

December 9, 2018

Dear Councilmember:

Item 48 (CF 18-0510) on the December 11, 2018 Agenda should not be approved for all of the following reasons, which are listed here and explained below:

- Notice is improper. The posting was made on the wrong location and residents within 500 feet were not provided with proper notice. This defect alone will leave any approval made at this meeting subject to court action and invalidation.
- The proposed permit does not qualify under Category 1(b) of 14 CCR §15301. As stated in the statute, "The key consideration is whether the project involves negligible or no expansion of an existing use." In this case, the proposed use is a completely different use with completely different impacts on the community.
- Instead, 14 CCR §15300.2 applies and its requirements have not been met. In particular, the cumulative impacts of the project, together with other similar projects in Venice, is significant. Therefore, the project does not qualify for a waiver pursuant to 14 CCR §15300.2(b).
- The City failed to evaluate viable alternative sites which would provide the same services for the identical homeless population without the same significant cumulative impacts. At its most recent meeting, the Venice Neighborhood Council passed a resolution requesting the City to evaluate alternate sites before making a determination. CEQA requires consideration of alternate sites. Four viable alternate sites were presented to the Venice Neighborhood Council at the time it passed the resolution. Some of the sites are expected to be widely supported by the Venice Community and have a number of advantages over the proposed site.
- Even if the project met the requirements of CEQA, it would not be authorized under Gov. Code §8698.4, which is automatically repealed on January 1, 2021, approximately 12 months before the end of the proposed project. Gov. Code §8698.4 is the authorization to use property such as the MTA lot for the proposed use.
- The City has not provided any proposal for how to fund removal of the facility by the end of the term. AB 932 expressly provides that projects such as the MTA lot must be completed by January 1, 2021. The proposed use is stated to continue for three years, without an end point defined. Three years from today is well beyond the authorization for such use.

INADAQUATE NOTICE

All residents within 500 feet of a change of use application must receive notice by mail. Further, notice of the proposed change of use must be posted on the project site. In this case, neighbors did not receive any mailed notice. Further, the only postings found anywhere near the site were located on street lights adjacent to the property, but not at the actual entrance to the property. Further, the only notice mentioning bridge housing is located on the back side of a post and not visible to anyone passing. Only persons searching for a notice could find it. Other notices posted on adjacent street lights only discuss removing tanks and other work performed at the site, but do not reference in any way its

intended use. This manner of notice is inadequate, especially given that the 480 page report was issued only two weeks before action on the report is being considered.

IMPROPER CATEGORIZATION

The City's report contends that the project is exempt under Category 1(b) of 14 CCR §15301, which *in some circumstances* provides an exemption for "Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services." However, this exemption is expressly subject to the following qualification: "The key consideration is whether the project involves negligible or no expansion of an existing use." The project is not a negligible expansion of an existing use. Rather than storing buses, the property will be used as a residential facility to house a large population of transients. Such change of use does not qualify for Category 1(b) consideration.

Instead, 14 CCR §15300.2 applies and its requirements have not been met. In particular, the cumulative impacts of the project, together with other similar projects in Venice, is significant. Attached as Exhibit "A" hereto is a list of similar projects in the Venice community. Venice has a greater percentage of services for its transient community than most other communities within the coastal corridor. The cumulative impact of adding an additional major project within the coastal corridor is substantial.

FAILURE TO CONSIDER ALTERNATIVE SITES

Alternative and more advantageous locations owned by the City (rather than leased from the MTA) exist just outside of the coastal corridor and can properly serve the same population more effectively than the proposed project. A detailed presentation on these locations, including the Manchester Municipal Building, is available at http://venicenc.org/productphotos/BridgeHome_VNC11-20-2018_v1.pdf. These locations should have been considered.

Venice is both a visitor destination and community of residents and business operators all of whom are impacted by the intensity of target population services already existing in the community. The target population comes to the Venice region to receive services from the providers. Due to a lack of restrooms, trash collection and the lack of law enforcement that prohibits anything to be removed from City collected trash containers, the target population scavenges disposables and distributes them throughout the community creating encampments of stuff. The tourist visitor is panhandled, preyed upon and the unsuspecting travelers get robbed.

The Coastal Act describes preserving the nature and character of communities within their jurisdiction.

The proposed project will serve to increase the target population to the community. The adverse effects of the service providers are not being addressed at present and there is no concrete plan to insure these conditions won't worsen as a result of this proposed project.

LACK OF STATUTORY AUTHORIZATION

The statute relied upon by the City for authorization of the project is Gov. Code §8698.4. That statute is intended as a short-term emergency measure. By its terms, it expires on January 1, 2021. The

legislative history of the section shows that the legislature's intent was to end authorization for this type of project on the repeal date.

The City has ignored the repeal date and proposed the subject project for a three-year term. If the project were to start today, that three-year term would end a year after the authorization statute is repealed. By proposing the project in this manner, the City is indicating that it intends to continue to occupy the site without authorization and without going through the proper permitting process. As of January 1, 2021, the project will no longer be exempt from the permitting review and approval process and requirements of any ordinary project. This proposed use would be unlawful in the current zoning and qualifying conditions of this site.

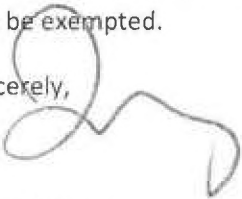
LACK OF PLAN FOR RESTORING THE SITE

The City contends that it will end the use in three years. However, none of the planning or proposals regarding the site include any funding or planning for restoring the site to a conforming use when the project is terminated. Such termination will require a period of move off and funding to perform the tasks required. Because it is a temporary use and such use expires on January 1, 2021, the use has to be removed by that date. Therefore, the time to occupy it as a housing facility must be shorted by the time it takes to vacate and restore the site. Absent a consideration of how to accomplish that, the project should not be approved.

CONCLUSION

Both from a policy standpoint and from a strictly legal standpoint, the City Council should not approve the proposed California Environmental Quality Act Notice of Exemption. The project does not qualify for an exemption, as a matter of law. Further, the process of seeking the exemption is legally flawed. Finally, other sites can serve the same immediate need and have less cumulative impact on the Venice coastal community. There are solutions to the problem which do not require a project that ignores the rights and interests of a majority of the Venice coastal community and these options should be considered. The impacts of the proposed project should also be fully considered. The project should not be exempted.

Sincerely,



James Murez
Resident
804 Main St., Venice 90291

Venice Coastal Community Transient, Youth-At-Risk and Low Income Service Providers

St Joseph Center, headquarters

204 Hampton Dr., Venice, CA
Culinary school, case management, counseling

St Joseph Center,

404 Lincoln Blvd, Venice, CA 90291
Homeless services, case management, counseling, showers, laundry and meals tickets

St Joseph Center, Bread and Roses

663 Rose Ave, Venice, CA 90291

S.P.Y. Safe Place for Youth

2469 S Lincoln Blvd, CA 90291
Street outreach, drop-in services, case management, health and wellness, and education and employment programs

Venice Community Housing

720 Rose Ave, Venice 90291
Housing, Resident Services, Supportive Services, Venice Youth Build, Homeless Services, Crisis Housing, Free Storage

Catholic Charities

211 3rd Ave, Venice, CA 90291
Emergency shelter, bridge and crisis housing programs for homeless individuals, homeless prevention programs, counseling, education, job training and support.

Transitional Living Center

650 Westminster Ave, Venice, CA 90291
Phone: (310) 399-9380

Phoenix Halfway House Venice

503 Ocean Front Walk, Venice, CA 90291
(310) 392-3070

Nos Amis Our Friends, Inc.

2554 Lincoln Blvd, Venice, CA 90291 - Phone: (310) 840-4777. Provides blankets and food for Homeless -direct outreach

Bible Tabernacle

1761 Washington Way, Venice, CA 90291
Phone: 310.821.6116
Provide food, clothing, housing, guidance to re-enter the working and social environment with added confidence

St. Mark Church

940 Coeur D'Alene Avenue, Venice, CA 90291
Phone: 310-821-7031

Peace & Justice and St. Vincent de Paul Ministries provide meals and clothing.

Venice Justice Committee Ticket Clinic

720 Rose Ave, Venice, CA 90291

Phone: 310-365-09985

Located At Venice Community Housing (Humanrights@freevenice.org)

Provides a ticket clinic for homeless living outside or living in their vehicles held on third Saturday of each month, 1-2:30 PM

St. Roberts Center Food pantry; Clothing provided on Sundays

211 3rd Ave. Venice, CA 90291

Phone: 310-392-8701

Khalsa Peace Corps

1431 W. Jefferson Blvd., Los Angeles, CA 90007

Phone 310.392.461; khalsapeacecorps@gmail.com

"Share A Meal" program-- run by volunteers, serve hot burritos from Monday to Friday in Venice Beach, volunteers make around 200 burritos to give away. Occasionally give blankets, socks and toiletries.

First Lutheran Church

815 Venice Blvd, Venice, CA 90291

Phone: 310-821-2740

Distribute food to homeless vets who park overnight at the West Los Angeles V.A. Center. In the morning they are given the food bags.

Venice Family Clinic

600 Rose Ave

free medical services

(310) 392-8636

Venice Family Clinic-Venice

905 Venice Blvd

free medical services

(310) 392-8636

Latino Resource Organization (Vera Davis Bldg.)

610 California, Venice, CA 90291

Grass-root resource center where families can reach out to secure basic needs, in 2000, Latino Resource Organization became a partner agency with the City of Los Angeles Family Development Network (FDN).

UCLA Venice Dental Clinic

323 S. Lincoln Blvd. Venice, CA 90991

Dental Services - reduced fees

310-392-4103

Neighborhood Youth Association - Los Dorados Children Center

840 Broadway Ave, Venice, CA 90291

Childcare (3-5 years)- low income, sliding scale

Phone: 310-450-0327

Venice Youth Build

720 Rose Ave., Venice, CA 90291
High school diploma and construction training skills.
Phone: 310-399-1130

Venice High School, ESL Adult School – free
1300 Venice, Blvd., Venice, CA
Phone: 310-566-4230

Venice Business Improvement District

1320 Pacific Ave, Venice, CA 90291
Provides homeless intervention and street cleaning services through Chrysalis employees.

Chrysalis

1853 Lincoln Blvd, Santa Monica, CA 90404 - Phone: 310) 401-9400

Employment preparation classes and services designed to improve your job search skills, self-confidence, self-sufficiency, and employability.

Venice Recovery Center

414 Lincoln Blvd, Venice, CA 90291

Israel Levin Senior Adult Center

201 Ocean Front Walk, Venice, CA 90291
food program

Venice Boy and Girls Club

2232 Lincoln Blvd, Venice, CA 90291

Venice Arts

13445 Beach Ave, Venice, CA 90292

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