



## Mar Vista Community Council



### HOMELESS ISSUES SUB-COMMITTEE WITH THE BOARD OF DIRECTORS

#### REMOTE MEETING AGENDA

Date: 5/20/20 6:30-7:45PM

#### PUBLIC WELCOME

ALL ATTENDEES ARE MEMBERS OF COMMITTEE

To attend a meeting by phone, call 720-707-2699 and enter Meeting ID 987 2054 9076 followed by # to join.

To attend by device, go to <https://zoom.us/j/98720549076>.

Visit the "Join Our Remote Meetings" page on MarVista.org for supplemental information.

*Once you join the meeting, all participants will be able to see and hear everything within your device's camera and microphone range. All meetings are recorded. Please use the "mute" feature when not speaking and the "raise hand" feature (\*9) to be recognized.*

**Our Mission Statement: The Homeless Issues Sub-Committee mission is to promote stakeholder input concerning homeless issues in our community. The Committee encourages involvement, provides relevant information and resources, acts as advocate and liaison, and supports viable and equitable solutions.**

1. **Welcome and Call to Order**
2. **Introductions**
3. **Ex-Parte Communications and Conflicts of Interest**
4. **Approval of Last Meeting's Minutes** (from 2/19/20)  
<https://www.marvista.org/docs/34486034-10642.pdf>
5. **Public Comment for Items Not on This Agenda** (2 minutes per person)
6. **Announcements**
7. **Update on Previous Motion**  
Calling on the City of Los Angeles to Reprioritize Homeless Housing Strategy Approved 4/14/2020 by MVCC Board
8. **New Motions/Statements for Discussion and Possible Action**
  - 8.1 Community Impact Statement: Proposed Amendment to LAMC 41.18 (Attachment 1)
  - 8.2 Proposal: Housing Solutions (Attachment 2)
9. **Discussion of Community Impact and Resources** (Attachment 3)
10. **Update on City Homeless Housing Efforts/Rulings**
  - 10.1 Project Room Key

10.2 L.A. ALLIANCE FOR HUMAN RIGHTS ET AL v. CITY OF LOS ANGELES ET AL  
Preliminary Injunction 5/15/20  
<https://www.courtlistener.com/recap/gov.uscourts.cacd.775720/gov.uscourts.cacd.775720.108.0.pdf>

11. Appeal for Volunteers to Coordinate HIC meetings, Agendas, Social Media
12. Second Round of Public Comment
13. Adjournment

***In conformity with the Governor’s Executive Order N-29-20 (MARCH 17, 2020) and due to concerns over COVID-19, all Mar Vista Community Council meetings will be conducted entirely remotely and is open to the public by phone and/or device. Visit the “Join Our Remote Meetings” page on MarVista.org for more information.***

- \* **PUBLIC INPUT AT NEIGHBORHOOD COUNCIL MEETINGS** – *The public is requested to fill out a “Speaker Card” to address the Board on any agenda item before the Board takes an action on an item. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the agenda that are within the Board’s jurisdiction will be heard during the General Public Comment period. Please note that under the Brown Act, the Board is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future Board meeting. Public comment is limited to 2 minutes per speaker, unless adjusted by the presiding officer of the Board.*
- \* **PUBLIC POSTING OF AGENDAS** - *MVCC agendas are posted for public review at Mar Vista Recreation Center, 11430 Woodbine Street, Mar Vista, CA 90066*  
*You can also receive our agendas via email by subscribing to L.A. City’s Early Notification System at <https://www.lacity.org/subscriptions>*
- \* **THE AMERICAN WITH DISABILITIES ACT** - *As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices and other auxiliary aids and/or services, may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting [chair@marvista.org](mailto:chair@marvista.org).*
- \* **PUBLIC ACCESS OF RECORDS** – *In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at our website, <http://www.marvista.org>, or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, contact [secretary@marvista.org](mailto:secretary@marvista.org).*
- \* **RECONSIDERATION AND GRIEVANCE PROCESS** - *For information on MVCC’s process for board action reconsideration, stakeholder grievance policy, or any other procedural matters related to this Council, please consult the MVCC Bylaws. The Bylaws are available at our Board meetings and our website, <http://www.mar-vista.org>.*

## **ATTACHMENT 1**

### **8.1 Proposed Amendment to LAMC 41.18.**

#### **Current Code:**

#### **SEC. 41.18. SIDEWALKS, PEDESTRIAN SUBWAYS – LOITERING.**

(a) No person shall stand in or upon any street, sidewalk or other public way open for pedestrian travel or otherwise occupy any portion thereof in such a manner as to annoy or molest any pedestrian thereon or so as to obstruct or unreasonably interfere with the free passage of pedestrians. **(Amended by Ord. No. 137,269, Eff. 10/21/68.)**

Whether or not a defendant's acts "in any manner hindered or obstructed the free-passage" of persons passing is clearly a question of fact for the jury.

*People v. Firestone*, CR A 518.

Where free-passage along sidewalks is obstructed by persons listening to what is said at a street-meeting, the persons conducting said meeting cannot be convicted of a violation of this section in the absence of other facts.

*People v. Yoneda*, CR A 249.

(b) No person shall loiter in any tunnel, pedestrian subway, or on any bridge overpass, or at or near the entrance thereto or exit therefrom, or at or near any abutment or retaining wall adjacent to such entrance or exit, or any retaining wall or abutment adjacent to any freeway, street or highway open and used for vehicular traffic, or adjacent to that portion thereof used for vehicular traffic, or on any public property in the proximity of such bridge, overpass, or retaining wall or abutment.

Sec. [41.18](#) has not been preempted by State Legislation encompassing loitering offenses.

*Gleason v. Municipal Court* (April 1964), 226 Cal. App. 2d-226 ACA 701.

(c) No person in or about any pedestrian subway, shall annoy or molest another or make any remark to or concerning another to the annoyance of such other person, and no person shall commit any nuisance in or about such subway.

(d) **(Amended by Ord. No. 137,269, Eff. 10/21/68.)** No person shall sit, lie or sleep in or upon any street, sidewalk or other public way.

The provisions of this subsection shall not apply to persons sitting on the curb portion of any sidewalk or street while attending or viewing any parade permitted under the provisions of Section [103.111](#) of [Article 2, Chapter X](#) of this Code; nor shall the provisions of this subsection apply to persons sitting upon benches or other seating facilities provided for such purpose by municipal authority or permitted by this Code.

#### **Limitations to Current Code:**

Current code is not specific enough to limit loitering in places used for children, recreation, business and residence.

#### **Previous MVCC Motion:**

Whereas there is a housing and homelessness crisis in our city and our neighborhood, in which thousands have been forced to live on the streets; and

Whereas the City of Los Angeles adopted section 41.18 into the Los Angeles Municipal Code (LAMC) that outlaws sitting, lying or sleeping upon any street, sidewalk or other public way; and

Whereas the City of Los Angeles can no longer enforce that law due to the United States Court of Appeals for the 9th Circuit ruling on Martin v. The City of Boise, which determined that unhoused persons may sleep in public spaces until there is sufficient shelter to house them; and

Whereas the City of Los Angeles must therefore update LAMC Section 41.18 to allow for enforcement in a manner that is consistent with the 9th Circuit Court of Appeals ruling, which suggested that some very limited restrictions on sitting, lying, or sleeping on a public right of way might be acceptable to the Court; and

Whereas Councilmember Mike Bonin has vocalized his support for housing, in accordance with the 9th circuit ruling, while also proposing sensible changes to 41.18 that may meet the requirements laid out by the Boise decision, including restrictions around sensitive use areas like schools, daycares and homeless shelter facilities; and

Whereas allowing for such sensible restrictions without violating the central principle of the Boise decision is the best way to address the concerns of local residents about impacts on schools and other sensitive uses without risking another legal decision against the City that again stops enforcement of 41.18.

Now, therefore be it resolved, that the Mar Vista Community Council supports changes to LAMC 41.18 to bring it into compliance with the Boise decision while allowing for restrictions against sitting, lying, or sleeping on streets, sidewalks, and other public right of ways around sensitive uses that include schools, daycares, and homeless shelter facilities.

#### **Limitations to Previous MVCC Motion:**

The motion was too general, not specific enough, and has not helped to decrease the amount of unhoused people sleeping on the streets in Mar Vista.

#### **Current Proposed Amendment:**

##### **Amend LAMC 41.18.**

**MOTION:** The Mar Vista Community Council calls upon the Los Angeles City Council to Amend LAMC 41.18 as follows: (d) No person shall sit, lie or sleep in or upon any street, sidewalk, or other public right-of way as follows:

- (1) At any time in a manner that restricts fifteen feet of clearance from any utilizable and operational entrance, exit, driveway or loading dock.
- (2) At any time in a manner that restricts passage to less than 36" in any and all directions, as required by the American with Disabilities Act (ADA).
- (3) At any time:
  - (i) Within 150 feet of any structure, with a Certificate of Occupancy, that is in residential use.
  - (ii) Within 500 feet of a park.
  - (iii) Within 500 feet of a school.
  - (iv) Within 500 feet of a daycare center.
  - (v) In or upon any tunnel, bridge or pedestrian subway that is on a route designated by City Council resolution as a school route.
  - (vi) Within 500 feet of a facility opened after January 1, 2018 to provide housing, shelter, supportive services, safe parking, or storage to homeless persons.
  - (vii) Bike and other recreational paths.
  - (viii) Public areas (non-sidewalk) posted with No Trespass signs for safety purposes.
  - (ix) Public areas posted with closing times for safety and maintenance purposes.
  - (x) Crowded public sidewalk areas like those exempted in the citywide vending ordinance and other large venue-adjacent areas.

Upon passage this Resolution shall be presented as a Community Impact Statement to the City Council.

## ATTACHMENT 2

### 8.2 Proposal: Housing Solutions

#### Problem:

There are too many people living on the street in Mar Vista. Living on the street has an increased risk of death for the unhoused person (ten times risk compared to housed person). Living on the street has an increased risk to the neighborhood due to increased incidence of rats, diseases (tuberculosis, measles, typhus, COVID-19), trash, lack of sanitation, and crime.

#### Solutions:

1. Massive Emergency Temporary Shelter(s) needs to be built in an area with affordable land, away from residential neighborhoods, to provide: medical care, mental health, drug treatment, safety, hygiene, and services to reintroduce people back into society (job training, relocation, family reunification).
  - Anyone sleeping on the street is required to go to shelter.
  - This will be converted to permanent structure to provide all services.
2. Subsidized Affordable Housing (with services on-site) needs to be built in residential neighborhoods to re-integrate people back into society.
  - Will increase density of living, traffic, drug use, and crime in surrounding area.
  - Has to be done for long-term solution, re-integration into society is a must.
  - People eligible for this option need prior connection to the neighborhood:
    - Lived as member of that community for at least 3 years.
      - Job, Residence, School
      - Disabled, Elderly, Mental Health Disease, Drug Addiction
3. “Low-Barrier” Shelters Do Not belong in Neighborhoods
  - Shelters that allow drug use and are open throughout the night are detrimental to the children and working members of the community.
  - Services that allow people to remain on the street will enable homelessness and encourage more to come live in desirable areas.

## ATTACHMENT 3

5/12/20

### Zone IV Report:

#### Number of tents:

Mar Vista Rec Center	7
Venice Blvd 405 Underpass	28
Bowlero	2
Post Office adjacent	8
Venice/Wasatch Southside	13
Venice/Wasatch Northside	3
Total	41

#### Other relevant locations

Within 2 blocks of Bridge Housing on Sunset in Venice = 87 tents

Rose and Penmar = 58 tents