

Beach Homeless Housing – Developments Since CAO’s Finding of Infeasibility

After the August 10th finding of infeasibility, the CAO responded to an outstanding PPCC Public Records Act request (initiated on June 1, 2021) by producing *additional documents*, many of which we had not seen before (8/13 PRA Responses).¹ These documents further confirm the extent to which public officials worked to advance their misguided plan to use state beach parking lots for homeless housing.

Although community members and beach-goers throughout CD 11 and beyond are relieved that this unfortunate episode is now ended, PPCC’s Executive Committee believes it is important for the public to have a complete picture of all relevant facts as demonstrated by these documents. To that end, Secretary Chris Spitz has prepared a summary of the 8/13 PRA Responses (on p. 2, following).

We also note: Few of the myriad factors demonstrating infeasibility as outlined in PPCC’s numerous letters were identified or addressed in the 8/13 PRA Responses – just as they were not referenced in the CAO’s August 10th report. Unfortunately, it appears that our officials for the most part either ignored, kept from the public or made little or no effort to ascertain fundamental, dispositive facts.²

Moreover, we bring to the community’s attention an additional reason for infeasibility conveyed to us recently by Sen. Ben Allen’s office: According to the Governor’s Office of Emergency Services (OES), because the city and county continue to be under the Governor’s statewide pandemic emergency order, the state’s Standardized Emergency Management System (SEMS) Guidelines apply in this circumstance. Under the SEMS Guidelines, **“state resources are generally not allocated for use by local governments unless there are no equivalent resources available at the county level.”** [Emphasis added; the quotations here and below are from Sen. Allen’s District Representative in an email to PPCC relaying the OES’ information.]

According to the OES, had this proposal continued to move forward as local officials originally planned:

- 1) the city would have been required to “first make a formal resource request” **with the county** regarding use the WRSB parking lot for this purpose;
- 2) **the county** would have had to determine if that resource was “available from other sources or local governments within LA County, i.e., county or city property that could be used for homeless housing”; and
- 3) **“if no feasible county or city property exists, only then can state property be considered for approval by the Governor’s OES.”** [Emphasis added.]³

¹ PPCC previously notified the public about documents received in response to prior Public Records Act requests. Again, these documents showed that **since August of 2020**, when Supervisor Kuehl’s then-Homelessness Deputy began discussions with city and county officials about this proposal, our **Councilmember** and **Supervisor**, their staff, **County Beaches & Harbors**, the **CAO**, the **Bureau of Engineering**, **LAHSA**, the **Coastal Commission** staff and others actively participated in planning for this proposed use, without informing or seeking input from constituents, beach-goers or any members of the public for whom California’s beach lands are held in public trust.

² Another apparent reason for infeasibility (previously unknown to PPCC) is revealed in the 8/13 PRA Responses: the city and county remained at loggerheads concerning reimbursement to the county of the expected lost parking revenues. See *summary on p. 2, following* (references as early as September-October 2020 to the effect that the County insisted on being “made whole for loss of parking revenue”; see also 6/17/21 letter from the **Mayor** to Supervisors Kuehl and Hahn, requesting that the county waive the reimbursement requirement). It does not appear that the county ever agreed to waive reimbursement.

³ We were also advised that the 2020 proposal by the city of Half Moon Bay to use a state beach for homeless housing could not move forward after the city learned from the state that the SEMS Guidelines prevented this use.

City and county officials knew or should have known about the SEMS Guidelines. The Guidelines are expressly referenced in public online documents about respective city and county emergency plans. The PRA responses indicate that the City Attorney was consulted during the process.⁴ Our local officials should have known, at a minimum, that coordination with the OES would be required in order to use WRSB – a state resource – during the Governor’s pandemic emergency order.

In any event, it is obvious that the third condition specified by the OES as a SEMS requirement in order to use state property – that “no feasible county or city property exists” – could never have been met.

This proposal was doomed from the minute city and county officials eagerly began behind-the-scenes planning more than a year ago to use the WRSB parking lot for homeless housing. We hope and trust that this ill-conceived idea will not be raised again – and that *appropriate, safe sites, not involving beaches or parks*, will be found to house the homeless in Los Angeles.

PPCC Executive Committee
September 8, 2021

Summary of 8/13 PRA Responses

September 9, 2020⁵ – Email string among Yolanda Chavez (Assistant CAO), Mahmood Karimzadeh (architect/BOE), Allison Wilhite (CAO’s office) and Meg Barclay (then with the CAO’s office):

Mahmood to Yolanda: Asked for a call and explained that he wanted to let Yolanda know about a conversation he had with Krista Kline of CD 11 that afternoon to “explore the possibility of pallet shelter housing. I told her that she needed to talk to CAO to start the process.” Went on to say he was scheduling a meeting with Krista and others at the CAO’s office.

Yolanda to Mahmood: “She [Krista] should send the site first to Allison. We would want to assess before we provide it to BOE for a layout.”

Allison to Yolanda: “FYI, the site is a parking lot at Will Rogers Beach . . . I have requested a property profile.”

September 9, 2020 – Email string among Krista Kline (Deputy Chief of Staff/CD11), Allison, Meg and Mahmood:

Allison to Krista: “Mahmood shared that you have a possible site for pallet shelters in the district. How exciting! Can you please share the location and any detail you may have with me and I will get the ball rolling with the CAO to determine its feasibility. Once cleared, we will share it with BOE to begin a design.”

Krista to Allison: “This one has a lot of players. It’s part of the beach parking lot #2E at Will Rogers beach . . . managed by Beaches and Harbors. Supervisor Kuehl’s office is involved . . .”

⁴ In fact, the City Attorney included WRSB, *specifically identified as a “state beach,”* in Exhibit C of the City’s Quarterly MOU Status Report (interventions then under development as part of a proposed “Sheltering Plan” for each council district) filed on April 15, 2021 in the federal *Alliance* lawsuit. City Attorney Mike Feuer, along with scores of city and county officials, was cc’d on almost all of PPCC’s letters which detailed the controlling documents and law and made clear WRSB’s actual status as a **state park**. The fact that WRSB is a state resource and therefore subject to state law, including the SEMS Guidelines, should have been evident to the City Attorney and all relevant public officials.

⁵ As noted, earlier responses to PRA Requests showed that discussions about using WRSB for homeless housing began as early August 2020, with the idea apparently first being raised to other officials by Supervisor Kuehl’s then Homelessness Deputy in email exchanges, with an initial on-site meeting at WRSB on September 8, 2020.

Allison to Krista: “Got it . . . Who have you spoken with at SD 3? I assume Molly?” [Molly Rysman, then Supervisor Kuehl’s Homelessness Deputy]

Krista to Allison: “yup. They are supportive. They got Beaches and Harbors to the table. :)”

Meg to Krista: “Is this a City-owned lot operated by Beaches and Harbors? Would it require coastal commission approval?”

Krista to Meg: “Beaches and Harbors say they would need coastal approval but I never trust them. lol.”⁶

September 10, 2020 – Property profile prepared by the CAO “Asset Management Group” for WRSB (15800 PCH, LA 90272; CD 11 – Mike Bonin). “Owner: LA County Beaches and Harbors (State of CA on ZIMAS).” The document provides information about the size, location, amenities, etc. “This site may be viable for pallet shelters and safe parking, assuming site control can be established.”

September 14-15, 2020 – Email string among Kerry Silverstrom (Deputy Director, Beaches and Harbors/B&H), Krista, Allison, Mahmood, Molly, Amy Perkins (LAHSA), Matthew Cooney and Erick Rangel (both with B&H) and others at B&H:

Krista to “everyone” – “I’m circling back on our meeting last week. Thanks again for taking the time to view the potential site . . . Allison is performing some due diligence on our end, per our process to identify viable sites for the pallet shelters . . .”

Molly to Krista: “Thank you, Krista. Once Allison completes the due diligence let us know if BOE needs to go out to the site.”

Allison to Krista: “Thank you for connecting us, Krista. It would be helpful to know from Beaches and Harbors for timing purposes what steps will need to be taken to get approval to use the site, and if they foresee any potential issues.”

Kerry (to all): “Allow me to respond with some off-the-top issues I see . . . This is a state beach, so we would need to assess if securing State Parks approval is required.” In addition, Coastal Commission approval would be needed (“could be the longest aspect of the process”); “infrastructure enhancements” might be needed for water and sewer access; lines might be added to power poles at the site for electricity; a “community engagement process” would “presumably” be undertaken; a “tri-party agreement” between the City, County and LAHSA would “perhaps” be needed; there is a “curfew issue”; there are issues with current County anti-loitering and anti-habitation ordinance provisions (no overnight sleeping/camping on the beach), but exemptions “can fairly easily be accomplished.” A final issue: loss of parking revenues to the county – a concern of B&H which “needs to be discussed with Kuehl’s office.”

September 21, 2020 – Email string among Allison, Meg, Kerry, Molly, Krista, Mahmood, others:

Allison to Kerry: “Can you confirm if Beaches and Harbors is supportive of interim housing at this location?”

Molly: “Yes, Beaches and Harbors is open to interim housing at this location” but has “zero information” about what this would entail, has questions about power, power, parking spaces and whether B&H would be “compensated for the loss of revenue.”

Kerry to Allison: “If this is what our electeds agree upon, our department will support use of this lot for interim housing.”

Kerry also pointed out “operational concerns,” including: four large recreational youth camps in the area; heavily-utilized volleyball courts; lifeguard/firefighter training in the lot; night time ingress/egress & security. Also: “State parks approval may be required . . . as the current landowner, State Parks would need to sign onto the Coastal

⁶ In prior PRA responses, we had learned that CD 11 (CM Bonin, his staff) had engaged in discussions in November 2020 – early 2021 about siting pallet shelters on WRSB with the Coastal Commission Executive Director John Ainsworth, with Supervisor Hahn and with members of the Commission’s administrative staff, who in turn had staff discussions about this proposal in late 2020 or early 2021.

Commission Coastal Development Permit application.” B&H would also need to issue right of entry permits for infrastructure construction and “either a permit agreement or MOU for the housing itself.”

September 22 – September 23, 2020 – Email string among Krista, Allison, Yolanda:

Krista to Allison: “Any idea how long the due diligence is going to take for the will rogers site? Mike is asking.”

Allison: “Sorry, not sure on that . . . Kerry’s emails indicate there is a lot to work through “The next step is for us to contact the Coastal Commission for clearance.”

Krista: “Great. I think the Planning guy (Erick Rangel, I think!) from Beaches and Harbors can help with that.”

Yolanda: “This is a very complicated site . . . I would suggest we ask the City Attorney to review the various ordinances that impact the CDP with the coastal commission, etc.” “If it is overnight, the City and County have to deal with the ordinances.”

September 24 – October 2, 2020 – Emails string among Allison, Yolanda, Meg, Krista and City Attorney’s office: City Attorney with expertise identified – Mike Dundas, lead counsel for the Dept. of Recreation and Parks, who then advised he wouldn’t be the best fit. Another City Attorney, Steve Martin, identified.

October 2, 2020 – Email string among Allison, Meg, Krista, Maria Martin (BOE/Environmental) and Eileen Schoetzow (BOE/Environmental).

Allison: “We are working toward the creation of 6,000 new beds for people experiencing homelessness per the agreement with Judge Carter . . . CD 11, with the support of SD3, has proposed a parking lot at WRSB for pallet, or tiny home, shelters. Can you please advise us on how we can approach the Coastal Commission for the CDP and what steps we should take?”

Maria: Eileen is “managing both CEQA and Coastal Act compliance for homeless facilities.” Maria and Eileen both available to meet the following week.

October 5-6, 2020 – Email string among Kerry, Meg, Allison, Molly, Krista. Comments by Kerry:

- The retiring Cal Parks Angeles Superintendent had expressed concern about the use of beach property for other purposes. “I’m trying to get from him the State code section he peeled off, which I didn’t pay appropriate attention to during my call.”
- “We [B&H] have our own Beach Ordinance but the City has its own code sections that apply at the beach, too . . . We can deal with our Beach ordinance conflicts.”
- “My department would need to be made whole for loss of parking revenue that would otherwise be derived from the parking spaces.” Although Will Rogers doesn’t always sell out, “[d]uring the summer, though, we would be heavily impacted and, given the extreme heat, we’re even seeing the lots reaching full capacity now.”
- Regarding impact on other uses: “I think the uses could still occur. It’s just going to present logistical issues and could present complaints (i.e., youth camp participants’ parents, film company representatives).”

November 2, 2020 – Email Meg to Yolanda and Allison: “Molly in SD3 confirmed that the County would require revenue replacement for Will Rogers.” Email Meg to Matthew Teclé (CD 11 deputy): “We have received confirmation from the County in the discussion of WRSB that they expect the City to pay for revenue loss at WRSB.”

December 16-18, 2020 – Email string among Kerry, Krista, Meg, Allison: working on pallet shelter layouts for the various sites.

January 5 – January 11, 2021 – Email string among Marina Quinonez (architect/BOE), David Thomas (B&H) and others: Sending required electrical service, domestic water and sewer service demand figures. Wanted to “complete the estimates for the CAO this week.” “Please let us know if there is anything else you need to verify capacity for electrical, sewer and water.” David: “Our water and sewer should be able to handle it at all locations . . . I can give you the panel amperage at the locations” at a later meeting.

January 21, 2021 – BOE Cost Estimates: \$3,091,615 est. total project cost (tiny home village at WRSB/75 beds).

January 21 – January 25, 2021 – Email strings among Marina, Yolanda, Meg, Mahmood, Allison, others: forwarding “estimates and layouts” (i.e., initial feasibility studies) for the beach sites:

Marina to Yolanda: Regarding infrastructure, “[w]e have confirmed with the County that the existing infrastructure will meet the needs for domestic water and sewer.” “Will Rogers has available power at a nearby pole.” The sites “will need a new fire hydrant as there is no hydrant near these facilities, we will need to connect to the water line running along PCH, this will be a challenge and may require overnight work.” Also: “We would expect the residents to go through background checks as certain past crimes would be unacceptable.”

Yolanda: Inquired about County costs and revenue loss. Allison: Reported on revenue loss estimates provided by Kerry/B&H.

Yolanda to Allison: “You need to develop the budget for these sites so we can assess feasibility.”

February 11, 2021 – Email Allison to Krista and Meg: Discussed need to confirm possible lease terms and if parking revenue loss will be waived. Also discussed infrastructure (“will meet the needs for domestic water and sewer”) and City will need to pay for sewer facility charges; new “service for power” will be needed. “Will Rogers has available power at nearby pole.” “LAFD confirmed that all 3 sites will need a new fire hydrant . . . we will need to tap an existing transformer that is about 1,000 ft. away.”

February 11, 2021 – Email among Allison, Melody McCormick (City General Services), Amy Benson (City General Services) and Meg.

Allison: “The Supervisor’s offices (Supervisor Kuehl and Supervisor Hahn) have expressed initial support for the projects.” Included proposed layouts for the projects.

March 8, 2021 – Email string among Allison to J. Michael Mendoza (City General Services), Melody and Amy

Q. to Allison: “Do we have any hard deadlines?”

Allison: “The goal is to include these projects in the Roadmap, so we would need them to be constructed and occupiable by December 16, 2021 at the latest to qualify. Construction would need 4-6 months, inclusive of time to bid the project, so we will need approval soon, no later than June 1.”

March 9, 2021 – Email Krista to Meg and Allison: “the boss is firmly set on all of the sites.”

May 7 – May 25, 2021 – Email strings among Marina, David, Allison, Meg, other county and city officials: Explanation that beds have been increased at the WRSB site which will impact water and sewer capacity. Concerns expressed about the need for further assessment by a Civil Engineer, about costs and feasibility. There is also discussion about how the parking lot location has been changed from a “thinner” end connecting the northern lot to the other “dead end,” due to the larger footprint needed for the increase in beds/shelters.

Kerry to Allison: “‘Informational’ or not, any cost implications won’t be accurate if they’re based on placement of the village in a location that isn’t feasible from our perspective.”

May 25, 2021 – Email Meg to J. Michael, Allison and others at General Services:

Allison: “At the moment we are on hold until we resolve the parking revenue loss issue with the County.”

June 9 – 10, 2021 – Email strings: Richard Llewellyn (CAO) to Asst. City Attorney David Michaelson and then to Yolanda and Meg (forwarded to Allison), referencing letter from attorney for Venice Stakeholders Association opposing homeless housing at WRSB:

Richard to C.A. David M.: “I assume this one will fall under you my friend. As it’s a ‘lawyer’ letter, do you want me to respond at all? Do you want to respond?”

Richard to Yolanda & Meg: “Mr. Bonin’s constituents are lawyered up. I have sent this to City Attorney’s Office – asking if that office will handle it. We shall see.”

June 10, 2021 – Letter from PPCC to CAO (Factors Demonstrating Infeasibility) (included among responses).

June 17, 2021 – Letter from Mayor Garcetti to Supervisors Kuehl and Hahn (subject line: “**County-owned** beaches”): Indicated his support for the proposal and requested that B&H “waive the requirement for the City to pay for parking revenue lost for the duration these sites may be used in the future.” Explained that the cost to the City for the three-year term for the use of these sites [the term being contemplated] would be “\$35,904 annually, or \$107,712 for the three-year term” for WRSB.

June 17, 2021 – Email Marina to Allison and Meg: Forwarded 1/21/21 “original” feasibility study for WRSB and explained that “at this point the County is stating that the capacity is probably not sufficient to evaluate the impact,” a consultant would have to be brought in, the current system at WRSB entails a sump pump and BOE “does not have the expertise to evaluate the current system.”

June 18, 2021 – Email among Allison, Maria, Eileen and Meg:

Allison: Asked for guidance from BOE on the proposed coastal sites in the Bonin motion. “What considerations will we need to take regarding environmental review, permits, the Coastal Commission, etc.?”

Maria: Indicated that Eileen is out on leave and not working on homeless program projects. “I need to consult with the C.A. because some of the current regulation exclusions are due to expire.”

June 22, 2021 – Email string among Allison, Kerry, Yolanda and Meg:

Allison to Kerry: “[W]at approvals may be needed from the State” in order to use WRSB and Dockweiler for homeless housing? Kerry: As both sites are state beaches, “the State Department of Parks and Recreation would need to approve of the use and sign onto your Coastal Commission CDP application.” Provided contact information for the local district superintendent (Jerry West) and Coastal Commission district director (Steve Hudson) and recommended reaching out to the LA Regional Water Quality Control Board. “[O]ur failure to engage with this regulatory agency in the past has delayed some of our beach projects.”

June 23, 2021 – Letter from Dean Walruff/Advocates for the Environment (PPCC’s attorney) to Maria Martin/BOE, requesting notice of hearings for CDP permit applications (included among responses).

Undated – LA County Safe Parking Lot Survey – Completed by Kerry/B&H, re WRSB parking lot. In the Notes section: “We are concerned about individuals having unfettered access to the sand and ocean when it’s dark and when the beach is ‘closed.’ Also, the lot is occasionally used at night by filming companies.”

Undated – Maps/layouts depicting location and configuration of pallet shelters (tiny homes) and related facilities at the WRSB parking lot.

*Summary of PRA Responses by PPCC Secretary
September 8, 2021*