



PACIFIC PALISADES COMMUNITY COUNCIL

June 10, 2021

Richard H. Lewellyn, Jr., City Administrative Officer (CAO)

Matt Szabo, CAO appointee (*effective 7/4/21*) / current Deputy Chief of Staff to Mayor Garcetti

Via email and submission to City Clerk filing portal

Re: Council File 21-0350; CAO Feasibility Study – Use of Will Rogers State Beach Parking Lot for Homeless Housing / Factors Demonstrating Infeasibility

Dear Mr. Lewellyn and Mr. Szabo:

Pacific Palisades Community Council (PPCC) has been the most broad-based community organization and the voice of Pacific Palisades since 1973. Pacific Palisades is a coastal and hillside residential community in the wildland-urban interface with the Santa Monica Mountains, situated entirely within the Very High Fire Hazard Severity Zone.

Will Rogers State Beach (WRSB) is a California State Park located in Pacific Palisades. For more than 75 years, our community has been privileged to welcome countless visitors from all walks of life throughout Los Angeles and beyond, who regularly use the WRSB parking lot in order to access the beach and ocean for recreation and enjoyment. The WRSB lot is also routinely used by City, County and State first responders for critical command, staging and evacuation during frequent local and regional wildfire emergencies.¹

The WRSB lot is one of the sites that the City Council has now directed the CAO to evaluate as a homeless housing site. For many compelling reasons – including the overriding Coastal Act public access mandate, legal and jurisdictional obstacles, homeless safety and service issues, and substantial environmental and public safety concerns such as the potential loss of the lot for fire emergency use – **PPCC maintains that the WRSB parking lot is entirely infeasible and strongly opposes its use for homeless housing of any kind.** See *Attachment – Factors Demonstrating Infeasibility (pp. 4-16, following)*.²

PPCC agrees that homeless housing and services are urgently needed in Los Angeles. However, we disagree that a sudden, new emergency or extreme crisis exists that would justify use of *clearly unsuitable public recreational sites*, such as State Park or State Beach parking lots reserved by law for other purposes, for housing for any length of time.

Simply put: As demonstrated in the Attachment, using the WRSB parking lot and/or obtaining the required multi-

¹ Most recently, the WRSB lot was used for this purpose during the massive Palisades Fire by LAFD, LACoFD, CalFire and LAPD; it was used again on May 24 during a dangerous brush fire event that occurred on bluffs across PCH from WRSB; and yet again on June 1 by LAPD, LAFD, CHP, the County Sheriff, the MRCA, City & State Park Rangers and PPTFH volunteers for command purposes during an important multi-jurisdictional task force action to remove illegal encampments and hazardous materials hidden in the brush in nearby hillside and canyon areas and to offer housing and services to unhoused inhabitants.

² See also PPCC position statements/letters at: <http://pacpalicc.org/index.php/statement-letters-re-cf-21-0350-bonin-motion/>.

jurisdictional review for its use as homeless housing **cannot be easily or quickly done, nor is it practicable or feasible**, whether based on a claim of urgent need or emergency, or otherwise.

Even more importantly, should homeless housing be placed in the WRSB lot, its effective removal from use by first responders for vital wildfire fighting and protection efforts would have severe regional/multi-jurisdictional impacts.

Its loss would pose a grave risk of harm to the public, not only in Pacific Palisades, but also in the wider region of Los Angeles County subject to devastating wildfires, including the communities of **Calabasas, Malibu and Topanga Canyon** as well as extensive **federal and State parkland** in the Santa Monica Mountains. Such action would violate public safety protections guaranteed to citizens, both housed and unhoused, by the California Constitution (*see Attachment, Sec. V below*).

We invite you and CAO staff to meet at WRSB for a site visit with PPCC representatives, Pacific Palisades Task Force on Homelessness (PPTFH) volunteers and our LAPD beach detail officers. It is imperative that the CAO see first-hand the conditions at WRSB and the surrounding area – and to obtain input from individuals who interact daily with the homeless at WRSB and in our nearby bluffs and canyon areas – in order to better understand why the proposal to use this lot is infeasible and dangerous. Please contact us at info@pacpalicc.org to arrange for a visit.

Thank you for your consideration and anticipated serious attention to this important matter.

Executive Committee, Pacific Palisades Community Council

David Card, Chair	Christina Spitz, Secretary
David Kaplan, Vice-Chair	John Padden, Organization Representative (P.R.I.D.E.)
Richard G. Cohen, Treasurer	Joanna Spak, Elected Representative (Area 1; Castellammare, Paseo Miramar)

cc (*via email*):

City officials	(further described on p. 3, following)
County officials	(further described on p. 3, following)
Joint City/County officials	(further described on p. 3, following)
State officials	(further described on p. 3, following)
Federal officials	(further described on p. 3, following)
Other relevant individuals and entities	(further described on p. 3, following)

Attachment (Factors Demonstrating Infeasibility) on pp. 4-16, following

cc (via email):

City: **Hon. Eric Garcetti**, Mayor, City of Los Angeles; **Hon. Mike Feuer**, City Attorney; **Hon. Ron Galperin**, City Controller; **Hon. Nury Martinez**, President, City Council; **Hon. Joe Buscaino**, President Pro Tempore, City Council; **Hon. Mike Bonin**, Councilmember, CD 11; **Ralph M. Terrazas**, Chief, and **Armando Hogan**, Deputy Chief & West Bureau Commander, LAFD; **Michel R. Moore**, Chief, and **Jonathan Tom**, Captain III & West Division Commanding Officer, LAPD; **Patricia J. Huber**, Asst. CAO and Executive Officer; **Ben Ceja**, Asst. CAO; **Yolanda Chavez**, Asst. CAO; **Meg Barclay**, CAO's office/Homeless Strategy; **Paula Gerez**, President, Neighborhood Council of Westchester/Playa

County: **Hon. Hilda Solis**, Chair, County Board of Supervisors; **Hon. Sheila Kuehl**, County Supervisor, CSD 3; **Hon. Janice Hahn**, County Supervisor, CSD 4; **Daryl L. Osby**, Chief, County Fire Dept.; **Gary Jones**, Director, and **Kerry Silverstrom**, Chief Deputy Director, County Beaches & Harbors Dept.; **Cris Liban**, Chair, Beach Commission; **Clark Stevens**, Executive Officer, and **R.C. Brody**, President, Board of Directors, Resource Conservation District of the Santa Monica Mountains

Joint City/County: **Heidi Marston**, Executive Director, LAHSA; **Wendy Greuel**, Chair, LAHSA Commission

State: **Hon. Gavin Newsom**, Governor, State of California (via Jason Elliott, Senior Counselor for Housing & Homelessness); **Hon. Ben Allen**, State Senator, SD 26; **Hon. Henry Stern**, State Senator, SD 27; **Hon. Richard Bloom**, State Assemblyman, AD 50; **Hon. David O. Carter**, U.S. District Court Judge, Central District of California; **Jack Ainsworth**, Executive Director, and **Steve Hudson**, District Director, California Coastal Commission; **Sam Schuchat**, Executive Director, and **Megan Cooper**, Regional Manager, California State Coastal Conservancy; **Guangyu Wang**, Chief Administrative Director, Santa Monica Bay Restoration Commission; **Armando Quintero**, Director, and **Jerry West**, Angeles District Superintendent, California State Parks; **Rue Mapp**, Chair, State Park and Recreation Commission; **Jennifer Lucchesi**, Executive Officer, State Lands Commission; **Joseph T. Edmiston**, Executive Director, MRCA and Santa Monica Mountains Conservancy; **Tony Tavares**, Director, Caltrans District 7

Federal: **Hon. Diane Feinstein**, U.S. Senator (via Peter Muller, Deputy State Director); **Hon. Alex Padilla**, U.S. Representative (via Lauren Gallant, Sr. Field Representative); **Hon. Ted Lieu**, U.S. Representative, 33rd District (via Janet Turner, Field Supervisor); **Judge David O. Carter**, U.S. District Court Judge, Central District of California; **Cindy Orlando**, (Acting) Regional Director, Interior Region 8, National Park Service; **David Szymanski**, Superintendent, SMMNRA; **Tom Ford**, Director, Santa Monica Bay National Estuary Program

Other: **James Bozajian**, Mayor, City of Calabasas; **Paul Grisanti**, Mayor, City of Malibu; **Carrie Carrier**, President, Topanga Town Council; **Guillermo Rodriguez**, State Director, The Trust for Public Land; **Morgan Goodwin**, Sr. Chapter Director, Sierra Club/Angeles Chapter; **Shelley Luce**, President & Chief Executive Officer, Heal the Bay; **Tom Ford**, Executive Director, The Bay Foundation; **Bruce Reznik**, Executive Director, LA Waterkeeper; **Graham Hamilton**, LA Chapter Coordinator, Surfrider Foundation; **Matt Wersinger**, Chair, WRAC; **Sharon Browning** and **Sharon Kilbride**, Co-Presidents, PPTFH

Attachment (Factors Demonstrating Infeasibility) on pp. 4-16, following

**Factors Demonstrating Infeasibility – Use of WRSB
Parking Lot for Homeless Housing (CF 21-0350)³**

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I. History/Governing Documents

The history and governing documents, taken together, make clear that Will Rogers State Beach (WRSB) is to be used for **recreational purposes** by the general public as a *California State Park* – not for housing of any kind. Permitting homeless housing at the WRSB parking lot would be inconsistent with the spirit, intent and express provisions of the relevant documents that govern the rights and obligations of the parties.

A. 1942: The land comprising what is now Will Rogers State Beach (WRSB land/formerly owned by Will Rogers) was conveyed to the State of California upon the death of Will Rogers’ widow Betty. In that connection, the State and the then-State Parks Commission (SPC) entered into a recorded “Resolution of Acceptance,” in which the SPC “accepted” the WRSB land “in the name of and for and on behalf of the State of California **for state park purposes,**” and resolved that the land was “included in the **California State Park System.**” [*Emphasis added.*]

B. 1948: The State and the City of Los Angeles entered into a “Fifty Year Operating Agreement” (FYOA), in which the City became a lessee of the State and was given control over operations and maintenance at several beaches, including WRSB. Key FYOA provisions with respect to the use of WRSB:

- the parties declared that it is in “the interests of the public” for the lands to be placed under the City’s jurisdiction “**for park playground and recreational uses;**” and
- the parties agreed that the City shall have the right to use and develop the lands “for the **use, enjoyment and protection of the general public,** provided however that such use and development of said lands shall **conform to standards prescribed by any and all State laws applicable to State Beach Parks.**” [*Emphasis added.*]

³ PPCC is continuing to obtain and/or analyze relevant documents, facts and law; our review is ongoing. Also note: While we specifically focus here on the infeasibility of the WRSB parking lot, several of these factors also apply to the **Dockweiler State Beach** parking lot, which PPCC also opposes for use for homeless housing, as does the Neighborhood Council of Westchester/Playa and the Westside Regional Alliance of Councils (WRAC) – an alliance of all 14 councils on the Westside of Los Angeles. In regard to beaches, WRAC opposes the use of all beaches and beach parking lots to house the unhoused: <https://westsidecouncils.com/wp-content/uploads/2021/04/WRAC-Letter-CF21-0530-1.pdf>.

The FYOA by its terms expired in early 1999 with respect to WRSB (*but see Subsection E below*).

C. 1975: The City and County of Los Angeles entered into a “Joint Powers Agreement” (JPA), approved by the State as to WRSB, in which control over operations and maintenance at several beaches, including WRSB, was assigned to the County, “**subject to all applicable lease terms and conditions**” (*i.e.*, the terms and conditions of the FYOA). The City retained certain limited rights and/or responsibilities, including the responsibility of “**fire suppression, police protection and law enforcement**.” The JPA has no expiration date, but is subject to termination on one year's advance notice. For over 45 years, the County has been operating WRSB for the State under the JPA, for recreational purposes as a State Park.

D. 1987: The City and County entered into an amendment to the JPA (JPA Amendment); with respect to WRSB, the JPA Amendment provided that the City would be responsible for “all liability arising from piers, groins, **the bike path** located on [WRSB] and natural conditions,” and for “50% of the liability for claims related to dangerous conditions of public improvements that could not be repaired by the County in one day.” The JPA Amendment also provided that all other terms of the JPA “**shall remain in full force and effect.**”

E. 1998: On the eve of expiration of the FYOA, then-Los Angeles Mayor Richard Riordan and then-Cal Parks Director Patricia J. Megason confirmed in writing that until such time as a new or renewal lease was negotiated, the City would remain a “holdover” (month-to-month) tenant, with the “**existing**” FYOA to “**continue to define**” their relationship. To PPCC’s knowledge, no renewal lease was ever negotiated and the City’s holdover tenancy with respect to WRSB, defined by the FYOA, as well as the City’s responsibilities under the JPA, have continued for the last 21+ years.

F. Status today: WRSB remains a **State Park** within the California State Park System; the County continues to operate and maintain WRSB for recreational purposes as a State Park; the City remains a holdover tenant with certain limited rights and responsibilities; and the terms and conditions of the FYOA and JPA remain in effect and govern the City’s, County’s and State’s rights and obligations with respect to the use and operation of WRSB.

II. Governing Law & Process

Applicable law and required multi-jurisdictional approval processes make clear that 1) the proposed use would **violate the Coastal Act** and required Coastal Commission approval of the proposed use is therefore **highly unlikely**; and 2) due to lengthy and complicated CEQA and Coastal approval processes, as well as potential local zoning requirements, approval in any event could not be obtained easily or quickly.

A. Coastal Act

- WRSB is an important California public resource protected by the Coastal Act (§30000, *et seq.*). “Protecting **public access** to the coast and **recreational opportunities** for all is a core mandate of the Coastal Act” (<https://www.coastal.ca.gov/enforcement/> -- drop-down “Securing Public Access”; *emphasis added*). See also: <https://www.courthousenews.com/california-coastal-commission-cracks-beach-access/> (Commission’s goal is “ensuring California’s coastline is accessible to everyone”).
- The California Constitution also protects the public’s right of access: “access to the navigable waters of this State shall be always attainable for the people thereof” (*see Art. X, §§ 3, 4*).

- The Coastal Act provides for **maximum access** to the coast (§§30210 and 30211). In this regard, the Coastal Commission has a record of requiring and protecting parking opportunities to allow beach access and of taking strong action in cases when public access is prevented.⁴
- The shoreline area, from the submerged land to the mean high tide line, is deemed to be **held in trust for the public** (the “Public Trust Doctrine”);⁵ the Coastal Act and the California Constitution guarantee that the public has unrestricted access to public trust land.
- Placing homeless housing at the WRSB parking lot would **restrict public access** to the beach and ocean (including land protected by the Public Trust Doctrine), and would thereby violate the Coastal Act and California Constitution. It is highly unlikely that the Coastal Commission will approve this use which would clearly prevent such access.
 - Countless people from throughout Los Angeles and beyond, including tourists and other visitors, use the parking lot to access the beach/public trust land and ocean at WRSB.
 - Individuals and families from all neighborhoods, walks of life and income levels come to WRSB to recreate, escape the heat and enjoy the beautiful surroundings, often when other recreational open-space or public park opportunities are not available to them.
 - There is *no parking on PCH* in the location of WRSB; the WRSB lot is the most practicable and the most direct option for beachgoers to access WRSB.
 - The WRSB parking lot is full on summer weekends and on hot days and holidays throughout the year; parking is reasonably priced for families spending a day at the beach: \$7 weekdays and \$9 weekends (9am-5pm) for non-over-sized vehicles.
 - Parking fee revenues are used by the County for maintenance and upkeep of the beach and appurtenances, as well as lifeguard facilities and salaries. Placing homeless housing on the lot would result in a substantial reduction in the numbers of visitors, a reduction in revenue, reduced capacity for maintenance and possible beach closures as a result.
- The Coastal Act also provides that in the event of competing policies, conflicts should be resolved in a manner which on balance is the **most protective of significant coastal resources** (§§30007.5).
- Other Coastal Act violations arising from this proposed use may include reduction in public recreational opportunities (§§30001.5; 30210; 30213; 30223); failure to protect public safety, quality of life, the marine environmental or overall quality of the coastal zone (§§30001(c); 30004(b); 30006.5; 30105.5; 30210; 30230); and inadequate outreach to the community and/or lack of public support (§30006).
- PPCC has been unable to find any evidence of an approved homeless housing facility on any beach or beach parking lot on the California coast – likely because such use would clearly violate the Coastal Act and/or a Coastal Development Permit was never requested or issued. If approved by the Coastal Commission, the use proposed for the WRSB parking lot would be **unprecedented** in California.

⁴ See, e.g., the recent case of *Lent v. Coastal Commission, et al.* (4/5/21; Case No. B292091) (appellate court upheld the Coastal Commission’s imposition of a **\$4 million+ fine** against a Malibu private property owner for refusing to remove structures that blocked a public access easement; case now on appeal to the California Supreme Court).

⁵ *State of California v. Superior Court (Lyon)* (1981) 29 Cal.3d 210, 214. See also further explanations of the Public Trust Doctrine at: State Lands Commission / <https://www.slc.ca.gov/public-engagement/> and Surfrider Foundation / <https://www.surfrider.org/pages/policy-on-beach-access>.

B. County Code

- County Code provides that the beach and the beach parking lot are one: LACC §17.12.030.
- County Code expressly **prohibits dwelling/habitation** on the beach and at beach parking lots: LACC §§17.12.232(H) and 17.12.260.
- If County Supervisors wished to amend the Code in order to allow the proposed use, an analysis under the California Environmental Quality Act (CEQA) would be necessary.

C. Lengthy/Prolonged Processes

- **Multiple approvals** from the various jurisdictions involved would be needed and a determination must be made as to which agency would bring an application with the Coastal Commission – the City, as the holdover tenant? The County, as the operator? The State, as the property owner? Would City or County zoning regulations, with attendant required processes, also apply? All of these processes, determinations and/or approvals would take considerable time to be resolved.
- **Environmental review** under CEQA would be necessary during the determination and approval process. An EIR would be required if it is determined that there are one or more significant impacts on the environment which cannot be mitigated. Impacts that may be analyzed include:
 - Beach/sand pollution as well as run-off/ocean water pollution (the Santa Monica Bay) due to expected increased deposits of needles and other drug paraphernalia, debris, urine and feces from additional homeless individuals dwelling at the WRSB parking lot (already experienced on WRSB from current activities of homeless individuals);
 - Traffic impacts (*see Secs. IV.A and V.D below*);
 - Fire hazard impacts (*see Secs. IV.B and V.B below*);
 - Other public safety impacts (*see Secs. IV-VI below*);
 - Economic & other impacts (loss of parking revenues, impact on maintenance, lifeguard services and the like).
- The required environmental analysis under CEQA may take months or longer to be completed.
- The required **Coastal Development Permit (CDP)** process⁶ with the Coastal Commission would also take months or even a year or more to be completed.
 - CM Bonin acknowledged at PPCC’s public board meeting on April 8, 2021 that the “Coastal approval process can take months.”
 - An emergency application for an administrative waiver under Public Resources Code §30611 would not be available since public officials have known of the claimed “emergency” for at least a year or longer (*see Sec. VII below*).⁷

⁶ It is clear that a CDP would be required. Coastal Act §30600(a); *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 738 (Coastal developments subject to the Coastal Act, regardless of whether the project has impact on density or intensity of land use). Note also that residents of the Palisades Bowl have also weighed in with concerns as to this particular matter (*see Sec. VI below*).

⁷ PRC §30611 provides: “When **immediate action** by a person or public agency performing a public service **is required to protect life and public property from imminent danger**, or to restore, repair, or maintain public works, utilities, or services

- Given the unprecedented level of opposition to this proposal, in the unlikely event of a decision by the Coastal Commission adverse to project opponents, appeals/other legal action seem likely.

III. Position of Relevant Officials/Authorities

Public positions expressed by relevant State, County and federal authorities make clear that the proposed use of the State Beach parking lots for homeless housing would be **antithetical to their stated goals and positions** with respect to beach access and use. *[Emphasis added in all quoted remarks in Secs. A-G below.]*

A. U.S. District Judge David O. Carter: Decried the loss of beaches and other public spaces due to current appalling conditions for the homeless, stating in his April 20, 2021 preliminary injunction ruling in the case of *Alliance for Human Rights v. City of Los Angeles, et al.*:

“The homeless have been left no other place to turn to but our **beaches**, parks, libraries, and sidewalks, and it is pivotal that they **no longer rely on spaces that enhance quality of life for all citizens.**”

“Los Angeles has **lost its parks, beaches**, schools, sidewalks, and highway systems due to the inaction of City and County officials who have left our homeless citizens with no other place to turn.”

B. Supervisor Janice Hahn: Stated in a published response to an inquiry from a news reporter in April 2021 that the proposed use of the County-operated beaches for homeless housing “is **not an option** at this time.”

C. Supervisor Sheila Kuehl: Stated in an e-newsletter to constituents in April 2021 that adding an “access mat” to beaches for people with disabilities was important because “[o]ne of the major draws for those of us who live in or visit LA is, of course, to be close to the fabulous Pacific Ocean and our gorgeous, sandy beaches . . . so LA County is once again acting to **make sure our beaches are ever more accessible and inclusive.**”

D. County Beaches & Harbors (B&H)/former Deputy Director John Kelly: Stated in a 2017 posting on the B&H website that the agency’s “**duty is to protect public access to the beach, the parking lots**, the restrooms, the concession stands. So that people who can’t afford to live on the beach can still enjoy the beach.”

E. B&H Strategic Plan: The agency currently states on its website that one of the goals and objectives of its Strategic Plan is to “**enhance access to our beaches**,” that its Vision is “to preserve and enhance Los Angeles County’s beaches;” and that its Mission is “providing recreational activities while sustaining Los Angeles County beaches.”

F. Coastal Commission Executive Director Jack Ainsworth: Stated in a 2017 interview with public television station KQED that “**providing access to the shoreline . . . is one of the primary mandates of the Coastal Act . . .** [O]ne of my highest priorities going forward -- is not only protecting it for the residents of those areas, but for all

destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this division may be waived upon notification of the executive director of the commission of the type and location of the work **within three days of the disaster or discovery of the danger**, whichever occurs first.” The conditions contemplated by this section are clearly not present here, nor has any official brought an application under this section “within three days of the disaster or discovery of the danger.” *[Emphasis added.]*

Californians and those Californians that may not have had access to the coast, particularly those in disadvantaged communities, and communities of color.”

G. County Supervisors: In a press release on April 30, 2021, regarding a grant program for Measure A projects (“LA County Safe, Clean Neighborhood Parks and Beaches Measure”), each of the five Supervisors issued statements about the importance of providing public access to recreational open space, stressing that such access is “**essential for an equitable, healthy and vibrant LA County**” (Supervisor Holly Mitchell).

IV. Impact on the Homeless – Danger/Safety Risks & Barriers

The California Constitution obligates local governments to protect the safety of all citizens, the unhoused as well as the housed (*see Sec. V below*). Actual facts on the ground make clear that siting homeless housing at the WRSB parking lot would **gravely endanger the individuals who are housed there** and would also pose **unacceptable barriers** in terms of access to transportation and necessary services.

A. Crossing PCH:

- The WRSB parking lot is located immediately adjacent to Pacific Coast Highway (PCH). For most of its length in Pacific Palisades, PCH is a six-lane highway, akin to a freeway, with routinely heavy and speeding vehicular traffic made up of commuters and other motorists.
- Homeless individuals are regularly observed dangerously jaywalking across PCH in order to access the one grocery store in the area, a Vons market located two miles from the County Lifeguard headquarters in the Temescal Canyon lot, or the liquor store located to the southeast across from the Santa Monica Canyon lot – or simply wandering aimlessly and dangerously in the middle of heavy traffic on PCH.
<http://pacpalicc.org/wp-content/uploads/2021/06/Homeless-Crossing-PCH.pdf>.
- Individuals jaywalking across PCH have been regularly killed in the past, including as recently as February 2021. On June 1, 2021, a disturbed homeless person struck a Metro bus on PCH and was taken by ambulance to the hospital (*see also Sec. V.D, below*).
- Dr. Jonathan Sherin, Director of the LA County Dept. of Mental Health, advised attendees at a recent public community meeting sponsored by the Pacific Palisades Task Force on Homelessness (PPTFH)⁸ that the **number one cause of death for homeless individuals is getting hit by cars.**
- The risk of death by jaywalking across PCH is much higher with drug and alcohol addiction and mental illness – disturbing conditions that PPTFH volunteers and our LAPD beach detail have observed in the Palisades’ homeless population with increasing frequency in recent months.

⁸ Homeless individuals have for many years been drawn to WRSB as well as to our nearby bluffs and canyon areas. When encampments were mushrooming on the beach several years ago, PPCC initiated PPTFH, which soon afterward became a respected, independent volunteer non-profit organization. Over the years, with generous donations from the Palisades community, and working daily with our assigned LAPD beach detail and outreach workers from The People Concern, PPTFH volunteers have had great success in helping the homeless find housing and services, eliminating encampments and reducing crime, debris and the ever-present fire risk. <https://www.pptfh.org/>.

B. Fires:

- The entirety of Pacific Palisades is in the Very High Fire Hazard Severity Zone. Wild fires are occurring with ever-increasing frequency in Pacific Palisades. They pose a serious risk not only to the housed community in the Palisades, but to any unhoused individuals dwelling in or near the WRSB parking lot. As LAFD warns on its website: “Catastrophic fires are occurring at an increasing rate . . . Hillside communities within Los Angeles are under continuous threat of a devastating wildfire.”
- PPTFH volunteers and LAPD beach detail officers regularly scout WRSB and surrounding areas, finding evidence of fires being set in all locations, including on the beach by homeless persons and in nearby bluffs. <http://pacpalicc.org/wp-content/uploads/2021/06/Homeless-Spot-Fires.pdf>. The massive Palisades Fire in May 2021, which burned over 1,300 acres in the Santa Monica Mountains in the areas of Pacific Palisades and Topanga Canyon and resulted in evacuation orders and warnings, was caused by an arsonist who was also homeless. Another large, dangerous brush fire of unknown origin occurred on the Via de las Olas bluffs *immediately across PCH from the WRSB lot* on May 24, 2021. <http://pacpalicc.org/wp-content/uploads/2021/06/Recent-Wildfires.pdf>.
- Due to concerns about already-existing encampments and fire risk, LAPD recently initiated a collaborative, multi-jurisdictional task force, including personnel and officers from LAPD, LAFD, the California Highway Patrol, the County Sheriff, the Mountains, Recreation and Conservation Authority (MRCA), City and State Park Rangers, and PPTFH volunteers, to remove illegal encampments and hazardous materials in our bluffs and canyon areas and to offer housing and services to homeless individuals.⁹
- We reasonably expect that if homeless dwelling is sanctioned at the WRSB parking lot, more unhoused individuals will be attracted to the area, both at the beach and in the surrounding bluffs and canyons, increasing the overall fire risk both for the housed and the unhoused.

C. Landslide/Tsunami/Earthquake/Flood:

- In 1957, a massive landslide from the Via de las Olas bluff sent acres of earth across PCH, the WRSB parking lot, the beach and into the ocean. A Caltrans worker cleaning up a prior slide below was buried alive by the huge slide. The State decided the big slide was too massive to remove. Caltrans created a new PCH highway around the slide, and also created a new sand beach and parking lot at WRSB that we see today. More slides could bury homeless campers or dwellers at WRSB.
- A Certified Consulting Meteorologist (CCM) has informed PPCC that in the event of a tsunami or serious earthquake, homeless individuals dwelling on the WRSB parking lot could be put in serious danger from either a tidal wave that might sweep all inhabitants out to sea, or from boulders loosened on the slopes of the bluffs immediately across from the parking lot. These are not far-fetched possibilities: a “Tsunami Zone” evacuation warning sign is posted on PCH at Chautauqua Blvd.; large boulders are often loosened from bluffs along PCH and in nearby canyons during heavy rains.¹⁰

⁹ More information about the encampment task force effort:

<http://pacpalicc.org/wp-content/uploads/2021/06/PPCC-Commendation-Letter-Cap.-Tom.pdf>

¹⁰ Regarding tsunami risk, see also information from the California Geological Survey, summarized here:

<https://patch.com/california/marinadelrey/marina-del-rey-faces-major-tsunami-risk-so-get-ready>.

- The CCM has also informed us that during stormy periods, especially during periodic El Nino conditions, there would be a chance of inundation of homeless inhabitants by a combination of surge and astronomical high tides.¹¹

D. Inadequate Sanitation:

- Sanitation facilities at WRSB are scarce or non-existent. There is no assurance that basic cleanliness/hygiene needs of the homeless will be met with proper facilities that will actually be maintained on a regular basis.

E. Inadequate Access to Transportation and Services:

- WRSB is an isolated location relative to services; it is not within easy walking distance of grocery stores or other amenities. At a public meeting of the Brentwood Homeowners Association in March 2021, CM Bonin acknowledged that homeless housing should be sited in locations accessible to transit and services, especially for those with disabilities or other conditions that make long walks to access transit difficult or impossible.
- If the homeless housing is situated at the County Lifeguard headquarters, as CM Bonin has suggested, there are no nearby, reasonable transit options. Buses are not easily accessed from the Lifeguard headquarters location. The closest bus stop is more than six-tenths of a mile away at the Temescal Canyon entrance to the WRSB parking lot along PCH.

V. Community & Regional Impacts – Danger/Public Safety Risks

The siting of homeless housing at the WRSB parking lot would constitute a **direct threat to public safety**.

A. Government Responsibilities:

- Article XIII, Sec. 35(a) of the California Constitution provides:

“(1) Public safety services are critically important to the security and well-being of the State's citizens and to the growth and revitalization of the State's economic base.

“(2) The **protection of the public safety is the first responsibility of local government** and local officials have an obligation to give priority to the provision of adequate public safety services.”

[Emphasis added.]

The siting of homeless housing at the WRSB parking lot would violate the City’s “first responsibility,” as a local government, under the California Constitution.

- The City also expressly assumed responsibility under the JPA for “fire suppression, police protection and law enforcement” at WRSB (*see Sec. I.D above*). The proposed use of the WRSB parking lot for homeless housing would constitute an abrogation of the City’s specific responsibility under the JPA.

¹¹ For more information contact Jay Rosenthal, CCM: Air, Weather & Sea Conditions, Inc., AirWeather@aol.com, www.weatherman.org.

B. Wildfires/Use of WRSB Parking Lot for Emergency Response:

- As explained in Sec. IV.B above, Pacific Palisades is under constant, serious threat of wildfires; the risk can be expected to increase if homeless housing is sanctioned at the WRSB parking lot, which, based on the experience of other communities such as Venice, will likely attract more homeless individuals to WRSB and/or nearby bluffs and canyon areas, with an attendant increase in fire hazards.
- The WRSB parking lot – particularly the entire lot area near the County Lifeguard headquarters, where the site for homeless housing is suggested – is routinely used by City, County and State officials during wildfire events for critical command, staging and evacuation. In recent years, it has been used for some or all of these purposes during the 2019 fire in the Palisades Highlands; during the catastrophic Woolsey Fire in 2019; and during the recent massive Palisades Fire. <http://pacpalicc.org/wp-content/uploads/2021/06/WRSB-Command.pdf>. At one point during the May 2021 Palisades Fire, the entire southeastern portion of the WRSB lot, stretching for more than six-tenths of a mile from the Temescal Canyon entrance to the Lifeguard headquarters, was taken up with critically-necessary emergency vehicles and firefighting equipment.
- More recently, the WRSB lot was used for command purposes by the multi-jurisdictional encampment task force, organized by LAPD and also planned to be used in the future for regular, periodic task force efforts. *(See Sec. IV.B and fn. 9 above.)*
- The use of the WRSB lot for this purpose is needed not only for protection of Pacific Palisades, but for the protection of communities and State and federal parkland in the nearby Santa Monica Mountains region which are all under serious wildfire threat, including **Calabasas, Malibu, Topanga Canyon, the Santa Monica Mountains National Recreation Area** and multiple **State parks within the MRCA**.
- Siting homeless housing at the WRSB lot would effectively result in loss of this vital resource for first responders and thus violate the City’s responsibilities for fire suppression under the JPA and public safety protection under the California Constitution.

C. Mental Illness, Addiction, Violent Behavior, Illegal Drugs:

- It is well-documented that there are substantial numbers of homeless individuals with mental health and/or drug or alcohol addiction problems who would benefit from appropriate services and treatment. Given the City’s track record, there is little reason to believe that the proposal will actually enhance efforts to provide needed services.
- Visitors to WRSB are often families with children as well as youth participants in camps and other programs *(see Section VI below)*. The presence of homeless individuals with untreated mental health or addiction issues endangers the health, safety and welfare of everyone who uses the beach. The problems include:
 - Homeless persons suffering with untreated mental health and/or addiction issues often act erratically, in a threatening manner or even dangerously. Our PPTFH volunteers have observed a disturbing and growing trend of methamphetamine use among the unhoused population at WRSB, often leading to violent and dangerous behavior.
 - As widely-reported, homicides have recently occurred in or near homeless encampments in Brentwood and Beverly Grove, as have incidents of fighting, beating, tent fires, property damage and other acts of violence among the homeless in Venice and elsewhere.
 - Illegal drug use and sale occurs in and/or near homeless encampments throughout the City, including in Pacific Palisades. Dangerous/makeshift methamphetamine “labs” – constituting severe

fire hazards – have been discovered in the brush in our bluffs across from WRSB and dismantled by LAPD officers and PPTFH volunteers. <http://pacpalicc.org/wp-content/uploads/2021/06/WRSB-Meth.pdf>.

- Our LAPD beach detail, working in tandem with PPTFH volunteers and outreach workers, has been effective to date in efforts to mitigate these threats to public safety. The Palisades community is grateful for their service and the protection they offer. But the beach detail and our volunteers are already overworked; an influx of more homeless individuals would only exacerbate existing problems and increase threats to public safety. Moreover, there are no guarantees that sufficient funding will be available to support retention of the LAPD beach detail beyond Summer 2021.
- Loss of the beach detail – combined with the inevitable increase in more homeless individuals via potentially sanctioned housing at the WRSB parking lot – would also violate the City’s specific responsibility under the JPA for “police protection and law enforcement” at WRSB.

D. Traffic Impacts:

- Traffic is heavy on PCH (*see Sec. IV above*) and collisions occur with some frequency. We have learned that between 2010-2020, there was a total of 205 *reported* fatal or injury collisions with 14 pedestrian deaths or significant injuries within the stretch of PCH bordering WRSB. Homeless individuals jaywalking and wandering onto the six lanes of traffic will only increase if homeless housing is sited at the WRSB parking lot, resulting in additional risk of collisions, possible injuries and even deaths for motorists as well as the homeless; these actions by the homeless can also snarl traffic for commuters and commercial vehicles, and discourage tourist visits.
- These conditions are known to public officials. Failure to protect motorists as well as the homeless by allowing an exacerbation of these conditions via homeless housing at the WRSB lot would violate the City’s responsibility for public safety protection under the California Constitution.

E. Bike Bath/Impact on Cyclists:

- The popular beach bike path, used by thousands of bicyclists daily, literally runs through the WRSB parking lot at the Lifeguard headquarters; siting homeless housing where inhabitants are likely to wander near or in the middle of speeding cyclists on the bike path would be a recipe for disaster, and again, a violation of the City’s responsibility to protect public safety.
- Moreover, under the JPA Amendment, the City is responsible for “all liability” arising from the bike path at WRSB (*see Sec. I.D above*). Liability concerns alone should dictate a finding that the WRSB parking lot is infeasible for use for homeless housing.

VI. Other Impacts & Concerns

Placing homeless housing on the WRSB parking lot would have **additional negative impacts** on many beach users as well as nearby residents and would make the site an exceptionally poor choice for this purpose.

A. Confluence of Beach Users:

- Numerous organized activities take place on WRSB near the Lifeguard headquarters and organizers have used the parking lot at that location for many years for beach access and administration purposes: the popular

County Junior Lifeguards program; numerous summer camps; volleyball groups; and Palisades Charter High School surfing classes – all of which are *open to all eligible residents of Los Angeles*.

- Siting homeless housing at that location would unacceptably and unreasonably interfere with all of these valuable and widely-attended programs, many of which would be forced to end operations due to lack of reasonable alternative locations and likely low participation if homeless housing were placed nearby (Junior Lifeguards is run by lifeguards at the headquarters; volleyball groups play at the **20 beach volleyball courts** located to the southeast of the headquarters; several volleyball tournaments are held during summer months, when the parking lot is packed with attendees from throughout the region).

B. Lifeguards:

- Allowing homeless individuals to dwell in the parking lot at the County Lifeguard headquarters may have an impact on lifeguard operations and consequent implications for the safety of beach visitors.
- Lifeguards would likely be called upon, as the nearest first responders, to address problems with the homeless at that location; this would place an undue burden on lifeguards and may in turn compromise their ability to conduct ocean rescues or other lifesaving efforts necessary to protect the safety of the general public.

C. Nearby Residential Neighborhoods:

- The Santa Monica Canyon community is located directly across from WRSB at the parking lot at Santa Monica Canyon. Residents and business owners of the Canyon currently experience negative impacts from homeless individuals who travel into the neighborhood from WRSB, either dangerously crossing over PCH or using the tunnels under PCH from the parking lot, to visit the liquor store located on PCH at that location or to access other areas of the Canyon.
- The tunnels under PCH at Santa Monica Canyon – intended as a safe route to the beach for pedestrians – are routinely littered with trash, needles and human feces deposited by mentally ill and addicted homeless individuals. Volunteers attempt to clean the tunnels on a regular basis but the effort is an uphill battle; beachgoers are discouraged from using the tunnels as a result of the deplorable conditions. Santa Monica Canyon residents and business owners reasonably fear that mentally ill and addicted homeless individuals will only increase in their neighborhood if homeless housing were sanctioned at the WRSB parking lot.
- Two mobile home communities, Pacific Palisades Bowl and Tahitian Terrace, are located directly across from WRSB to the northwest of the Temescal Canyon entrance to the parking lot. The Palisades Bowl entrance is at street (ground) level and both entrances can be accessed by pedestrians from the inland side of PCH or via a crosswalk from the beach/parking lot side of PCH. Residents at Palisades Bowl include many elderly, low-income women who have expressed concern to PPCC that homeless housing at the WRSB lot will attract more mentally unbalanced or addicted homeless people, who in turn may wander into the mobile home park and disturb or frighten residents.

VII. No Overriding Immediate Emergency

Councilmember Bonin asserts that there is an “urgent crisis” or an “immediate emergency” that necessitates consideration of the WRSB parking lot, despite all of the factors showing the *infeasibility as well as the danger* of using this site for homeless housing. We agree that housing and services are urgently needed for the homeless in Los

Angeles – and have been needed for decades. We strongly disagree, however, that there is an **overriding sudden or immediate** emergency which requires **public recreational spaces**, such as State Parks and State Beaches, to be removed from public use for the purpose of homeless housing – a result that would be *completely contrary to Judge Carter’s express goals (see Sec. III.A above)*.

A. LAHSA: LAHSA itself was formed almost *20 years ago* to address then then-increasing problem of homelessness; the Homeless Count has been rising steadily year after year; *last year*, when she was selected as Executive Director, Heidi Marston stated publicly (press release posted on LAHSA website): “Homelessness in Los Angeles County *is a crisis every day.*” [*Emphasis added.*]

B. Mayor: In a letter filed in federal court in the *Alliance* case, Mayor Garcetti stated that the City of Los Angeles has not issued an emergency declaration regarding homelessness, describing the situation instead as a “*decades-long crisis* involving multiple jurisdictions.” [*Emphasis added.*]

C. County:

- County counsel represented, in a submission in the *Alliance* case, that the County had issued an emergency homeless declaration in 2016, *five years ago*. We were unaware until recently of this declaration.
- In the years since, Supervisor Kuehl’s representatives have advised us about progress in funding and constructing homeless housing, but PPCC was never told that an immediate emergency situation exists such that the WRSB parking lot (or any particular site) is actually needed for this purpose.
- We have also learned that ***almost a year ago, staff for Supervisor Kuehl, CM Bonin, County Beaches & Harbors and other agencies began discussing plans to use the WRSB parking lot for homeless housing.*** These discussions and plans were never revealed to constituents or PPCC and only became known to us recently through responses to Public Records Act requests.

D. Councilmember Bonin:

- In 2016, CM Bonin stated at a PPCC meeting that homelessness was then a “crisis.”
- In 2018, he described the situation at the time as an “emergency,” and explained that he was asking all communities in CD 11 to try and find sites for homeless housing. According to PPCC’s approved online minutes, an effort was made by past PPCC Chairs to find suitable sites; none were found at the time.¹²
- In the years since, nothing more was communicated to PPCC about a need to find sites in Pacific Palisades because of a **sudden immediate** homeless emergency or crisis, or for any other reason.
- At PPCC’s public board meeting on April 8, 2021, as confirmed by PPCC’s approved online minutes, during discussion about this new proposal to use the WRSB parking lot, CM Bonin repeated the statement that

¹² There is currently no order or other requirement that each and every neighborhood in CD 11 “contribute” sites for homeless housing. PPCC officers have nonetheless individually searched in good faith for possible other *suitable* sites for homeless housing in the Palisades area; none have been found to date. This information is or should be available to our elected officials. City Controller Ron Galperin has advised PPCC that he is also conducting an independent evaluation of *all* City properties for suitability for homeless housing (not including beaches). Of course, whether alternate suitable sites are available in Pacific Palisades or anywhere else in the City is irrelevant to the issue of the infeasibility of the WRSB lot.

homelessness is an emergency in Los Angeles, yet he also acknowledged that the required “Coastal approval process can take months.”

- We have now learned that ***almost a year ago, CM Bonin and/or his staff began discussing plans with Supervisors Kuehl and Hahn and/or their staff, with staff from other agencies (including Beaches & Harbors, the CAO and City Bureau of Engineering), and as early as November 2020 with Coastal Commission staff and later with Executive Director Jack Ainsworth, about using the WRSB parking lot for homeless housing.*** These discussions and plans were never revealed to constituents or PPCC and only became known to us recently through responses to Public Records Act requests.
- To our knowledge, despite planning almost a year ago for this use and despite the current assertions of an immediate emergency or urgent crisis, CM Bonin and other officials have not sought official approval to use the WRSB parking lot from the Coastal Commission or any other agency on an expedited, emergency basis.

E. PPCC:

- PPCC’s approved online minutes show that since 2002, and every year after that *for 19 years*, issues involving homelessness in Pacific Palisades were publicly discussed, often with City, County and State government representatives in attendance.
- Our public officials were and are fully aware of the constant, ongoing problems involving homeless individuals camped in or inhabiting our public areas, bluffs, canyons and at WRSB. Representatives of our public officials and government agencies have even *actively participated with PPTFH* in efforts to address problems associated with illegal homeless activities on or near WRSB.
- For the last five years, with the knowledge and express support of our elected officials, including CM Bonin, Supervisor Kuehl and Assemblymember Richard Bloom, an LAPD beach detail has been assigned to WRSB and nearby bluffs and canyons areas to work with PPTFH in dealing with these problems. LAPD’s presence and assistance has been critical to the safety of the community.
- At no time during the last 19 years, until this sudden, surprising proposal, has any government representative suggested to PPCC that homeless housing should be allowed at the WRSB parking lot. Such a suggestion would have been – and still is – contrary to law and to efforts to protect against dangerous, unsafe conditions on the ground which have been known to public officials for almost two decades.

*PPCC Executive Committee
June 10, 2021*