

Memo

Date: 12/ /2021

To: Honorable Mike Bonin, Councilman CD11

From: Jim Murez, President Venice Neighborhood Council on behalf of Venice Neighborhood Council

Re: Remove Homeless Encampments per City Ordinances and Relocate Occupants to Transition and Temporary Housing

cc: Jose "Che" Ramirez, Deputy Mayor for Homeless Initiatives, Becca Doten, Deputy Executive Director, Public & Government Affairs, Los Angeles World Airports

I. SUMMARY

Los Angeles City ordinances: (1) Prohibit blocking sidewalks, streets and public rights of way; (2) Provide procedures for removing homeless encampments within 1000 feet of facilities which serve the homeless; and (3) Provide further procedures for barring oversized vehicles from parking on designated streets between 2 a.m. and 6 a.m. (4) Authorize the City to remove persons and property from public property who are in violation of its ordinances.

It is likely, however, that the courts will not permit the City to enforce and implement these ordinances if it cannot provide transition and temporary housing for the people it seeks to remove. Fortunately, there are ample opportunities to provide such housing. These include, but are not limited to, 2 large vacant parcels of land near LAX.

Accordingly, Councilman Bonin should immediately require the City to enforce its ordinances and introduce resolutions in the City Council to begin other procedures to enforce them. At the same time the City should locate and develop housing for those displaced by enforcement of its ordinances.

II. THE ORDINANCES

A. LAMC SEC. 41.18(a)(b)—OBSTRUCTING SIDEWALKS, STREETS, PUBLIC RIGHTS OF WAY

Subsecs. (a) and (b) of LAMC sec. 41.18, as amended 7/1/21, prohibit obstructing all sidewalks, streets and other public rights of way and do not require further action by the Council as a condition of enforcement. They state, in relevant part:

(a) No person shall obstruct a street, sidewalk, or other public right-of-way:

(1) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended from

time to time; [The ADA requires that sidewalks have 3' widths of unobstructed passage. (Google California ADA Requirements for Sidewalks)

(2) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within ten feet of any operational or utilizable driveway or loading dock;

(3) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within five feet of any operational or utilizable building entrance or exit;

(4) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within two feet of any fire hydrant, fire plug, or other fire department connection;

...

(b) No person shall obstruct any portion of any street or other public right-of-way open to use by motor vehicles, or any portion of a bike lane, bike path, or other public right-of-way open to use by bicycles, by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, bike lane, bike path, or other public right-of-way, as specified.

B. LAMC SEC. 41.18(c)(d)—CAMPING WITHIN 500' OF SENSITIVE FACILITIES AND 1000' OF HOMELESS SERVICE FACILITIES

Subsecs. (c) and (d) of LAMC sec. 41.18, as amended 7/1/21, prohibit occupying public places within 1000 feet of facilities serving the homeless and 500 feet of other designated facilities provided the City Council first passes a resolution designating the facilities and the City posts signs giving notice of the resolution. Those subsections state in relevant part:

(c) Except as limited by Subsection (d), no person shall:

(1) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a property designated as a sensitive use. For a property to be designated as a "sensitive use," the property must be a School, Day Care Center, Public Park, or Public Library, as those terms are defined in Section 105.01 of this Code;

...

(3) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way, within the distance stated on the posted signage (up to a maximum of 1,000 feet) of a designated facility, opened after January 1, 2018, that provides shelter, safe sleeping, or safe parking to homeless persons, or that serves as a homeless services navigation center;

(4) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way that has been posted with signage prohibiting sitting, lying, sleeping, or storing, using, maintaining, or placing personal property. In order to designate a section of street, sidewalk, or other public right-of-way as prohibited under this subdivision, the City Council shall determine, in a designating resolution and based on specific documentation, that the circumstances of continued sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way at that location poses a particular and ongoing threat to public health or safety. Such circumstances may include, but are not limited to: (i) the death or serious bodily injury of any person at the location due to a hazardous condition; (ii) repeated serious or violent crimes, including human trafficking, at the location; or (iii) the occurrence of fires that resulted in a fire department response to the location. For each such location, a prohibition pursuant to this subdivision shall be effective for a period of time specified in the resolution, but not to exceed one year.

(d) No person shall be found to be in violation of any prohibition set forth in Subsection (c), unless and until: (i) the City Council has taken action, by resolution, to designate a specified area or areas for enforcement against sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way; (ii) the City has posted signage at the designated area or areas set forth in the resolution, with such signage including reference to any required findings adopted in the resolution, and giving notice of the date after which no sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way will be allowed; and (iii) at least 14 calendar days have passed from the date on which the signage is posted at the designated area or areas.

C. LAMC SEC. 80.89.4-- OVERSIZE VEHICLES

This section prohibits parking oversize vehicles (22' long or 7' high) on city streets between 2:00am and 6:00am without permits to do so after a City Council resolution authorizing the posting of signs which give notice of the resolution and the posting of the signs.

D. LAMC SECS. 7.35.2(a), 58.01 -- CITY POWER TO REMOVE NUISANCES WHICH ENDANGER PUBLIC HEALTH SAFETY AND WELFARE

These sections empower the City to remove individuals and campsites from public places when they violate city ordinances (see above) and endanger public health, safety and welfare provided the City can first provide housing and storage for the people and property it seeks to remove (see below).

III. VIOLATIONS OF THE ORDINANCES

The Photographs attached as Exh 1 show the following violations:

A. 3rd and Hampton Avenues

The photos show tents and refuse on sidewalks and streets on both streets in violation of sec. 41.18(a)(b). The City should immediately issue citations for these violations.

In addition, Exh 2 shows these streets are entirely within 1000 feet of the Bridge Home. Pursuant to 41.18(c)(d) the City should post signs prohibiting camping on these streets after the City Council passes the resolution authorizing the signs. Then the City should issue citations against those who remain.

B. Main between Sunset and Rose

The photos show large RVs line both sides of Main between Sunset and Rose. The City should post signs barring parking of such vehicles between 2am and 6am after the city council passes an authorizing resolution pursuant to sec. 80.89.4

Further, one of the photos shows RV owners occupy sidewalks adjacent to their RVs in violation of sec. 41.18(a)(b). The City should immediately issue citations for these violations.

Finally, Exh 2 shows this portion of Main is entirely within 1000 feet of the Bridge Home. To remedy this the City should pass the authorizing resolution, post signs pursuant to the resolution and issue citations for anyone who remains.

C. Flower West of Lincoln

The photos show tents and refuse covering sidewalks and the street in violation of sec. 41.18(a)(b). The City should immediately issue citations for these violations.

D. Rose West of Lincoln

The photos show RVs parked on both sides of Rose and their occupants occupying the adjacent sidewalks. For reasons above stated the City should immediately issue citations for violation of subsecs. (a)(b) of sec. 41.18 for blocking sidewalks adjacent to the RVs. Also, after passing the necessary resolution the City should post signs barring RVs between 2am-6am and issue citations to anyone who remain during those hours.

E. Venice and Electric

The photos show RVs parked on Venice between Electric and the Erewhon Market. The photos show the RVs occupy adjacent sidewalk. The November 3, 2021 Los Angeles Times Robin Abcarian column shows the encampment is a threat to the neighborhood. On November 12, 2021 the LAPD arrested an occupant of one of the RVs for a firearm violation and confiscated a rifle from his RV. For reasons above stated the City should immediately issue citations for violation of subsecs. (a)(b) of sec. 41.18 for blocking sidewalks adjacent to the RVs. Also, after passing the necessary resolution the City should post signs barring RVs between 2am-6am and issue citations to anyone who remain during those hours.

III. Provision of Transition and Temporary Housing

Jones v. City of Los Angeles 444 F3d 1118 (9th Cir. 2006) and *Martin v. Boise* 920 F3d 584 (9th Cir. 2019) indicate the courts will not permit the City to remove homeless people from its streets for violation of its ordinances if it does not have transition or temporary housing for them. Fortunately, the City has or can shortly develop such housing.

Exh. 3, the Mayor's Homelessness Road Map Quarterly Report 10/15/21, shows that as of 9/30/21 the City has 6,382 New and Occupiable Beds and 8,780 New Beds Open and in Progress. 206 of these beds are in CD 11.

The top of Exh. 3 shows it was filed 10/15/21 in Case 2:20 cv-2291-DOC-KES which is *LA Alliance for Human Rights v. City of Los Angeles*, the federal district court case now pending before Judge David O. Carter.

Thus, Exh. 3 is a highly reliable report on housing the City currently has for its homeless.

Exhs. 4 and 5 show the City owns in CD11 2 very large vacant lots, which are abandoned subdivisions near LAX criss-crossed with roads. Exh. 4 is the lot at the Intersection of Westchester Parkway and LaTijera Blvd. Exh. 5 is the lot northwest of the intersection of La Cienega and Century.

LAX's Response to a recent CAPRR show both lots have existing, extensive utility lines for water, electricity, gas, sewer and storm drains.

LAX's Response further shows that on 9/20/21 LAX's CEO sent the FAA a letter requesting permission to use both lots for "establishing temporary pallet housing for people experiencing homelessness.". See Pp. 2-3 Items 3-4. of Exh. 6 attached. The City should promptly provide the FAA with the information it requested about the City using the lots for homeless housing. See Exh. 6A.

CD 11 can and should emulate what Councilman Paul Krekorian already accomplished in CD 2. Between 2019 and September 2021 CD 2 developed 5 projects for housing homeless people. 3 of these are "tiny home villages." 1 is a tent (like Venice's Bridge Home). 1 is a converted warehouse. They provide 800 beds. Hope of the Valley manages all 5 projects. Los Angeles' CAO arranged funding from Federal, State, and County grants for all the projects. Information and pictures about the projects can be obtained by googling:

Saticoy Village North Hollywood 12550 Saticoy St No. Hollywood

Raymer Avenue (13160 Raymer Street No. Ho) . Google transition housing Raymer

Van Nuys Blvd (van nuys/saticoy) tent 150 beds

Hope of the Valley North Hollywood 11839 Sherman Way No Ho

Chandler Blvd Googlehopeofthevalley.org/tinyhomes/chandler

Alexandria park (6099 Laurel Canyon Blvd. Noho 91606) Google
hopeofthevalley.org/tiny homes Alexandria

Initially, it will not be necessary for the City to build tiny home villages or pallet housing on the LAX parcels. All the City needs to do is allow the homeless to move their tents and RVs to the vacant parcels and use the existing utility lines to provide water, electricity and sanitation services for them. San Francisco, Seattle and Sacramento are doing this. See www.losangelestimes/sanfrancisco/tentencampments

Cities up and down the West Coast, including Seattle, Sacramento and San Francisco, confronted by the high cost and slow progress of building housing for homeless people, have turned to these permitted tent encampments. They offer services such as toilets, meals and help finding a permanent place to stay.

The City of Oceanside requires homeless people to move from its streets by providing vouchers and other housing assistance for them once they move. See [Oceanside voucher program has taken in 101 homeless. www.sandiegouniontribune.com](http://www.sandiegouniontribune.com).

Finally, there are many other City owned, vacant parcels in CD 11 which the City could use for transition and temporary housing for homeless people.

IV. Conclusion

Councilman Bonin should immediately:

1. Direct the LAPD to issue citations to all persons occupying sidewalks and streets on 3rd and Hampton; Main between Sunset and Rose; Flower; Rose west of Lincoln, and any other place in Venice where such occupation violates LAMC sec. 41.18(a)(b).
2. Introduce in the City Council a resolution pursuant to LAMC sec. 41.18(c)(d) to authorize the posting of signs to bar camping within the 1000' radius of the Bridge Home; expedite the posting of the signs and cite people who remain in violation of the posting.
3. Introduce in the City Council a resolution pursuant to LAMC sec. 80.69. to bar oversized vehicles from parking between 2 a.m. and 6 a.m. on Rose west of Lincoln, Main between Sunset and Rose and Venice Blvd. and Electric; expedite posting of notice signs on those streets and citations to those who disobey them.
4. Identify and confirm immediately available beds identified on Exh. 3, the Homelessness Roadmap Quarterly Report and elsewhere.

5. Make the vacant LAX Parcels 1 and 2 immediately available as sites to which homeless people can move their tents and RVs, after after hooking up the utilities to the infrastructure already in place.
6. Pursue development of tiny and pallet homes on the vacant LAX Parcels 1 and 2 as CD 2 has done.
7. Develop and implement a strategy to remove persons illegally occupying public property as soon as the housing above described is available for them. Exh. 7 shows the City recently and successfully implemented such a strategy to relocate homeless people from Ocean Front Walk to transition and temporary housing elsewhere.
8. When necessary, the City should exercise its powers to remove people and property from public areas to places where the City can provide and has offered housing, facilities and storage.

Finally, the City has the money to do the above. For its FY2021-22 budget has \$1 billion for homeless services. Exh. 8.

Respectfully submitted,

Venice Neighborhood Council

By _____
James Murez, President, Venice Neighborhood
Council

<u>NUMBER</u>	<u>DOCUMENT</u>
1	PHOTOS (3 RD AND HAMPTON; MAIN BETW. SUNSET & ROSE; FLOWER; ROSE @ LINCOLN; VENICE AND ELECTRIC)
2	ZIMAS 1000' RADIUS AROUND BRIDGE HOME
3	6/30/21 HOMELESS ROAD MAP QUARTERLY REPORT
4	VACANT LAX PARCEL (WESTCHESTER PARKWAY& LA TIJERA)
5	VACANT LAX PARCEL (LA CIENEGA & CENTURY)
6	9/20/21 LAWA LETTER TO FAA
6a	10/26/21 FAA LETTER TO LAWA
7	6/21 STRATEGY MEMO FOR MOVING HOMELESS ENCAMPMENTS FROM OCEAN FRONT WALK
8	ARTICLE RE CITY BUDGET FOR FY 2021-2022