - 3061 Riverside Drive upon receipt from the County, or designee.
14. AUTHORIZE the City Administrative Officer to negotiate and execute a letter of agreement with the County of Los Angeles, or designee, agreeable to Council District 14, for the construction of a bridge housing facility located at 1060 Vignes Street, outlining the following:
- a. All 232 bed at this site will count toward the Roadmap target of 6,700 new homeless interventions.

- b. The County will fund all capital costs.
- c. The City will fund operating costs up to \$55 per bed per night through June 30, 2025.
- d. The County will pay any operating costs in excess of \$55 per bed per night.
- e. The target date to begin operations is March 1, 2021.

15. APPROVE up to \$6,658,937 from the Federal Emergency Shelter Grant Fund No. 517 for ESG-COVID administrative costs as follows:

- a. APPROPRIATE \$5,500,682 within the Federal Emergency Shelter Grant Fund No. 517, Account No. 43TXXX, ESG-COVID LAHSA Administrative Costs for interim housing sites in this report (\$2,520,262) and Project Homekey sites (\$2,980,420).
- b. APPROPRIATE \$1,158,255 within the Federal Emergency Shelter Grant Fund No. 517, Account No. 43TXXX, ESG-COVID HCID Administrative Costs.
  - i. Transfer \$649,832 from Fund No. 517, Account No. 43TXXX, ESG-COVID HCID Administrative Costs to the General Fund No. 100/43, Account No. 001010, Salaries General.
  - ii. Transfer \$410,948 from Fund No. 517, Account No. 43TXXX, ESG-COVID HCID Administrative Costs to Fund No. 517, Account No. 43T299 Reimbursements of General Fund Costs, and further reimburse to the General Fund No. 100/43, RSRC 5366, Federal Emergency Shelter Related Costs.
  - iii. Transfer \$97,475 from Fund No. 517, Account No. 43TXXX, ESG-COVID HCID Administrative Costs to the General Fund No. 100/43, Account No. 006030, Leasing.

16. APPROPRIATE \$811,302.82 to AB1290 Fund No. 53P, Department No. 28, Account No. 281202, Council District 2 Redevelopment Projects - Services to repay the loan from the Council District 2 Council's budget for the design, engineering, architecture, and preliminary work on the Council District 2 tiny home villages as follows:

- a. \$321,350.17 from the COVID-19 Federal Relief Fund No. 63M/10, Account No. 10T612, 11471 Chandler Boulevard.
- b. \$471,063.43 from the COVID-19 Federal Relief Fund No. 63M/10, Account No. 10T613, 6099 Laurel Canyon.
- c. \$18,889.22 from the COVID-19 Federal Relief Fund No. 63M/10, Account No. 10T695, CIEP/Homelessness Roadmap/Capital.

17. ALLOCATE \$923,911 in previously approved funds from the Homelessness Efforts - County Funding Agreement Fund No. 63Q/10, Account No. 10T618 to the Homelessness

Efforts - County Funding Agreement Fund No. 63Q/43, account numbers to be determined with updated amounts for previously approved overnight safe parking sites for six months from January 1, 2021 to June 30, 2021 as follows:

<u>No.</u>	<u>Location</u>	<u>Council District</u>	<u>Ownership</u>	<u>Proposed No. of Spaces</u>	<u>Proposed Funding</u>
1	7128 Jordan Ave.	3	Public-LADOT	25	\$135,869
2	11000 National Blvd.	5	Private-Church	30	163,043
3	4301 S. Central Ave.	9	Public-GSD	10	54,348
4	2444-2450 S. Crenshaw Blvd.	10	Public-HCID	10	54,348
5	Cahuenga Branch Library 4591 Santa Monica Blvd.	13	Public-Library	10	54,348
6	711 S. Beacon	15	Public-GSD	30	163,043
7	19610 Hamilton Ave.	15	Public-HACLA	25	135,869
8	8775 Wilbur Ave.	12	Public-LADOT	20	108,695
9	1033 Cole Ave.	13	LADWP	<u>10</u>	<u>54,348</u>
Total:				170	\$923,911

18. INSTRUCT the General Manager, Los Angeles Housing and Community Investment Department, or designee, to amend the City's Roadmap Contract with LAHSA to be effective for the term September 1, 2020 - September 30, 2022 and to reflect funding allocations in this report.
19. APPROPRIATE \$426,000 from the ESG Federal Emergency Shelter Grant Fund No. 517 and \$2,602,965 from the Community Development Trust Fund No. 424/43, account numbers to be determined for previously approved three months funding for four Measure H strategies A5, B4, C7 and D6 for the period from November 1, 2020 through January 31, 2021 as follows:
  - a. Increase \$426,000 within the ESG Federal Emergency Shelter Grant Fund No. 517, Account No. 43TXXX, LAHSA - HACLA Measure H Strategy B4 (Landlord Incentives).
  - b. Increase \$1,620,000 within the Community Development Trust Fund No. 424, Account No. 43TXXX, LAHSA Measure H Strategy A5 (Prevention for Adults).
  - c. Increase \$750,000 within the Community Development Trust Fund No. 424, Account No. 43TXXX, Measure H Strategy C7 (Employment).
    - i. Transfer \$75,000 from Fund No. 424, Account No. 43TXXX, Measure H



Strategy C7 (Employment) to City GF Homeless Program Fund No. 10C, Economic and Workforce Development Department No. 22, Account No. 22T622, EWDD Oversight.

- ii. Transfer \$675,000 from Fund No. 424, Account No. 43TXXX, Measure H Strategy C7 (Employment) to City GF Homeless Program Fund No. 10C, Economic and Workforce Development Department No. 22, Account No. 22TXXX, LA RISE City CDBG-COVID.
- d. Increase \$232,965 within the Community Development Trust Fund No. 424, Account No. 43TXXX, Measure H Strategy D6 (Criminal Record Clearing Project).
  - i. Transfer \$152,751 from Fund No. 424, Account No. 43TXXX, Measure H Strategy D6 (Criminal Record Clearing Project) to the General Fund No. 100, Office of the City Attorney Department No. 12, Account No. 001010, Salaries General.
  - ii. Transfer \$10,529 from Fund No. 424, Account No. 43TXXX, Measure H Strategy D6 (Criminal Record Clearing Project) to the General Fund No. 100, Office of the City Attorney Department No. 12, Account No. 006010, Expenses.
  - iii. Transfer \$69,685 from Fund No. 424, Account No. 43TXXX, Measure H Strategy D6 (Criminal Record Clearing Project) to Fund No. 424, Account No. 43T291 Reimbursements of General Fund Costs - City Attorney, and further reimburse to the General Fund No. 100, Department No. 12, Account No. RSC 5334.

20. AUTHORIZE the CAO to:

- a. Prepare Controller Instructions or make necessary technical adjustments, including to the names of the Special Fund accounts recommended for this report, consistent with the Mayor and Council action in this matter, and authorize the Controller to implement these instructions.
- b. Prepare any additional Controller instructions to reimburse City Departments for their accrued labor, material or permit costs related to projects in this report consistent with the Mayor and Council action on this matter and authorize the Controller to implement these instructions.

Fiscal Impact Statement: The CAO reports that there is no impact to the General Fund as a result of the recommendations in this report at this time. All of the recommendations in this report will be funded with CARES Act, HHAP funding and the County of Los Angeles service funding commitment in FY 2020-21 and FY 2021-22. Beginning in FY 2022-23, \$34,450,478 will be needed for the City share of all approved Roadmap intervention operating costs. Funding for these costs will be considered through the City's annual budget process, which is subject to Mayor and Council approval.

Financial Policies Statement: The recommendations in this report comply with the City Financial

Policies.

Community Impact Statement: None submitted.

Summary:

At its special meeting on November 17, 2020 the Ad Hoc on Covid-19 Recovery and Neighborhood Investment Committee considered the October 30, 2020 Bureau of Engineering (BOE) report, and the November 12, 2020, CAO report relative to a Bridge Home facilities on 5941 Hollywood Boulevard, 1060 North Vignes Street, and 12600 North Saticoy Street; and the Third Report for funding recommendations to implement the COVID-19 Homelessness Roadmap Projects. The reports attached to the Council file, includes some background on the matter.

After an opportunity for public comment was held, the Committee moved to approve the recommendations reflected above. This matter is now forwarded to the City Council for its consideration.

Respectfully Submitted,

AD HOC ON COVID-19 RECOVERY AND NEIGHBORHOOD INVESTMENT  
COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
MARTINEZ:	YES
WESSON:	YES
PRICE:	YES
CEDILLO:	YES
O'FARRELL:	YES

EV  
20-0841-S3\_rpt\_COVID\_11-17-20

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**

BOARD OF PUBLIC WORKS  
MEMBERS

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EXECUTIVE OFFICER

# CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
PUBLIC WORKS  
BUREAU OF  
ENGINEERING

GARY LEE MOORE, PE, ENV SP  
CITY ENGINEER

1149 S. BROADWAY, SUITE 700  
LOS ANGELES, CA 90015-2213

<http://eng.lacity.org>

October 30, 2020

The Honorable Nury Martinez, President  
Los Angeles City Council

c/o Holly L. Wolcott  
City Clerk  
City Hall Room 395

**CRISIS AND BRIDGE HOUSING FACILITIES AT 5941 HOLLYWOOD BLVD., 1060 N. VIGNES ST., AND 12600 N. SATICOY ST. (COUNCIL FILE 20-0841) CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICES OF EXEMPTION (NOE)**

Dear President Martinez and Honorable Members:

On June 24, 2020, a motion was introduced, relative to the proposed strategy and funding recommendations to implement the COVID-19 Homelessness Roadmap moving that City Council immediately allocate monies from the COVID-19 Federal Relief Fund to the Bureau of Engineering to initiate the environmental analysis for homeless shelter projects. 5941 Hollywood Blvd. in Council District 13, 1060 N. Vignes St. in Council District 14, and 12600 N. Satcoy St. Pallet Shelter in Council District 2 have been identified as homeless shelter project sites under this strategy.

**RECOMMENDATION**

Staff recommends that Council make the following determinations related to the Crisis and Bridge Housing facilities identified below and as set forth in the attached NOEs:

- **5941 Hollywood Blvd. in Council District 13**, which allows for minor interior tenant improvements and the operation of an existing homeless shelter with a maximum of 30 beds, is statutorily exempt from CEQA under Public Resources Code Section 21080(b)(4) as a specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guideline Section 15269(c); and under Government Code § 65660 (AB 101) applicable to providing financial assistance to Low Barrier Navigational Centers.
- **1060 N. Vignes St. in Council District 14**, which allows for providing financial assistance to the County of Los Angeles for the operation of a new homeless shelter on a County owned parcel with a maximum of 232 beds, is statutorily exempt under Public Resources Code § 21080(b)(4) as a specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guideline Section 15269(c); Government Code §§ 8698.4 and 65660, applicable to actions providing financial assistance to construct a





Honorable Nury Martinez

October 30, 2020

Page 2 of 2

homeless shelter; CEQA Guidelines 15332, 15301(a), (h); 15303(d), (e), 15304(a), (b), (f); 15311(b); and,

- **12600 N. Saticoy St. in Council District 2**, which allows for the lease of State of California land to construct and operate a new homeless Pallet Shelter site with a maximum of 150 beds, is statutorily exempt from CEQA under Public Resources Code Section 21080(b)(4) as a specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guideline Section 15269(c); and because the project uses "Homeless Housing, Assistance, and Prevention Program funds," it is exempt under Governor's order N-32-20.

If you have any questions, please contact Maria Martin at (213) 485-5753.

Sincerely,



For Gary Lee Moore, PE, ENV SP  
City Engineer

GLM/AM/MEM

Q:\AM\Signed Documents\2020\Transmittal CF 20-0841 5941 Hollywood Blvd, 1060 N. Vignes St., 12600 N. Saticoy St. CEQA NOE

Attachment

cc: Deborah Weintraub, Bureau of Engineering  
Alfred Mata, Bureau of Engineering  
Mahmood Karimzadeh, Bureau of Engineering  
Allan Kawaguchi, Bureau of Engineering  
Maria Martin, Bureau of Engineering

ATTACHMENTS

**5941 HOLLYWOOD BLVD HOLLYWOOD SALVATION ARMY HOMELESS SHELTER**  
NOTICE OF EXEMPTION

**1060 N. VIGNES STREET HOMELESS SHELTER**  
NOTICE OF EXEMPTION  
SITE PLAN PRESENTATION

**12600 N. SATICOY ST. PALLET SHELTER**  
NOTICE OF EXEMPTION  
SITE PLANS

**1060 N. VIGNES STREET HOMELESS SHELTER**

NOTICE OF EXEMPTION  
SITE PLAN PRESENTATION



COUNTY CLERK'S USE

CITY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
BUREAU OF ENGINEERING  
1149 S. BROADWAY, 7th FLOOR  
LOS ANGELES, CALIFORNIA 90015  
CALIFORNIA ENVIRONMENTAL QUALITY ACT  
NOTICE OF EXEMPTION  
(Articles II and III – City CEQA Guidelines)

This form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, and the Office of Planning and Research pursuant to Public Resources Code Sections 21080.27(c) and 21152(b). Pursuant to Public Resources Code Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

<b>LEAD CITY AGENCY AND ADDRESS:</b> City of Los Angeles c/o Bureau of Engineering 1149 S. Broadway, MS 939, Los Angeles, CA 90015	<b>COUNCIL DISTRICT</b>  14
<b>PROJECT TITLE:</b> CD 14 1060 N. Vignes St. Homeless Shelter - Central City North	<b>LOG REFERENCE</b> C.F. 20-0841

**PROJECT LOCATION:** 1060 N. Vignes St., Los Angeles 90012. The project site is located on the northeast corner of the intersection at North Main Street and Vignes St. in the Central City North Community Plan Area in the City of Los Angeles Council District 14 (CD 14), Assessor's Parcel Number (APN) 540-9014-907, see *Figure 1 – Project Site Location*. T.G. 634 H2

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT** The Proposed Project consists of the City providing financial assistance to the County of Los Angeles for the operations of a new homeless shelter on a County of Los Angeles owned parcel within the City. The homeless shelter will be constructed using prefabricated modular shipping containers that will include beds in crisis and bridge housing for up to 232 individuals experiencing homelessness within the City of Los Angeles. The nature of this Project is to collaborate with and provide financial assistance to the County of Los Angeles, who will serve the local homeless community within the vicinity of the project. The purpose of the Project is to provide emergency shelter for individuals experiencing homelessness, to help bridge their transition from living on the streets to finding services and, ultimately, living in transitional and/or permanent housing. The Project includes approximately 232 beds in Low Barrier Navigational Center crisis and bridge housing. The Project Site is approximately 4 acres and is currently a vacant, paved surface lot. Project beneficiaries include the homeless community, the public and local businesses. A third-party service provider will operate the project for the County and it is anticipated that a lease or similar operating and/or funding agreement may be executed. (Please see the attached narrative for more details). On September 29, 2020, the Los Angeles County Board of Supervisors determined the project's approval was exempt from CEQA and approved the project. On \_\_\_\_\_ Los Angeles City Council determined the project was exempt from CEQA and approved the project.

<b>CONTACT PERSON:</b> Maria Martin	<b>TELEPHONE NUMBER:</b> 213-485-5753
<b>EXEMPT STATUS: (Check One)</b> <b>STATE CEQA GUIDELINES</b> <b>STATUTE</b> <input checked="" type="checkbox"/> <b>STATUTORY</b> 15269(c)      Pub. Resources Code §§ 21080(b)(4), §21080.27 Gov't Code §§ 8698.4(a)(4), 65660(b) <input checked="" type="checkbox"/> <b>CATEGORICAL</b> 15332, 15301(a), (h); 15303(d),(e), 15304(a), (b), (f) 15311(b)	

**JUSTIFICATION FOR PROJECT EXEMPTION:** This project is statutorily exempt under Public Resources Code § 21080(b)(4) as a specific action necessary to prevent or mitigate an emergency as also reflected in CEQA Guideline Section 15269(c); Government Code §§ 8698.4 and 65660, applicable to actions providing financial assistance to construct a homeless shelter; CEQA Guidelines 15332, 15301(a), (h); 15303(d), (e), 15304(a), (b), (f); 15311(b). (see attached narrative)

<b>IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING</b>			
<b>SIGNATURE:</b>  Maria Martin		<b>TITLE:</b> Environmental Affairs Officer Environmental Management Group	
<b>DATE:</b>		<b>DATE:</b>	
<b>FEE:</b> \$75.00	<b>RECEIPT NO.</b>	<b>REC'D BY</b>	<b>DATE</b>

DISTRIBUTION: (1) County Clerk (2) Agency Record



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## EXEMPTION NARRATIVE

The Proposed Project consists of providing financial assistance to the County of Los Angeles (County) for the operations of a new homeless shelter on a County owned parcel within the City of Los Angeles (City). The homeless shelter is proposed to be a 60,500 square foot Low Barrier Navigational Center that will provide crisis and bridge housing and homeless services. It will be constructed using prefabricated modular shipping containers, including up to 232 beds for individuals experiencing homelessness. The Project Location is an approximately 4-acre, irregular shaped parcel that is currently a vacant surface lot owned by the County.

The project is within the City and is zoned M3 with a Heavy Manufacturing land use designation. It is located on the north east corner of North Main Street and Vignes St. The Project Site is located in the Central City North Community Plan Area in the City of Los Angeles Council District 14 (CD 14), 1060 N. Vignes St., Los Angeles, CA 90012, and Assessor's Parcel Number (APN) 540-9014-907, see *Figure 1 – Project Site Location*. (City of Los Angeles Department of City Planning, 2020)

The shelter will be operated consistent with the Los Angeles Homeless Services Authority's (LAHSA) program requirements for bridge shelters including, but not limited to, LAHSA's Crisis Housing and/or Bridge Housing Scope of Required Services (LAHSA, 2019-2020) (LAHSA, 2020) and Program Standards (LAHSA, 2019-2020). It is anticipated that a third-party service provider will operate the project for the County, with operations funding provided by the City, and it is anticipated that operating and/or funding agreements may be executed with the service provider, County, and/or LAHSA.

At its September 29, 2020 meeting, the LA County Board of Supervisors determined the project was exempt from CEQA and approved the project. ([http://file.lacounty.gov/SDSinter/bos/sop/1079717\\_092920.pdf](http://file.lacounty.gov/SDSinter/bos/sop/1079717_092920.pdf)) Specifically, the County's actions including the following finding in Supervisor Solis's motion: "Find the proposed Project and related actions statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(4) of the California Public Resources Code and Section 15269(c) of the State CEQA Guidelines, which exempt specific actions necessary to prevent or mitigate an emergency; further find that the recommended actions are categorically exempt from CEQA pursuant to Section 15332 of the State CEQA Guidelines; Sections 15301(a) and (h); 15303(d) and (e); 15304(a) (b) and (f); and 15311(b) of the State CEQA Guidelines and Classes 1(d) , (j), (n) and (r), 3(a) and (b), 4(a), (c) and (k) and 11(f) of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G, which are applicable to in-fill development, repair, leasing, licensing and minor alteration to existing facilities, minor alterations to land, accessory structures, including temporary use items; and the proposed activity also meets the definition of a by-right Low Barrier Navigation Center Development pursuant to Section 65662 (AB 101) of the Government Code and is exempt under Public Resources Code Section 21080.27. In addition, based on the proposed project records, it will comply with all applicable regulations, and it is not in a sensitive environment and there are no cumulative impacts, unusual circumstances, damage to scenic highways, listing on hazardous waste site lists compiled pursuant to Government Code Section 65962.5, or indications that it may cause a substantial adverse change in the significance of a historical resource that would make the exemption inapplicable. Upon approval of the recommended actions, the CEO will file a Notice of Exemption with the County Clerk pursuant to Section 21152 of the California Public Resources Code. . . ."



The County's findings are incorporated herein by reference as support for the City's exemption determination.

**Figure 1**  
**Project Site Location Map**



**I. PROJECT HISTORY: HOMELESS SHELTER CRISIS AND EMERGENCY**

**A. Homelessness Imposes a Loss of, or Damage to, Life, Health, Property, and to Essential Public Services in the City**

Homelessness presents a danger of loss or damage to the health and property of the people of the City and an undue burden on essential public services. Homeless persons constitute approximately 0.78 percent of the City's population (Los Angeles Homeless Services Authority, 2018).

In 2018, homeless persons constituted 13.5 percent of LAFD's total patient transports to a hospital, meaning a homeless person is 17 percent more likely to require emergency hospital transportation than the general population (LAFD Battalion Chief and Paramedic Douglas Zabalski, 2019). Studies have shown that individuals identified as homeless utilize health care services more frequently than comparable non-homeless individuals of the same age, gender, and low-income status, particularly high-cost services such as ER visits and psychiatric hospitalizations (Hunter, 2017) (Hwang SW, 2013).

Los Angeles County's Chief Executive Officer reported the County spent \$965 million on health, law enforcement, and social services toward individuals experiencing homelessness in fiscal year 2014–2015 (Wu, 2016). Consistent with that report, a 1998 study in the New England Journal of Medicine found that homelessness was associated with substantial excess costs per



hospital stay in New York City, with homeless patient staying in the hospital 36 percent longer per admission on average than other patients (Salit, Hospitalization Costs Associated with Homelessness in New York City, 1988).

Homelessness also causes significant danger to the health and lives of persons who are homeless. Homeless individuals living in the City are frequent crime victims. In 2018, LAPD reported 2,965 instances where a homeless individual was a victim of a serious crime, including homicide, rape, aggravated assault, theft, and arson (also known as "Part 1 Crimes.") (Commander Dominic H. Choi, 2019). This compares to 1,762 such crimes in 2017, a 68 percent increase (*Id.*). This dramatic increase in Part 1 Crime statistics may be due to more rigorous LAPD data collection methodologies, but is consistent with the increasing incidence of homelessness documented in June of 2019 detailed below (*Id.*).

Overall, in 2018, the LAPD reported 6,671 instances in total where a homeless individual was a Part 1 Crime victim and/or suspect, among the 31,285 estimated homeless individuals throughout the City (*Id.*). This means that in 2018 there was approximately one Part 1 Crime per every 4.68 homeless individuals in the City. By comparison, for the same year LAPD reported 129,549 total Part 1 Crimes Citywide among an estimated population of 4,054,400 City residents, or approximately one Part 1 crime per every 31.29 City residents. Accordingly, the rate of Part 1 crimes among homeless individuals in 2018 was approximately seven times higher than the rate among the City population as a whole (*Id.*).

On October 4, 2018 and again on February 6, 2019, the Los Angeles County Department of Public Health identified an outbreak of endemic flea-borne typhus in downtown Los Angeles among persons experiencing homelessness. On September 19, 2017, the Los Angeles County Department of Public Health declared a Hepatitis A virus outbreak among persons who are homeless and/or use illicit drugs in the County. Likewise, a January 2018 report from the Los Angeles County Department of Mental Health reported that data from the Los Angeles County Medical Examiner-Corner's showed that a significant number of deaths in the homeless population were caused by treatable conditions such as arteriosclerotic cardiovascular disease, pneumonia, diabetes, cancer, cirrhosis, severe bacterial infections and other conditions (Choi, 2019). As noted more recently by the Board of Supervisors for the County of Los Angeles on October 29, 2019:

Mortality rates for people experiencing homelessness are much higher than those for the general population, have risen in the County over the past five years, and are expected to increase again for 2019. A recent analysis by the County's Department of Public Health on mortality rates and causes of death among people experiencing homelessness shed critical light on this issue and provided sobering data on recent trends. The overall mortality rate, which accounts for increases in the total homeless population over the 6-year period from 2013 to 2018, increased each year from 1,382 per 100,000 to 1,875 deaths per 100,000, with the total number of deaths among people experiencing homelessness increasing each year from 536 in 2013 to 1,047 in 2018. The leading causes of death included coronary heart disease (22%) and unintentional drug and alcohol overdose (21%), indicating that there are opportunities for interventions to prevent premature deaths (Supervisor Ridley-Thomas, Supervisor Solis, 2019) (Department of Public Health, 2019).

These significant adverse health impacts suffered by the homeless in the City and County of Los Angeles are consistent with the impacts identified by a well-established body of expert social science studies that document the significant adverse health and welfare impacts experienced by homeless persons in the United States and in other countries, which the homeless in the City and County experience as well. Some of that research has documented the following impacts upon homeless persons:



*Mortality Rates.* A study of the mortality rates of sheltered homeless people in New York City between 1987 and 1994 documented that homeless men died at a rate more than twice that of other residents of New York, and that homeless women died at a rate more than 3.7 times greater than other New York residents (Barrow, Susan M., PhD, Daniel B. Herman, DSW, Pilar Cordova, BA, and Elmer L. Struening, PhD, 1999). A study conducted between 1985 and 1988 in Philadelphia found that the mortality rate among homeless persons in Philadelphia was nearly four times greater than for the general population (Hibbs, Jonathan R., MD, et al., 1994). A review of five years of data between 2000 and 2005 in Glasgow, Scotland found that homelessness is, itself, is an independent risk factor for death, distinct from other specific causes (Morrison, 2009).

*Access to Healthcare.* A 2003 nationwide survey of homeless persons documented that homeless adults reported substantial unmet needs for multiple types of health care (Baggett, Travis P., MD, MPH, James J. O'Connell, MD, Daniel E. Singer, MD, and Nancy A. Rigotti, MD, 2010). The report found 73 percent of the respondents reported at least one unmet health need, including an inability to obtain needed medical or surgical care (32%), prescription medications (36%), mental health care (21%), eyeglasses (41%), and dental care (41%) (*Id.*).

*AIDs Impacts.* A study of San Francisco residents diagnosed with AIDS from 1996 through 2006 and reported to the San Francisco Department of Public Health demonstrated that homeless persons with HIV/AIDS have greater morbidity and mortality, more hospitalizations, less use of antiretroviral therapy, and worse medication adherence than HIV infected persons who are stably housed (Schwarcz, Sandra K, Ling C Hsu, Eric Vittinghoff, Annie Vu, Joshua D Bamberger and Mitchell H Katz, 2009).

*Cancer Impacts.* A study of 28,000 current and formerly homeless individuals in Boston documented that homeless men saw a significantly higher cancer incident rate than expected compared to the general Massachusetts general population, and that homeless women and men experienced significantly higher cancer mortality rates than the Massachusetts general population (Baggett, Travis P et al., 2015).

## **B. Unexpected and Unabated Dramatic Surge in Homelessness**

A 2017 Rand Corporation study reported the County of Los Angeles as having the highest rate in the United States of unsheltered individuals who experience homelessness (Hunter, Sarah B., Melody Harvey, Brian Briscoe, and Matthew Cefalu, 2017). The impacts of homelessness upon the homeless and upon the community, in terms of the danger to or loss of life, property, health and burden on public services is exacerbated in the City due the very size of the City's homeless population. The homeless shelter crisis and the rise in homelessness are the type of emergency situations that led the State to adopt multiple urgency statutes addressing homelessness that were deemed necessary for the immediate preservation of the public peace, health, or safety and for the critical necessity to address the shelter and homeless crisis within the City of Los Angeles.

The City of Los Angeles (the City) City Council declared a homeless shelter crisis pursuant to Government Code Section 8698, et seq. on April 17, 2018 (The Honorable M. Bonin & M. O'Farrell, 2019), which is currently in effect (The Honorable M. Bonin & M. Harris-Dawson, 2019). Following significant investment of resources by both the County and City, the 2018 Homeless Count showed progress in reducing homelessness, documenting a 5.5 percent overall decrease in the number of persons experiencing homelessness in LA County (LAHSA, 2020).

*Table 1 - 2018 Homeless Count Data Summary* presents the data revealed by the 2018 Homeless Count concerning the City of Los Angeles, as documented in the 2018 Data Summary in Table 1 (LAHSA, 2020).



<b>Table 1</b> <b>2018 Homeless Count Data Summary</b>		
	<b>Number of Individuals</b>	<b>Change from 2017</b>
Sheltered Homeless	8,398	6% Decrease
Unsheltered Homeless	22,887	5.3% Decrease
Total Homeless Persons	31,285	5.5% Decrease

Despite these efforts and the initial progress shown in 2018, the revised 2019 Homeless Count, released in July 22, 2020, unexpectedly documented a dramatic increase in the number of individuals experiencing both sheltered and unsheltered homelessness in (LAHSA, 2020) *Table 2 - 2019 Homeless Count Data Summary* presents the data revealed by the 2019 Homeless Count concerning the City of Los Angeles, as documented in the 2019 Data Summary as shown in Table 2 (LAHSA, 2020):

<b>Table 2</b> <b>2019 Homeless Count Data Summary (Revised 07/20/2020)</b>		
	<b>Number of Individuals</b>	<b>Change from 2018</b>
Sheltered Homeless	8,944	6.5% Increase
Unsheltered Homeless	26,606	16.2% Increase
Total Homeless Persons	35,550	13.7% Increase

LAHSA recently published its 2020 Homeless Count, released in July 20, 2020, which shows that the homelessness emergency in the City of Los Angeles continues unabated. The documented number of individuals experiencing both sheltered and unsheltered homelessness dramatically increased yet again, as shown in *Table 3 - 2020 Homeless Count Data Summary*. (LAHSA, 2020)



<b>Table 3</b> <b>2020 Homeless Count Data Summary</b>		
	Number of Individuals	Change from 2019
Sheltered Homeless	12,438	39% Increase
Unsheltered Homeless	28,852	8.4% Increase
Total Homeless Persons	41,290	16.1 % increase

### **C. Emergency Related to COVID-19 Pandemic Impacting Homeless Community**

In addition to the crisis of growing homelessness, the COVID-19 pandemic is impacting homeless persons. On March 4, 2020, the Governor proclaimed a State of Emergency for the State of California (Governor Gavin Newsom, 2020), and the Mayor of the City of Los Angeles declared a local emergency related to the threat of the COVID-19 pandemic affecting the local population (Mayor Eric Garcetti, 2020). The City is facing an unprecedented emergency at the current time due to the sudden occurrence of the COVID-19 pandemic, and this emergency is particularly concerning for the imminent threat it poses to the City's homeless population.

On March 11, 2020, the State Department of Health issued guidance for protecting homeless Californians from COVID-19, which noted the following:

"We know that individuals experiencing homelessness are at greater risk of having an untreated and often serious health condition. This vulnerable population also has a higher risk of developing severe illness due to COVID-19," said Dr. Mark Ghaly, Secretary of the California Health and Human Services Agency. "It is important that we act now to protect this population and the compassionate people who serve them." (Corey Egel, 2020)

The homeless often live unsheltered, unprotected from the elements and in close contact and proximity to other individuals in the homeless community. As noted above, the homeless population is substantially more prone to underlying health conditions. The State Department of Public Health additionally states that populations "with compromised immune systems, and people with certain underlying health conditions like heart disease, lung disease and diabetes, for example, seem to be at greater risk of serious illness." (California Dept. of Public Health, 2020) Thus, exposure to COVID-19 in the homeless population is an imminent concern for the damage it will cause on these susceptible individuals.

On March 12, 2020, the Governor's Executive Order No. N-25-20 noted the "need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19." (Governor Gavin Newsom, 2020) On March 18, 2020, the Governor issued Executive Order No. N-32-20 (Governor Gavin Newsom, 2020), which further noted imminent impacts to the homeless, as follows:

[T]he emergency of COVID-19 necessitates a more focused approach, including emergency protective measures to bring unsheltered Californians safely indoors, expand shelter capacity, maintain health and sanitation standards and institute medically indicated interventions, and add new isolation and quarantine capacity



to California's shelter and housing inventory to slow the spread of the pandemic....

The Governor has stated that “[p]eople experiencing homelessness are among the most vulnerable to the spread of COVID-19,” and “California is deploying massive resources to get these vulnerable residents safely into shelter, removing regulatory barriers and securing trailers and hotels to provide immediate housing options for those most at risk. Helping these residents is critical to protecting public health, flattening the curve and slowing the spread of COVID-19.” (California Governor, Press Release (Governor Gavin Newsom, 2020))

On March 19, 2020, the Governor issued a stay-at-home order directing residents to stay home or at their place of residence (Governor Gavin Newsom, 2020). It noted “in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials.” (Governor Gavin Newsom, 2020). Similar local Safer-at-Home orders followed (County of Los Angeles Public Health Department, 2020) (Mayor Eric Garcetti, 2020). The City's Safer at Home order particularly noted the following:

City of Los Angeles officials and contracted partners responsible for homelessness outreach shall make every reasonable effort to persuade such residents to accept, if offered, temporary housing or shelter, as the Health Officer of the County of Los Angeles recommends that sheltering individuals will assist in reducing the spread of the virus and will protect the individual from potential exposure by allowing the individual access to sanitation tools.

(Mayor Eric Garcetti, 2020)

In the United States District Court Central District of California case of *LA Alliance for Human Rights Et Al. vs. the City of Los Angeles, Et al.* Case No. CV 20-02291 DOC (The Honorable Judge David O. Carter, 2020), concerning homelessness, the Court entered a May 2020 injunction that had ordered the City of Los Angeles in partnership with the County of Los Angeles, to protect a particular subset of persons experiencing homelessness, finding they are exposed to severely heightened public health risks as a result of where they live. (The Honorable Judge David O. Carter, 2020) Although the Court vacated that order on June 18, 2020, in favor of a homeless shelter agreement between the City and County, the Court retained its right to re-impose the May 2020 injunction. The Court's May 2020 findings concerning the emergency situation faced by homeless persons, therefore, is relevant to understanding the emergency situation.

The Injunction found that the combined risks of health impacts from living near freeways and the on-going Covid-19 pandemic constitute an emergency. The Court found that it is unreasonably dangerous for humans to live in areas which have deleterious health impacts and can shorten a homeless person's life expectancy by decades. These locations near freeways, for example, could be contaminated with lead or other carcinogenic substances and also increase the danger that a homeless person will be struck by a vehicle or injured in the event of an earthquake or crash. Camps in these locations can also burden the general public—for example, by posing potential hazards to passing motorists, or by making sidewalks and other rights-of-way inaccessible to individuals with disabilities.

The Court further found that providing housing for persons experiencing homelessness will help stop the spread of COVID-19 persons experiencing homelessness and will also help reduce the likelihood that the disease will spread throughout the greater Los Angeles community

Taken together, the unexpected and dramatic increase in homelessness in the City and County of Los Angeles identified first in 2019 continues unabated in 2020, which is now exacerbated by



the COVID-19 pandemic posing a critical emergency situation in the City of Los Angeles. This situation presents documented dangers to health, life, property and a burden on public resources which presents an emergency as defined by CEQA as explained below. Furthermore, the State has created additional CEQA exemptions applicable in the City of Los Angeles concerning homelessness and homeless shelters.

## **II. THE PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW**

### **A. The Project is Exempt Pursuant to the Emergency CEQA Statutory Exemption (PRC Section 21080(b)(4))**

Public Resources Code section 21080(b)(4) provides that CEQA does not apply, to "specific actions necessary to prevent or mitigate an emergency." Public Resources Code section 21060.3 defines Emergency as, "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services." Section 21060.3 further provides that Emergency, "includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage."

Finally, 14 California Code of Regulations (Governor's Office of Planning and Research, 2018) Section 15269, "Emergency Projects," provides examples of emergency projects exempt from the requirements of CEQA, including the following:

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply

(i) 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, or

(ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

The project is a specific action necessary to prevent or mitigate an emergency – the conditions arising from a sudden and unexpected dramatic rise in the City's already dangerously large homeless population, now adversely impacted by the COVID-19 pandemic for all of the reasons set forth above in Part I (Project History). The Project, therefore is exempt from CEQA environmental review pursuant to Section 21080(b)(4).

### **B. The Project is Exempt Pursuant to Government Code Section 8698.4**

Government Code Section 8698.4(a)(4) provides a statutory CEQA exemption for "actions taken by a state agency or a city, county, or city and county, to lease, convey, or encumber land owned by a city, county, or city and county, or to facilitate the lease, conveyance, or encumbrance of land owned by the local government for, or to provide financial assistance to, a homeless shelter constructed or allowed by this section." As noted below, this project meets these requirements:



The Proposed Project fits this exemption because it is an action to provide financial assistance to the County of Los Angeles for the operation of a new homeless shelter on a Los Angeles County owned parcel within the City of Los Angeles. The Proposed Project includes beds in a crisis and bridge housing Low Barrier Navigational Center for up to 232 individuals experiencing homelessness and will be funded by CARES ESD and CARES CDGD from the City to the County for the operation of the shelter

Government Code Section 8698.4(a)(1) states that upon a city, county, or city and county declaring a shelter crisis, homeless shelters may be located or constructed on land owned or leased by a city, county, or city and county. The City of Los Angeles City Council declared a homeless shelter crisis pursuant to Government Code Section 8698, et seq. on April 17, 2018 (The Honorable M. Bonin & M. O'Farrell, 2019), which is currently in effect (The Honorable M. Bonin & M. Harris-Dawson, 2019). The County of Los Angeles declared a homeless shelter crisis pursuant to Government Code Section 8698 et seq. on October 30, 2018, extending it on October 29, 2019 and October 13, 2020 to remain in effect through November 1, 2021. (County of Los Angeles, 2019) (County of Los Angeles, 2020) According to the City's Zoning and Information Mapping Access System (ZIMAS), the project is located on County of Los Angeles-owned land, which is located within the jurisdiction of the City of Los Angeles. (City of Los Angeles Department of City Planning, 2020) The County will operate the site, with CARES funding provided from the City of Los Angeles, as an emergency shelter under the County's shelter crisis declaration, and within the City, which has also declared a shelter crisis.

The Project complies with Government Code Section 8698.4(a)(1), because both the City and County declared a shelter crisis; the City is providing financial assistance to the County of Los Angeles for operating a homeless shelter located or constructed under Government Code Section 8698.4 on land owned by a county within the City. Based on the above-noted information, the project is exempt from CEQA pursuant to Government Code Section 8698.4(a)(1).

**C. The Project is Exempt from CEQA Under Government Code Section 65660(b) Because the City Will Provide Financial Assistance to a Low Barrier Navigation Center**

Under Government Code Section 65660(b), a CEQA exemption applies to "actions taken by a public agency to ... provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center constructed or allowed by this section."

The City of providing funding assistance to the County for the County to operate a Low Barrier Navigation Center, as further discussed in detail below. Therefore, the City's action is exempt from CEQA pursuant to Government Code Section 65660(b).

**1. The Project Meets the Definition of a Low Barrier Navigational Center in Government Code Section 65660**

The shelter will operate as a "service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities, while case managers connect families experiencing homelessness to income, public benefits, health services, shelter and housing."



The shelter will provide temporary housing, with case managers staffing the facility that provide connections to homeless family services and assistance for the occupants. The shelter's programs include Trauma Informed Care policies and procedures that involve understanding, recognizing, and responding to the effects of all types of trauma. The shelter will be operated by service providers coordinated with the Los Angeles Homeless Services Authority (LAHSA) through the Los Angeles Continuum of Care to provide persons experiencing homelessness with some stability, so that they can more easily maintain contact with housing navigation and/or case management services to facilitate safe and supportive housing placement.

**LAHSA's Crisis Housing Scope of Required Services or Bridge Housing Scope of Required Services** will be followed for operating the shelter. Service providers provide case management services and develop a Housing Stability Plan with each person and a case management and service plan that includes support with completing housing applications, accompanying the individual to housing appointments and/or leasing appointments, and other support associated with the housing placement process. The individualized case management relationship will ultimately translate to increased housing stability. Case Managers make rapid connections to a broad continuum of resources and permanent housing, emphasizing a short-term stay in the shelter bed. A case manager is assigned to an individual when the person enters the program and then helps the participant establish a connection to a Housing Navigator that assists with referrals to housing programs (such as RRH, Permanent Supportive Housing, affordable housing, etc.). to support their housing placement goals with a be focus on assisting the participant in identifying and accessing permanent housing the general ninety (90) days of the stay.

Case management must be conducted on a regular and routine basis and must be routinely documented. The content and outcome of case management meetings with individuals are entered into a housing management information system with case notes that are tracked in the system. Housing-focused case management sessions are dedicated to assessing and reassessing needs, educating individuals on community resource opportunities, developing Housing Stability Plans, scheduling appointments, and providing necessary follow up to ensure housing stability plans are progressing on schedule and needs are adequately being addressed.

As noted in LAHSA's Program Standards, that apply to this project, supportive services for the shelters focus on the income, resources, skills and tools needed to pay rent, comply with a lease, take reasonable care of a housing unit, and avoid serious conflict with other tenants, the landlord, and/or the police. The Program Standards also require service providers to utilize and maintain referral networks with specific lists of health services and public benefit services for connecting occupants to those benefits. Thus, the project is a service-enriched shelter focused on moving individuals into permanent housing that provides temporary living facilities, while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing.

**Housing First.** The homeless shelter is a "Housing First" shelter pursuant to Government Code Section 65660. Also, in being such a Housing First shelter, the shelter complies with Chapter 6.5 of Division 8 of the Welfare and Institutions Code (commonly referred to as the Housing First Law). "Housing First" means the evidence-based model that uses housing as a tool, rather than a reward, for recovery from homelessness, and that centers on providing or connecting people experiencing homelessness to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services.

Housing First also includes time-limited rental or services assistance, so long as the housing



and service provider assists the recipient in accessing permanent housing and in securing longer-term rental assistance, income assistance, or employment. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance. If resources are needed to successfully divert an individual from entry into the homelessness system, a referral must immediately be made to a CES Diversion/Prevention program. In order to identify other permanent housing options, service providers continue to have such problem solving conversations with the individual while residing in the shelter housing. More broadly, the project includes a housing and services plan and housing-focused case management, both with an orientation towards supporting individuals to exit to safe and stable housing. This project meets the above-noted Housing First requirements.

The shelters will be operated by service providers coordinated through LAHSA. All service providers must comply with LAHSA's Scope of Required Services, Program Standards, and Facility Standards. Per LAHSA's Program Standards, all eligible participants are to be served with a Housing First approach. LAHSA's CES for Families' Principles and Practices that were approved by the CES Policy Council on August 23, 2017 shall be used to guide the development of systems-level policy and to ensure transparent and accountable decision-making with privately owned Service Providers who enter into a partnership with LAHSA. The basic underlying principle of LAHSA's System Components is that access to housing is the primary need for its program participants. Services are voluntary and not required to enter into a shelter. Individuals will not be rejected or exited due to unnecessary barriers.

The shelter will provide a safe, low barrier, housing-focused, and homeless services support in a twenty-four (24) hour residence to help individuals who experience homelessness that meet the above-noted requirements for Housing First. One of the core components of the Housing First model is that longer-term housing accepts referrals directly from shelters. The shelter will connect, transition, and refer homeless individuals into such permanent housing as quickly as possible in the Housing First model, and accept occupants through the crisis response system.

**Low Barrier.** "Low Barrier" means the shelters use best practices to reduce barriers to entry, including but not limited to, the presence of partners (if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth); pets; storage for possessions; and privacy (such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms). The shelter meets these requirements.

The Project will provide financial assistance to construct and operate a homeless shelter that will provide approximately 232 beds which allow for presence of partners. The homeless shelter is pet friendly. Participants are allowed to bring their pets to the shelter.. Although a pet area has not been identified onsite, residents may walk their dogs in the surrounding neighborhoods and must adhere to all of the pet laws within the Los Angeles Municipal Code. There is storage within each room for personal possessions. The shelter is designed to provide privacy to participants by providing each individual or couple with their own room. The site has a bathrooms and private living quarters. Therefore, the project is managed and designed to allow the privacy of participants and is a pet friendly facility for participants who choose to be accompanied by their pets.

2. **The Project Complies with the Additional Low Barrier Navigation Requirements in Government Code Section 65662**



**Connecting to Permanent Housing through a Services Plan.** Government Code Section 65662(a) requires that Low Barrier Navigation Centers offer services to connect families to permanent housing through a services plan that identifies services staffing. The proposed homeless shelter meets that requirement. As noted above, the homeless shelter includes housing-focused case management sessions that involve developing Housing Stability Plans/Housing and Services Plans, scheduling appointments, and providing necessary follow up to ensure housing stability plans are progressing on schedule and needs are adequately being addressed. This is required in LAHSA's Scope of Required Services.

The Housing Stability Plan is the service plan that summarizes the participant's housing goals, services needed, what will be provided, actions that need to be taken (by staff and the participant), and referrals that need to be made. Case managers develop the services plan in coordination with the individual right after intake and assessment, track the plan in a homeless management information system, and revise the plan as the person's situation changes and steps are completed or revised accordingly.

Individuals are assisted with a range of activities that address the stated goals of the individual in the Housing Stability Plan, including but not limited to:

- Accessing personal identification (For quick referral to permanent housing)
- Accessing certification of the current income (For quick referral to permanent housing)
- Mainstream Benefits
- Substance Abuse services
- Mental Health Services
- Health Services
- Vocational Services
- Employment Services
- Educational Support
- Legal Services
- Life Skills Development
- Independent Living Program for Youth
- Transitional Housing Program for Youth
- CES and CoC Rapid Re-Housing Program
- Housing Navigation Assistance
- CoC Permanent Supportive Housing
- LA County Department of Health Services, Housing for Health or Housing and Jobs Collaborative
- LA County Department of Health Services, Countywide Benefits Entitlement Services Team
- LA County Department of Mental Health, Countywide Housing Assistance Program
- Veterans Administration Housing Programs
- Housing Opportunities for Persons with Aids (HOPWA) Housing
- Crisis Housing for Unaccompanied Youth
- Youth Family Reconnection Program

Progress and problems implementing the plan are reviewed and updated frequently.

**Coordinated Entry System.** Government Code Section 65662(b) requires Low Barrier Navigation Centers to be linked to a coordinated entry system allowing staff and co-locating staff to conduct assessments and provide services to connect individuals to permanent housing. This is required by LAHSA's Scope of Required Services and Program Standards. Thus, this project, will be linked to the Los Angeles County Coordinated Entry System, a centralized or



coordinated assessment system designed to coordinate program participant intake, assessment, and referrals. The residents are prioritized through the coordinated entry system in the Los Angeles County Coordinated Entry System for safe and supportive housing resources. Los Angeles County Coordinated Entry System case managers work with participants and assist by facilitating services appointments; and then eventually help them find permanent housing.

**Compliance with Welfare and Institutions Code.** Government Code Section 65662(c) requires Low Barrier Navigation Centers comply with Chapter 6.5 of Division 8 of the Welfare and Institutions Code, which specifies the Housing First requirements. As noted above, the shelter is a Housing First shelter, and thus it complies with this requirement.

**Homeless Management Information System.** Government Code Section 65662(d) requires Low Barrier Navigation Centers to have a system for entering stays, demographics, income, and exit destination through a local Homeless Management Information System designed to coordinate program participant intake, assessment, and referrals. These are required by LAHSA's Scope of Required Services and Program Standards. The shelter will use such a system in the Los Angeles Continuum of Care Homeless Management Information System (HMIS). The Los Angeles Continuum of Care (LACoC) is part of a collaborative called the Los Angeles HMIS Collaborative. The LA HMIS Collaborative consists of three Continuums of Care (CoC): Los Angeles, Glendale, and Pasadena.

HMIS is a web-based application that is designed to collect information on the characteristics and service needs of homeless persons. The system allows agency users and the Los Angeles Homeless Services Authority (LAHSA) to use collected information for informed programmatic decision-making. Participating agencies collect and input standardized client-level and demographic data into the system, including client/household demographic details; relationships within a family and household; client/household income; client/household documents; case management and services; housing placements; and progress for housing retention. The HMIS includes a focus on Outcomes Management that sets and measures milestones and target achievements of clients and program performance.

Housing Stability Plans are tracked in a Homeless Management Information System (HMIS) along with the date of completion. Case managers complete a Monthly Update to assess progress towards achieving the goal's defined in the Housing Stability Plan. All services must be tracked and information is provided to families in HMIS with the goal of the individuals achieving housing stability and sustainability upon exit from the program. Exit destination information is also collected. Accordingly, the project meets the HMIS requirements.

**D. The Project is Exempt from CEQA Under Public Resources Code Section 21080.27 (AB 1197)**

Public Resources Code Section 21080.27 provides a statutory CEQA exemption for activities related to constructing and operating emergency shelters within the City of Los Angeles during a declaration of a shelter crisis described in Section 8698.2 of the Government Code, that meet the definition of low barrier navigation center set forth in Section 65660 of the Government Code and meet the requirements of Section 65662 of the Government Code, that are located in either a mixed-use or nonresidential zone permitting multifamily uses or infill site, and that is funded, in whole or in part, by any of the following: (A) The Homeless Emergency Aid program established pursuant to Section 50211 of the Health and Safety Code; (B) The Homeless Housing,



Assistance, and Prevention program established pursuant to Section 50217 of the Health and Safety Code; (C) Measure H sales tax proceeds approved by the voters on the March 7, 2017, special election in the County of Los Angeles; or (D) General bond obligations issued pursuant to Proposition HHH, approved by the voters of the City of Los Angeles at the November 8, 2016, statewide general election.

As noted above, both the City and County are operating under declared shelter crises described in Government Code section 8698.2. As noted above, the shelter is a low barrier navigation center pursuant to Government Code Sections 65660 and 65662. The zoning of this site is nonresidential and it allows the development of multifamily uses, it is also owned by the County within the City's jurisdiction. Otherwise, the site is also considered infill because it is a vacant 4-acre lot within dense qualified urban use surroundings in the City. As noted in the County's approval and CEQA determination regarding the project's exemption under Public Resources Code Section 21080.27, qualified funding will be used for the project. Therefore, the project is exempt from CEQA under Public Resources Code Section 21080.27.



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Attachment

Project Site Plan

## PROOF OF SERVICE

I, the undersigned, say: I am over the age of 18 years and not a party to the within action or proceeding. My business address is 200 North Main Street, 701 City Hall East, Los Angeles, California 90012.

On October 7, 2024, I served the foregoing documents described as: **Declaration of Robert Mahlowitz in Support of the City of Los Angeles' Opening Trial Brief – Vol. 1 of 3** on all interested parties in this action as follows:

### SEE ATTACHED SERVICE LIST

- ☐ **BY MAIL** – I placed a copy thereof enclosed in a sealed envelope addressed to each addressee stated above. I deposited such envelope for collection, processing and mailing by United States mail by my office in the ordinary course of business. I am readily familiar with the business practice of my office for collection, processing, and mailing of correspondence by the United States mail. Under that practice, it is collected and deposited with first class postage thereon fully prepaid with the United States Postal Service on that same day, at Los Angeles, California. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit; and/or
- ☒ **BY ELECTRONIC MAIL** – I electronically transmitted the document listed above to the email address stated above which has been confirmed for each addressee stated above. My electronic service address is [leilany.roman@lacity.org](mailto:leilany.roman@lacity.org).

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 7, 2024, at Los Angeles, California.

  
\_\_\_\_\_  
Leilany Roman

**SERVICE LIST**

<p><b>Robert P. Silverstein</b> <b>Esther Kornfeld</b> <b>Gabby Piceno</b> <b>James Link</b> <b>THE SILVERSTEIN LAW FIRM, APC</b> 215 North Marengo Avenue, 3rd Floor Pasadena, CA 91101-1504 Tel: (626) 449-4200 Fax: (626) 449-4205 <a href="mailto:Robert@RobertSilversteinLaw.com">Robert@RobertSilversteinLaw.com</a>, <a href="mailto:Esther@RobertSilversteinLaw.com">Esther@RobertSilversteinLaw.com</a> <a href="mailto:Gabby@RobertSilversteinLaw.com">Gabby@RobertSilversteinLaw.com</a> <a href="mailto:James.S.Link@att.net">James.S.Link@att.net</a></p> <p><b>FIX THE CITY, INC.</b> <b>Case Number: 23STCP04410</b> <i>Attorneys for Petitioners</i></p>	