From: Michelle Baker [mailto:michellebaker199@gmail.com]
Sent: Tuesday, December 7, 2021 5:27 AM
To: CityClerk <CityClerk@longbeach.gov>
Cc: City Manager <CityManager@longbeach.gov>; Brent Dennis <Brent.Dennis@longbeach.gov>; Stacy Mungo <Stacy.Mungo@longbeach.gov>; Mayor <Mayor@longbeach.gov>
Subject: Please add to Public Comment meeting -12/7

-EXTERNAL-

Good evening.

I am very concerned about what is happening at the Long Beach Animal Shelter. They arbitrarily decided to close the shelter to the public without getting the approval of the City Council. They still don't publish statistics on animals and the website is outdated. Why are they keeping the shelter closed to the public? If there are public meetings in City Hall, they can open an outdoor shelter. Why is staff leaving and not being replaced? Why did Mr. Dennis allow the shelter director not to come in , but only once a month? Have they notified the cities who contract with LBACS keeping the shelter closed, that they are not accepting cats, leaving strays on the street and not following up on dog abuse cases?

We are asking that you have a future City Council meeting to explain these changes...the shelter is an open city shelter and should be OPEN, not closed to the public. That is a violation of the City Charter

Michelle Baker

From: Cafablanca Catering [mailto:info@cafablanca.com]
Sent: Wednesday, November 24, 2021 10:31 AM
To: Diana Tang <Diana.Tang@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>; Mary Zendejas <Mary.Zendejas@longbeach.gov>; Ray Morquecho <Ray.Morquecho@longbeach.gov>; Cindy Allen <Cindy.Allen@longbeach.gov>; Connor Lock <Connor.Lock@longbeach.gov>; Suzie Price <Suzie.Price@longbeach.gov>; Jack Cunningham <Jack.Cunningham@longbeach.gov>; Daryl Supernaw <Daryl.Supernaw@longbeach.gov>; Barbara Moore <Barbara.Moore@longbeach.gov>; Stacy Mungo <Stacy.Mungo@longbeach.gov>; Summer Smith <Summer.Smith@longbeach.gov>; Suely Saro <Suely.Saro@longbeach.gov>; Roberto Uranga <Roberto.Uranga@longbeach.gov>; Celina Luna <Celina.Luna@longbeach.gov>; Al Austin <Al.Austin@longbeach.gov>; Jonathan Kraus <Jonathan.Kraus@longbeach.gov>; Rex Richardson <Rex.Richardson@longbeach.gov>; Matthew Hamlett <Matthew.Hamlett@longbeach.gov>; CityClerk <CityClerk@longbeach.gov>; Bradley Thomas <Bradley.Thomas@longbeach.gov>; Keith Allen <Keith.Allen@longbeach.gov>; Tim Patton <Tim.Patton@longbeach.gov>; Mayor <Mayor@longbeach.gov>; Oscar Orci <Oscar.Orci@longbeach.gov>
Cc: fernandezjuan245@yahoo.com; Cameron Kude <c.cameronkude@gmail.com>
Subject: Long Beach Street Vendor Policy Reform Proposals

-EXTERNAL-

To Long Beach City Leaders,

This e-mail is to share proposals for Long Beach to reform its current street vending laws. The attached proposal outlines the need for a moratorium on citing street vendors criminally for the duration of the COVID-19 state of emergency and for six months thereafter, while asking the city to adopt a stance on statewide reform -specifically modifications to The California Retail Food Code- that is necessary to legalize street vending here in Long Beach while having no negative impact on food safety.

In June 2021 the city of Los Angeles re-established a moratorium on citing street vendors for permit violations, in part because street vendors by nature reduce community transmission of COVID-19 by providing goods and services safely outdoors. Just this month the LA County Board of Supervisors passed a motion calling for changes to state law that would remove barriers for street vendors to obtain health permits. That motion is also attached, and we believe that Long Beach needs to pass its own version of both of these commonsense reforms.

From Mayor Garcia, to multiple sitting city council members, to the Directors of Development, Health, and Business Licensing, every single individual I have spoken to within Long Beach's local government has expressed personal support for these changes to current policy. The attached proposal is informed by motions which are either recently passed or under consideration by the city and county of Los Angeles. It is with sincere hope that Long Beach's leaders will take seriously these reforms and consider their adoption, not only in support of our city's vibrant and integral street vending sector, but also in the name of community interest and public health.

Thank you all for your leadership, and have a wonderful holiday week with your families.

-C. Cameron Kude
cafablanca.com

Cafablanca

Proposal for Long Beach to adopt a Moratorium that prohibits criminal citations against unpermitted vendors during the COVID-19 State of Emergency and for 6 months thereafter, and;

Proposal for Long Beach to adopt a resolution in support of enacting changes to the California Retail Food Code that would accommodate street vendors while having no negative impact on food safety

Moratorium: After decades of criminalization, the state of CA began the process of legalizing street vendors with the passage of SB946, but there is still much work to do for street vendors to achieve legitimacy. Recognizing that the process of educating street vendors on the new rules and assisting them in obtaining permits would be long and challenging, a moratorium in the city of Los Angeles was established in January 2020 that prohibits criminal citations against unpermitted vendors. That moratorium was overturned in March 2020 when the COVID-19 pandemic shuttered most businesses, but was re-established in June 2021, in part because street vendors by nature reduce community transmission of COVID-19 by providing goods and services safely outdoors. Community leaders and advocates are asking the city of Long Beach to adopt a similar moratorium in protection of its street vendors and in the name of public safety.

Resolution: Despite statewide goals to legalize street vendors, the California Retail Food Code is misaligned with the practical realities of sidewalk vending. In its current state, the CRFC is the primary barrier between street vendors and health permits. Provisions established in the CRFC make permitting nearly impossible to include in the design of a food vending cart intended for sidewalk use, and/or make a code-compliant cart prohibitively expensive for low-income entrepreneurs.

The current system for regulating food vending makes it nearly impossible for food vendors to secure a health permit from the Long Beach Department of Health and Human Services, without which they cannot secure a vending permit from the City of Long Beach. This amounts to continued criminalization of street vendors, which is in direct conflict with SB946

Research from the UCLA School of Law Community Economic Development Clinic and non-profit organizations such as Inclusive Action and Public Counsel has shown that there are several changes that both the State and County can implement that would make health compliance significantly more feasible for vendors while having no negative impact on food safety. The Los Angeles Department of Public Health and the County of Los Angeles are currently studying the feasibility of several changes to its own food safety regulations, which in some cases impose additional burdens on food vendors beyond those created by state regulations.

Creating a more inclusive, practical system for regulating food safety – one in which vendors can actually engage – would results in significant benefits to public health by ensuring that vendors can operate in full view of public health authorities.

If the City of Long Beach is to make any significant progress in formalizing its street vending sector, we require urgent action from the State Legislature to amend elements of the CRFC that make compliance for vendors infeasible.

We are asking the city of Long Beach to adopt a resolution in support for or sponsorship of legislation or administrative action to enact changes to the California Retail food code that will make it more sensitive to the context of sidewalk vending while ensuring food safety, including but not limited to:
-Streamlining approvals for code-compliant carts, including by giving more discretion to local health authorities;
-Revising regulations around the slicing of fruits and vegetables and the hot-holding of prepared foods to establish clear and easy-to-follow safety protocols that account for the types of foods commonly sold by sidewalk vendors;
-Simplifying onerous sink requirements; and
-Expanding the definition of safe locations for food preparation, in part by making the Cottage Food and Microenterprise Home Kitchen program more inclusive of sidewalk vendors.

AGN. NO_____

MOTION BY SUPERVISOR HILDA L. SOLIS November 16, 2021

Support Legislation to Modernize the California Retail Food Code to Create Opportunities for Sidewalk Food Vendors

Sidewalk food vendors are essential to the economy, culture, and health of Los Angeles County (County). Tens of thousands of low-income entrepreneurs work as sidewalk vendors across the County, selling goods not available in mainstream retail, offering healthy options in food-insecure communities, creating jobs in disinvested neighborhoods, and contributing to the innovative entrepreneurial spirit that drives our economy. Sidewalk food vending provides immigrants and low-income workers with an opportunity to start from almost nothing and build businesses to support themselves and their families. Many people work as food vendors to allow flexibility in their schedule to care for family members. For most, sidewalk food vending is an economic lifeline—a way to pay rent and medical bills and put food on the table. A 2015 study from the Economic Roundtable estimated that vending in the City of Los Angeles generates over $500 million in local economic stimulus, most of which stays in the local economy, and sustains thousands of local jobs.

MOTION

MITCHELL _____

KUEHL _____

HAHN _____

BARGER _____

SOLIS _____

For many years, sidewalk vending was banned in local jurisdictions across California, including in Los Angeles County, resulting in decades of deeply harmful criminalization and economic exclusion. Beginning in 2019, Senate Bill 946 (Lara) decriminalized sidewalk vending in California and established guidelines for local regulations to legalize and support the sidewalk vending economy. Since that time, the County has taken important steps to support sidewalk vendors and create economic opportunities. The Sidewalk Vending Pilot Program, led by the County's Department of Consumer and Business Affairs (DCBA), is currently convening County departments and key stakeholders to develop a strategy to increase the effectiveness of a sidewalk regulatory program and enhance economic development outcomes for sidewalk vending, including facilitating the design of a low-cost, code-compliant vending cart. It is anticipated that an ordinance establishing a County regulatory program for sidewalk vending will be presented to the Board in early 2022.

However, over the course of the Pilot Program, it has become apparent that certain outdated provisions in state law are impeding the County from achieving the goal of fully integrating sidewalk food vendors into the economy. Specifically, the California Retail Food Code (CRFC) impose restrictions and requirements that are not in alignment with the Board's intent to support small-scale sidewalk vending, creating barriers for sidewalk food vendors to obtain a permit from Public Health.

A recent report from Public Counsel and the UCLA School of Law Community Economic Development Clinic titled *Unfinished Business* describes these challenges in detail.[1] The report finds that CRFC requirements for mobile food facility equipment are

[1] http://www.publiccounsel.org/tools/assets/files/1647.pdf

generally tailored to larger hitch trailers and food trucks, effectively requiring sidewalk food vendors to procure carts that are too big for the sidewalk, too heavy to push, and too expensive for low-income micro entrepreneurs. Other provisions of the CRFC create a de facto ban on iconic fruit carts and taco carts by prohibiting the slicing of fruit and limiting the hot holding of foods to hot dogs, corn on the cob and tamales on a sidewalk vending cart. The report contends that neither the CRFC nor the Public Health Guidelines are explained in language that is accessible to sidewalk vendor applicants. The report also details how low-income vendors must pay expensive fees to prepare food at commissaries that are designed for food trucks, while underutilized kitchens in community spaces like schools, restaurants, and places of worship sit empty.

The current CRFC mobile food vending regulations make it very difficult for sidewalk food vendors to obtain compliant mobile food service equipment at a cost that provides them with a reasonable opportunity to secure a health permit from Public Health. Without a Public Health permit, food vendors cannot legally vend or secure any other vending permits—separate from the health permit—which may be required by the County or any other local jurisdiction. This has the effect of undermining the County's efforts to create a sidewalk vending program, excluding vendors from the economy, delegitimizing their business model in ways that make them vulnerable to harassment and violent attacks, increasing risk of criminal citations and the attendant collateral consequences, and separating tens of thousands of food workers from the resources and support that come with a Public Health permit.

The status quo is unfairly excluding vendors from opportunity, and harming our economy. But with commonsense changes, the law can be updated to align important

food safety protections with the scale of smaller mobile food facilities. Research and analysis from Public Counsel and the UCLA School of Law offer a myriad of ways that the CRFC could be modernized to align public health and economic inclusion through a more practical system for regulating food safety.[2] Changing these rules to include workable standards for facilities designed to be operated on the sidewalk will result in significant benefits to public health by bringing food workers into a system of food safety guidance and regulation.

I, THEREFORE, MOVE, that the Board of Supervisors**:**

1. Direct Public Health to report back in 120 days with strategies the Department can implement to improve sidewalk vendor access to permits, including but not limited to:
    - Creating new materials summarizing application requirements that are specific to sidewalk vending, using popular education and accessible language;
    - In consultation with County Counsel and with the identification of additional revenues by the CEO, assess the legality and cost implication of waiving or reducing permit fees for low-income applicants;
    - Streamlining the permit application process, including coordinating permit prerequisites and establishing one-stop permit centers in neighborhoods with high levels of sidewalk vending;

[2] http://www.publiccounsel.org/tools/assets/files/1647.pdf

- Making food storage requirements feasible for small sidewalk vending operations within the parameters set by state law;
- Evaluate and provide recommendation on how Cottage Food and Microenterprise Home Kitchen programs can be more inclusive of food vendors;
- In consultation with other relevant departments, develop a plan for identifying and activating underutilized kitchen spaces within the County that meet Public Health guidelines and can act as immediate alternatives for vendors;
- Exploring options for a pilot program, including an analysis of any necessary changes to state law, to allow several sidewalk vendors to operate in close proximity to an auxiliary sink unit, strategically placed on a county-owned parking lot in an area with a high concentration of vending, without requiring sinks on the primary unit;
- In consultation with other relevant departments and community based organizations, recommendations to clarify plan check procedures and fee structure to catalyze the approval of new model cart design blueprints that will enable manufacturing of code-compliant affordable carts at a greater scale, allowing sidewalk vendors to purchase a cart that has already secured plan check approval and proceed directly to final inspection;
- Creating a process for ensuring the safety of environmental health inspectors while addressing non-compliance, including options that do

not involve the Sheriff's Department or other law enforcement, and do not involve the seizure of vending carts and equipment.

2. Direct the County's CEO legislative advocates in Sacramento, in collaboration with Public Health, DCBA, WDACS, and other relevant departments, to support legislation to enact changes to the California Retail Food Code that will make it more sensitive to the context of sidewalk food vending while ensuring food safety, that can include but not limited to:
    - Streamlining approvals for code-compliant carts, including by giving more discretion to local health authorities to approve innovative design and encouraging the pre-approval of cart design blueprints to catalyze manufacturing of affordable sidewalk carts at a scale that meets the need;
    - Revising regulations around the slicing of fruits and vegetables and the hot-holding of prepared foods to establish clear and easy-to-follow safety protocols that account for the types of foods commonly sold by sidewalk vendors;
    - Simplifying onerous sink, power, water, fire safety and other equipment requirements;
    - Creating a process for addressing non-compliance without criminal penalties.

3. Direct Public Health to work in collaboration with the Chief Executive Officer to identify resources and funding to necessary to carry out the above directives.

# # #

HLS:wr/ac

From: Corliss Lee [mailto:eastsidevoice@gmail.com]
Sent: Wednesday, December 1, 2021 12:01 PM
To: Council District 1 <District1@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>; Mayor <Mayor@longbeach.gov>; City Manager <CityManager@longbeach.gov>; CityAttorney <CityAttorney@longbeach.gov>; CityClerk <CityClerk@longbeach.gov>; LBDS <LBDS@longbeach.gov>
Subject: Public Comment Dec 7 2021 Need Emergency Resolution for Implementation of SB9 & Resolution in Support of Initiative 20-0016 to maintain zoning at local level

-EXTERNAL-

City Clerk - please provide copies of the attached documents to those on distribution below and include in documentation for agenda item "Public Comment" at the Dec 7 2021 city council meeting.

Council members,

Please see attached Eastside Voice letter to council on enacting SB9. SB9 has many clauses that allow cities to craft implementation within their jurisdiction. The law will be enacted January 1st and we need to have an emergency city ordinance in place to handle an onslaught of requests for permits under this law. Other surrounding cities are crafting motions, resolutions etc. and I have included their work in the attachments.

SB10 is voluntary and should not be enacted in our city. It creates a situation similar to the era of the "the crackerboxes." in Long Beach that were deemed a disaster in the 1990s. Developments with buildings up to 10 stories can be built in areas not included as appropriate for high rises in our Land Use Plan.

The good news: Initiative 20-0016 has been filed by a tri-partisan group of electeds in our State (led by Bill Brand, Mayor of Redondo Beach) to give cities and local jurisdictions the ability to determine zoning. It makes sense for Long Beach to support this initiative with a resolution, maintaining the integrity of our Land Use Plan and control of development in our city. https://ourneighborhoodvoices.com/ See attachments for details on the initiative.

Respectfully,

Corliss Lee

President Eastside Voice

(714) 401 7063

Distribution:

Mary Zendejas, 1st District

Cindy Allen, 2nd District

Suzie A. Price, 3rd District

Daryl Supernaw, 4th District,

Stacy Mungo, 5th District

Dr. Suely Saro, 6th District

Roberto Uranga, 7th District

Al Austin, 8th District

Rex Richardson, Vice Mayor, 9th District,

Dr. Robert Garcia, Mayor,

cc:

Thomas B. Modica, City Manager,

Linda Tatum, Asst City Mgr.,

City Attorney,

Monique DeLaGarza, City Clerk

Long Beach Development Services

Long Beach Planning Commission Members

TO: Council Members, City Staff Dec 1, 2021
FROM: Corliss Lee Eastside Voice RE: Dec 7 2021 Public Comment

Subjects: Need Emergency Resolution for SB9 Implementation;
Need resolution to support Initiative 20-0016 to maintain control of zoning at local level

Council members,
Please consider taking a leadership role on the issues below. Whether you believe you have the votes to pass it or not, these topics should be discussed at Council.

INITIATIVE 20-0016
Mayor Bill Brand (Mayor of Redondo Beach) and two other electeds within our State have filed a tri-partisan initiative to gather signatures and put on the ballot to return zoning rights back to the local level. That aligns with the City of Long Beach's stated intent to oppose laws that reduce local controls. Please consider putting forth a resolution in support of initiative 20-0016 that is in the signature gathering process for the Nov 2022 election. *https://oag.ca.gov/system/files/initiatives/pdfs/Title%20and%20Summary%20%2821-0016A1%29.pdf*

SB9 and SB10
SB9 becomes law on January 1st 2022. The authors of this law state that it was intended to be a compromise that would encourage more housing while allowing cities to determine the "how-to" implementation that would result in construction that fits into existing neighborhoods.

1)I am writing to encourage our council members to make a motion at the next City Council meeting to **create a local emergency ordinance that can be used to implement SB9 on January 1st 2022.** Attached is a draft motion created by United Neighbors for the city of LA that can be used as a model as well as a draft resolution.

2)The motion should also disclaim SB10 since it is voluntary and a city may opt out. We should not invalidate all the work done on the Long Beach Land Use Plan by allowing SB10 to override it with 10 story buildings in locations not identified on the LUE plan.

3)To the extent that cities are allowed to affect the implementation of SB9, we should be controlling what we can to include maintaining a safe environment. Overburdening our streets with density creates unsafe conditions for residents and their children.

4)SB10 should not be enacted in our city. In Long Beach, we have already had the experience of upzoning in the late 1980s that produced "the crackerboxes." The result was problems with traffic, parking and crime along with garbage, litter and increased noise. City infrastructure has not been adapated to increase density.

5)The city needs to make a statement that **ADUs** may not be allowed in addition to the fourplex allowed by SB9 or we could end up with 6-8 on a lot. SB9 specifically calls out a city's ability to restrict ADUs in conjunction with this law.
(e) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

6)The SB9 requirement for **owner-occupancy** needs definition on how that data is collected and an internal city process whereby records are maintained that validate owner occupancy and what remedy will be enacted if they build the 4-plex but do not live on the premises for 3 years. It also seems cities should be asking for funding to implement the state-mandated local program.

"The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program."

7) THE HOUSING CRISIS

SB9 and similar housing laws have been proposed in the last few years purportedly to deal with "the housing crisis." The housing crisis is about **affordable housing**, to include housing for *low-income families*, the elderly and persons with disabilities. The housing crisis is not about *market rate housing*. SB9 is silent on affordable housing to include low income housing except for brief mention in section 4 (copied below in italics). If the intent of our implementation of this law is to deal with the housing crisis, our City should require the construction under SB9 to be housing for the disadvantaged. Otherwise, all we have done is densify our neighborhoods, downgrade quality of life and raise rents. Housing prices will not go down with SB9 if we allow market rate housing. When many units replace a single unit of housing, the land becomes more valuable and land prices increase, which means rents will increase. Unless our city commits to using SB9 to build housing for those being driven out by high prices, we will end up unintentionally creating a greater gap for our disadvantaged residents. We will not be solving the housing crisis but rather exacerbating it.

*SEC 4: The Legislature finds and declares that ensuring access to **affordable housing** is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.*
Note that while this statement is made in SB9, there are no requirements in the bill for affordable or low income housing.

Provided is a link to a news article on the plethora of ways that other cities are handling SB9. SF Chronicle California cities rush to limit new law increasing density of single-family

Both Livable California and United Neighbors are organizations that favor affordable housing. Many of the attendees at their meetings are past or present city officials. A Long Beach council member attending these meetings or the Council of Local Electeds (CALE) would be welcome.

Respectfully,

Corliss Lee
President Eastside Voice
(714) 401 7063

Attachments & Links:

Brand Huang Mendoza Tripartisan Land Use Initiative Our Neighborhood Voices

Draft motion United Neighbors_ SB9 Draft LA.pdf

Draft Resolution SB9

Distribution:

Mary Zendejas, 1st District Cindy Allen, 2nd District Suzie A. Price, 3rd District Daryl Supernaw, 4th District, Stacy Mungo, 5th District Dr. Suely Saro, 6th District Roberto Uranga, 7th District Al Austin, 8th District Rex Richardson, Vice Mayor, 9th District, Dr. Robert Garcia, Mayor, Thomas B. Modica, City Manager, Linda Tatum, Asst City Mgr., City Attorney, Monique DeLaGarza, City Clerk

MOTION

Senate Bill 9 (Atkins) (the “Bill” or “SB 9”), entitled the California Home Act, was signed into law by the Governor on September 19, 2021 and becomes effective on January 1, 2022. The Bill amends Government Code Section 66452.6, and adds two new Government Code Sections 65852.1 and 66411.7; and The Bill will require cities and counties, including charter cities, to provide for the ministerial (or “by right”) approval of a housing development containing two residential units of at least 800 square feet in floor area (“duplex”) and a parcel map dividing one existing lot into two equal parts “lot split” within a single-family residential zone for residential use; and

SB 9 eliminates discretionary review and public oversight of this proposed subdivision of one lot into two parcels by removing public notice and hearings by the Planning Department, by requiring only administrative review of the project, and by providing ministerial approval of a lot split, and also offers several opportunities to extend the time, up to 10 years, for the use of an approved or conditionally approved Tentative Parcel Map. The Bill exempts SB 9 projects from environmental review as required by the California Environmental Quality Act (CEQA), by establishing a ministerial review process without discretionary review or a public hearing, thereby undermining community participation and appropriate environmental review; and

SB 9 further stipulates that a city or county cannot require a duplex project to comply with any standard that would prevent two units from being built on each resultant lot, and would prohibit a local agency from imposing regulations that require dedications of rights-of way or the construction of offsite and onsite improvements for parcels created through a lot split; and

In addition to various constraints on SB 9 developments as set forth in SB 9, the Bill also authorizes cities and counties to enact local SB 9 implementation ordinances and guidelines that are objective and that are not inconsistent with its mandatory provisions; and

It is important that the City of Los Angeles begin immediately developing a local SB 9 implementation ordinance with associated guidelines and not repeat the past mistakes related to State Housing legislation, specifically the State’s 2017 Accessory Dwelling Unit Bill (AB 2299) which became effective on January 1, 2017; however, the City of Los Angeles took approximately 3 years to enact a local ordinance for its implementation; and

Due to the Bill’s enactment on September 12, 2021 and its effective date of January 1, 2022, there is not sufficient time for a publicly-considered implementation ordinance to be developed, publicly reviewed, and adopted by January 1, 2022; however, in the short-term, the City can and must develop a memorandum to obligate all City Departments and agencies to abide by interim rules and requirements to implement SB 9 locally until such time as the permanent ordinance is adopted; and

The City must also establish a minimum threshold by which certain SB 9 projects cannot be ministerial and must be subject to greater scrutiny in terms of a public hearing process and heightened environmental review; and

There remains significant unanswered questions about legal, ownership, county-city, and interdepartmental responsibility pursuant to SB 9 implementation that need to be resolved; and

It is important that both the short-term memorandum and long-term ordinance establish basic precepts applicable to all SB 9 projects, including, but not limited to:

1) **Objective Zoning/Subdivision/Design Standards.** The Bill authorizes the City to impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to structures and parcels created by an urban lot split that do not conflict with this section or preclude the construction of two 800 square foot minimum housing units. Accordingly, all such existing objective City standards shall apply to SB 9 projects, in addition to any additional objective standards that the City may adopt.

2) **Maximum of Four Units and Two Lots.** SB 9 obligates the City to allow two units per lot, and one lot split, for a total of four units and a total of two lots (parcels). The City is not required and shall not allow any additional units or structures (such as ADUs), nor any further lot splits, on any parcel that has been split once and on which four units have been approved.

3) **Parking.** The Bill allows the City to choose to require parking consistent with the terms of the Bill. Accordingly, the City shall require off-street parking of one space per unit, unless the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code or there is a car share vehicle located within one block of the parcel.

4) **Setbacks.** SB 9 allows the City to choose to require setbacks consistent with the terms of the Bill. Accordingly, the City shall require setbacks of up to four feet from the side and rear lot lines in all SB 9 projects and circumstances that are not expressly exempted from such a requirement by the Bill.

5) **Applicant Residency.** The Bill requires every SB 9 applicant to provide an affidavit confirming that the applicant intends to reside in one of the SB 9 units for three years. To fulfill this obligation, the City shall require the applicant to sign and record an affidavit placing a covenant that will run with the land to confirm that the applicant will reside in one of the SB 9 units for three years from the City's grant of the application where a unit already exists, or, if no unit then exists, for three years from the City's issuance of the unit's Certificate of Occupancy.

6) **Affordable Covenant.** There is at present an urgent Statewide and City concern about the provision of affordable housing. Every SB 9 project in the City shall require that a fifty-five-year affordable covenant restricting rents to moderate income household (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 or the applicant must pay the commensurate linkage fee that goes toward the City's provision of affordable housing.

7) **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 SB 9 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, and public art.

8) **Special District Exemptions**. SB 9 exempts historic districts and structures from its terms, and also retains the protections of the California Coastal Act. However, Los Angeles has many other special districts that shall be exempted from SB 9 including Survey LA documented historic areas and properties, HPOZs, equestrian-zoned areas, hillside areas with substandard streets, wildlife corridors, habitat blocks, natural resource protection plans, high fire, and high wind zones. Findings of unavoidable adverse impact shall be made pursuant to SB 9 if and as required, for these areas. These districts shall be exempt and protected from SB 9 development.

9) **Unavoidable Adverse Impacts.** The Bill authorizes the City to deny an SB 9 project upon written findings, based on a preponderance of evidence, that the project will have a specific, adverse impact upon public health and safety or the physical environment for which there is no feasible method to mitigate or avoid. The City shall assess every SB 9 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.

Findings of unavoidable adverse impact shall be made pursuant to SB 9 if and as required, for these areas. These districts as identified above and others as appropriate shall be exempt and protected from SB 9 development.

10) **Notification Requirements**. Every SB 9 filing shall require the City to notify those property owners and tenants within a 500-foot radius from the proposed project site that a parcel map has been filed with the City, until an ordinance is adopted.

I THEREFORE MOVE that the Department of Building and Safety, with assistance by the City Attorney and City Planning Department, prepare a memorandum prior to December 31, 2021 that shall be used by all Departments and agencies until such time as a local implementation ordinance is adopted inclusive of the ten above mentioned precepts.

I FURTHER MOVE that the Council instruct the Planning Department with the assistance of the subdivision committee to confirm objective standards specified geography to maintain unique needs for lot design and midpoint width, parking, affordability requirements for first time home buyers based on FHA loan limits for single-family dwellings and duplexes, limits on total dwelling units on substandard streets and when the development fails to comply with LAMC 12.21-C1(g), grading, hauling, adjustments to building pads, and private streets within maps.

I FURTHER MOVE that the Council instructs the Planning Department to develop prohibitions such as, but not limited to, two units per split lot, changes in grade, hauling, adjustments to building pads, and private streets, removal of protected and desirable trees without replacement.

I FURTHER MOVE that the Council instruct the Planning Department to prepare a report that discusses the feasibility of potential exemptions for high fire hazard severity zones, habitat for protected species, horse keeping, substandard roadways, or other geographic areas as determined for which the implementation of SB 9 would result in a specific, adverse impact.

I FURTHER MOVE that the City Planning Department, with the assistance of the City Attorney and Department of Building and Safety, begin developing a work program for the preparation of the permanent ordinance for the implementation of SB 9.

RESOLUTION

WHEREAS, Senate Bill 9 (Atkins) (the "Bill" or "SB 9"), entitled the California Home Act, was signed into law by the Governor on September 19, 2021 and becomes effective on January 1, 2022; and

WHEREAS, the Bill amends Government Code Section 66452.6, and adds two new Government Code Sections 65852.1 and 66411.7; and

WHEREAS, the Bill will require cities and counties, including charter cities, to provide for the ministerial (or "by right") approval of a housing development containing two residential units of at least 800 square feet in floor area ("duplex") and a parcel map dividing one existing lot into two equal parts ("lot split"} within a single-family residential zone for residential use; and

WHEREAS, SB 9 eliminates discretionary review and public oversight of this proposed subdivision of one lot into two parcels by removing public notice and hearings by the Planning Department, by requiring only administrative review of the project, and by providing ministerial approval of a lot split, and also offers several opportunities to extend the time, up to 10 years, for the use of an approved or conditionally approved Tentative Parcel Map; and

WHEREAS, the Bill exempts SB 9 projects from environmental review as required by the California Environmental Quality Act (CEQA), by establishing a ministerial review process without discretionary review or a public hearing, thereby undermining community participation and appropriate environmental impact vetting by local legislative bodies; and

WHEREAS, SB 9 further stipulates that a city or county cannot require a duplex project to comply with any standard that would prevent two units from being built on each resultant lot, and would prohibit a local agency from imposing regulations that require dedications of rights-of way or the construction of offsite and onsite improvements for parcels created through a lot split; and

WHEREAS, in addition to various constraints on SB 9 developments as set forth in SB 9, the Bill also authorizes cities and counties to enact local SB 9 implementation ordinances and guidelines that are objective and that are not inconsistent with its mandatory provisions; and

WHEREAS, it is important that the City of Los Angeles begin immediately developing a local SB 9 implementation ordinance with associated guidelines and not repeat the past mistakes related to State Housing legislation, specifically the State's 2017 Accessory Dwelling Unit Bill (AB 2299) which became effective on January 1, 2017; however, the City of Los Angeles took approximately 3 years to enact a local ordinance for its implementation; and

WHEREAS, due to the Bill's enactment on September 12, 2021 and its effective date of January 1, 2022, there is not sufficient time for a publicly-considered implementation ordinance to be developed, publicly reviewed, and adopted by January 1, 2022; however, in the short-term, the City can and must develop a memorandum of understanding to obligate all City Departments and agencies to abide by interim rules and requirements to implement SB 9 locally until such time as the permanent ordinance is adopted; and

WHEREAS, the City must also establish a minimum threshold by which certain SB 9 projects cannot be mi

November 1, 2021
Initiative 21-0016 (Amdt. 1)

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

PROVIDES THAT LOCAL LAND-USE AND ZONING LAWS OVERRIDE CONFLICTING STATE LAWS. INITIATIVE CONSTITUTIONAL AMENDMENT.

Provides that city and county land-use and zoning laws (including local housing laws) override all conflicting state laws, except in certain circumstances related to three areas of statewide concern: (1) the California Coastal Act of 1976; (2) siting of power plants; or (3) development of water, communication, or transportation infrastructure projects. Prevents state legislature and local legislative bodies from passing laws invalidating voter-approved local land-use or zoning initiatives. Prohibits state from changing, granting, or denying funding to local governments based on their implementation of this measure. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: **Fiscal effects of the measure depend on future decisions by the cities and counties and therefore are unknown.** (21-0016A1.)

21-0016

To: The Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street, 17th Floor
Sacramento, CA 95814
(916) 445-4752 I www.oag.ca.gov

RE: Request for Circulating Title and Summary

To Whom it May Concern:

Pursuant to Article II, Section 10(d) of the California Constitution, this letter respectfully requests that the Attorney General prepare a circulating title and summary of the enclosed proposed statewide initiative. Also enclosed are the required signed statements pursuant to California Elections Code sections 9001 and 9608, a check in the amount of $2,000, and the proponents' addresses as registered voters attached as Attachment A.

Please direct all inquiries and correspondence regarding this proposed initiative to:

John Heath
(323) 248-1699
Jheath@uhawhvp.org

Submitted by proponents:

Bill Brand
John Heath
Peggy Huang
Jovita Mendoza
Dennis Richards

Enclosures: Initiative language; Certifications, check for $2,000, proponents' addresses

SECTION 1. The people of the state of California find and declare all of the following:

(a) The circumstances and environmental impacts of local land use decisions vary greatly across the state from locality to locality.

(b) The infrastructure required to maintain appropriate levels of public services, including police and fire services, parklands and public open spaces, transportation, water supply, schools, and sewers varies greatly across the state from locality to locality.

(c) Land use decisions made by local officials must balance development with public facilities and services while addressing the economic, environmental, and social needs of the particular communities served by those local officials.

(d) Thus, it is in the best interests of the state and local communities for these complex decisions to be made at the local level to ensure that the specific, unique characteristics, constraints, and needs of those communities are properly analyzed and addressed.

(e) Gentrification of housing adjacent to public transportation will reduce or eliminate the availability of low or very low income housing near public transit, resulting in the loss of access by low or very low income persons to public transit, declines in public transit ridership, and increases in vehicle miles travelled.

(f) The State Legislature cannot properly assess the impacts upon each community of sweeping centralized and rigid state land use rules and zoning regulations that apply across the state without regard to community impacts and, as a result, statewide land use and zoning will do great harm to local communities with differing circumstances and concerns.

(g) Community Development should not be controlled by State planners, but by local governments that know and can address the needs of, and the impacts upon, local communities.

(h) Numerous state laws that target communities for elimination of zoning standards have been enacted, and continue to be proposed, that eliminate or erode local control over local development, and circumvent the California Environmental Quality Act ("CEQA").

(i) The purpose of this measure is to ensure that all decisions regarding local land use controls, including zoning regulations, are made by the affected communities in accordance with applicable law. This constitutional amendment would continue to provide for State control in the coastal zone, the siting of a power plant that can generate more than 50 megawatts of electricity, or the development or construction of water, communication or transportation infrastructure projects for which the Legislature declares are matters of statewide concern and are in the best interests of the state. For purposes of this measure, it is the intent that a transportation infrastructure project not include a transit-oriented development project that is residential, commercial, or mixed-use.

SECTION 2. Section 4(i) is added to Article XI of the California Constitution, to read:

SEC. 4(i). (a) Except as provided in subdivision (b), in the event of a conflict with a state statute, a county charter provision, general plan, specific plan, ordinance or a regulation adopted pursuant to a county charter, that regulates the zoning, development or use of land within the boundaries of an unincorporated area of the county shall be deemed a county affair within the meaning of Section 4 and shall prevail over a conflicting state statute.

(b) A county charter provision, general plan, specific plan, ordinance or a regulation adopted pursuant to an unincorporated area within a county, may be determined by a court of competent jurisdiction, in accordance with Section 4, to address either a matter of statewide

concern or a county affair if that provision, ordinance, or regulation conflicts with a state statute with regard to only the following:

(1) The California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), or a successor statute.

(2) The siting of a power generating facility capable of generating more than 50 megawatts of electricity and the California Public Utilities Commission has determined that a need exists at that location that is a matter of statewide concern.

(3) The development or construction of a water, communication or transportation infrastructure project for which the Legislature has declared in statute the reasons why the project addresses a matter of statewide concern and is in the best interests of the state. For purposes of this paragraph, a transportation infrastructure project does not include a transit-oriented development project, whether residential, commercial, or mixed-use.

(c) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 3. Section 5.5 is added to Article XI of the California Constitution, to read:

SEC. 5.5. (a) Except as provided in subdivision (b), in the event of a conflict with a state statute, a city charter provision, general plan, specific plan, ordinance or a regulation adopted pursuant to a city charter, that establishes land use policies or regulates zoning or development standards within the boundaries of the city shall be deemed a municipal affair within the meaning of Section 5 and shall prevail over a conflicting state statute.

(b) A city charter provision, general plan, specific plan, ordinance or a regulation adopted pursuant to a city charter, may be determined by a court of competent jurisdiction, in accordance with Section 5, to address either a matter of statewide concern or a municipal affair if that provision, ordinance, or regulation conflicts with a state statute with regard to only the following:

(1) The California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), or a successor statute.

(2) The siting of a power generating facility capable of generating more than 50 megawatts of electricity and the California Public Utilities Commission has determined that a need exists at that location that is a matter of statewide concern.

(3) The development or construction of a water, communication or transportation infrastructure project for which the Legislature has declared in statute the reasons why the project addresses a matter of statewide concern and is in the best interests of the state. For purposes of this paragraph, a transportation infrastructure project does not include a transit-oriented development project, whether residential, commercial, or mixed-use.

(c) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 4. Section 7 of Article XI of the California Constitution is amended to read:

SEC. 7. (a) A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations ~~not~~ that are not, except as provided in subdivision (b), in conflict with general laws.

(b) (1) A county or city general plan, specific plan, ordinance or regulation that regulates the zoning, development or use of land within the boundaries of the county or city shall prevail over conflicting general laws, except for only the following:

(A) A coastal land use plan, ordinance or regulation that conflicts with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), or a successor statute.

(B) An ordinance or regulation that addresses the siting of a power generating facility capable of generating more than 50 megawatts of electricity and the California Public Utilities Commission has determined that a need exists at that location that is a matter of statewide concern.

(C) An ordinance or regulation that addresses the development or construction of a water or transportation infrastructure project for which the Legislature has declared in statute the reasons why the project addresses a matter of statewide concern and is in the best interests of the state. For purposes of this subparagraph, a transportation infrastructure project does not include a transit-oriented development project, whether residential, commercial, or mixed-use.

(2) The provisions of this subdivision are severable. If any provision of this subdivision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.