

## **CITY MEASURES**

Wildlife Ordinance to go before the City Planning Commission on November 17, 2022, 8:30 am.

CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE

The proposed ordinance and its components (the ordinance, preferred and prohibited plant lists, wildlife resources map) can be found at: [https://planning.lacity.org/odocument/75d6824d-248b-4b12-a61e-f99616e032ef/2022\\_Wildlife\\_Ordinance\\_Staff\\_Report\\_EXHIBIT\\_A\\_-\\_Proposed\\_Wildlife\\_District\\_Ordinance\\_Components.pdf](https://planning.lacity.org/odocument/75d6824d-248b-4b12-a61e-f99616e032ef/2022_Wildlife_Ordinance_Staff_Report_EXHIBIT_A_-_Proposed_Wildlife_District_Ordinance_Components.pdf)

Staff recommendation report: [https://planning.lacity.org/odocument/65103346-fedf-428f-8759-b303649d6958/2022\\_Wildlife\\_Ordinance\\_Staff\\_Report\\_FINAL\\_COMPILED\\_FILE.pdf](https://planning.lacity.org/odocument/65103346-fedf-428f-8759-b303649d6958/2022_Wildlife_Ordinance_Staff_Report_FINAL_COMPILED_FILE.pdf)

Website: <https://planning.lacity.org/plans-policies/wildlife-pilot-study>

Processes and Procedures Ordinance: Referred to PLUM 11/9. Not yet scheduled.

Los Angeles City Planning is pleased to announce the Processes and Procedures Ordinance prepared by the City Attorney has been submitted to the City Council for final consideration. The Ordinance may be accessed through the Council File Management System - [Council File 12-0460-S4](#).

The Processes and Procedures Ordinance is part of a larger initiative to comprehensively update the City's Zoning Code. This Ordinance focuses on creating a clear set of administrative procedures that will be used to consider and process requests for Zoning Code entitlements. As such, it lays the groundwork for a more user-friendly, transparent, and predictable set of zoning regulations while also maintaining public participation.

As a reminder, the Council File also includes an [ordinance implementation plan](#) and a line-by-line [process comparison table](#) which were prepared and submitted by City Planning on August 10, 2022.

To receive future updates on this proposed ordinance, please sign up to join the interested parties list: <https://planning.lacity.org/about/email-sign-up> Members of the public may also subscribe directly to the proposed ordinance's Council File ([12-0460-S4](#)). Thank you for your continued engagement with Los Angeles City Planning.

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**CF 22-1154 Interactive Kiosk Experience "IKE":** IKE is the City's plan to install hundreds of digital ad structures on city sidewalks. The IKE 8-foot tall two-sided digital advertising structures are being billed as a means of assisting tourists in navigating the city, yet it clearly presents an opportunity to put more unwanted distracting digital ads in the public right of way. This effort to commercialize our public right-of-way is the third such assault recently introduced by the City to monetize our public-right-of-way. The program originated in the LA Tourism and Convention Board back in 2015. They entered into a Letter of Intent to move forward with the program with vendor IKE Smart Cities (parent company Orange Barrel Media) in 2017 but had a problem: There was a prohibition on advertising structures on our public right-of-way EXCEPT for transit shelters. This explains why, in the recently approved new street furniture program, STAP, that despite not needing any change in the LAMC to allow for ads on transit shelters, the City inserted into STAP's Mitigated Negative Declaration document the introduction of a

new LAMC to allow advertising structures on the public right-of-way! They were preparing the way for IKE to be considered. In fact, the IKE documents refer to the need for the City to adopt necessary language to allow for such structures.

Under the new LAMC, our sidewalks, streets, light poles, and parkways are all vulnerable to the next proposal to share advertising revenues from the placement of advertising structures on our SHARED PUBLIC right-of-way that should be used for pedestrians, for trees, for outdoor dining – not advertisements.

The IKE program was passed by the Council’s Trade, Travel and Tourism Committee with a Minority Report submitted by Councilmember Bonin that seeks evaluation of the program before further consideration. That report must be adopted by motion to move forward. The Council’s Public Works Committee considered IKE at its most recent meeting on Wednesday. On the agenda, it was noted that two lawsuits have been filed challenging the approval of the STAP program. Since the LAMC needed for IKE is in the STAP program, and as public speakers raised questions and concerns about IKE, the lack of an RFP, and associated issues, the Committee did not forward the measure on to the full Council. (It is next due to go to the Budget/Finance Committee.) They requested a report back.

If the program were to go forward as proposed, there would be no RFP and instead, the City sought to “piggyback” or rely upon an RFP process that was done in Houston Texas for an IKE program there (that was a much smaller program in a very different setting). Our Charter requires giving local companies the opportunity to bid on contracts. No such opportunity was given for the IKE program.

NEIGHBORHOOD COUNCILS and communities should **look at the maps** that show where the first wave of 319 kiosks are planned across LA. The program calls for 300-500 such kiosks. Photos of the kiosks and additional info can be found at: <https://www.scenic.org/blog/scenic-los-angeles-ike-interactive-kiosk-experience/>

**Sample CIS statement:**

Council File Number: 22-1154:

Summary: In a regular monthly meeting of the \_\_\_\_\_ Neighborhood Council, the board voted to oppose the IKE "Interactive Kiosk Experience" program and the proposed approval of the program and contract based upon a no-bid "piggyback" contract as noted in CF 22-1154. This program has not been presented to communities and neighborhood councils, has not been analyzed for environmental, public safety and public health impacts. It has not been reviewed by the CLA or CAO. We support the Council’s Travel, Trade and Tourism Committee Minority Report requesting full analysis of the program. Should IKE go forward after analysis and based upon community input, competitive bidding should be required to allow for local companies to compete for the proposed 10-22 year long contract.

**The IKE program is one of three advertising programs now slated for the public right-of-way. They include the Street Transit and Amenities Program (STAP), IKE, and Metro’s Transit Communication Network (a plan to install 96 full-size digital billboards across LA -- some facing local streets and others facing freeway traffic.**

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**Metro Transit Communications Network (TCN) CF 22-0392**

Planning Dept. is in the process of drafting a measure at the direction of Council that would allow for the Metro TCN program to proceed as a partnership between Metro and LA City. The Metro TCN program proposes 56 structures that contain 97 full-sized digital billboards on freeway facing and non-freeway facing locations. Metro is now preparing the FEIR for the program. Opportunities for public comment

will be available to communities during the review of the proposed ordinance now being drafted by Planning and in response to the Final EIR document.

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**Deemed Approved Ordinance:** CF 17-0957. City Planning Dept. is preparing an ordinance to create operating standards for existing businesses selling alcohol without CUP (typically businesses that were established pre-CUB process from the 70's, 80's and before. The Department held a public information webinar about the ordinance, research gathered, and initial concepts, followed by a Q & A period. That webinar took place on Wednesday, Nov. 2 from 3-4 pm. Motion was approved by full Council 9-28-22.

The Planning Dept is now charged with developing objective regulatory standards for the zoning code that will ensure appropriate land use regulatory controls that address community nuisance impacts. This ordinance will impact a wide range of businesses including restaurant, bars, nightclubs, dancehalls, sex establishments and a variety of other entertainment establishments that should be covered by any proposed Deemed Approved Ordinance.

NCs may wish to submit a letter to Planning supporting the preparation of the Deemed Approved Ordinance relating to the creation and adoption of land use operating standards for grandfathered alcohol establishments.

A sample motion/ CIS statement:

Directed To: City Council and Committees

Council File Number: 17-0957

Agenda Date:

Item Number:

Summary: In a regular monthly meeting of the \_\_\_\_\_ Neighborhood Council, the board voted to support the recent reactivation of Council File 17-0957 on September 28, 2022 regarding preparation of a "Deemed Approved Ordinance" relating to the creation and adoption of land use operating standards for grandfathered alcohol establishments that operate without approved Conditional Use Permits because their operation pre-dates the establishment of Conditional Use Permit requirements and applicable regulations. The \_\_\_\_\_ NC also supports the inclusion of enforcement procedures in the Deemed Approved Ordinance that would apply to businesses that violate the adopted land use operating standards. Further, the WNC directs the Land Use Committee to prepare a letter to the Planning Department that supports the creation of a Deemed Approved Ordinance and proposes topics to be included in the draft Ordinance that address community nuisance impacts, including but not limited to, noise, residential neighborhood spillover parking impacts, littering, graffiti, trash removal, hours of operation, unauthorized entertainment uses, drug trafficking, prostitution and corresponding enforcement procedures for the land use operating standards.

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21-1230-S2 Establish the Livable Communities Initiative along suitable transit-rich corridors, Referred 9/16 to Budget and Finance Committee To Economic Development and Jobs Committee To Housing Committee, To PLUM, To Transportation Committee. To direct LA City Planning with assistance from other relevant departments, to report back within 180 day with strategies to establish Livable Communities initiative along suitable transit-rich corridors, or analogous Citywide regulations, that facilities mid-sale development and other details mentioned in this motion.

Oil and Gas Drilling Ordinance: Approved by CPC 9/22 and PLUM 11/1.

## **STATE MEASURES**

Court rules CEQA determinations must be included on public meeting agendas  
California's Second District Court of Appeal recently issued an important decision clarifying that the Ralph M. Brown Act applies to CEQA decisions, including CEQA exemption determinations, discussed or voted upon during the regular meetings of the legislative bodies of local agencies, meaning that such items of business must be listed on those meeting agendas at least 72 hours prior to the meeting. (G.I. Industries v. City of Thousand Oaks. 2d Civ. No. B317201, Oct. 26, 2022.

Article: [https://www.allenmatkins.com/real-ideas/court-rules-ceqa-determinations-must-be-included-on-public-meeting-agendas.html?utm\\_campaign=Legal%20Alerts&utm\\_medium=email&hsmi=232120423&hsenc=p2ANqtz--9UGVEIWsuH0eKJxWwci9f-dqE2cCVXKHMYMtdtxMAwwSpPN4Pae9\\_oYWXhZiaYjBOc-UopQNo0zngaTdVS\\_E5YtOiTzQ&utm\\_content=232120423&utm\\_source=hs\\_email](https://www.allenmatkins.com/real-ideas/court-rules-ceqa-determinations-must-be-included-on-public-meeting-agendas.html?utm_campaign=Legal%20Alerts&utm_medium=email&hsmi=232120423&hsenc=p2ANqtz--9UGVEIWsuH0eKJxWwci9f-dqE2cCVXKHMYMtdtxMAwwSpPN4Pae9_oYWXhZiaYjBOc-UopQNo0zngaTdVS_E5YtOiTzQ&utm_content=232120423&utm_source=hs_email)

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Livable California has a post on the housing bills that they were tracking in the recent legislative session. That list of measures and their fate at the end of the session (chaptered, dead or vetoed) can be viewed at: <https://www.livablecalifornia.org/portfolio-items/2022-bills-lc-tracked/?emci=016f&emdi=ea000000-0000-0000-0000-000000000001&ceid=%7b%7bContactsEmailID%7d%7d>

### **PRESENTATIONS**

“Playing the Housing Numbers Game: How California’s sixth-cycle RHNA was rigged”

Michael Barnes, October 28, 2022 presented to Livable California

Mb4albany.org

<https://www.livablecalifornia.org/playing-the-housing-numbers-game-how-californias-sixth-cycle-rhna-was-rigged-presented-by-michael-barnes-at-a-livable-california-teleconference-10-29-22/>

Laura Kiesel on Eco-Gentrification, November 5, 2022

<https://www.livablecalifornia.org/laura-kiesel-speaks-on-eco-gentrification-11-5-22/>

### **References that accompanied the presentation:**

On the High Line in NYC and Eco-gentrification:

<https://www.sciencedirect.com/science/article/abs/pii/S0169204619314574>

Tree equity scoring for different cities: <https://treeequityscore.org/>

This article referenced in the presentation on equity in accessing tree cover/greenspaces:

<https://pubmed.ncbi.nlm.nih.gov/32045427/>

### **PODCASTS**

Preserving Historic Los Angeles with City Planner and Author Ken Bernstein

October 25, 37 minutes

Find it at “OyVey L.A.:" <https://podcasts.apple.com/us/podcast/oy-vey-l-a/id1615212929>

You will see links to other Oy Vey L.A. podcasts on that page

### **ARTICLES OF INTEREST**

<https://www.globest.com/2022/02/10/foreign-investors-focus-on-us-apartments-industrial-asset-classes/?kw=Foreign%20Investors%20Focus%20on%20US%20Apartments,%20Industrial%20Asset%20Classes> Foreign Investors Focus on US Apartments, Industrial Asset Classes - Globally, sales of commercial real estate hit \$1.3 trillion last year.

Cross border investment in US properties has skyrocketed against the backdrop of record-high sales of commercial real estate globally.

Overseas investors focused primarily on the apartment and industrial sectors in 2021 and total cross-border deal volume hit nearly \$71 billion, nearly double 2020 levels, according to Real Capital Analytics. Cross-border deals accounted for 8.5% of total US property acquisitions and are officially back to pre-pandemic levels.

Globally, sales of commercial real estate hit \$1.3 trillion last year, with the US, Asia Pacific and Europe all posting record trading volume.

“While the cross-border share of total investment has stayed about constant, the placement of the capital has changed,” RCA notes in the latest *US Cross-Border Investment Compendium*. The chief targets? Industrial, which accounted for 34% of cross-border capital, and apartments, which totaled 30%.

Total sales of income-producing property in the Americas in 2021 were double 2020 levels, thanks to a big leap in US apartment trading. That’s leading to big pricing upticks in hot asset classes, Aaron Jodka, director of research US capital markets at Colliers, [told GlobeSt.com in an earlier interview](#).

“We’ve never seen faster price appreciation here in the US as we have in recent quarters,” Jodka said. “And we’re really seeing that concentrate in industrial, multifamily, and select office, with life science adding in there as well. What happens is you see investors migrating capital to different locations and different assets in order to chase yield and find returns.”

And the focus on those asset classes also gave cross-border investors “deeper exposure to the non-major markets of the US,” according to RCA. The numbers bear that out: in 2021, just 38% of cross-border capital focused on the six biggest US metros. Manhattan fell to the #3 spot, behind Boston and Atlanta.

Meanwhile, the CBD office market – traditionally viewed as an overseas investor favorite – comprised just 14% of the 2021 total.

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New York Times editorial 10-4-22: “California is Actually Making Progress on Building More Housing,” appeared in the online NYTimes. The editorial was critiqued by Michael Barnes, a former State budget and economic analyst, and former Albany City Council member, and a member of CALE. The original editorial is attached and is followed by the rebuttal by Mr. Barnes. The annotated version has the original text in red and comments noted in black.

<https://1drv.ms/b/s!AiNRr5gGnBtanEX9hiNlwMnMEmW2?e=9sP4r3>

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Sharing information about a cell-related issues just received:

**Immediate action requested!**

This coming Tuesday, November 15, the LA County Board of Supervisors will vote on proposed amendments to Title 16 and Title 22 of the County Code, which would fast-track wireless deployment across the county. Telecom companies would be allowed to install cell towers, small cells, and antenna arrays without public notice, setbacks, oversight, safety or environmental review, or any opportunities for appeal.

## **Why should we care?**

Imagine coming home one day to find a cell tower or small cell right outside your home with no prior notification and no legal way to oppose it. This will be a prototype for the rest of California.

## **How can you help?**

[Fiber First LA](#) has submitted to the Board of Supervisors "[Redlined Model Draft Legislation for Titles 16 and 22](#)" of the LA County Ordinance which will revise these amendments to be more protective for LA County. They are requesting your involvement NOW to voice your opposition to the proposed amendments. To support a fast, secure, safe Fiber Infrastructure for LA County, please do one or more of the following:

### **1. Submit your comments [here](#) no later than Monday, November 14 at 12:00 p.m. to ensure they are accessible to the Board of Supervisors**

1. Complete information at the top of the comment page. **NOTE: Only required fields are First and Last names**
2. For "Agenda Item," put in: Hearing on Wireless Facilities Ordinance
3. Choose Agenda # 7
4. Select "Oppose"
5. Submit your comments or upload a document with your comments.\*
6. Select "Next"
7. Verify the information is correct and select "Acknowledge" when you are ready to submit.

\* You can copy and paste the following paragraph and /or comments below, or any other comments you want to include:

"I do not want a cell tower put up right outside my home, or in my community, or on my street without Notice or Hearings or opportunities to Appeal, without any safety provisions, and without regulation, oversight, or monitoring by local, state, or federal agencies. I urge the Board of Supervisors to adopt the 'redlined' changes to Title 16 & 22 that were submitted by Fiber First L.A. and to prioritize futureproof fiber to the home for the reasons outlined by our federal government agency the NTIA."

### **Additional possible comments:**

- I do not want powerful wireless antennas outside my bedroom window, emitting radiation all day and all night. Wireless technology is not safe for us or our natural world, as shown in hundreds of peer reviewed studies.
- In the last 15 years there have been 4 major wildfires initiated, in whole or in part, by telecommunications equipment. CPUC has faulted telecom companies for their role in these fires. With the Board of Supervisors having this information, how can they justify giving the telecom companies free reign to build out these wireless cell sites without any county (government) oversight?
- I want the Supervisors to invest our time and resources in superior Fiber Optic Broadband Infrastructure that will last 15 to 20 years. I do not want the Supervisors to pursue a build out of inferior Wireless Broadband that has a short 5 year life span. Plus, we have already paid the telecom companies for the installation of fiber optics.

For more talking points and sample emails, go to <https://www.fiberfirstla.org/take-action>

Here is a [link](#) to more information regarding the November 15 Meeting. If possible, at 9:30am on the 15th, please call (877) 692-8955, Participant Code: 4433663, and plan to speak on Item 7. It could take an hour or more. Please say you support Fiber First's report and also refer them to any written comments you have submitted. We will send a follow-up email on Sunday 11/13 with additional details.

### **2. Call your Supervisor**

You can simply say this, or include anything above:

**"Please do not change Title 16 and 22 of the LA County code."**

Executive Office, **213-974-1411**, E-mail: [executiveoffice@bos.lacounty.gov](mailto:executiveoffice@bos.lacounty.gov)

District 1: Hilda Solis, **213-974-4111**, E-mail: [FirstDistrict@bos.lacounty.gov](mailto:FirstDistrict@bos.lacounty.gov)

District 2: Holly J. Mitchell, **213-974-2222**, E-mail: [HollyJMitchell@bos.lacounty.gov](mailto:HollyJMitchell@bos.lacounty.gov)

District 3: Sheila Kuehl (includes Topanga), **213-974-3333**, E-mail: [Sheila@bos.lacounty.gov](mailto:Sheila@bos.lacounty.gov)

District 4: Janice Hahn, **213-974-4444**, E-mail: [FourthDistrict@bos.lacounty.gov](mailto:FourthDistrict@bos.lacounty.gov)

District 5: Kathryn Barger, **213-974-5555**, E-mail: [kathryn@bos.lacounty.gov](mailto:kathryn@bos.lacounty.gov)

### **3. Sign the Petition**

It will only take a few seconds!

We already have over 500 signatures, with a goal of 1,000

Please sign and distribute widely!

<https://www.change.org/p/everyone-in-la-deserves-fiber-optic-not-another-digital-divide>

### **4. Please Donate if you are able**

For legal fees – 501(c)4 – NOT tax-deductible: [Fiber First LA](#)

For education and advocacy – 501(c)3 – Yes, tax-deductible: [5G Free California](#)

**For more information, see two attached flyers. Also, please go to [Fiber First LA](#).**

Also, you can watch [this brief video](#) below to learn more about why fiber is superior to fixed wireless and how fiber to the end user will finally end the digital divide! For more details on why Fiber-optic broadband is better than wireless broadband, see this page:

[Wired Networks: Safer, Faster Technology](#)

Thank you to all who attended our October 17 Meeting in person and by zoom. We had marvelous presentations by Doug Wood, who spoke about the differences between wireless and wired broadband, and Susan Foster who spoke about the link between cell phone towers and the recent fires in the area. For those who missed it, video re-play [here](#).

**Please feel free to forward this, and spread this information far and wide.**

Thank you for being involved,  
Julie, Charlene, and Kathleen