

April 2022 Land Use Report

Quote of the month:

In its September 1939 issue, The Architectural Record argued that “any high rent apartment project is a comparatively risky undertaking for the investor and, in turn, for FHA. Tenants who can afford to spend \$15 and more per room on rent are by nature transitory tenants. They will move down to lower rent quarters during economic depression, will move up into new buildings as they are completed, and eventually will probably move out to buy or build a house.”

<https://www.laconservancy.org/sites/default/files/files/documents/Garden%20Apartment%20Context%20Statement.pdf>

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FYI: KPCC AIR TALK INTERVIEW ON SB9: **Sharing with you a link to KPCC Radio Air Talk interview with the Mayor of the City of Pasadena challenging SB9. This is the part you want to listen to: “Why California And The City Of Pasadena Are At Odds Over A Housing Ordinance”** at <https://www.kpcc.org/>

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**LA CITY MEASURES:**

From March report:

**LA City Measures (updates or introduced last month)**

**CF 22-0120:** Electric Vehicles Charging Stations/Expedite Permitting Process / AB 1236 / AB 970. Approved in PLUM 2/15. Scheduled for Council 3/4/22.

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=22-0120>

**CF 21-1385:** On-site Posting / Mailing Notices / Effective Stakeholder Notification / Discretionary Land Use Action. Approved in PLUM 2/15. Scheduled for Council 3/4/22.

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1385>

**CF 22-0147:** Christmas trees in Two-Family Dwelling and Multiple Dwelling residential zones. Referred to PLUM 2/8/22. Seeks to disallow sale of Xmas trees from two-family & multi-family zones.

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1385>

**CF 21-1375:** LA Accessory Dwelling Unit Accelerator Program: Referred to Housing Committee, to Personnel, Audits, and Animal Welfare Committee 2/17/22.. CAO report 0220-00540-1582, dated 2/16/22. Relative to authorizing LA Housing Dept. to negotiate and execute a contract with ONEgeneration, authorizing a resolution authority position and related actions to implement the proposed LA Accessory Dwelling Unit Accelerator Program. Housing Committee approved as amended 2/24/22 and transmitted to Personnel, Audits, and Animal Welfare Committee.

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1375>

**CF 14-1061-S1:** Contractors for the continued provision of environmental consulting services. CAO Report 0150-07288-0021, dated 12/21/21 authorizing Planning Dept Director to execute Second Supplemental Agreements with six contractors for the continued provision of environmental consulting services. PLUM approved 3/1/22. Last day for Council to act: 4/13/22. Companies are: Eyestone Environmental, Impact

Sciences, Inc., Michael Baker International, PlaceWorks, Rincon Consultants, Inc. Terry A. Hayes Associates, Inc. <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=14-1061-S1>

**CF 15-0719-S25:** Codify equestrian networks and horse trails. Referred to PLUM 2/22/22. Relative to instructing DCP, LA DOT, LADBS and BOE to prepare a report with recommendations to codify equestrian networks and horse trails as part of the amended Mobility Plan 2035 and its accompanying Complete Streets Design Guide, and through the Plan Check permitting process.

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=15-0719-S25>

**CF 22-0158:** Los Angeles Municipal Code / 12.03 / 12.80 / 12.81 / Shelters for the Homeless / Interim Housing / Zones. Sent to PLUM 2/24 after approval by Homelessness and Poverty Committee. From the motion:

*I THEREFORE MOVE that City Council instruct Los Angeles City Planning (LACP), with assistance from other relevant Departments, to report back in 45 days with options to amend Sections 12.03, 12.80, and 12.81 of the LAMC to allow "shelters for the homeless" and other forms of interim housing to be established and operated on properties located outside of R3, RAS3, R4, RAS4, RS, C2, C4, CS, CM, MI, M2, and M3 zones during a declared shelter crisis.*

*I FURTHER MOVE that City Council instruct LACP, with assistance from other relevant Departments, to report back in 45 days with options to amend Section 14.00 of the LAMC to streamline the administrative approval of "shelters for the homeless" as a public benefit project. The report shall consider expanding where shelters can operate as a matter of right, allowing for a broader array of innovative interim housing solutions by reducing or eliminating certain objective zoning requirements, revising existing performance standards to reflect current best practices, and explore additional strategies to facilitate the provision of interim housing.*

*I FURTHER MOVE the City Council instruct LACP, with assistance from the City Attorney, to report back in 45 days with options that identify a streamlined processes to allow existing and new emergency / temporary shelters to extend their operation or be made permanent in order to provide greater certainty on potential future operation under the LAMC.*

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=22-0158>

Sample Motion: The \_\_\_\_\_ Neighborhood Council opposes the motion in CF 22-0158, and specifically opposes any changes to the City's zoning regulations that would allow homeless shelters to be constructed without regard to otherwise applicable zoning restrictions, location or consideration of impacts on the community. We also oppose any proposal to make temporary or interim homeless shelters permanent, without regard to otherwise applicable zoning restrictions, location or consideration of impacts on the community.

**CF 17-0981:** Restaurant Beverage Program. Ordinance to establish two administrative clearance processes for sit-down restaurants to serve alcohol without a Conditional Use Permit if they meet more than 50 eligibility criteria, performance standards, and enforcement procedures. Heard 2/9 and adopted.

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=17-0981>

CF \_\_\_\_\_ (Raman//Martinez/O'Farrell, Koretz, Harris-Dawson): Motion to require all new residential and commercial buildings in LA to be built so that they will achieve zero-carbon emissions. The motion also states that when developing its decarbonization plan, the City must center equity, energy justice, housing justice, and environmental justice and incorporate the recommendations put forth by the Climate Emergency Mobilization Office in its upcoming Climate Equity LA Series. Report back within 180 days with a plan for implementation of an ordinance or regulatory framework effective on or before January 1, 2023.

**CF : Tenant Anti-Harassment Ordinance (Raman):** Motion requiring a report about the effectiveness of the Tenant Anti-Harassment Ordinance that went into effect June 2021 was adopted. It instructs LAHD with assistance of LA CAO, CLA and City Attorney, to report back with data and metrics the Council may utilize to assess the effectiveness of the Ordinance. It also instructs the City to explore implementing its own tenant anti-harassment enforcement program.

CF : Measure in support of SB 972 (Raman) to remove barriers to accessing food vending permits by creating a “compact food facility” category, requiring the State Dept. of Public Health to develop standardized sidewalk vending food carts, easing the application process to obtain a health permit, and reducing health permit fees. SB 972 would eliminate expensive equipment requirements for sidewalk-based carts and provide increased discretion for local health departments to approve “innovative equipment design” for all mobile food facilities. It would also replace criminal penalties with non-criminal administrative fines for violations of the CA Retail Food Code.

The CA Retail Food Code and LA County Dept. of Public Health currently dictate food safety regulations in LA and are seen to be an obstacle to vendors securing permits to legally vend. (What is the Health Dept’s view of the proposed legislation?)

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**SB 9 Implementation:** Information is now available on ZIMAS so that parcels have a “SB9” link which lists 19 criteria that the subject parcel will be reviewed against to determine whether it is eligible for a fast-track lot split and development via SB 9. (SB 9 allows for Two-Unit Developments as well as lot split Parcel Maps (called Urban Lot Splits). Planning has filled in the checklist so property owners will see at a glance whether their parcel will be eligible for SB 9 development. Specific defined areas are exempted from SB 9 implementation. They include properties in: high fire severity zones, 100-year flood zones, earthquake fault zones, that serve as habitat for protected species. A property is ineligible if it isn’t located within a ½ mile walking distance of either a major transit stop or high-quality transit corridor. The applications for SB 9 development are to be processed administratively (ministerially which means no public hearings or discretionary review). Owners who implement SB 9 are required to file a covenant guaranteeing they will reside in at least one of the four dwelling units for at least three years. (It is not clear whether the owner must retain ownership/full ownership of the parcel and there are reports that owners are being approached with offers of tenant in common/joint tenancy arrangements by developers with the current owners remaining in a unit for three years in order to take advantage of SB 9’s density provisions. The bill was presented as a way for current owners to add units to their property – not as a way to allow for developers, speculators and institutional investors to indirectly take ownership and have a current owner serve as a shell to meet the three-year residency requirement.)

The Planning Dept. issued a formal memorandum on 2/10/22 that outlines the City’s implementation guidelines: [https://planning.lacity.org/odocument/bef6b998-de32-4090-9557-5f98711c6c15/SB9\\_Memo\\_2-7-22MG\\_-\\_signed.pdf](https://planning.lacity.org/odocument/bef6b998-de32-4090-9557-5f98711c6c15/SB9_Memo_2-7-22MG_-_signed.pdf)

**CF 21-1414:** Ordinance establishing basic precepts applicable to all SB 9 projects. Instructs DCP, LADBS with assistance from the City Attorney and members of the subdivision committee, to prepare a memorandum that shall be used by all Depts. and agencies until such time as a local implementation ordinance establishing basic precepts applicable to all SB 9 projects is adopted.

This measure seeks to adopt temporary measures to implement SB9 in LA. Without passage, the State law will be in force without any tailoring to LA’s neighborhoods. PLUM waived consideration 2/3. **Heard in**

**Council 2/8/22.** 11 CIS statements have been filed. The motion can be found at:

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At the 2/8/22 Council meeting, an amended motion was made and approved:  
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*I MOVE that the matter of Consideration of Motion (Koretz-Blumenfield-Raman) relative to the implementation of SB 9 (Atkins), Item 35 (CF 21-1414) on today's Council Agenda, BE AMENDED to: Instruct the Planning Department, with the assistance of the Housing Department, to prepare a report with recommendations, in conjunction with any proposed SB 9 ordinance, relative to the geographical distribution by Council District, where SB 9 projects would be restricted, along with the area's historic production of housing.*

*Direct the Planning Department to submit a memorandum within 90 days and a draft Ordinance within 120 days.*

It was not clear whether the amended motion is in addition to the standing motion originally introduced or whether it replaces it.

Also see CF 21-1045 below also addressing SB 9 implementation.

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**State Action: Housing Element**

The City of Los Angeles received its letter of rejection for the city's submitted Housing Element document from the State Housing and Community Development Dept. (HCD) who deemed the plan insufficient. The HCD letter can be read at: <https://www.hcd.ca.gov/community-development/housing-element/docs/lanlacitydraft090321.pdf> Most cities in the SCAG regions/So Calif. received rejection letters which indicate that the State considers those municipalities non-compliant with State law. (The law referred to is AB 1398, by Richard Bloom. See link below to text of the bill.) Three cities in Los Angeles County were found to be in compliance: Westlake Village, San Gabriel and Duarte.

The consequences for being found out of compliance are significant and could be devastating. Cities found to be out of compliance face the loss of critical funding for affordable housing (which seems completely counter-intuitive if the State's goal with the Housing Elements is to create documents that incentivize housing, and particularly affordable housing). In addition, cities out of compliance are now required to complete rezoning properties to meet the ambitious RHNA (regional housing needs assessment) goals by October – rather than the three-year time period provided to those whose plans are deemed to be in compliance.

For Los Angeles, the task of rezoning to allow for 250,000 additional housing units than currently allowed under current zoning, is a formidable task that would seem to be impossible to accomplish in any thoughtful manner by the October deadline. It would most certainly mean that there could be no meaningful community input and participation and would violate the City's Charter requirement for public review as well as ignore State-mandated environmental review.

The City's PLUM Committee had a discussion of the situation at its March 1, 2022 meeting when Planning Director Bertoni responded to a question from Councilmember Blumenfield asking whether it would be possible to meet the October deadline. Bertoni replied: "I think it's really a challenge to meet the October deadline. I mean is that it's seven months away." "There's no way to do it that you have any kind of meaningful input and dialogue with our communities."

You can hear the PLUM Committee's discussion of the State's action by clicking on the link below. The portion relating to the Housing Element starts at 1:18:00.

[LA City PLUM Committee Meeting, March 1, 2022](#)

PLUM will likely be scheduling a special meeting to continue discussion on this topic, likely in the next 2 weeks. In the meanwhile, Neighborhood Councils may wish to adopt motions (see samples below) and community organizations and individuals may wish to contact their state elected representatives in the Senate and Assembly (and the Governor's office?) to press for changes in State law (an amendment to SB 1398 or new legislation that overrides the measure?) that provides additional time for municipalities to complete required zoning.

It would not be difficult to say that the requirements of AB 1398 should have been relaxed once COVID spread and created immense challenges to cities who were charged with completing their Housing Element documents during the pandemic – a declared emergency! That did not happen and now there is a need to introduce urgency to seek changes as it is completely counterproductive to threaten and punish cities that face a more-than-ambitious task to incentivize the construction of low income and workforce housing while being robbed of the State funds that would help to finance such projects so that they “pencil out.” The text of AB 1398 can be found at:

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**SAMPLE MOTION:**

The \_\_\_\_\_ Neighborhood Council requests that the City Council, Planning Dept. and City Attorney's office adopt any and all measures necessary to secure adequate time, in excess of the current three-month allowance, to engage in a public process to meet mapping requirements to implement Housing Element/RHNA goals. This action shall include consideration of legal action, instructing the City's lobbying staff to seek legislative remedy including possible amendment of AB 1398, and working with SCAG and other similarly affected municipalities as needed.

STAP/Street Furniture Program: On the Tuesday following the recent 3-day holiday weekend, the City Council approved the motion to move forward with the public toilet program to replace the 14 public automated toilets now part of the street furniture program with a program under the City's management. However, in doing so, the City failed to identify a funding source for the toilets whose cost is estimated to be \$ 3.5 million for the first year of operation. The CAO's office has allocated \$1.5 million but where will the additional \$2 million come from? Will they come from the General Fund, off the top of new STAP program revenues, or...?

MOTION: The \_\_\_\_\_ NC requests that the Dept. of Public Works and/or City Council disclose funding sources to meet the full first year obligations for a public automated toilet program to replace those toilets now provided as part of the current street furniture program.

There has been no response from the Dept. of Public Works in response to comments submitted to the MND issued for the STAP program. It appears that Public Works, Planning and the City Attorney's office are attempting to find a way to avoid compliance with the Mobility Element/General Plan with which elements of STAP conflict so that they will not have to do a full EIR for the project (which could allow for the installation of hundreds of digital transit shelters and digital info kiosks and potentially hundreds of METRO digital billboards on the City's public right-of-way).

**Council File: 21-1045: Martinez re: SB 9 Implementation** – This measure contains a number of provisions and also requests a report back as to how to relax parking standards for SB 9 projects not in proximity to high quality transit. Passed 2/8/22 in Council. [https://clkrep.lacity.org/onlinedocs/2021/21-1045\\_misc\\_9-21-21.pdf](https://clkrep.lacity.org/onlinedocs/2021/21-1045_misc_9-21-21.pdf)

Motion includes the following:

*THEREFORE MOVE that the Department of City Planning and Building and Safety report back on how the city can implement SB 9 with specific provisions for affordable housing and community land trusts, including:*

- *More flexible lot split ratios, building size, access requirements and set back requirements.*
- *Easing parking restrictions for properties not located near high quality transit.*
- *Streamlining permitting and creating a nominal fee.*

*This report should also identify strategies for using SB 9 to upgrade dangerous and overcrowded housing conditions and provide ownership opportunities for low income tenants.*

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MOTION: The \_\_\_\_\_ NC requests that the Dept. of Public Works and/or City Council disclose funding sources to meet the full first year obligations for a public automated toilet program to replace those toilets now provided as part of the current street furniture program.

There has been no response from the Dept. of Public Works in response to comments submitted to the MND issued for the STAP program. It appears that Public Works, Planning and the City Attorney's office are attempting to find a way to avoid compliance with the Mobility Element/General Plan with which elements of STAP conflict so that they will not have to do a full EIR for the project (which could allow for the installation of hundreds of digital transit shelters and digital info kiosks and potentially hundreds of METRO digital billboards on the City's public right-of-way).

**Council File: 21-1045: Martinez re: SB 9 Implementation –** This measure contains a number of provisions and also requests a report back as to how to relax parking standards for SB 9 projects not in proximity to high quality transit. Passed 2/8/22 in Council. [https://clkrep.lacity.org/onlinedocs/2021/21-1045\\_misc\\_9-21-21.pdf](https://clkrep.lacity.org/onlinedocs/2021/21-1045_misc_9-21-21.pdf)

Motion includes the following:

*THEREFORE MOVE that the Department of City Planning and Building and Safety report back on how the city can implement SB 9 with specific provisions for affordable housing and community land trusts, including:*

- *More flexible lot split ratios, building size, access requirements and set back requirements.*
- *Easing parking restrictions for properties not located near high quality transit.*
- *Streamlining permitting and creating a nominal fee.*

*This report should also identify strategies for using SB 9 to upgrade dangerous and overcrowded housing conditions and provide ownership opportunities for low income tenants.*

**CF 21-1414:** Ordinance establishing basic precepts applicable to all SB 9 projects. Instructs DCP, LADBS with assistance from the City Attorney and members of the subdivision committee, to prepare a memorandum that shall be used by all Depts. and agencies until such time as a local implementation ordinance establishing basic precepts applicable to all SB 9 projects is adopted.

This measure seeks to adopt temporary measures to implement SB9 in LA. Without passage, the State law will be in force without any tailoring to LA's neighborhoods. PLUM waived consideration 2/3. **Heard in**

**Council 2/8/22.** 11 CIS statements have been filed. The motion can be found at: [https://clkrep.lacity.org/onlinedocs/2021/21-1414\\_mot\\_12-01-21.pdf](https://clkrep.lacity.org/onlinedocs/2021/21-1414_mot_12-01-21.pdf).

The CF can be found at:

<https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=21-1414>

At the 2/8/22 Council meeting, an amended motion was made and approved:

[https://clkrep.lacity.org/online/docs/2021/21-1414\\_misc\\_amend\\_Mar\\_Ko\\_2-8-22.pdf](https://clkrep.lacity.org/online/docs/2021/21-1414_misc_amend_Mar_Ko_2-8-22.pdf)

*I MOVE that the matter of Consideration of Motion (Koretz-Blumenfield-Raman) relative to the implementation of SB 9 (Atkins), Item 35 (CF 21-1414) on today's Council Agenda, BE AMENDED to: Instruct the Planning Department, with the assistance of the Housing Department, to prepare a report with recommendations, in conjunction with any proposed SB 9 ordinance, relative to the geographical distribution by Council District, where SB 9 projects would be restricted, along with the area's historic production of housing.*

*Direct the Planning Department to submit a memorandum within 90 days and a draft Ordinance within 120 days.*

It was not clear whether the amended motion is in addition to the standing motion originally introduced or whether it replaces it.

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CF \_\_\_\_\_ (Raman//Martinez/O'Farrell, Koretz, Harris-Dawson): Motion to require all new residential and commercial buildings in LA to be built so that they will achieve zero-carbon emissions. The motion also states that when developing its decarbonization plan, the City must center equity, energy justice, housing justice, and environmental justice and incorporate the recommendations put forth by the Climate Emergency Mobilization Office in its upcoming Climate Equity LA Series. Report back within 180 days with a plan for implementation of an ordinance or regulatory framework effective on or before January 1, 2023.

### **State Action: Housing Element**

The City of Los Angeles received its letter of rejection for the city's submitted Housing Element document from the State Housing and Community Development Dept. (HCD) who deemed the plan insufficient. The HCD letter can be read at: <https://www.hcd.ca.gov/community-development/housing-element/docs/lanlacitydraft090321.pdf> Most cities in the SCAG regions/So Calif. received rejection letters which indicate that the State considers those municipalities non-compliant with State law. (The law referred to is AB 1398, by Richard Bloom. See link below to text of the bill.) Three cities in Los Angeles County were found to be in compliance: Westlake Village, San Gabriel and Duarte.

The consequences for being found out of compliance are significant and could be devastating. Cities found to be out of compliance face the loss of critical funding for affordable housing (which seems completely counter-intuitive if the State's goal with the Housing Elements is to create documents that incentivize housing, and particularly affordable housing). In addition, cities out of compliance are now required to complete rezoning properties to meet the ambitious RHNA (regional housing needs assessment) goals by October – rather than the three-year time period provided to those whose plans are deemed to be in compliance.

For Los Angeles, the task of rezoning to allow for 250,000 additional housing units than currently allowed under current zoning, is a formidable task that would seem to be impossible to accomplish in any thoughtful manner by the October deadline. It would most certainly mean that there could be no meaningful community input and participation and would violate the City's Charter requirement for public review as well as ignore State-mandated environmental review.

The City's PLUM Committee had a discussion of the situation at its March 1, 2022 meeting when Planning Director Bertoni responded to a question from Councilmember Blumenfield asking whether it would be

possible to meet the October deadline. Bertoni replied: "I think it's really a challenge to meet the October deadline. I mean is that it's seven months away." "There's no way to do it that you have any kind of meaningful input and dialogue with our communities."

You can hear the PLUM Committee's discussion of the State's action by clicking on the link below. The portion relating to the Housing Element starts at 1:18:00.

[LA City PLUM Committee Meeting, March 1, 2022](#)

PLUM will likely be scheduling a special meeting to continue discussion on this topic, likely in the next 2 weeks. In the meanwhile, Neighborhood Councils may wish to adopt motions (see samples below) and community organizations and individuals may wish to contact their state elected representatives in the Senate and Assembly (and the Governor's office?) to press for changes in State law (an amendment to SB 1398 or new legislation that overrides the measure?) that provides additional time for municipalities to complete required zoning.

It would not be difficult to say that the requirements of AB 1398 should have been relaxed once COVID spread and created immense challenges to cities who were charged with completing their Housing Element documents during the pandemic – a declared emergency! That did not happen and now there is a need to introduce urgency to seek changes as it is completely counterproductive to threaten and punish cities that face a more-than-ambitious task to incentivize the construction of low income and workforce housing while being robbed of the State funds that would help to finance such projects so that they "pencil out." The text of AB 1398 can be found at:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1398](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1398)

#### SAMPLE MOTION:

The \_\_\_\_\_ Neighborhood Council requests that the City Council, Planning Dept. and City Attorney's office adopt any and all measures necessary to secure adequate time, in excess of the current three-month allowance, to engage in a public process to meet mapping requirements to implement Housing Element/RHNA goals. This action shall include consideration of legal action, instructing the City's lobbying staff to seek legislative remedy including possible amendment of AB 1398, and working with SCAG and other similarly affected municipalities as needed.

STAP/Street Furniture Program: On the Tuesday following the recent 3-day holiday weekend, the City Council approved the motion to move forward with the public toilet program to replace the 14 public automated toilets now part of the street furniture program with a program under the City's management. However, in doing so, the City failed to identify a funding source for the toilets whose cost is estimated to be \$ 3.5 million for the first year of operation. The CAO's office has allocated \$1.5 million but where will the additional \$2 million come from? Will they come from the General Fund, off the top of new STAP program revenues, or...?

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City of LA's proposal for establishing a **Legacy Business Program**,  
[https://clkrep.lacity.org/onlinedocs/2019/19-0781\\_rpt\\_EWDD\\_03-10-22.pdf](https://clkrep.lacity.org/onlinedocs/2019/19-0781_rpt_EWDD_03-10-22.pdf)  
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Jackson Hoffman  
Julie Glaze Houlihan  
Lisa Karadjian  
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**Addressed to:**

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Councilmember Nithya Raman  
Karo Torossian  
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**COMMUNITY IMPACT STATEMENT**

The Board of the Studio City Neighborhood Council (SCNC) supports Council File 21-1414 for an ordinance to implement Senate Bill 9 (SB9), *if amended, to include:*

1. Regarding Objective Zoning/Subdivision/Design Standards, add: "RFAR shall be strictly enforced using prevailing zoning."
2. Regarding Maximum of Four Units and Two Lots, add: "The City shall add a Zoning Code Modifier such as a "T" or "Q" condition to the parcel."
3. Regarding Parking, add: "The City shall adopt an approved Major Transit Stop Map and open changes to the map every 5 years through a standard planning case public hearing format."
4. Regrading Setbacks, revise to Set Backs for Front, Rear, & Side yard setbacks shall be prevailing setbacks of the tract map.
5. Regarding Applicant Residency, add: "A Permit shall be applied for by the applicant from the Department of Building and Safety. The permit shall be guaranteed by a bond of recorded lien on the subject property. LLCs or corporations shall not be permitted. Rigorous enforcement of the 3-



year minimum residency requirement for development related to SB9 projects, and a provision for improvements to infrastructure that will be impacted by SB9 projects, such as increased demands on the power grid and water resources, integrity of our parks and green spaces, mediation of traffic increases that will result from heightened density, scarcity of parking, increased demand for schools, greater expectations of LAPD and LAFD protection, and future impacts of climate change and the decrease of permeable surfaces related to development.”

6. Regarding Exemptions, should include: “Other special districts that shall be exempted from SB9 including Survey LA documented historic areas and properties, HPOZs, equestrian-zoned areas, and River Improvement Overlay District (RIOs).” “High fire or greater zones” should replace “Very High Fire Severity Zones,” and high wind zones should be added. “Any such areas shall be exempt and protected from SB9 development.”

7. Regarding Unavoidable Adverse Impacts, add: “The City shall assess every SB9 application for such unavoidable adverse impacts, shall provide its written assessment to the applicable City Council Office, and shall deny a project if an unavoidable adverse impact is identified.” Replacement of any trees removed due to an SB9 project with mature replacement trees and working carefully to preserve the existing tree canopies.”

The SCNC also recommends the following inclusions in the proposed ordinance(s):

*The City must also establish a minimum threshold by which certain SB9 projects cannot be ministerial and must be subject to greater scrutiny in terms of a public hearing process and heightened environmental review.*

8. Affordable Covenant. There is at present an urgent statewide and City concern about the provision of affordable housing. Every SB9 project in the City shall establish a reasonable period of time of affordable covenant restricting rents to moderate income households (80-120% of AMI), or owner-occupation with price ceiling equivalent to current FHA mortgage limits. These limits shall be applied to all new units and listed on the HCID registry of affordable units.

9. Impact/Development Fees. The City shall require the payment of impact or development fees related to the specific impact that will be imposed on a community by the creation of a SB9 second lot and additional units. Impact fees can be related to a variety of impacts, including but not limited to, infrastructure, construction impacts, recreation, libraries, etc. Such collected funds shall be deposited into a Special Fund to be used solely within the Community Plan Boundaries to which the project is located.

10. Notification Requirements. Every SB9 filing shall require the City to notify those property owners and tenants within a 1000-foot radius from the proposed project site that a parcel map has been filed with the City.



Randall Fried  
President,  
Studio City Neighborhood Council

**Healthy Buildings, Healthy Places Webinars:** The Planning Dept’s Urban Design Studio held virtual workshops related to updating

the City’s Landscape Ordinance. The workshops offered the opportunity for attendees to provide feedback on proposed strategies and contribute toward implementing healthy building design and climate-adapted site design. The program aims to create objective standards for landscape and site design. Recordings of the past presentations can be found at: [Healthy Buildings, Healthy Places StoryMap](#)

The Planning Dept. is wrapping up outreach on the outreach period so if you have comments to submit, now is the time. You can view the past presentations on line for background info. The timeline shows release of the initial draft in May with a public hearing in June. A final draft is then to be released in July with adoption targeted for Fall.

The current Landscape Guidelines can be found at: <https://planning.lacity.org/odocument/3de931fb-5553-4db1-8d0b-a1b4fcfaf0d5/Landscape%20Guidelines%20%5BCity%20of%20Los%20Angeles%20Landscape%20Ordinance%20Guidelines%5D.pdf>

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CF 22-0002-S55: Recognizes oak woodlands as essential habitat areas and propose steps for better conservation and stewardship. Referred to Rules, Elections, and Intergovernmental “ Committee 4/5/22. (Koretz-Blumenfield) relative to including in the City’s 2021-22 State legislative agenda its position on SB 1404 (Stern), which would officially recognize oak woodlands as essential habitat areas and propose steps for better oak tree and oak woodland conservation and stewardship.

From the motion:

*“WHEREAS, individual oak tree destruction has resulted in a slow “death by a thousand cuts” of oak woodlands within the City as smaller development projects destroy individual oak trees and portions of oak woodlands piece by piece. While the individual harm of each project may seem small, cumulatively such development projects are slowly eliminating significant portions of California’s remaining oak woodlands, particularly in the urban-wildland interface; and” ..... “State Senator Henry Stern has introduced State Bill 1404 would address the gap in existing law by defining the removal of three or more oak trees within an oak woodland as having a significant impact on the environment under CEQA. The bill does not prohibit the removal of more than three oak trees, but instead outlines common sense mitigation strategies to reduce the impact of the removal of oak trees if or when such removal is proposed as part of a development project;”*

(FYI: This is a past measure re: tree preservation to protect large non currently protected trees: CF 03-1459-S1.)

CF 22-00002-S51: Environmentally impacted communities. Referred to Rules, Elections, and Intergovernmental Relations Committee (Martinez-O’Farrell) 4/1/22. Relative to including in the City’s 2021-22 State Legislative Program its position on AB 2419 (Bryan, Garcia, Stone, Stern), if amended, to ensure the most environmentally impacted communities impacted are properly represented in the Justice40 Oversight Committee and investments do not increase environmental justice challenges.

CF 22-0376: Illegal dumping and the need for education, eradication and enforcement. Referred to Energy, Climate Change, Environmental Justice, and River Committee, to Personnel, Audits and Animal Welfare Committee. Bureau of Sanitation report, dated March 31, 2022.

CF 21-0372: Illegal dumping in the public right-of-way. Referred 4/1/22 to Energy, Climate Change, Environmental Justice, and River Committee, Personnel, Audits, and Animal Welfare Committee. Bureau of Sanitation Report dated March 31, 2022, relative to the Controller recommendations regarding illegal dumping in the public right-of-way.

CF 17-0981-S7: Restaurant Beverage Program, CD 5 –Referred to PLUM 4/1/22 (Koretz-Krekorian) relative to activating a new streamlined permitting land use regulatory process, the Restaurant Beverage Program, that shall be in force and full effect in the geographic boundaries provided for in CD 5.

CF 22-0147 at PLUM 4/5/22: Christmas Tree Retail Sale Disallowance / Two-Family Dwelling and Multiple Dwelling Residential Zones / LAMC Amendment (RAMAN-Koretz) relative to instructing the Planning Dept. and LADBS, in consultation with the City Attorney, to report back within 60 days with recommendations for amending the LAMC to disallow the sale of Xmas trees in Two-Family Dwelling and Multiple Dwelling residential zones. Motion 2/8/22.

LA Planning Dept. has issued “Implementation of Senate Bill 9 (2021)-Two-Unit Development and Urban Lot Splits”. Read the Feb. 10, 2022 memo ([https://planning.lacity.org/odocument/bef6b998-de32-4090-9557-5f98711c6c15/SB9\\_Memo\\_2-7-22MG\\_-\\_signed.pdf](https://planning.lacity.org/odocument/bef6b998-de32-4090-9557-5f98711c6c15/SB9_Memo_2-7-22MG_-_signed.pdf)) and State CA Dept. of Housing and Community Development prepared SB 9 Fact Sheet March 2022 (<https://satt.edublogs.org/files/2022/04/State-Fact-Sheet-March-2022.pdf>)

SB 35’s **streamlined ministerial approval process guidelines** issued in March of last year can be found at: <https://satt.edublogs.org/files/2022/04/sb-35-guidelines-update-final-March-2021.pdf>

*Executive Summary: Chapter 366, Statutes of 2017 (SB 35, Wiener) was part of a 15-bill housing package aimed at addressing the state’s housing shortage and high housing costs. Specifically, it requires the availability of a Streamlined Ministerial Approval Process for developments in localities that have not yet made sufficient progress towards their allocation of the regional housing need. Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed-use general plan or zoning provisions, and comply with other requirements such as locational and demolition restrictions. The intent of the legislation is to facilitate and expedite the construction of housing. In addition, as part of the legislation, the Legislature found ensuring access to affordable housing is a matter of statewide concern and declared that the provisions of SB 35 would apply to all cities and counties, including a charter city, a charter county, or a charter city and county. Please note, the California Department of Housing and Community Development (Department) may take action in cases where these Guidelines are not adhered to under its existing accountability and enforcement authority. In addition, please also be aware that these Guidelines do not fully incorporate statutory changes to the law made by Chapter 166, Statutes of 2020 (AB 168) and Chapter 194, Statutes of 2020 (AB 831) at this time, which require, among other things, pre-application tribal scoping consultation. Changes required by AB 168 and AB 831 will be more fully incorporated in a subsequent version of these Guidelines, which are expected to be prepared and circulated in 2021. Developers and local governments using these Guidelines should refer to Government Code section 65913.4 to comply with these new mandates.*

*Guidelines for the Streamlined Ministerial Approval Process are organized into five Articles, as follows:*

*Article I. General Provisions: This article includes information on the purpose of the Guidelines, applicability, and definitions used throughout the document.*

*Article II. Determination Methodology: This article describes the methodology for which the Department shall determine which localities are subject to the Streamlined Ministerial Approval Process.*

*Article III. Approval Process: This article describes the parameters of the approval process, including local government responsibilities, approval processes, and general provisions.*

*1) Local Government Responsibility – This section specifies the types of requirements localities may require a development to adhere to in order to determine consistency with general plan and zoning standards, including objective standards, controlling planning documents, and parking.*

*2) Development Review and Approval – This section details the types of hearings and review allowed under the Streamlined Ministerial Approval Process, timing provisions for processing and approving an application, denial requirements, and timeframes related to the longevity of the approval.*

*Article IV. Development Eligibility: This article describes the requirements for developments in order to apply for streamlining, including type of housing, site requirements, affordability provisions, and labor provisions.*

*Article V. Reporting: This article describes reporting requirements specific to the Streamlined Ministerial Approval Process in the locality's Annual Progress Report on the general plan.*

**CF 21-1414** RE: LA City Guidelines for SB 9 implementation. The Studio City NC submitted a very complete CIS with suggestions to the City as to how to fashion the City's implementation guidelines. As follows:

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**STATE MEASURES:**

**RESOURCES/REFERENCES TO SAVE FOR FUTURE USE:**

Here is the link to Landmark THIS! which is a guide on the LA Conservancy's website:

<https://www.laconservancy.org/resources/guide/landmark>

Here's a link to further background on Historic Preservation Ordinances from LA Conservancy:

<https://www.laconservancy.org/node/1464>

Here's a link to the LA Conservancy's Guide to CEQA:

<https://www.laconservancy.org/resources/guide/guide-using-ceqa>

Preservation Positive article (Conservancy): <https://www.laconservancy.org/study-preservation-positive-los-angeles>

for Preservation from the LA Conservancy:

California Office of Historic Preservation Technical Assistance Series #6: California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register) - Incentives <https://docs.google.com/document/d/14EtvTgDYvFc4Zyiz8msOfFBZq7iPGhms0JSKWHBjnl/edit> Includes background and application information

Community Land Trust example: <https://mynico.com/>

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About Little Tokyo Community Impact Fund, <http://littletokyocif.com/>

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You can find all CEQA postings on <https://ceqanet.opr.ca.gov/> You can search by individual cities.

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Community Land Trust example: <https://mynico.com/>

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About Little Tokyo Community Impact Fund, <http://littletokyocif.com/>  
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## ARTICLES OF INTEREST:

<https://www.dailynews.com/2022/03/31/4-la-county-cities-including-redondo-beach-whittier-file-legal-challenge-against-state-housing-bill/>

**4 LA County cities, including Redondo Beach, Whittier, file legal challenge against state housing bill**  
Senate Bill 9, enacted Jan. 1, permits single-family lots to be divided for development of two to four houses.

By [KRISTY HUTCHINGS](#) | [khutchings@scng.com](mailto:khutchings@scng.com) and [CITY NEWS SERVICE](#) | [news@socalnews.com](mailto:news@socalnews.com)

Photo caption: Senate Bill 9, promoted by Senate leader Toni Atkins and supported by Assembly Speaker Anthony Rendon, both Democrats, was signed into law by Gov. Gavin Newsom. It allows most homeowners to build two homes or a duplex on a plot zoned for a single house, and in some cases, split their lot and build two additional homes, starting on Jan. 1. (Nhat V. Meyer/Bay Area News Group)

PUBLISHED: March 31, 2022 at 8:27 a.m. | UPDATED: March 31, 2022 at 4:48 p.m.

Four Los Angeles County cities have filed a legal challenge to Senate Bill 9, a state law that permits single-family lots to be divided for development of two-to-four houses.

Redondo Beach, Torrance, Carson and Whittier brought the petition against California Attorney General Rob Bonta in Los Angeles Superior Court this week, with the leaders of those cities wanting a court order finding the law in violation of the state constitution and banning its enforcement.

Bonta, in a Thursday afternoon, March 31, statement, criticized the legal challenge and said his office will defend SB 9 in court.

“SB 9 is an important tool to combat California’s statewide housing crisis by promoting supply and affordability,” he said. “We look forward to defending this important law in court, and we will not be deterred from our ongoing efforts to enforce SB 9 and other state housing laws.”

But those who oppose SB 9 say the law is too general to actually help cities tackle the housing crisis.

“SB 9 strips cities of their local land use authority and in essence eliminates single-family residential zones,” Carson Mayor Lula Davis-Holmes said in a Thursday statement. The bill “takes away the power of cities to respond to the housing crisis in meaningful and practical ways that will best suit the unique circumstances facing each local community.”

Gov. Gavin Newsom in September signed into law SB 9, which its proponents have said will open opportunities for homeowners to help ease the state’s housing shortage while still protecting tenants from displacement. The law opens the door for the development of up to four residential units on single-family lots across California.

California faces an ongoing housing crisis, for which local and state officials have tried various solutions in recent years, from streamlining the process for building accessory



dwelling units to enacting bills that make it easier to build housing in areas with a lot of transit options.

Yet, the state will apparently need to go on a building frenzy over the next 10 years if it hopes to have a sufficient housing supply.

California, in fact, [needs to build 2.5 million homes by the end of the decade](#) to address the current shortage, state housing officials announced earlier this month. Of those, at least 1 million must be affordable to low-income households, according to the once-every-four-years housing plan officials unveiled on March 2.

The state created 588,344 new homes during the past eight-year planning period, less than half California's goal.

Still, about 240 cities and the League of California Cities presented Newsom with a letter prior to the governor signing SB 9 — in which they urged him to veto the bill.

Newport Beach was among those cities, though they are not a party to the lawsuit.

Councilman Kevin Muldoon said Thursday that city leaders and most residents he's spoken to oppose SB 9.

"We believe that local control makes the most sense with housing issues," he said.

The state law doesn't mention the additional traffic, public safety and infrastructure needs required by added density that "has not been considered in our planning," Muldoon added, "and even if it were considered in our planning, it doesn't mean that we have the capacity to handle the changes in land use."

Muldoon said he doesn't have any sense of how many property owners in Newport Beach might want to subdivide their lots to add more homes.

But "it is not up to Sacramento," he said, "to decide where these homes should be built."

Maintaining local control was also the primary purpose behind challenging the law, officials for cities opposed to SB 9 said.

"It's another attempt at stripping local control from Whittier," said Whittier City Manager Brian Saeki about why his city signed onto the petition. "My concern is we are going to subdivide traditional single-family residential properties into multiple parcels, which will potentially change the character of single-family residential neighborhoods in Whittier.

Joe Vinatieri, Whittier's mayor, seconded those concerns — and those of Muldoon.

"Unfortunately in a built-out cities like ours," Vinatieri said, "what does that do for our neighborhoods, parking, traffic and GHG (greenhouse gas) mitigations?"

"It's another example of Sacramento telling us what's best," he added, "with no real idea what it will do for our community."

The bill does not require the newly created homes or the lots to have any affordability covenants or to be restricted to moderate- or lower-income households, according to the petition, which was filed on Tuesday, March 29.

“Thus, in very urbanized areas where housing demand and prices are high, SB 9 housing developments could be sold or leased at market rate prices,” the petition says, “which would do nothing to address housing affordability and could exacerbate unaffordability by taking away potential affordable housing locations.”

SB 9 also will raise land and home values, particularly in already very urbanized areas, the petition argues, making it harder for first-time homebuyers to “get their foothold on the American Dream and further alienating lower-income households.”

Proponents of SB 9, on the other hand, argue that the bill creates a statewide path for local homeowners to establish multi-generational equity and will create necessary new housing locations for Californians who would normally be priced out of the market.

Richard K. Green, director of USC’s Lusk Center for Real Estate, said in a previous interview that historically, single-family zoning laws were designed to be exclusionary. SB 9, he said, loosens those restrictions, making way for younger, lower-income and more diverse groups of people to enter the housing market.

“It’s a step toward making land-use regulation less exclusionary,” Green said. “We’re pushing out people who make less than \$50,000 a year because they can’t afford to be here — and the reason for that is we don’t have enough housing.”

SB 9’s lot-splitting provisions, Green added, will essentially reduce the value of the land.

“Land value is often a big part of the value of a house,” he said. “So, if you split the lot and put in more units, you reduce the price and make it more accessible to lower-income people.”

Redondo Beach Mayor Bill Brand, however, said SB 9 will allow developers to avoid environmental planning — without requiring affordable units.

“SB9 is the biggest upzoning and circumvention of proper environmental planning in the history of California with zero requirements that affordable housing get built,” Brand said in a statement. “This is nothing but a huge giveaway to investors and the building industry while circumventing proper planning by local agencies.”

But the lawsuit isn’t aimed overturning SB 9 completely, according to the law firm handling the case.

“The objective of our client is not to get rid of this bill,” Pam Lee, partner at Aleshire & Wynder, said in a Thursday interview.

“It’s to modify it to make sure it’s meaningful, and accomplishes the stated objectives of bringing affordable housing,” Lee added, “and at the same time allows the city to protect the public’s health, safety and welfare.”

This [legal challenge had been expected for a while](#), with Carson, Redondo and Torrance, in particular, announcing in January that they intended to argue in court that SB 9 violates the state constitution by limiting local control of housing.

Those three cities — as well as Whittier — are charter cities, meaning they have their own municipal constitution. Such cities establish their own set of hyper-local governance rules that often differ from general state law. Towns without their own constitutions are known as general law cities.

A second legal challenge to SB 9 — involving general law cities, including Rancho Palos Verdes and Hesperia — will be filed within the next few days, Lee said. The firm is also in talks with a few other general law cities, Lee said, though none has finalized yet.

“We recognize that housing and housing affordability are serious issues throughout the state,” Lee said. “These cities want to be partners and collaborate with the state to tackle the lack of housing, but we need to do it in a way that addresses the cities’ needs and provides solutions tailored for each community, not a one-size-fits-all approach under SB 9.”

And the cities that filed the petition Tuesday, that document says, have been active in finding ways to provide more housing and affordable housing for residents.

Over the past 20 years, for example, Carson, through its Housing Authority, helped develop almost 1,000 affordable housing units and more than 900 housing units are currently under construction or approved within the community, the petition says.

Bonta, in his statement, stressed that cities need to cooperate with the state to solve the housing crisis.

“We need local governments to act as partners in this fight,” he said. “Unfortunately, there are some who appear committed to throwing up roadblocks instead.”

*Staff writers Michael Hixon, Alicia Robinson and Mike Sprague contributed to this report.*

<https://www.dailynews.com/2022/04/01/la-city-officials-vow-to-build-more-housing-for-homeless-in-settlement-of-long-running-lawsuit/>

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## **LA city officials vow to build more housing for homeless, in settlement of long-running lawsuit**

**The city will spend as much as \$3 billion to add up to 16,000 beds or housing units for the homeless over the next five years, officials said.**

By [Ryan Carter](#) | [rcarter@scng.com](mailto:rcarter@scng.com) | Daily News

PUBLISHED: April 1, 2022 at 9:40 a.m. | UPDATED: April 1, 2022 at 9:55 a.m.

City of Los Angeles officials said Friday, April 1 that they have agreed to spend billions of dollars to construct more housing units and add thousands of new beds for unhoused people as part of a settlement

intended to bring to a close the L.A. Alliance for Human Rights' epic federal lawsuit over how local government has responded to the widening homeless crisis.

The goal: Provide shelter for 60% of the homeless population in each of the 15 City Council districts.

The actual number of housing units the city will be required to build under the settlement was not yet certain, but will likely be solidified when the results of the February "point-in-time" countywide homeless counts are released. Nonetheless, city officials estimate that 14,000 to 16,000 beds, costing between \$2.4 billion and \$3 billion, will be needed to fulfill the settlement's expectations.

Officials said the terms are deadline driven, and goals for adding housing must be complete within five years.

The long-running, often unpredictable public legal battle demanded Los Angeles city and county government agencies immediately find shelter to house the region's growing homeless population camping on sidewalks and near freeways.

The settlement does not at this point include Los Angeles County, which is also a defendant in the lawsuit. City officials, however, said Friday that the county will have responsibility to provide services and housing for homeless people with serious mental illness, substance-use issues or chronic physical illnesses.

The county appeared to align with that in a statement released early Friday:

"We applaud the news that the City of Los Angeles has reached a tentative settlement with the LA Alliance over conditions on Skid Row downtown. We hope this settlement will provide relief to many people experiencing homelessness," said a statement from the county. "As for the County, we remain steadfast in our focus on addressing homelessness as a regional crisis affecting people and communities in all of our 88 cities as well as in the unincorporated areas. Since voters passed Measure H in 2017, the County has housed more than 75,000 people experiencing homelessness and in the last three years has ramped up shelter capacity 60 percent. It will spend a record \$1 billion this year on programs to house even more people while providing mental health and other services to those in need."

The statement added: "The County will continue to use its resources to support people experiencing homelessness within the area of Los Angeles that is the subject of this lawsuit, while also maintaining our obligation to use our resources equitably to support people experiencing homelessness in the rest of the City of Los Angeles and in the remaining 87 cities and unincorporated areas."

The two-year-old lawsuit argued that wherever unhoused people are located, services have not kept pace with the ever-expanding crisis, demanding swift action by local government to "comprehensively" deal with the homelessness crisis downtown and throughout the region.

Appearing at Friday's announcement were Elizabeth Mitchell, the attorney for the plaintiffs in the LA Alliance for Human Rights v. City of Los Angeles case, as well as Mayor Eric Garcetti, Los Angeles City Council President Nury Martinez and City Council Homelessness and Poverty Committee Chair Councilmember Kevin de León.

The settlement could bring to an end the two-year tug-of-war between the city, the county, a firebrand federal district court judge and the collection of businesses and community members — at a time when [a county commission just this week called for a sweeping change](#) to how agencies deal with homelessness.

Getting to a settlement was pressed in February by U.S. District Court Judge David Carter, who ordered that the city and county get back to the bargaining table to strike a deal between LA Alliance, an association of downtown residents, homeless people and property owners that filed the lawsuit.



man walks through skid row just down the street from where Judge David Carter was holding a hearing at the Downtown Women’s Center addressing the homelessness crisis in Los Angeles on Thursday, February 4, 2021. (Photo by Sarah Reingewirtz, Los Angeles Daily News/SCNG)

Over the past six weeks, city and county representatives shuffled in and out of Carter’s chambers for multi-hour meetings — with little progress to report until last week when there were indications that a settlement was in the works.

At least twice, a seemingly exasperated Carter requested the presence of Garcetti and Martinez at the confidential meetings.

During open-court hearings, Carter has referred several times to a “historic schism” between the city and county that had apparently stymied previous settlement efforts.

The two entities were ostensibly supposed to come to a compromise on funding and other issues before an agreement with the L.A. Alliance could be reached.

Carter, who himself has tried to shed light on the issue by showing up publicly at encampment sites, has said more than once that he was increasingly concerned about “inertia” on the defense side, and ordered the discussions to try and put an end to months without meaningful progress.

Thursday’s development is just the latest turn in a lawsuit brought in March 2020 in federal court by the L.A. Alliance, an association of businesses, property owners, landlords, a real estate professional, housed residents and residents who are formerly homeless.

The lawsuit brought by the L.A. Alliance had been on hold almost since it was filed with the goal of forcing local government to “comprehensively” deal with the homelessness crisis downtown.

Its focus has appeared to shift from the Skid Row area, the thousands of transients living under or next to the region’s freeways and the county’s entire homeless population.

The actual number of those affected remains in flux because an accurate count of the area’s unhoused was delayed due to the COVID-19 pandemic. The annual homeless count returned this year after being cancelled in 2021.

The 2020 count found that 41,290 were homeless in the city Los Angeles, a 16% increase from the prior year, with 28,852 unsheltered and living in dwellings that include tents and vehicles. Statewide, 151,000 were reported in 2020, and 66,436 in Los Angeles County, according to the Los Angeles Homeless Services Authority. Experts agree that the numbers have certainly grown since then and this year’s rekindled count is anxiously awaited.

The plaintiffs argued that wherever the homeless are located, services have not kept pace with the ever-expanding crisis.

The lawsuit gained much public attention and spurred a series of public hearings, some staged adjacent to the areas where homeless people set up encampments. Myriad elected officials attended or participated — or were summoned by Carter — along the way.

City and county attorneys strongly objected to the suit, with government officials in court papers saying that LA Alliance’s “extraordinary” attempt to invoke the power of the court is “overbroad and unmanageable,” lacks legal standing and would “improperly usurp the role of local government and its elected officials.”



Federal judge David O. Carter (File photo by Mark Rightmire, Orange County Register/SCNG)

Maverick jurist Carter made many headlines along the way, hosting unusual hearings, ushering high-profile elected officials into court and touring homeless encampments — add amid an unprecedented pandemic.

But the judge is accustomed to media attention.

Carter was battle-tested as a Marine wounded in the Vietnam War, where he earned a Bronze Star and two Purple Hearts for his heroics. He’s affectionately known in Orange County legal circles as “King David” — slayer of Goliath and unifier of warring tribes — catapulted onto the national stage again earlier this week.

Carter topped national media reports on Monday when he ordered the release of more than 100 emails from Trump adviser John Eastman to the House committee investigating the insurrection at the U.S. Capitol, asserting it is “more likely than not” that former President Donald Trump committed crimes in his attempt to stop the certification of the 2020 election. The ruling marked a major legal win for the panel as it looks to correspondence from Eastman, the lawyer who was consulting with Trump as he attempted to overturn the presidential election.

“Based on the evidence, the Court finds it more likely than not that President Trump corruptly attempted to obstruct the Joint Session of Congress on January 6, 2021,” Carter wrote in the ruling submitted in the federal Central District of California.

Eastman was trying to withhold documents from the committee on the basis of an attorney-client privilege claim between him and the former president. The committee responded earlier this month, arguing that there is a legal exception allowing the disclosure of communications regarding ongoing or future crimes.

Carter also oversaw lawsuits that erupted over the clearing of mammoth homeless encampments along the Santa Ana River Trail in Orange County and the subsequent, still evolving Orange County Catholic Worker vs. Orange County case that has also looped in other cities aiming to arrive at a strategy to house the homeless, including Bellflower and Whittier.

*Staff writers Terri Sforza, Elizabeth Chou, as well as City News Service and The Associated Press contributed to this report*



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<https://www.latimes.com/california/story/2022-02-17/black-business-owners-fight-leimert-park-gentrification>

## Column: Can these Black business owners save the heart of Leimert Park from gentrification?

By [Erika D. Smith](#) Columnist / Photography by [Jason Armond](#)

Feb. 17, 2022 Updated 3:28 PM PT

The ceiling leaks when it rains. The floor is a little uneven. The lights don't always work. And termites are chewing their way through the cracked walls.

But never mind all of that.

This low-slung, mural-covered building on Degnan Boulevard in the heart of Leimert Park is valuable. So valuable that it and the land on which it sits could help determine the future of Black Los Angeles.

On most days, Akil West remembers this and treats the commercial building — home to his clothing store, [Sole Folks](#), and neighborhood institution Eso Won Books — with an almost hopeful reverence.

For months, he has been trying to prod his six fellow tenants into working together on a deal to buy all 11,708 square feet of it from its owner, BarKochba “BK” Botach.



Akil West, owner of Sole Folks on Degnan Boulevard in Leimert Park. (Jason Armond / Los Angeles Times)

The price tag? An are-you-insane \$6 million. That's roughly double what Botach, a firearms dealer [who has long irked activists in South L.A.](#), wanted for it only a few years ago.

The increase speaks to L.A.'s notoriously overzealous real estate market, as well the building's proximity to the soon-to-open rail stop on Metro's new Crenshaw Line and the soon-to-be reopened Vision Theatre.

Leimert Park is gentrifying — and in a hurry.

After decades of [restrictive racial covenants](#) and disinvestment that depressed property values, [homes are now selling for north of \\$1 million](#). Bidding wars among white families, who fared better than Black and Latino families during the COVID-19 pandemic, are common.

Meanwhile, Black activists are still smarting over last year's loss of [Baldwin Hills Crenshaw Plaza](#) to a corporate developer. They wanted to turn it into a community hub. Instead it'll be a collection

of high-priced condos, stores, offices and restaurants, all less than a mile from Botach's building on Degnan Boulevard.



People walk along Degnan Boulevard in Leimert Park. The threat of gentrification has upended the historically Black Los Angeles neighborhood. (Jason Armond / Los Angeles Times)

There is [a real fear](#) that Leimert Park's tree-lined streets — where, for generations, Black Angelenos have gone to protest and to celebrate, and to engage in everyday expressions of culture and empowerment — could turn into something bland and expensive.

This, West says, is why he has been working so hard. As corporate developers increasingly pick off properties, he wants to put a proverbial stake in the ground for local ownership — and then use it to build more wealth in the neighborhood.

His deal is far from cooked, though.

The tenants, who must work together, are always on the verge of falling apart, their discussions marred by infighting. There are disputes over how best to redevelop the building and an adjacent parking lot, and questions about financing and ownership.

Heck, it's even unclear whether Botach is willing to sell. A recalcitrant and secretive character, he keeps changing his mind.



[California Column: A solution for gentrification in South L.A.? 'Don't sell your damn house!'](#) Oct. 22, 2021

But if West can pull it off — and he believes he can — he'll be right in line with a growing school of thought in a Black America suddenly focused on slowing the displacement of residents from cities, managing encroaching gentrification and closing the nation's yawning racial wealth gap.

To do all of this, yes, more Black people will have to own homes, as that's how most Americans build generational wealth. But to truly save and improve neighborhoods, we'll also have to own more land and more commercial buildings where Black-owned businesses operate.



The Original Snake Doctor, left, and Louis Benton play chess on Degnan Boulevard in Leimert Park in August 2020. (Jason Armond / Los Angeles Times)

“We’ve got to figure out how we kind of re-anchor ourselves,” said Sandra Dungee Glenn, co-founder of [the Collective](#), a consortium of equity-focused Black developers in Philadelphia. “Our theme is ‘real estate as a portal to change,’ using this idea of owning space and growing businesses that then have a ripple effect with other businesses ... to strengthen the economic life of the community.”

Sure, but what does it actually take — as the late South L.A. rapper and activist Nipsey Hussle preached — to buy back the ’hood in an American city? What kind of expertise? How much money? What level of determination?

I wanted to know. So, in recent months I’ve been following a number of Black Californians as they try to do just that. Despite the many strategies deployed — some grass-roots, some top-down — all share the same goal.

“It’s to hold the land and keep the land and trust it into the community,” West told me. “To foster Black entrepreneurship and Black homeownership, since we know that’s the only real tool for us to really gain wealth and hold it.”



Tony Jolly, owner of Hot and Cool Cafe, in Leimert Park last summer. (Gary Coronado / Los Angeles Times)

Ask longtime Leimert Park residents about the building on Degnan Boulevard, and they’ll tell you that many people have tried to buy it from Botach.

One of them is Tony Jolly, owner of [Hot and Cool Cafe](#). But West didn't know that when one day last summer he mentioned the idea during a debate over what the neighborhood should do for Juneteenth.

"I said to Tony, 'Man, you know, we over here worried about what's happening on June 19. We need to be worried about what's happening on June 20,'" West recounted. "I was like, 'We need to buy this building.'"

Jolly was understandably skeptical. He told me later about the research he'd done after he and his wife, Tina Amin, had moved to Los Angeles from San Jose to open Hot and Cool Cafe in 2018. How he had even lined up a possible loan, only to find out he still couldn't match Botach's asking price.

But West, 49, is as persistent as he is charismatic. The longtime entrepreneur is full of big ideas, which he delivers with the rapid-fire delivery of a Brooklyn rapper, and has little patience for those who tell him no. And Jolly didn't want to be the one tenant who told him no.

"Then at the end," Jolly told me, "They'd be like, 'Well, Tony didn't want to do it, so now we can't make history.'"

And so, within days, he found himself on Zoom calls with West and the other tenants to discuss whether they could buy the building. Botach, they learned, had just put it on the market again.

They ran through ideas.

West talked about his connections with Wells Fargo and how, with the right deal, it would be willing to issue a \$2.5-million grant. In a statement, the bank said it had been working with "small businesses in Leimert Park" to provide support through its [Open for Business Fund](#).



Jacket Rashad, a street barber, gives Rashad Karim, a food vendor, a haircut on Degnan Boulevard in Leimert Park in June 2021. (Jason Armond / Los Angeles Times)

Jolly, meanwhile, shared details of his conversations with [Genesis LA](#), the nonprofit community lender that offered to help him buy the building years earlier. The offer still stood under the right conditions.

Jordana Soares, owner of [the Lion Arts & Entertainment](#), talked about Botach. In addition to being a tenant who wants to purchase the building, she works for him as a property manager and a real estate agent, talking to other prospective buyers. She tried to explain their complicated business relationship to me one morning in November.



“It’s disclosed. It’s transparent. And my agenda is very clear,” Soares insisted. Botach, meanwhile, declined multiple requests for comment.

James Fugate, who runs [Eso Won Books](#), and Dwight Tribble, executive director of the [World Stage Performance Gallery](#), had little interest in becoming owners.

But Ade Neff of [Ride On! Bike Shop/Co-Op](#), was all in. A tenant since the 1990s, when he watched blocks of South L.A. burn in the uprising, he called it “a necessary movement in a capitalist system” that doesn’t favor Black folks.



Tori Bailey, right, and Bonnie Eldridge, longtime residents of Leimert Park, sell clothing during a sidewalk sale Sept. 25. “They’ve been trying to gentrify this neighborhood for years,” Eldridge said. (Genaro Molina / Los Angeles Times)

“We need to buy it in a way that we can secure something for the community,” Neff told me. “Form a land trust, a cooperative ownership so we can deal with this capitalist system without eating up everybody and abusing everybody.”

Before long, though, the tenants became like estranged siblings forced to work together to divvy up the inheritance of a wealthy relative who died without a will. They fought over everything.

Leave the building as is, namely falling apart? Or redevelop it? Leave it as a commercial property? Or expand it to include housing? And if there’s housing, should every apartment be affordable, or should it include market-rate options?



What quickly became clear was that they needed more money. Millions of dollars more.

Otherwise, the tenants-turned-owners wouldn’t be able to pay back the loan from Genesis LA without putting themselves and their businesses into deep debt. They also wouldn’t be able to convince Wells Fargo that it was making a sound investment with its grant money.

They considered a partnership with [Downtown Crenshaw](#), which months earlier had raised millions of dollars for its failed bid to buy Baldwin Hills Crenshaw Plaza. Some tenants liked the idea so much that the community land trust put in a bid to buy the building from Botach. That deal ultimately fell apart, though, over objections from other tenants about who would own what.

After that, the only viable path forward seemed to be teaming up with an experienced developer. That way, the building on Degnan Boulevard could be torn down and rebuilt, adding housing as a source of revenue.

But that set off a new round of squabbles over whether every business could handle being displaced for years during construction.

“When we move out, how are we going to take all our customers with us?” Soares asked. “How are we going to do tenant improvements?”



Syheim Banks, center, and brother Naheim Banks, right, of Bellflower look through merchandise at the grand opening of Sole Folks in Leimert Park in August 2020. (Gary Coronado / Los Angeles Times)

Developers have the expertise to raise capital and secure tax credits, navigate zoning and permitting laws, and hire engineers and architects — all of which ensures loans will be repaid and grants will be well spent.

Nevertheless, a potential deal with CRCDC Partners never got off the ground. Several of the tenants didn’t like that the nonprofit developer wanted to take control of the affordable housing that would be built above their businesses, and that they stood little chance of seeing a profit from the redevelopment.

Through it all, Adrian Dove, who runs the Congress of Racial Equality of California, kept pushing a deeply unpopular plan to turn the building into a manufacturing hub.

Months came and went, and the tenants still couldn’t agree on a deal that would get them anywhere close to \$6 million. So, in October, Botach took the building off the market again.

“I’ve always heard the stories about how, you know, property in Leimert Park would come up for sale and the people just wouldn’t come together to get it,” West told me after one particularly contentious round of negotiations. “It’s like crabs-in-a-barrel mentality.”





Kim Maxwell stands next to a “Stop Gentrification” sign in the business district of Leimert Park in September 2021. (Genaro Molina / Los Angeles Times)

Tom De Simone, president and CEO of Genesis LA, told me such infighting happens a lot.

“The consensus-building process is laborious, time-consuming and isn’t always successful,” he explained.

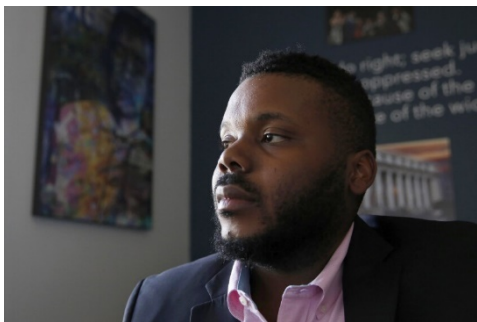
But it’s just one of the many reasons grass-roots development deals don’t materialize, despite the often clear benefits for long-neglected communities of color. Most at fault are the systemic issues that disproportionately put Black people at a disadvantage financially.

Decades of redlining and covenants have created a wealth gap, with Black households [worth just 12 cents for every \\$1](#) white households are worth.

A lack of access to capital also has made it hard for Black entrepreneurs to get the loans necessary to invest in property. The [U.S. Federal Reserve](#) found that they are denied nearly twice as often as white entrepreneurs, and when approved, pay higher interest rates.

This history has led to a large percentage of Black Americans who lack financial literacy skills, particularly, according to [the National Urban League](#), when it comes to understanding risk and investing.

“We all have uncles and cousins who are like, ‘I’m gonna go buy a house and flip it and flip it and, before long, I’m gonna be bigger than Donald Trump,’” said Prophet Walker, a developer who grew up in Nickerson Gardens and co-founded the co-living company [Treehouse](#). “But that’s way different than large-scale commercial development.”



[California Column: Who is buying those expensive houses in South L.A.? Is it really just white people?](#) Oct. 22, 2021

Unsurprisingly, the commercial real estate industry also has a diversity problem. A recent study found that more than 75% of top executives are white men. The banking and financial services industries [aren't much better](#).

All of these factors contribute to Black people being treated as high-risk applicants, perpetuating the lack of investment and local ownership in neighborhoods like Leimert Park.

It's a cycle that's getting more attention in American cities, prompted in part by the uneven fallout of the pandemic. In Philadelphia, for example, the economy is bouncing back and the housing market is booming.

“But most of that has been bypassing the Black community,” said Glenn, a community organizer and public policy leader. “Most of us are in neighborhoods with undervalued housing, little access to capital, inadequate services and declining homeownership.”

Sound familiar, Angelenos?

That led Glenn and two of her colleagues to found the Collective, which serves as a kind of mediator.

Using their clout in investment and real estate circles, the founders are raising \$100 million to support seven Black-owned development companies. Each company is working on a commercial or residential project that would serve a need in a Black neighborhood.

“We have a really nice pipeline of Black developers here, and we're thinking beyond just this generation. We're thinking about succession planning,” Glenn told me. “How do we kind of institutionalize this?”



Akil West, right, owner of Sole Folks, and Prophet Walker, a developer and co-founder of Treehouse, on Degnan Boulevard in Leimert Park. (Jason Armond / Los Angeles Times)

By early December, West had hit a wall. The tenants on Degnan Boulevard were no closer to a deal than they were in October.

He turned to longtime friend Walker, whose company recently bought a building a block over on Crenshaw Boulevard to develop as Treehouse Leimert Park.

Both men share a commitment to helping Black people build wealth. That's probably because they both know what it's like to have nothing.

West was a successful entrepreneur before he “picked up a habit” of stealing from houses during showings. He spent 14 years in prison. Walker was 16 when he was arrested for breaking someone’s jaw in a fight over a Discman. He spent six years in prison.

Both men have worked hard to rebuild their lives. West founded a nonprofit, Black Owned and Operated Community Land Trust, and used it and his celebrity connects to open [Sole Folks](#), where dozens of designers sell their wares.

Walker enrolled at Loyola Marymount University, landed a job with Morley Builders, where he worked on high-profile development projects, and then ran unsuccessfully for state Assembly before co-founding Treehouse.

“I had to work for other people before I could even be trusted,” Walker said, while also acknowledging, “I skipped a lot of lines because the Obamas invited me to the State of the Union” [as a guest in 2015](#).



[This capitalist commune is trying to cure L.A.’s loneliness. Plus there’s free coffee](#) Dec. 17, 2020

Today, both men are fearless about entrepreneurship, but also clear-eyed about what’s possible.

“There’s going to come a point where the owner of this property will be offered so much money from developers that it’s going to be stupid for him to deny it,” Walker said of the building on Degnan Boulevard.

He’d rather the tenants buy it than Botach wait it out for another decade. So, in January, he told them exactly how he would help.

Under a Treehouse-related team, PWC Developers, Walker is proposing a partnership to turn the building into a live/work, artist-focused complex with 35 apartments, ground-floor commercial space and a rooftop restaurant.

The building would be run co-op-style under West’s nonprofit, Black Owned and Operated Community Land Trust. And rather than rely heavily on government tax credits as CRCD Partners would have, Walker plans to tap “mission-aligned investors.” That would allow more flexibility on the timeline and design of the redevelopment, and a greater potential for the tenants-turned-owners to earn a profit and build equity.

There’s some evidence Walker can pull this off.

To get Treehouse going, he and partner Joe Green had to do something similar, relying on personal relationships and then building a pool of prominent investors, mostly from the tech world.

I have little doubt the same could be done to ensure there's a majority Black ownership of a valuable building in Leimert Park. There would almost certainly be interest from people in the entertainment and business sectors of Black Los Angeles — monied circles in which both Walker and West have friends.



[California Resurrection story inspires on Prophet's campaign trail](#) April 21, 2014

I don't even want ownership," Walker told me. "I'm committed to being a partner."

Jolly is on board with that. So is Neff, saying such a deal would be "monumental" for Leimert Park, especially since Baldwin Hills Crenshaw Plaza is no longer in the community's hands.

Dove told me he doesn't know the details of this latest plan, but he's open to being an owner. Still, he would prefer to use the building for manufacturing cellphones rather than for retail or housing artists.

"We've got artists all over L.A.," he griped. "Everybody says they're an artist."

Tribble supports whatever deal gets a consensus, but only wants to be a tenant.

Soares, meanwhile, still wants to be an owner. But as opinions have hardened over the months of discussions, she has grown skeptical of West. She doesn't like that he came up with the deal on his own, or that he had independent discussions with lenders and developers.

"We need to be a collective, not a pretend collective," Soares told me. That's why she doesn't believe his plan will win over the other tenants. "I want the best for the community, but Akil buying this building and putting under his nonprofit, I don't believe is the best."

Fugate agrees. He doesn't want to be an owner, but prefers that Soares take the lead on coming up with a deal.

In the meantime, a deadline is fast approaching. The building is still officially off the market. And if the tenants can't agree on an unsolicited offer that Botach will accept by the end of March, Wells Fargo will send its grant money elsewhere.

At some point, for the sake of preserving Black neighborhoods, the perfect can't continue being the enemy of the good.

"You might not get everything you want," De Simone said. "But if you can't come to some reasonable consensus in the short run, the window of opportunity may close altogether. And then you've got nothing."

West is determined not to let that happen. Not again on Degnan Boulevard.

*Erika D. Smith is a columnist for the Los Angeles Times writing about the diversity of people and places across California. She joined The Times in 2018 as an assistant editor and helped expand coverage of the state's housing and homelessness crisis. She previously worked at the Sacramento Bee, where she was a columnist and editorial board member covering housing, homelessness and social justice issues. Before the Bee, Smith wrote for the Indianapolis Star and Akron Beacon Journal. She is a recipient of the Sigma Delta Chi award for column writing, a graduate of Ohio University and a native of the long-suffering sports town of Cleveland.*

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Atlantic article "Stop Fetishizing Old Homes" Jan. 11, 2022:

<https://www.facebook.com/page/29259828486/search/?q=fetishizing>

Rebuttals to the article: <https://vincemichael.com/2022/01/14/fetishizing-preservation/>

National Trust for Historic Preservation rebuttal to the article: <https://savingplaces.org/press-center/media-resources/old-homes-a-solution-not-a-fetish#.YkiP-ChKiUk>

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**Concrete needs to lose its colossal carbon footprint**

Concrete will be crucial for much-needed climate-resilient construction. But the cement industry must set out its plan for decarbonization: <https://www.nature.com/articles/d41586-021-02612-5#:~:text=But%20concrete%20has%20a%20colossal,into%20moulds%20before%20it%20dries>

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Community Land Trust example: <https://mynico.com/>

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About Little Tokyo Community Impact Fund, <http://littletokyocif.com/>

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Here is the link to Landmark THIS! which is a guide on the LA Conservancy's website:

<https://www.laconservancy.org/resources/guide/landmark>

Here's a link to further background on Historic Preservation Ordinances from LA Conservancy:

<https://www.laconservancy.org/node/1464>

Here's a link to the LA Conservancy's Guide to CEQA:

<https://www.laconservancy.org/resources/guide/guide-using-ceqa>

Preservation Positive article (Conservancy): <https://www.laconservancy.org/study-preservation-positive-los-angeles>

California Office of Historic Preservation Technical Assistance Series #6: California Register and National Register: A Comparison (for purposes of determining eligibility for the California

Register) -

<https://docs.google.com/document/d/14EtvTgDYvFc4Zyiz8msOfFBZq7iPGhms0JSKWHBjnI/edit>

You can find all CEQA postings on <https://ceqanet.opr.ca.gov/>

You can search by individual cities.