

**From:** HowTheWest Was Saved <[howthewestws@gmail.com](mailto:howthewestws@gmail.com)>  
**Sent:** Tuesday, September 13, 2022 9:32 AM  
**To:** SmHousing Mailbox <[SmHousing.Mailbox@santamonica.gov](mailto:SmHousing.Mailbox@santamonica.gov)>  
**Cc:** [housing@doj.ca.gov](mailto:housing@doj.ca.gov); Housing Elements@HCD <[housingelements@hcd.ca.gov](mailto:housingelements@hcd.ca.gov)>  
**Subject:** 9/15 special meeting; Comment on 1A; Furthering fair housing

EXTERNAL

Regarding furthering fair housing,

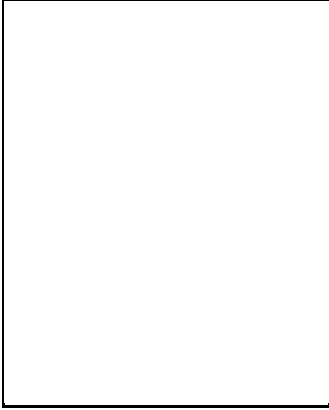
I'd like to state that furthering fair housing means allowing residents impacted by systematic housing violence to have self-determination for varying housing options whether they are affordable rental housing or affordable homeownership options. If an establishment has caused displacement, which Santa Monica City has, the establishment shouldn't be outlining what would be best for the person impacted by their violence, the person impacted by the violence should, if able, speak for themselves. Which I want to be clear, as a person impacted by systematic housing violence, I can speak for myself.

Furthering fair housing in Santa Monica would be closing the incorrectly zoned Santa Monica airport along with Penmar golf course so that a dense community surrounded by a large park can be created. Don't worry about losing a golf course, there is another golf course just 15 minutes away. I've attached the proposal that would allow us to further fair housing at the SMA & Penmar golf, the proposal gives opinions on how to distribute housing to groups impacted by systematic housing violence.

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Best,  
How The West Was Saved

<https://htwws.org/social-housing-ca/>



*Walkable, bike-friendly communities that are affordable are the right of every single human being. These communities are great for humanity, other species, and the Earth itself!  
Everything in the HUE-MANS life does NOT need to be a drive away.*

**From:** Elizabeth Lutz <[elizabethjlutz7@gmail.com](mailto:elizabethjlutz7@gmail.com)>  
**Sent:** Thursday, September 15, 2022 6:51 AM  
**To:** SmHousing Mailbox <[SmHousing.Mailbox@santamonica.gov](mailto:SmHousing.Mailbox@santamonica.gov)>  
**Cc:** Michelle Gray <[Michelle.Gray@santamonica.gov](mailto:Michelle.Gray@santamonica.gov)>  
**Subject:** 9/15/2022 special agenda item 1. A(a)

EXTERNAL

Dear Housing Commissioners:

Please consider the following under 9/15/2022 Special Agenda Items 1. A(a):

## FHA Concerns and ADA Accessibility Neglect

Hello,

I have been a resident in Santa Monica since 1995. In 2003 I got an Ellis act eviction, in 2007 an owner occupancy eviction out of an ADU. I suffered a workplace assault in 2011 . After I depleted my savings on medical expenses in 2017 I was granted a project-based voucher and my landlord refused it. I could no longer pay market rate on SSDI and was unhoused for a long time.

I received a CoC voucher after a year of paperwork at People Concern.

Luckily I was on a waitlist in a building and I moved. Unfortunately the unit proximity to dumpsters, pesticides, car exhaust and laundry vents made my disability worse.

I've been looking 4 1/2 years to find medically adequate housing. The law clearly states the services I am to receive with this voucher. I have asked for them and been ignored by People Concern, SMHA, DCRC, Santa Monica ADA officer, and LAHSA. I'm hoping Congressman Lieu's office will help however it looks like I will need to file an ADA & Fair Housing legal complaint. Why? Because there is no one administering the vouchers! Our City is not following the law.

I have a Continuum of Care voucher from HUD which is administered the same way as all other vouchers at the SMHA.

1. I have received no support in finding medically accessible housing. Exposure to pesticides, exhaust, and laundry vented fragrance in my current unit has worsened my medical situation so that I must use respiratory devices.
2. I requested in 2020, 2021, and 2022 the "one time car repair" with shared costs described in CoC 24 CFR §578.53 Supportive services. I have severe immune compromise and am unable to share transport as I am not responding to vaccines. I am unable to receive medical care I need. After over 2 years of refusal by my local administration my request is pending with Congressman Lieu—but HUD D.C. is not responding to this emergency.
3. I did not receive moving costs or assistance in 2018 when I moved from storage into this unit.

4. CCSM annually 2007 onward changed my medical need for 2-bedroom to one-bedroom and denied access to two bedroom units.
5. I requested an air filter replacement from People Concern as medical accommodation after a 2022 dumpster fire in the trash area directly below my unit and was put-off.
6. I requested medically accessible parking on street level instead of underground in 2018 and was told I had to pay \$10 a day which is not affordable—and denied parking at nearby City Structure.
7. I requested an accessible bed and did not receive.
8. I was incorrectly told by SMHA administration I cannot port the CoC.
9. I have requested home ownership as a medical accommodation by SMHA since HUD records show someone was granted this in Santa Monica 2008. I was refused multiple times.
10. I requested homeownership support in LA City and LA County and both denied my medical accommodation request based on “funding only voucher holders in their area living there for at least 1 year.”
11. I have repeatedly requested the calculation sheet used to determine my section 8 rent: my requests have not been responded to.
12. I have requested that my full voucher amount be used towards a mortgage payment and am told only 30% of voucher can be used —it counts as income, not as a payment. This is an egregious discrimination issue that enforces poverty—why can a landlord receive the full voucher amount and not a mortgage holder?? I found a sponsor who will put down the down payment-I need to use the full voucher amount towards mortgage.
13. Free tablets for internet were advertised by CCSM but only distributed in Hollywood-no access for disabled.
14. Free broadband and devices need to be made available to all voucher holders, not just those in CCSM buildings. This is economic discrimination. During HC meetings people complain they do not have these services when they have been offered free by Frontier and Starry for years.
15. I have specific medical needs to live in building construction and area with minimal chemical use and environmental toxicity. I have asked the City for a map of all deed restricted units so I can contact ones meeting my medical needs and get on the waitlist —and been denied.
16. The maximum income to keep a voucher needs to be increased to scale with inflation.
17. Voucher value needs to be reassessed annually or FMR utilized. The only option is feed restricted economically segregated buildings proximate to freeways.
18. Can the HC and RAB initiate requests for government funds? SMHA neglects to request funds available for accessibility, integrated housing, internet access for the most vulnerable.

I support aligning our Housing Element with the positive culture and website accessibility present in other Housing Authorities in Coastal Cities of CA. In my search for housing I have spoken to all of them. Ours is the least accessible, least comprehensible—and poses language, visual, and auditory barriers.

I support voucher recipients working together with the SMHA new data management hire to develop annual recertification forms that will streamline annual recertification AND sorely needed accurate data collection so the City can make calculated sustainable development plans. We can make technology work for us.

I support offering self-sufficiency rent-to-own options as families work their way out of poverty. I know the City can develop housing to grow our shrinking number of long-term community residents. Other cities are doing it. We can shift our focus and accomplish this too.

My medical condition leaves me with no option to move away because I need my local physicians and caregivers.

Thank you,

Elizabeth Lutz PhD

Cited:

Emergency Medical Need:

CoC 24 CFR §578.53

15) Transportation. Eligible costs are: (i) The costs of program participant's travel on public transportation or in a vehicle provided by the recipient or subrecipient to and from medical care, employment, child care, or other services eligible under this section.

(vi) If public transportation options are not sufficient within the area, the recipient may make a one-time payment on behalf of a program participant needing car repairs or maintenance required to operate a personal vehicle(B) Payments for car repairs or maintenance must be paid by the recipient or subrecipient directly to the third party that repairs or maintains the car; and (C) The recipients or subrecipients may require program participants to share in the cost of car repairs or maintenance as a condition of receiving assistance with car repairs or maintenance.

Elizabeth Lutz

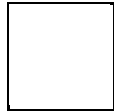
**From:** Gem Stone (via Google Docs) <[workinggirlgems@gmail.com](mailto:workinggirlgems@gmail.com)>  
**Sent:** Thursday, September 15, 2022 11:46 AM  
**To:** SmHousing Mailbox <[SmHousing.Mailbox@santamonica.gov](mailto:SmHousing.Mailbox@santamonica.gov)>  
**Cc:** Theresa Marasco <[Theresa.Marasco@santamonica.gov](mailto:Theresa.Marasco@santamonica.gov)>; Michelle Gray <[Michelle.Gray@santamonica.gov](mailto:Michelle.Gray@santamonica.gov)>  
**Subject:** Special Meeting 9/15/2022 Santa Monica city Council

EXTERNAL


## Gem Stone attached a document



Gem Stone ([workinggirlgems@gmail.com](mailto:workinggirlgems@gmail.com)) has attached the following document:



Public comment for tonight's online streaming event

 Untitled document

*Snapshot of the item below:*

**Deborah Lynch**

1959 Cloverfield Blvd. #107  
Santa Monica, California 90404

**Santa Monica Housing Commission**

**Special Meeting**

**September 15, 2022**

**Via Computer ([bluejeans.com/938928653/6687](https://bluejeans.com/938928653/6687))**

**Via phone: 1-408-419-1715 or 1-408-915-6290**

**Meeting ID: 938 928 653**

**Submitted: [smhousing@santamonica.gov](mailto:smhousing@santamonica.gov)**

Subject: Special Agenda Item 1(a)

[Theresa.Marasco@santamonica.gov](mailto:Theresa.Marasco@santamonica.gov)

[Michelle.Gray@santamonica.gov](mailto:Michelle.Gray@santamonica.gov)

Dear Housing Commissioners:

Please submit the following items for consideration of presentation during this Special Meeting to PDA Ms. McCain and all FHEO officials:

1. As recommended by the Housing Commission, a more fair and equitable process needs to be instituted by the City Council/Housing Authority and hopefully, set up **within the month**. Further delay only causes more confusion and a lack of urgency which should be recognized and pressed

forward; A RAB or CAB has been recommended and previously acknowledged by other States, Municipalities and HUD;

2. The above mentioned CAB (RAB) should include ALL voucher holders regardless of the type of voucher, within the City of Santa Monica in order to assure full representation of ALL tenants within the programs administered by the Housing Authority;
3. If the possible mission statement stands and is accepted, as well it should, then there can and should be a fully functioning separate and autonomous sub-committee that is NOT overseen by the Housing Authority, other than for specific legal considerations, as well as procedural policy as needed by the H.A.; [Current Housing Commission Mission Statement:](#)

1. "...to improve the quality of life of residents and the City by supporting and helping to guide the production and preservation of affordable housing. We advise and enhance the social, economic, and cultural vitality of our community. The Commission encourages the full participation of the community in shaping its future and is committed to fairness, social justice, and democracy."

1. [A quick look at the Responsibilities, Jurisdiction, and Authority of the Housing Commission will also inform and ratify the following statement:](#)

1. [As such, the only possible conclusion to fully allow an efficient, completely effective functioning CAB/RAB is to cause it to be self-governing and reasonably autonomous from the Housing Authority itself, particularly because the H.A. is also the City Council;](#)

Additionally, the following issues need to be addressed as they are ongoing problems, or areas of concern for current voucher holders:

1. The need to address completely and in its entirety the difference between the CoC voucher (Continuum of Care) and standard voucher and what additional benefits this voucher provides as well as how to access those benefits as needed and without undue delay. In seven (7) years at my current address, I have yet to be able to speak with someone about this program and what my available

benefits are....no one seems to know the details and limitations....and yet, my understanding is that Santa Monica is receiving funding for administering this voucher/program.

2. The desire and ultimate need to enact the provision for home ownership through the S.M. voucher program - to date, all inquiries have been met with a resounding "I don't know" with regard to the existence of this program/voucher, and it is and could be a humongous asset for the City and it's continued insistence of providing a ladder to greater financial independence for those financially challenged low-income renters. It is my understanding the the funds are available thru the Federal government for the housing program and indeed, already been distributed to those Cities....Why is Santa Monica not using these funds?
3. A manner in which voucher holders may contact someone directly when having difficulty in resolving problems with the current Housing Authority. I have so many problems with getting a call back on a problem with paperwork, etc. from the Housing Authority, that eventually, I give up even trying. It seems to me that a CAB/RAB would help in solving this particular problem alone as tenants would be relieved to know they have a tenant representative to help with these problems without fear of **repercussion**.

Thank you for your attention to this matter. I look forward to this evenings' presentation and discussion online.

Sincerely,  
Deborah Lynch  
(310) 869-6472



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**Please print**

1 message

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**Shawn Casey O'Brien** <irishsob@gmail.com>  
To: Ocean Park Mail <print.opmail@gmail.com>

Mon, Sep 12, 2022 at 1:43 PM

# Agenda Item #1 Public Input

Santa Monica City Council Meeting 9/13/22

My name is Boris Pesin and I am the President of the Barnard Park Tenants Association.

The evidence I am presenting to the Santa Monica, City Council today lays out the years long struggle that the Section 8 tenants have been involved in with our building management here at 3356 Barnard Way.

The harassment, the threats and intimidation, and we suspect, the misuse of taxpayer's funds - we have tried to bring to the attention of our elected and HUD officials, including, but not limited to: city, state and federal officials of HUD and their various Inspector Generals, as well as our Congressman and the new Secretary of HUD, all to no avail.

All we have ever asked for is a full audit of the John Stewart Management Company and for the harassment to stop.

We hope with this submission today, that will happen.

Best,

Boris Pesin  
323.304-6766

Shawn Casey O'Brien  
310.365-1983

## Exhibits List

1. Letter from John Stewart Management Company's (JSMC) lawyer Dover accusing our Tenants Association's Acting President of harassing our on-site manager.
2. Barnard Park Tenants Association (BPTA) response to JSMC's lawyer re: harassment.
3. More harassment by JSMC's lawyer re: Tenants Association
4. BPTA response to JSMC lawyer laying our HUD regulations re: Our right to organize.
5. Our letter to HUD's Washington, DC's IG requesting full audit of JSMC.
6. Tenant complaint re: on-site manager's mistreatment of tenants
7. Letter to Congressman Ted Lieu's staff re: mysterious tenant, the FBI and the subletting of apartments by some tenants. (TWO SIDED)
8. CalHFA's letter re: 3356 Barnard Way. (TWO SIDED)
9. BPTA's Tenant's Association. RE: CONG. LIEU (TWO SIDED)
10. Official Constituent Request Form for Congressman Lieu
11. Letter to Congressman Lieu re: CalFHA's non-response, response. (TWO SIDED)
12. Email from Leslie Lambert re: City of Santa Monica, CA 'Right of First Refusal' to buy 3356 Barnard Way for \$1 dollar. (The City owns the land) (TWO SIDED)
13. JSMC' lawyer's letter.  
More harassment.
14. BPTA's response to JSMC lawyer re: harassment.

15. Another tenant's complaint re: illegal subletting, noise due to lack of required padding under flooring on 2nd - 4th floors.

16. Tenant's complaint re: on-site manager and threats to call police for merely washing sand off bike outdoors.

17. Examples of on-site manager giving out bogus notices to quite and calling police.

18. Official HUD Complaint.

19. Santa Monica Observer Article.

20. MAY / 2021 LETTER TO SECRETARY OF HUD

Dave E. Abad  
Serena C. Akoyta  
Brien C. P. Adams  
Chr. P. Alexander  
Jonathan D. Alvanos  
R. Scott Andrews  
A. Gary Arakelian  
Helaine S. Ashton  
Shawn K. Bankson  
Taylor S. Baumann  
Lori D. Bolander  
Eric M. Bray  
Richard L. Brown  
Anthony W. Burton  
Rachel Y. Chang  
Judy Y. Chiang  
Calvin Clements III  
Patricia A. Coyne  
Shelley M. Crawford  
Chanel A. Di Blasi

Lynn N. Dover  
Chris J. Evans  
Rebecca J. Fortune  
Eduardo Garcia  
Paul L. Goodwin  
Eli A. Gordon  
Susan E. Greek  
Ninder K. Grewal  
Matthew J. Hogan  
Alek Kargodorian  
Adrienne R. Kelly  
Kareem M. Khalidy  
Roy S. Kim  
Ted Kimball  
Danielle T. Kussler  
Susan E. Lamson  
Rebecca L. Lang  
Kenneth E. Lange  
Susan J. Lein  
Laurie Li

LAW  
OFFICES  
OF

# Kimball, Tirey & St. John LLP

7676 Hazard Center Drive, Suite 900-A  
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[www.kts-law.com](http://www.kts-law.com)

October 31, 2017

Efren A. Limbag  
Gregory S. Loos  
Leanne Barbat Maestre  
James R. McKinley  
James O. McLaughlin  
Craig D. McMahon  
Steven J. Mehlman  
Alejandra Mendez  
Tracey L. Merrell  
Stephen J. Modafferi  
Kristin D. Molloy  
D. Patrick O'Laughlin  
Abel Ortiz  
Richard A. Ostrow  
Christopher S. Pirrone  
Christine M. Relf  
Kurt Ribjerg  
Daniel Riley  
Ashley N. Rossetto  
Karl P. Schlecht

# 1  
Kenneth D. Schnur  
Charles Scott  
Daniel R. Segnit  
Damien J. Snow  
Valerie A. Sparks  
Cynthia D. Stelzer  
Jamie J. Sternberg  
Wendy St. John  
Sage S. Stone  
Robert C. Thorn  
Patricia H. Tirey  
Tiffany D. Truong  
Salvinaz Turadzhikyan  
Gary D. Urie  
Dana R. Wares  
Jessica S. Weisman  
David C. Williamson  
Robert H. Winter, Jr.

**Lynn N. Dover, Partner**  
Email: [lynn.dover@kts-law.com](mailto:lynn.dover@kts-law.com)

**Boris Pesin**  
**3356 Barnard Way #315**  
**Santa Monica, CA 90405**

**Re: Your Tenancy**

Dear Mr. Pesin:

Our clients have requested that we communicate with you regarding some recent issues that have arisen involving your tenancy at Barnard Park Villas. Specifically, we are advised that you have been engaging in behavior towards the on-site manager that is harassing and bullying in nature. It further appears to our clients that you are unhappy that the manager is enforcing the rules of the community and have begun a campaign to try and get the manager's job terminated.

The manager advises us that since she first took over management of this property, your attitude towards her has been that you are in charge, that you will tell her how things are to be done at the property and that she needs to listen to you, that she has no authority as a manager and that you will make sure she is fired if she doesn't do things your way or to your satisfaction.

She states that your demeanor towards her is rude, confrontational, argumentative and at times downright hostile. She advises us that you have attempted to undermine her authority by telling her she has no right to enforce the property's rules and doing so in front of other residents. You have also claimed that you got prior management companies, managers and a regional manager for the John Stewart Company fired.

Most recently, on October 23, 2017, the manager reports that you entered the office and began yelling at her that you were going to see to it that she was fired from her job by the following day and that you would contact various departments at the City and the President of the John Stewart Company to make sure she lost her job.

The manager reported that later that day you stopped her in the hallway and began lecturing to her in front of another resident that she didn't have the right to require residents to remove shopping carts from the property (even though this is specifically stated in the rules).

Regional Manager Adam Cutler advises me that later that day, he received a phone call from you in which you stated "we have a problem with the manager." You stated during the call that there were no problems during the seven years when Wannette, the prior manager, managed the property and

#1 P.C

that this is “bullshit” and you want the current manager removed. You concluded by telling Mr. Cutler that you had all residents sign a letter to be sent to the City and that the tenant’s association had previous management, as well as Alla (a property supervisor with the John Stewart Company), removed.

The manager has reported to Mr. Cutler that she feels harassed and bullied by your behavior. Please be advised that harassment is prohibited by the House Rules that are incorporated into your Lease. Specifically, Sections 1.9 and 1.10 state:

“**1.9 Harassment** - Residents and Covered persons shall not harass, or threaten, other Residents, guests, visitors, Management employees, workers, vendors or other persons on the Property.

Harassment includes verbal, physical and visual conduct that creates an intimidating, offensive or hostile environment for any Resident, guests, visitor or other person on the Property or which interferes with the work performance of Management employees, workers, or vendors...

**1.10 Interference with Job Responsibilities-** Residents and Covered Persons are prohibited from interfering with the job responsibilities of, or in any way threatening, employees of the John Stewart Company, and of its authorized vendors or service providers.”

It is our clients’ position that the manager is doing her job when she enforces the rules of the community. They will not tolerate any resident harassing and/or bullying the manager. It is important for you to recognize that our clients have a legal responsibility to provide their employees with a harassment-free work environment. It is equally important for you to recognize that you are not the manager of the property and do not have the right to tell the manager how to do her job.

Going forward, you must refrain from engaging in behavior that is harassing and/or bullying towards the manager. You must keep your conversations with the manager business-like in nature and refrain from personal attacks on the manager. The fact that you do not like or do not agree with the manager enforcing the rules of the community or otherwise performing her job responsibilities is not an excuse for you to harass, bully, or threaten the manager.

On a final note, our clients have no current plans to replace the manager nor would they replace a manager because a resident or group of residents demanded that they do so. If you are unhappy living at Barnard Park Villas, you are welcome to move from the property. If you choose to remain a resident at the property, you will need to follow the rules that are part of your Lease and refrain from type of behavior outlined above.

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Chris Pesin  
October 31, 2017  
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Our clients thank you advance for your anticipated cooperation in this important matter.

Very Truly Yours,

KIMBALL, TIREY & ST. JOHN LLP



Lynn N. Dover  
Partner

LND/

#2

**Barnard Park Tenants Association  
3356 Barnard Way Apt 315  
Santa Monica, CA 90405**

November 15, 2017

Lynn N. Dover  
Kimball, Tirey & St. John LLP  
7676 Hazard Center Drive, Suite 900-A  
San Diego, California 92108

Re: Retaliation against Boris Pesin et. al and need for full audit by HUD

Dear Miss Dover,

---

This is in response to your letter of October 31st, 2017.

It is my hope to dispel the mischaracterizations, half-truths and factually inaccurate things that you have been told and continue to perpetuate. I also hope to give you some historical context concerning the John Stewart Company and how they continue to willfully violate HUD policy and the rights of the Barnard Park Tenants Association, when all we are doing is legally exercising said rights as granted to us under our HUD contract.

First, I have never claimed to be in charge, nor have I ever told the on-site manager how to do her job. Case in point, on the night of October 28, I discovered two people drinking in our community room. The female involved was extremely intoxicated and had made a mess of the community room kitchen. When I ask them who they were, they became very argumentative.

I went and knocked on the door of the manager's apartment and instead of assisting me in dealing with the situation, she berated me, told me it was "after five" and not to bother her again. It was she, in the middle of a potentially dangerous situation who was "argumentative and downright hostile". Again I was only asking her to do her job - not telling her how to do her job.

Subsequently, I called the Santa Monica Police Department and the woman was arrested after also trying to break into a tenant's car. During the incident, which had moved outside, the manager came walking out the door with her dog and never stopped in front of the numerous police cars and officers to ask what was going on - walking her dog seem to take priority over the safety of the building and its tenants - sad to say.

As for yelling at her in front of the other residents, I never yelled at her, but I was talking to her emphatically. And as for those other residents, they specifically asked me to talk to the manager, as they are afraid of her and feared retaliation. Which is something we have had a history of here, but up until recently, the Tenants Association took care of abusive managers by getting rid of them.

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John Stewart Company  
November 15, 2017  
Page 2

In fact, if truth be told, it was the Barnard Park Tenants Association they got rid of the previous management company, and opened up the opportunity for The John Stewart Company to pick up our HUD contract. A contract value somewhere in the neighborhood of half a million dollars, as we understand it.

Did the John Stewart Company ever thank us for our organizing abilities and the lucrative HUD contract we dropped in their lap?

No, I'm afraid they did not.

Quite to the contrary, they displayed a shocking hostility towards the Tenants Association in general and me in specific. The fact is, when the Tenants Association set down for the very first time with the Vice President of the John Stewart Company, the very first words out of her mouth were "we don't recognize you". No pleasantries, no thank you for giving us the opportunity to procure this contract or, 'we look forward to working with you to ensure the safety and comfort of all the residents of our building.'

We set there, along with the current manager, Ms. Wannette Daniels, shocked once again at John Stewart's Vice President's open hostility towards the Tenants Association. A hostility that is never subsided and which Mr. Adam Cutler seems to share.

A few examples:

Shortly after we had the Levine Management Company removed and got the John Stewart Company the HUD contract, they wanted to remove Ms. Daniels as our on-site manager as she was originally employed by Levine. John Stewart wanted to put in one of their own to manage the building, but Ms. Daniels over the months that the transfer from Levine to John Stewart took place, became a beloved figure to virtually all the residents in the building.

Her natural compassion, kindness, good humor and knowing ways when it came to helping residents fill out the various HUD forms, quickly won the vast majority of tenants over. To say nothing of the wonderful holiday parties she organized. All this after the horrible experience of the previous managers, (intimidating residence, selling parking spaces for \$2000 dollars, allowing the ceiling to collapse and robbing residents apartments as they lay dead in the bathtub).

As such, we were not going to let our dear Miss Daniels go.

John Stewart finally relented when they figured out that another meeting organized by the Tenants Association with all the stakeholders (HUD local, HUD Federal, staff of our local politicians, and the city attorney's office) would not go their way and miss Daniel's remained our on-site manager for over seven years.

John Stewart always resented this.



A 23

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Page 3

The last example we have of John Stewart's misguided and unnecessary hostility towards us is when they brought in a new building supervisor (Alla) and we had a meet and greet with her. The only problem was, within five minutes of being introduced, she was yelling at, and upsetting, many of our Russian residents, (Alla is Russian). As such, we quickly sent Mr. Jack Gardner, CEO of John Stewart a letter explaining that we believe that Alla was "not a good fit" for the building and please give us someone with a bit more patience and empathy.

I'm sorry to say Mr. Gardner wrote us back accusing the Tenants Association of holding illegal elections and forcing people to vote. Something that could not happen due to all the strong willed Grandmothers we have here.

Finally and most recently, we tried to have a meeting with Mr. Cutler over our concerns regarding the current manager, which in part, was had to take place as a conference call, as one of our members was in the hospital. After we explained our concerns and requested the current manager be let go, and the Tenants Association being given "a place at the table" when it comes to picking a new on - site manager, Mr. Cutler became belligerent and defensive stating unequivocally that the current manager stays and that was, for all intents and purposes, the end of the discussion.

When we protested this ultimatum, he pulled one of his favorite tricks, playing the victim and contending that he was here to have "conversation".

When it was pointed out to him that he was handing down ultimatums, as opposed to having a conversation, he became more aggravated and further, when asked why every time the tenants try to exercise their legitimate rights under the HUD rules he and his colleague at John Stewart get so upset.

Instead of responding, he hung up the phone on the conference call.

Let me close by saying thank you for sending along the house rules. I assure you, I abide by them all.

However, I note you failed to mention the policies and accepted practices laid out in the HUD brochure entitled "residents rights and responsibilities" handed out to every tenet in a Section 8 building and given to us upon signing our lease.

On page 1, it should be noted that HUD encourages and supports the following:

Management agencies and property owners communicate with residence **on any and all issues.**

The fact is, management thoroughly failed to communicate whatsoever with the residents on the very important issue of who the new on-site building manager was going to be. A very real violation of HUD policy by the John Stewart Company.

~~3-20~~  
#2 P4

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Page 4

2. Owners and managers give prompt consideration to all valid residence complaints and resolve them as quickly as possible.

Here again, the John Stewart Company violated HUD policy and best practices by literally giving our concerns over the building manager absolutely no consideration. As pointed out above, when we last met with Mr. Cutler in late October, he showed no interest in hearing our concerns or working with us to resolve the problem.

Again, he came to give us a "my way or the highway" ultimatum and when pressed turned himself into the victim and hung up the phone.

---

3. Residents right to organize and **participate in the decisions** regarding the well-being of the project and their homes.

It goes without saying that John Stewart's abject failure to let us have a place at the table and participate in the decision making process, as to who the next on-site manager was going to be, was a wholesale failure on the part of Jon Stewart and again, a clear violation of HUD policy and our rights, as such we hereby request that the John Stewart Company start complying with proper HUD rules and procedures, recognize our legitimate concerns and give us a place at the table when it comes to removing and replacing an autocratic, uncaring current building manager who neither listens to us or response to situations that are a danger to the safety and well-being of our building and our homes.

Perhaps most importantly, **we further request a full audit and investigation into the financial affairs of the John Stewart Company as it relates to the HUD contract at 3356 Barnard Way.**

The fact is, over the last seven years, the Tenants Association has seen little to no improvement in the building or the promised enhancements that have never materialized.

Please put any responses you have in writing.

Best regards,

Boris Pesin  
President of the Barnard Park Tenants Association

Dave E. Abad  
Serena A. Abeyta  
Brian C. P. Adkins  
Chris P. Alexander  
Jonathan D. Alvares  
R. Scott Andrews  
A. Gary Arakelian  
Helaine S. Ashton  
Shawn K. Bankson  
Taylor S. Baumann  
Lori D. Bolander  
Eric M. Bray  
Richard L. Brown  
Anthony W. Burton  
Rachel Y. Chang  
Judy Y. Chiang  
Calvin Clements III  
Patricia A. Coyne  
Shelley M. Crawford  
Chanel A. Di Blasi

Lynn N. Dover  
Chris J. Evans  
Rebecca J. Fortune  
Eduardo Garcia  
Paul L. Goodwin  
Eli A. Gordon  
Susan E. Greek  
Ninder K. Grewal  
Matthew J. Hogan  
Aleks Kargodorian  
Adrienne R. Kelly  
Kareem M. Khalid  
Roy S. Kim  
Ted Kimball  
Danielle T. Kussler  
Susan E. Lamson  
Rebecca L. Lang  
Kenneth E. Lange  
Susan J. Lein  
Laurie Li

LAW  
OFFICES  
OF

# Kimball, Tirey & St. John LLP

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Facsimile: (619) 237-0457  
[www.kts-law.com](http://www.kts-law.com)

November 29, 2017

# 3  
Efen A. Limbag  
Gregory S. Loos  
Leanne Barbat Maestre  
James R. McKinley  
James O. McLaughlin  
Craig D. McMahon  
Steven J. Mehlman  
Alejandra Mendez  
Tracey L. Merrell  
Stephen J. Modafferi  
Kristin D. Molloy  
D. Patrick O'Laughlin  
Abel Ortiz  
Richard A. Ostrow  
Christopher S. Pirrone  
Christine M. Relph  
Kurt Ribjerg  
Daniel Riley  
Ashley N. Rossetto  
Karl P. Schlecht

Adam M. Schneider  
Kenneth D. Schnur  
Charles Scott  
Daniel R. Segnit  
Damien J. Snow  
Valerie A. Sparks  
Cynthia D. Stelzer  
Jamie J. Sternberg  
Wendy St. John  
Sage S. Stone  
Robert C. Thorn  
Patricia H. Tirey  
Tiffany D. Truong  
Salvinaz Turadzhikyan  
Gary D. Urie  
Dana R. Wares  
Jessica S. Weisman  
David C. Williamson  
Robert H. Winter, Jr.

Lynn N. Dover, Partner  
Email: [lynn.dover@kts-law.com](mailto:lynn.dover@kts-law.com)

**Boris Pesin**  
3356 Barnard Way #315  
Santa Monica, CA 90405

Dear Mr. Pesin:

Our clients have asked us to provide a brief response to your letter of November 15, 2017. At the outset, our clients respectfully, but firmly, deny that they have retaliated against you or any other resident at Barnard Park Villas. They similarly deny the other numerous allegations of misconduct by management and/or other employees of The John Stewart Company.

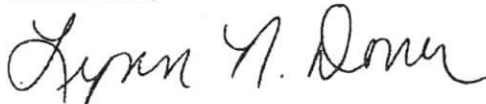
The specific issues that our clients have asked us to respond to are the allegations that they have failed and refused to recognize the Barnard Park Tenants Association in violation of HUD policies. Our clients advise us that the alleged tenants association has never provided evidence that it was formed in accordance with HUD's directives (including but not limited to having proper Bylaws and Articles of Incorporation) and that all residents of the property have been afforded the opportunity to run for office and vote, despite repeated requests that it do so.

Over the years, our clients have also observed what appear to be other violations of HUD's directives relative to tenants associations, such as residents resigning or being removed from the alleged board of directors without holding any elections or notifying other residents. Our clients' position is (and always has been) that if the association can show evidence that it was properly formed and has been operating in accordance with HUD directives, they will recognize it as a valid tenants association. If you have such documentation, please forward it to my attention.

Despite the above, our clients have always been willing to meet and work together with the "association" as a group of concerned residents.

Very Truly Yours,

KIMBALL, TIREY & ST. JOHN LLP



Lynn N. Dover  
Partner

# 4

December 4, 2017

Ms. Dover,

In response to your letter of November 29, 2017, I will be brief.

Management has been antagonistic towards the Tenants Association from the start. When we first met with the Vice President of John Stewart Company, Ms. Horn did in fact say "We don't recognize you," we remember this clearly, because they were the first words out of her mouth

Moreover, it is a fact that when I discovered intoxicated strangers in our community room and went to seek assistance from the on-site manager, she told me not to bother her and slammed the door in my face. I subsequently had to call the police to have them removed. I am sure there is a police report of the incident, since the woman was placed under arrest. You should also know that when I called the emergency number for John Stewart, all I got was music, and nobody ever answered the phone.

The same is true for three different incidents in which the on-site manager did nothing.

As for the your factually inaccurate information concerning our Tenants Association, I direct your attention to 24 CFR 245.100 which states 'a tenants association is legitimate if it is established by the tenants... {and} if it operates democratically and is representative of all the residents...'

The fact is, we have elections where the members of the Tenants Association elect a President, Vice President and Secretary. Since our former President resigned of his own volition, we will hold new elections shortly. In the meantime I, as Vice-President, have stepped up to fill the void.

Everything the Tenants Association does is for benefit of all the residents of our building, whether they are member of the Tenant Association or not. I humbly request that you check the HUD rules and regulation before you send us such ill-informed letters. Again, I turn your attention to 24CFR 245.100 which states unequivocally that a Tenants Association "formed by the tenants ... does not require specific structures, written by-laws, elections or resident petitions." ]

As such we consider your poorly drafted letters to be little more than harassment and a rather feeble attempt to meddle in the affairs of our Association. Thank you for putting it in black and white. As such, we don't need to provide you with anything and request that you actually read the HUD rules and properly cite them before you attempt to harass us.

Finally, we request once again, that you remove the current on-site manager and replace her with someone who will promptly respond to emergency situations. And as we have repeatedly requested, please give the tenants a voice in deciding who the next on site-manager will be.

Best regards,

Boris Pesin  
Acting President of the Barnard Park Tenants Association

# 5

HUD Inspector General  
415 7th. Street SW  
Washington, DC 20410

December 10th, 2017

Dear Inspector General,

Enclosed you will find a set of letters sent between the Barnard Park Tenants Association and the lawyer for the John Stewart Company, which manages our building.

The Barnard Park Tenants Association is composed of senior and/or disabled residents who live at 3356 Barnard Way, Santa Monica, CA 90405.

The John Stewart Company has managed our building for the last 7 years. Their relationship with us and its conflicts are clearly laid out in the letters that we have attached.

Please take the time to read them closely and you will see why our Tenants Association is asking for: A new on-site manager and a full audit of John Stewart's management of our project based, Section 8 building.

We have sent the same letters to the local and regional HUD officials and as of this date have heard nothing from them. It is our hope that after you review the enclosed correspondence you will see fit to call for a complete and thorough audit and investigation of the John Stewart Company as it pertains to our building known as the Barnard Park Villas.

If, after reading the enclosed letters, you have any questions, please feel free to give me a call at the number(s) below.

Boris Pesin

Acting President of  
The Barnard Park Tenants Association  
310.399-5280  
323.304-6766 (c)

JANUARY 25, 2018

TO:

JOHN STEWART COMPANY,

It would be interesting to know why a company takes on the responsibility to manage a senior citizen building when they are not really interested in solving or fixing the problems? Many times there have been new ideas about improvements, but there never really is a concrete reality.

As the building ages the water pipes continually break down. Up to now only three garage doors have been replaced it has taken approximately six years to complete, by the time the rest are installed it will be a wonder if the building will still be standing.

On most occasions by the time things are taken care of, they are of small consequences. The building needs much more attention than that. For example, the exterior of the building needs a paint job, the two towers have rotten wood., there is evidence of termites, etc...

I feel that this is immoral and a lack of respect to neglect a low-income senior citizen building.

I understand the emphasis on the clean up and fixing of new rental apartments but there should also be the same effort made to the rest of the building, or is the only interest on rental and not the well being of the whole complex.

On many occasions when things needed to be taken care of inside the apartments the wait can be weeks, months and years, by that time many of the tenants have to rely on their own to fix the problems.

I have been a tenant for over 20 years, we have been through many new managements, and it always seems the same at the beginning many things are promised, new hopes, new plans, then it all dies down.

A few years back my ceiling collapsed, and this was after many different times letting management know that there was something wrong in the attic. It took over three months for the repair, the emotional and physical toll on my wife and myself was immeasurable. My wife never really recovered until the day she died. The only good outcome of this terrible accident was that we got rid of the management company due to their negligence, and we formed our tenant association to hopefully protect us from future misuse.

#623

It was made clear at our meetings that our association was not something that your management agreed with. We will continue to strive for better things, that is the only thing that we want, we will not be silenced. We want to be treated fairly, with respect and dignity. We love our home, but our building is beginning to look worn down, especially in contrast to the other senior buildings in our area.

To make our life worse you brought in a new Manager, Natalia.

I looked up the meaning of a Manager, this is what came up:

**“One of the main responsibilities of “A” property manager is to manage tenants.**

Unfortunately “our new” manager had absolutely no knowledge of this. At the very least she should have some interest in the occupants of the building not just to handle paperwork and phones. Being a manager especially in a senior building means being sensitive, caring, and open to discussions, acknowledging the tenants and their request with respect and attention.

Our ‘new “ manager is totally lacking any people skills, empathy, human interaction. Just plain being able to relate to others, at least acknowledge that she understands or that she hopes to understand what we are saying. Patience, listening skills and so on.

It seems that her only interest is the computer, not the people.

I am hoping that you will hear our positive criticisms and that the future will bring both of us better things to come.



ROBERTO PEREZ  
3356 Barnard Way #311  
Santa Monica , Ca 90405  
310-452-2728

# 2

4/20/18

Dear Kate and Joey,

Here is some of the information you requested or I promised to forward to you.

First, Ms. Parker, the tenant that the FBI wanted to talk to so badly, that they broke down his door is known as Sam Fogel in Apartment 205. He has or had a business that involved taking X-rays. It is the educated guess of this old para-legal that it sounds like a Worker's Comp scam, but again, that is just a guess.

Second, here is the outline we used when meeting with Assemblyman Bloom:

A number of people appear to be living here illegally. Talk to Franklin Montentenergo who is in the Code Enforcement Division at SM City Hall. He has been looking into this matter.  
His phone number is: 310.458-2201 ext. 2339

It appears that some tenants are subletting their apartments.

The list(s) of people next in line to move-in, transfer into another apartment in the building, or receive a parking space have disappeared. It should be noted that the pervious on-site Manager was meticulous in her care of these lists and was always fair in terms of who came next. We believe that the missing lists were destroyed and who comes next on any of them is now determined by how much silver passes over the manager/and some at the Management Company's palms. If you wish, we can give you our old on-site Manager's contact info.

The current on-site Manager does not respond to emergencies after 5 p.m. and did not engage with law enforcement after they arrested inebriated people in our Community Room.

*OVER*



#7 P3

When and if appropriate, we would like for the good Congressman to contact the FBI about Mr. Fogle - he is back in the building - and/or tell us how to appropriately handle the situation.

I am attaching the letters we sent to the IG of HUD and the John Stewart Management Company's Lawyer, so you may have proper context of the situation.

Many thanks in advance for your help and concern,

Shawn Casey O'Brien  
On behalf of the Barnard Park Tenants Association  
310.392-3176  
310.365-1983 (c)

April 25, 2018

Ms. Kate Parker  
Congressman Ted W. Lieu (CA-33)  
5055 Wilshire Blvd., Suite 310  
Los Angeles, CA 90036

**Subject: Barnard Park Villas Inquiry**

Dear Ms. Parker,

The California Housing Finance Agency (CalHFA) received a call last week from a Ms. Lisa Varon, Senior Development Analyst, from the City of Santa Monica Housing Division. This call was regarding a concern Congressman Lieu's office received from Mr. Boris Pesin, a resident at Barnard Park Villas, located at 3356 Barnard Way in Santa Monica, California. Mr. Pesin and members of the Barnard Park Tenants Association (BPTA) identified items of concerns as they relate to the physical condition of the property and the management company, The John Stewart Company.

CalHFA is the lender and the project-based Section 8 contract administrator of the subject property and monitors the physical condition of the development by conducting annual inspections to assess whether a property is in a safe, decent, sanitary condition and in good repair. The U.S. Department of Housing and Urban Development (HUD) also conducts Real Estate Assessment Center (REAC) inspections of properties that are owned, insured or subsidized by HUD. CalHFA inspected the Barnard Park Villas property on August 15, 2017 and a REAC inspection was conducted by HUD on January 9, 2017. The John Stewart Company engaged Lane Consulting Services to perform a Capital Needs Assessment (CNA) on the property as a tool to capture the observations, make recommendation for improvements, and provide information on the cost of needed repairs and replacement. The CNA report was issued July 13, 2017. The CNA report indicates the property built in 1983 is well maintained, however is in need of systems and building updates. The CalHFA inspection report and REAC report from 2017 are in line with some of the repairs or replacements recommended on the CNA report based on the age of the property. Health and Safety items noted on the reports were resolved within the required timeframe. The last REAC report scored 91 points out of 100.

CalHFA has been in communication with Ms. Lisa Voran and Ms. Lori Horn, Vice President – Southern California of The John Stewart Company, on several occasions in the past week to address the concerns. CalHFA will conduct an on-site inspection at Barnard Park Villas on April 30, 2018 to investigate the items noted on the letter from Mr. Pesin and the BPTA. A copy of the site inspection report can be forwarded to you when completed. The John Stewart Company has been the management company to over forty (40) CalHFA properties and has performed to our standards.

▶ Sacramento Headquarters  
P.O. Box 4034  
Sacramento, CA 95812  
(916) 326-8000

▶ Los Angeles Office  
100 Corporate Pointe, Suite 250  
Culver City, CA 90230  
(310) 342-5400

(over)

**To:** Parker, Katherine; Apodaca, Joey; Joshua Kurpies

**Cc:** Ernie Powell

**Subject:** A worthwhile suggestion from the Barnard Park Tenants Association

In discussions this weekend with one of the original grassroots organizers that brought Barnard Park Villas into being, as mitigation for the Santa Monica Mall, namely our good friend, Ernie Powell, it was brought to our attention that many of the of affordable housing apartment buildings in Santa Monica are managed by the Community Corporation of Santa Monica, who are widely recognized for their efforts to bring inclusive, caring and affordable housing to our great city.

As such, we here at Barnard Park Villas, respectfully request that Community Corp be given serious consideration as to the overall management of our beach front building, as for the second time, free enterprise alternatives have failed us and appear to be misusing taxpayers funds here at our project-based Section 8 building for disabled and senior citizens.

It should be noted that as of Saturday, one day after sending you are list of problems and concerns, our on-site manager has gone on an unannounced vacation and right now all we are getting when we call the Manager's office, is an answering machine.

In other words, we are sorry to say, the situation appears to be going from bad to worse in a building of Santa Monica's most vulnerable citizens.

For your convenience we are including a link to Community Corporation's website.

<https://www.communitycorp.org>

Many thanks in advance for your serious consideration.

Boris Pesin

(OVER)

### Description of the Problem

#### What is the problem?

The Barnard Park Tenants Association basic problem is with the company that currently manages our building here at 3356 Barnard Way, namely the John Stewart Management Company. Who over the last decade(?) has been making promises of repair, enhancements and competent and compassionate on-site management.

To understand the full scope of the problem, some history of the situation is required.

---

The Barnard Park Tenants Association (BPTA) was formed 9 years ago in order to deal with our Management Company at the time i.e. the Levine Company, who was hiring on-site managers who were so corrupt that they were selling parking spaces for \$2,000 dollars apiece and who were robbing tenants of their personal belongings and cash while their dead bodies remained in the bathtub.

And that is to say nothing of their standard graft when it came time for any improvements to individual apartments. Or the lack of competent workman to do the necessary repair of the building. We had painters who had to be instructed by the tenants on how to properly paint walls and doors, as well as tenants being accused of blowing up fuse boxes. The only problem was I, Boris Pesin, the man they accused of such an act, has two degrees, one in electrical engineering and another in mechanical engineering and when we went to discuss the matter with the Levine company, they did not produce the alleged blown up fuse box and it quickly became apparent that Levine was only using the phony charge to terminate my residency, for being instrumental in forming the BPTA.

In other words, they were retaliating against me for exercising my right to organize.

That was the last straw with Levine, and after a meeting with all the local, state, federal and legal stakeholders in our community room, Levine was gone and the (at the time) half a million dollar HUD contract was awarded to the John Stewart Company - due in large part to the efforts of the Tenant's Association.

The leadership of BPTA was in high spirits and was looking to deal in good faith with John Stewart. But those good faith intentions were cast out the door when we sat down for our first meeting with the Vice President of John Stewart Company, Ms. Lori Horn. At that meeting the very first words out of her mouth were "We don't recognize you".

Needless to say the meeting went down hill from there.

+10  
#10 P.1

The antagonism displayed by Ms. Horn was exacerbated when the BPTA insisted that our current on-site manger, formerly a employee of the Levine Company, who was brought in to try and quell the untenable situation - and did so quite effectively, by being both competent and good hearted. As such we wanted keep her and forced John Stewart to hire her.

After years of proper management she left us to care for her ailing mother.

Which brings us up to date with our problems and concerns regarding the current on-site manager.

Who took a 'my way, or the highway' approach when with dealing tenants and who only worked from 9 to 5, even in emergency situations. As she told our Acting President of the BPTA, when he discovered inebriated people in our community room. He was told by the current on-site manager not to "knock on my door after 5p.m."

Subsequently, our President had to call the police, who came and arrested the trouble makers and while doing so, spotted our on-site manger going out the front door to walk her dog, and in spite of three Police cars out front, she did not stop and ask the officers what was going on. We believe there is a police report on the incident in the files of the Santa Monica Police Department.

Of course John Stewart did nothing when they were informed of the incident. Needless to say, many of the senior and disabled citizens in the building are afraid to knock on the on-site manager's door.

To make the situation worse, it appears they our project based Section 8 building is being run like a hotel for wealthy abled bodied travelers and their families.

Twice now tenants haver been told by strangers, who are residing in various apartments, that their travel agency told them they could rent the apartments in the building "for a \$100.00 dollars a day."

We also have "tenants" who treat their apartment like it's a summer dacha for them and their kids. They also advertise on Facebook to come and visit them in Florida, while their children take up residence in apartments meant for disabled and senior citizens. (See attached)

Finally, and most surreal, it has come to our attention that one of the alleged tenants is wanted for questioning by the FBI, who came to the building three times, and on the 3rd visit, in the early morning hours of December, kicked in the door of apartment 205.

They failed to apprehend the "tenant," we are told because he has access to another apartment in the building.

What have you done to try and resolve the problem?

We have contacted HUD at the local, state and federal level. (see attached letter) and as of this date have not heard from anyone about our request for a full and complete investigation and audit of the John Stewart Company. Getting no response from anyone, we contacted our Assemblyman, Richard Bloom, who we will be meeting with, among others, on April 13th.

**What is the current status of the problem?**

~~2-102~~

#10 P3

Nothing has changed, except many of the tenants are concerned to the point of fear.

(see attached petition)

**What has the federal agency told you?**

Nothing. Sad to say no one has responded to our letter requesting a full audit of The John Stewart Management Company. We make this request for a full investigation and audit due to the fact that hundreds of thousands of dollars of taxpayers money is involved.

**Have you contacted any other office for assistance?**

Yes, as mentioned Assemblyman Bloom's office, Code Enforcement officer, Franklin Montenegro at Santa Monica City Hall and the Inspector General of HUD in Washington D.C.

---

**If yes, which office?** SEE ABOVE

Congressman Ted W. Lieu – Privacy Release

**Please read and sign the following:**

By filling out this Privacy Release form, I hereby authorize my member of Congress and staff to conduct any inquiries regarding my case and to be provided with any information relating to it.

Date: 03/27/2018

Signature:

Thank you for taking the time to complete this form. Please return it as soon as possible to my Los Angeles office at the following address:

Congressman Ted W. Lieu  
5055 Wilshire Blvd., Suite 310  
Los Angeles, CA 90036  
(323) 651-1040  
(323) 655-0502 – fax  
Lieu.Casework@mail.house.gov

Dear Congressman Lieu,

After serious consideration and discussions with with both friends and members of the Barnard Park Tenants Association (BPTA), we were, to put it diplomatically, disheartened by CalHFA's recent response to our numerous concerns here at 3356 Barnard Way, Santa Monica CA.

Disheartened by the fact that their response, was in reality, a non-response, which failed to answer any of our concerns or request for a non-profit company, such as Community Corporation, to manage our project-based Section 8 building.

---

As a former prosecutor, we had hoped that such a 'non-response - response' would have set off alarm bells in the good Congressman's mind and caused him join with the BPTA in calling for HUD's Inspector General to launch an investigation/audit of our building's management company.

This is particularly important in light of the fact that the head of HUD, Ben Carson, is developing legislation that would triple the rents of Section 8 tenants across the US, as well as, undermine the patience and fortitude of millions of disabled and senior citizens who are currently on waiting lists that stretches back to six years, at a minimum.

As such, we respectfully advise our good Congressman to publicly call for an investigation of our building - which exists in his district- and not only get out in front of this situation, but use it as a way to take on the Trump/Carson Administration and their destructive and misguided proposals that would endanger the housing of millions of citizens in the twilight of their lives.

(See link below)

[http://enewspaper.latimes.com/infinity/article\\_share.aspx?guid=3df4c25e-ad27-4e17-9013-34a3719d8ff4](http://enewspaper.latimes.com/infinity/article_share.aspx?guid=3df4c25e-ad27-4e17-9013-34a3719d8ff4)

(OVER)

#12

----- Forwarded Message -----

**From:** Leslie Lambert <[leslielambert92@gmail.com](mailto:leslielambert92@gmail.com)>

**To:** Ernie Powell <[ernie1014@sbcglobal.net](mailto:ernie1014@sbcglobal.net)>

**Sent:** Wednesday, May 9, 2018 10:19 AM

**Subject:** Re: housing element

Very good news. I just heard from Andy Agle, the head of Housing and many other departments. The City has an option to purchase 3356 Barnard Way for \$1 when the covenants expire in order to keep the project affordable. So stay on top of that.

He also wants more information (proof) about the short term rental situation so Code Enforcement can be activated.

Ain't you glad you contacted me?

On Tue, May 8, 2018, 5:43 PM Ernie Powell

<[ernie1014@sbcglobal.net](mailto:ernie1014@sbcglobal.net)> wrote:

I did but I'll read it again

Sent from my iPhone

On May 8, 2018, at 5:26 PM, Leslie Lambert

<[leslielambert92@gmail.com](mailto:leslielambert92@gmail.com)> wrote:

Read the staff report attached to Liz's first email.

On Tue, May 8, 2018, 4:30 PM Ernie Powell

<[ernie1014@sbcglobal.net](mailto:ernie1014@sbcglobal.net)> wrote:

I am going to spend more time on this tomorrow. One thing that stands out to me has to do with my own background. As a trained organizer I see an opportunity here. Every single tenant living in these units should be organized and educated and then, if needed, mobilized for action.

(OVER)



#13

Brian C. P. Adkins  
Chris P. Alexander  
K. Scott Andrews  
A. Gary Arakelian  
Helaine S. Ashton  
Shawn K. Bankson  
Taylor S. Baumann  
Lori D. Bolander  
Eric M. Bray  
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Susan E. Greek  
Ninder K. Grewal  
Matthew J. Hogan  
Shanly R. Hopkins  
Paul H. James  
Adrienne R. Kelly  
Kareem M. Khalidy  
Roy S. Kim  
Ted Kimball  
Danielle T. Kussler  
Susan E. Lamson  
Rebecca L. Lang  
Susan J. Lein  
Laurie Li  
Efren A. Limbag  
Gregory S. Loos

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May 4, 2018

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Kristin D. Molloy  
D. Patrick O'Laughlin  
Abel Ortiz  
Christopher S. Pirrone  
Christine M. Relph  
Kurt Ribbjerg  
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Adam M. Schneider  
Kenneth D. Schnur  
Charles Scott

Daniel R. Segnit  
Damien J. Snow  
Valerie A. Sparks  
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Jamie J. Sternberg  
Wendy St. John  
Sage S. Stone  
Robert C. Thorn  
Patricia H. Tirey  
Tiffany D. Truong  
Salvinaz Turadshikyan  
Gary D. Urie  
Dana R. Wares  
Jessica S. Weisman  
David C. Williamson  
Robert H. Winter, Jr.  
Serena A. Yun

**Shawn K. Bankson, Partner**  
Email: [shawn.bankson@kts-law.com](mailto:shawn.bankson@kts-law.com)

**Boris Pesin**  
3356 Barnard Way #315  
Santa Monica CA 90405

**Re: Transfer Request  
Tenant Misconduct**

Dear Mr. Pesin:

As you are aware, this firm represents the owner and management of Barnard Park Villas. Our clients have asked us to contact you again regarding your tenancy. Our clients' recent records indicate the following, which they have investigated and believe to be true.

- On April 23, 2018, you entered the property management office and asked the property's temporary property manager Jacqueline Aguirre to step outside with you. Ms. Aguirre was onsite covering management operations for the week due to property manager Natalya Kokoteeva's vacation. You then pointed at Ms. Aguirre to stand in a specific location outside, pointed at the management office desk, and said, "Stand here, I don't know if Adam [referring to John Stewart Senior Regional Manager Adam Cutler] put something so he can listen to us." You then shouted at Ms. Aguirre that The John Stewart Company was "no more", that you had reached out to various congresspersons and was actively looking for a property management company to replace The John Stewart Company at Barnard Park Villas. You then offered to have the temporary manager installed as the property's full time manager and to have Ms. Kokoteeva fired. Ms. Aguirre told you that she was perfectly happy in her position and was just onsite for the week due to Ms. Kokoteeva's planned vacation. In response, you said, "She [referring to Ms. Kokoteeva] has been here for 6 months why does she need a vacation? It's a Russian thing where they first say they are going on vacation by really they are getting fired or transferred." Ms. Kokoteeva is of Russian descent.

You also claimed there was unspecified fraud going on at the property, and asked where the property's profits go every year. You demanded that "everything" be investigated at the property, that John Stewart Company Vice President Lori Horn is "nothing" to you, accused Ms. Horn of breaking unspecified promises to you. You then claimed that you engaged in various efforts to save a former property manager's job at the property, accused Ms. Kokoteeva of not timely responding to your work order requests, that Ms. Kokoteeva does not respond to your noise complaints, accused Ms. Kokoteeva of taking

1-13  
#1372

money from unspecified sources, and that Ms. Kokoteeva and Mr. Cutler should be investigated and jailed for fraud.

- On April 24, 2018, you stormed into the property management office and demanded that Ms. Aguirre provide you a letter which indicated you were first in line to transfer to an accessible unit. As the property manager attempted to answer you, you indicated that John Stewart Company Vice President Lori Horn told you that you were first in line, that you were preparing to somehow sue our clients, and needed a letter. The property manager asked you to contact Mr. Cutler regarding your concerns, to which you accused Mr. Cutler of committing unspecified fraud, and inquired about other possible reasonable accommodations and/or modifications from other residents.

As to your request to transfer to an available accessible unit, our clients continue to maintain that this request is reasonable and will grant it, subject to unit availability. This position has been confirmed to you repeatedly and in writing from my partner, Lynn Dover. Our clients indicate that you are currently first on the waitlist for transfer to an accessible unit. Our clients also wish to note that they have previously offered you transfer to available accessible units since approving your request in August of 2017, but that you have turned down transfer. Nonetheless, our clients have preserved your position atop the waitlist for transfer to accessible units on site and they will notify you directly if and when such units become available.

To the extent you have requested a letter which confirms your transfer waitlist position, please consider this letter as sufficient for that purpose.

Our clients remain willing to engage you in an interactive dialogue to find reasonable alternatives which meet your disability-related needs.

As to your ongoing harassment of onsite management staff, I have attached to this letter a courtesy copy of a letter Ms. Dover sent you on October 31, 2017. Our clients' position is that your recent misconduct and unsubstantiated claims about their onsite operations, as well as discriminatory statements you made regarding Ms. Kokoteeva's national origin, violate the exact same House Rules provisions outlined in Ms. Dover's October 31, 2017. Our clients thus reiterate their demand that you immediately and permanently cease any further conduct which violates your lease or the property's house rules. This includes, but is not limited to, discriminatory statements about any employee's national origin, citizenship, or any other protected class recognized under federal, state, and/or local laws, as well as false and/or unsubstantiated allegations of criminal activity involving any of our clients' employees. Further misconduct of this sort will jeopardize your tenancy.

#13 P.3

Please direct any further reply to me in writing only.

Very Truly Yours,

KIMBALL, TIREY & ST. JOHN LLP



Shawn K. Bankson  
Partner

SKB/

CC: Clients

Attachment (1): October 31, 2017 Letter

May 17th, 2018

Dear Ms. Bankson,

As always, I will be brief and to the point.

First let me say, here we go again!

Your clients have as usual mischaracterized the facts and thus, are wholly and fully factually inaccurate in the things that they have alleged against me. Please see our letter to your colleague Ms. Dover dated November 15th, 2017 where I opened my response with much the same claim as I offer here.

Thank you for sending your letter as, I believe it demonstrates a pattern of conduct by your firm and the clients it represents, when it come to harassing me for merely speaking up for the rights of the tenants here at 3356 Barnard Way.

As you can see, I, along with the Tenants Association, have long been calling for an investigation and audit of the John Stewart Company and you and your colleague, Ms. Dover, have long been harassing me for this most reasonable request, as it involves a lot of taxpayer's money.

My question at this point is: why do you keep harassing me for this reasonable request?

If your clients are above board and have nothing to hide, they should welcome such an audit to put all such concerns of mismanagement and/or fraud to rest.

Further, there is and continues to be a problem with our on-site Manager, who fails at responding to emergency situations and thus endangers our building. Again see attached letter.

Once again, I find it amazing that you and your colleagues are so devoid or ill informed when it comes to your lack of knowledge concerning HUD rules and regulations. To begin with please see our second attached letter in response to Ms. Dover's November 29th, 2017, where we cite the HUD regulations regarding tenant's associations, etc, in the hope of educating Ms. Dover, so that she would cease and desist from sending us such letters of harassment, which we believe constitutes illegally meddling in the affairs of the Tenant's Association here at the Barnard Park Villas.

We now, put you on such notice and point to HUD regulation 4381.5 REV 2 which states:

Repetitive complaints regarding harassment of residents or resident organizations who attempt to exercise their rights should be viewed as an indicator that the project may be in trouble.

We believe that this project/building is in trouble and as an advocate on behalf of the Tenants Association I will always speak up in a respectful, but emphatic way, no matter how John Stewart's employees or your colleagues may misrepresent or mischaracterize my advocacy.

Best,

Boris Pesin  
Acting President of  
The Barnard Park Tenants Association

To Whom It May Concern,

My name is Zed LaSaulle & I live at 3356 Barnard Way. For the past three to four years, the man who's name is on the lease living directly above me, has been subletting his apartment to a succession of tenants while he lives somewhere else.

I have seen multiple people go in & out of his apartment with a key, including his son & his girlfriend, who lived here for months at a time, & would walk down the hallway with no concern as to who saw him. The other people subletting, always walked all the way down the third floor hallway to the eastern end & exited down the stairs, not to be seen by management.

The walls here are very thin, so one can hear telephones ringing, TV's, etc., so the management in the past has asked everyone to be respectful of their neighbor late at night & early in the morning. Since the people subletting weren't here for that meeting, obviously, they aren't aware of the thin walls, so they make a lot of noise at all hours in the AM & wake me up on a constant basis.

I end up throwing my metal water bottle at the ceiling to get their attention, that they are disturbing me. I am so upset by then that sleep is impossible at that point. I'm handicapped, & not only do I deserve my sleep, I need it, as stressful situations exacerbate my disability.

It's not only that total strangers are living here/there, they are making my life miserable. I have on multiple occasions alerted management & H.U.D., that this is transpiring, to no avail. They don't seem to care & from hearing from others living here, & paying attention to the coming & going of people here, this is not an isolated case I'm dealing with above me.

This appears to be happening in multiple apartments, especially during the summer, but in my case, year round. At one point he illegally installed a bidet. The pipes broke one night in the AM. & water poured down through my light fixture in my bathroom & seeped over into my closet, ruining many things, & then down into the managers office as well. My apartment was torn up for weeks doing repairs from water damage.

I am so frustrated from being awoken, but mostly that no one cares!

+15  
#1572

The people that are subletting their apartments, are obviously living somewhere else,so they have an apartment here,taking it away from someone that could really use it,plus they are letting perfect strangers live here & getting an income from it, somehow i'm, Pretty sure, that's against the law !

This is all just,WRONG!!

Most of the people that live here,live here,this is their one & only residence,but subletting is happening & someone needs to address it,just on a moral level if for no other reason,because as I stated before,there are some real deserving folks that could use an apartment.

Please help me & the deserving folks waiting to get an apartment here,not to mention getting rid of the people breaking the law by subletting the apartment that their name is on the lease.

Thank You for your help,  
Zed LaSaulle  
Apt. # 203



TO HUD

FROM  
THOMAS McLEAN  
3356 BARNARD Way APT 302  
SANTA MONICA CA 90405

#16

Sir ON FRIDAY 13/2018 I WAS OUT BACK OF THE  
LAUNDRY ROOM ATTEMPTING TO USE HOSE TO WASH MY  
BIKE WHEN THE MANAGER CAME AND CONFRONTED ME  
THAT I WASNT ALLOWED TO DO SO I SAID I HAVE DONE  
THE SAME THING FOR OVER TEN YEARS HER RESPONSE  
WAS NOT ANY MORE WITH NO EXPLANATION.

AFTER ASKING A FEW QUESTIONS SHE BECAME,  
AGGRESSIVE AND THREATENED POLICE INTERVENTION

I LEFT IT AT THAT FOR THE TIME 7 HOURS LATER

2 POLICE OFFICERS INTERRUPTED MY DINNER WITH  
FRIENDS TO EMBARRASS ME WITH ALLEGATIONS

OF ABUSE. ALL THAT WENT ON WAS AN

DISAGREEMENT OF PRACTICAL USE OF PROPERTY

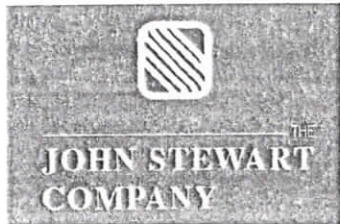
WHICH TILL NOW WAS NORMAL.

SIGN

Thomas McLean

DATE 14/7/2018

# 17



NOTICE TO PERFORM COVENANT OR QUIT

TO: Lyudmila Gandlin  
3356 Barnard Way, Unit 209  
Santa Monica, CA 90405

AND ALL OTHERS IN POSSESSION:

NOTICE IS HEREBY GIVEN that within three (3) days after the service upon you of this notice, you are hereby required to comply with the below described covenant or quit and deliver up possession of the subject premises to the undersigned or to Barnard Park Villas, who/which is authorized to receive the same, or the undersigned will institute proceedings against you to recover possession of said premises, to recover court costs, attorney's fees as permitted by law, and you may be liable for additional statutory damages of up to SIX HUNDRED DOLLARS (\$600.00) in accordance with California Code of Civil Procedure Section 1174(b), as a result of your failure to comply with the terms of this notice UNLESS YOU PERFORM SAID COVENANT WITHIN THREE (3) DAYS.

You are being served with this Notice by reason of the fact that you have breached a covenant contained in your Lease or Rental Agreement, in that you have, contrary to said Lease or Rental Agreement, done or omitted to do the following: On May 16, 2018 your guests/vendors were seen working on the roof do the property without the prior written consent of the owner/agent. Maintenance technician, Miguel Lopez, asked your visitors to not climb on the roof without owner/agent consent and directed them to the manager. Your visitor ignored the maintenance technician request and continued doing their business. Santa Monica Police were called.

You have violated this provision as follows:

Lease agreement

10. Maintenance:

b. The Resident agrees to:

(6) comply with all obligations upon Resident by applicable provisions of building and housing codes materially affecting health and safety;

12. Restrictions on Alterations:

c. engage in or permit unlaful activities in the unit, in the common areas or on the project grounds;

House rules:

1.2. Guests/Visitors - Residents shall be held responsible for the conduct and actions of their guests or visitors while guests or visitors are on the Property. In addition to any other actions that Management might take, Residents will be charged for any damage or waste that results directly from the actions of their guests or visitors;

1.11. Outdoor Areas - Outdoor activities which may pose a risk to the health and safety of the person engaging in the activity, or to any other person, or which may cause damage to Property, are prohibited in any area not specifically designated by Management for such activities.

2.8. Personal Telephone and Cable Utilities – Residents are independently responsible for contacting the telephone or cable company and installing phone and cable service. Wires may not be installed in common areas or on the outside of buildings without written permission from Management.





#177

NOTICE TO PERFORM COVENANT OR QUIT

TO: Olga C Cuneo  
3356 Barnard Way, Unit 204  
Santa Monica, CA 90405

AND ALL OTHERS IN POSSESSION:

NOTICE IS HEREBY GIVEN that within **three (3) days** after the service upon you of this notice, you are hereby required to comply with the below described covenant or quit and deliver up possession of the subject premises to the undersigned or to BARNARD PARK VILLAS, who/which is authorized to receive the same, or the undersigned will institute proceedings against you to recover possession of said premises, to recover court costs, attorney's fees as permitted by law, and you may be liable for additional statutory damages of up to SIX HUNDRED DOLLARS (\$600.00) in accordance with California Code of Civil Procedure Section 1174(b), as a result of your failure to comply with the terms of this notice UNLESS YOU PERFORM SAID COVENANT WITHIN THREE (3) DAYS.

X You are being served with this Notice by reason of the fact that you have breached a covenant contained in your Lease or Rental Agreement, in that you have, contrary to said Lease or Rental Agreement, done or omitted to do the following: On Wednesday, May 9<sup>th</sup>, 2018 your guest knocked on the door of unit 302 and accused the resident of making noise and threatening to call the police.

You have violated this provision as follows: House Rules Attachment # 3:

3. CONDUCT: All activities and conduct of residents and their families and guests in and around the premises and common areas must be reasonable and not interfere with the peace, comfort and quiet enjoyment of other residents in the complex and the surrounding neighborhood as well.

4. Residents and their families and guests will respect the peace, comfort and quiet enjoyment of other residents in the complex and the surrounding neighborhood as well.

X YOU MUST COMPLY WITH THE ABOVE COVENANT WITHIN THE NEXT THREE (3) DAYS BY: If you are having issues with your neighbor, please report the issue to management.

The premises herein referred to is situated in the City of Santa Monica, County of Los Angeles, State of California, designated by the number and street as 3356 Barnard Way.

You are further notified that if you fail to perform or otherwise comply, Owner/Agent does hereby elect to declare the forfeiture of your Rental Agreement under which you hold possession of the above-described premises.

Telephone number for the above-address: 310.399-7023

Dated: May 15, 2018

By:   
Agent for Owner/Landlord

**From:** Shawn Casey O'Brien [<mailto:irishsob@gmail.com>] **Sent:** Wednesday, October 23, 2019 7:52 PM **To:** Schulze, Tanya <[Tschulze@hudoig.gov](mailto:Tschulze@hudoig.gov)> **Subject:** Sorry about sending you something you couldn't open - Try this. If you have any more problems, call me 310.365-1983  
Thanks!

2

**CONFIDENTIALNOTE:** The information below was sent on a HOTLINE REPORT FORM over a year ago and we have heard nothing, so we now forward it to you. Please acknowledge receipt.

**Provide all known details about the Fraud, Waste, or Abuse:**

Our management company, John Stewart Management Company (JSMC) and our on-site Manager Natalya Kokoteeva have let our project based Section 8 building here in Santa Monica go into disrepair.

To begin with, the wood in some tenant's kitchen has been infested with termites, to the point where the kitchen cabinet doors and bottoms are in shambles and have literally fallen down.

More disturbing is the fact that the metal guardrails on the 2nd, 3rd and 4th floor patios are so loose, due to termites, that any amount of pressure can cause them to break apart or fall down.

The elevators are in real disrepair, they jump when the doors open and due to the bad lighting and missing covers are very dangerous for our senior and disabled tenants. There has been dog feces left in the elevator and it was cleaned up by a tenant because the on-site manager refused to have it cleaned up after it was reported to her.

When the management company put in new flooring, they neglect to place proper padding underneath that flooring — so that the everyday noises of our neighbors cause great disturbances to the people living underneath them. Just putting flooring down created more problems than it cured, and may be a violation of HUD and Santa Monica rules and building codes.

When two of the tenants properly filled work orders to solve these problems, they were given eviction notices. The On-site Manager has taken to calling the tenants “the enemy” and intimidate them to the point of tears.

As for financial fraud or mismanagement, JSMC employees always complain about not having enough money half way through the year and, consequently, repairs stop, as well as simple things like ‘Muffin Mondays’ and holiday parties.

This puzzles the tenants, as our former on-site manager, Ms. Daniels never ran out of money for building repairs and threw, as well, wonderful holiday parties. This alleged lack of sufficient funds is one of the reasons that we believe a financial audit is in order to find out: where is the money? Money that comes from American taxpayers.

We have met with local HUD and Cal HFA officials and have raised these concerns with them, as well as asked for an investigation of the JSMC - all to no avail. We have sent letters and emails about a promised follow up of these meetings, but have received no answers to any of our queries.

Our Tenants Association contacted Cal HFA’s Sacramento office and requested a few years of their MOR reports which clearly state on their cover sheet that as far as Financial Management of our building goes, it was NOT RATED. This lack of financial oversight is disturbing in the least and cries out for a complete and thorough financial audit of the JSMC.

**When did this occur?**

These problems and concerns have been going on for approximately 10 years. And is, in our estimation, a violation of HUD regulations 4381.5 REV-2 which mandate a good working and collaborative relationship between tenants and management. Over the last 10 years JSMC and their on-site managers have been hostile to our Tenants Associations as well as individual tenants.

In the Tenant’s Association first meeting with JSMC VP Lorry Horn in 2009, the very first words out of her mouth were “We don’t recognize you.” That attitude has prevailed over the last 10 years. Finally, the On-site manager maintains she only works 9 to 5 and is never available after 5 pm or weekends — even in emergency situations.

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#18 F  
P.3

**Where did this occur?**

These problems and concerns are, we believe, taking place at 3356 Barnard Way, Santa Monica, CA 90405, as well as the local JSMC in Los Angeles. Their address is: 888 S. Figueroa, Suite 400, Los Angeles, CA 90017.

**WHO ARE YOU REPORTING?**

The people we believe involved directly in all these problems are:

- 1. Lorrie Horn - VP of JSMC
- 2. Adam Cutler - Building Supervisor
- 3. Natalya Kokoteeva - On-Site Manager

For address' — see above. The JSMC's email address is: [jscola@jsco.net](mailto:jscola@jsco.net)

**ADD SECOND SUBJECT?**

In closing we respectfully request a meeting with the HUD Inspector General of Los Angeles as we have lots of physical and documentary evidence we wish to share with the IG and/or his staff.

Boris Pesin  
 O'Brien  
 Acting President  
 The Barnard Park Tenants Association  
 Association  
 323.304-6766 (c)  
 (c)

Shawn Casey  
 Member  
 The Barnard Park Tenants  
 310.365-1983

## "Liberal" City of Santa Monica Disenfranchises Section 8 Tenants



City and its Housing Authority have been depriving subsidized housing tenants of federally mandated representation on Resident Advisory Board and Housing Authority Board

[f Share](#) [Tweet](#) [P](#) [+](#) [0 Comments](#)

October 12, 2020



Lane Dilg was recently described by City staff as Acting Executive Director of SMHA before staff stated that the position of Executive Director of SMHA does not exist and has never been budgeted. Ms. Dilg is the Interim City Manager. Six months ago she served as City Attorney.

Throughout Santa Monica, about 1,488 residents currently live in subsidized housing known as Section 8, a federal program administered by the Santa Monica Housing Authority (SMHA). These are the extremely low income Santa Monicans – families, seniors, and

~~##~~  
#1972

individuals living with disabilities. One would think that a city which represents itself as a liberal stronghold fully invested in affordable housing would have concern for its most vulnerable residents and their rights. But this is not the case. The reality is that for at least the past thirteen years, the 1,488 clients of SMHA have been deprived by SMHA of their rights to participate in decisions affecting their housing. These rights are federally mandated and delineated in HUD regulations.

#### WHAT IS THE RESIDENT ADVISORY BOARD?

For at least the last thirteen years, likely since SMHA's inception, the agency has failed to notify its clients of the formation, or even the concept of a Resident Advisory Board (RAB), or that it is federally mandated. The RAB is a formal platform for subsidized housing tenants to provide valuable feedback about the different Housing Plans. The 5-Year and Annual Housing Plans spell out basic Housing Authority policies, programs, and services, mission, goals and objectives, and include a progress report on how the goals are being met. The Administrative Plan is the operations manual for the Housing Authority where its local rules are detailed. For example, the Section 8 wait list process and the client grievance process are included in it.

#### LACK OF TENANT REPRESENTATION ON THE HOUSING AUTHORITY BOARD

Similarly, for the past thirteen years, likely since SMHA's inception, the agency has failed to notify Section 8 tenants of the opportunity to serve on its governing body, the Housing Authority Board (in Santa Monica the City Council doubles as the Housing Authority Board). This effectively deprived Section 8 tenants of the federally mandated representation on the Board.

In comments to HUD's Final Rule on this matter published in the Federal Register on October 21, 1999, HUD states that its regulations have always encouraged active resident participation in Housing Authorities, including involvement in management and operation and resident membership on Housing Authority governing boards. HUD goes on to say that Congress viewed the resident board member

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#1973

requirement as necessary to promote a better understanding of resident concerns and to foster better relations and communication between residents and the Housing Authorities.

### IS SMHA AN ANTI-DEMOCRATIC AUTHORITARIAN AGENCY?

When Santa Monica advocates started calling for the formation of the mandatory RAB in November 2019, they were shut out by the then Housing Manager of SMHA Barbara Collins, who falsely claimed that it was not mandatory for SMHA to establish a RAB. Similarly, the then City Attorney Lane Dilg failed to protect the legal rights of Section 8 tenants. Ms. Dilg allowed the Housing Authority Board to approve the Housing Administrative Plan in December 2019. This was despite public comments that the Plan had not gone through the federally mandated RAB process and that the RAB did not even exist. Only after Representative Ted Lieu's office filed a congressional inquiry with HUD regarding the matter, did Ms. Collins feel compelled to throw together a RAB. Ms. Collins resorted to quickie backdoor appointments of seven tenants, two of whom are already serving on the city's Housing Commission. This raises the question whether the RAB adequately represents Section 8 households. The rest of the 1,488 program participants were never notified of the formation of the RAB or the opportunity to participate on it.

### MORE SECRETS?

The one and only meeting of this questionable RAB took place in April 2020. The meeting was not public and other than the seven RAB members, the 1,488 Section 8 tenants were not notified of it. The meeting reportedly consisted mostly of member introductions instead of a material discussion of the Housing Plans. Perhaps it is because the Housing Authority did not ensure that this questionable RAB was provided adequate meeting notice to examine the voluminous documents that comprise the 5-Year and Annual Housing Plans plus attachments. One member of the questionable RAB reported that prior to the RAB meeting, the Housing Authority refused to provide them with an agenda for the meeting or answer the simple question who else is participating on the RAB. Why this secrecy?

### THE FIGHT CONTINUES

Recently a request has been submitted to HUD to intervene. On October 13, 2020 SMHA will attempt yet again to push the unlawfully created Housing Plans through the city's approval process. The Housing Authority Board is poised to approve the Plans, even though it lacks the mandatory tenant representation. A separate request has been submitted to Interim City Attorney George Cardona. It calls on Mr. Cardona's office to perform due diligence and consult with the legal department of HUD prior to October 13.

Santa Monica Section 8 tenants can file a petition with HUD to reject the Plans until there has been a proper RAB process, and until there is mandatory tenant representation on the Housing Authority Board.

WHO IS IN CHARGE?

Housing Manager of SMHA Barbara Collins retired from her position in May 2020 after approximately thirteen years of service. The current Acting Executive Director of SMHA\* is Lane Dilg, who concurrently serves as Interim City Manager. Six months ago Ms. Dilg held the position of Santa Monica's City Attorney. Will Ms. Dilg ensure that access to participatory democracy in Santa Monica is available to all residents regardless of their income?

*We welcome readers' comments.*

\* UPDATE

A city staff member originally stated to the author in writing that Ms. Dilg was the Executive Director of the Housing Authority (9/16/20). Another staff member stated in writing that Ms. Dilg was the Acting Director of the Housing Authority (9/28/20). Finally city staff stated in writing that Ms. Dilg was not the Acting Executive Director of the Housing Authority, the position of Executive Director of the Housing Authority did not exist, and it had never been a budgeted position (10/12/20). According to HUD's web page containing Executive Compensation Data Self-Reported by Housing Authorities, the Executive Director of the Santa Monica Housing Authority earned a total compensation of \$372,786 in 2018.

YOU MIGHT BE INTERESTED IN:



MAY/2021 #20

Dear Secretary Fudge,

First let us congratulate you on your new position as the head of HUD, and knowing of your long commitment to senior and disabled citizen's voting and housing rights, we believe the Biden Administration has made a wise choice in picking you to run this important department.

Setting aside our euphoria for the moment, however, we here at 3356 Barnard Way in Santa Monica, CA are writing to express our concerns here at our project based Section 8 building, including, but not limited to:

- 1) The general disrepair the building has fallen into.
- 2) The sorry state of affairs between the Barnard Park Tenants Association (BPTA) and our on-site manager and the building's management company, namely, the John Stewart Management Company (JSMC), whose VP told us at our first meeting years ago "We don't recognize you" and whose lawyer's repeatedly harass' us, even after we presented them with the black letter law and HUD regulations that ensure our right to organize a tenant association.
3. The on-site Manager's constant harassment of our neighbors by issuing Notices to Quit and calling the police for made up infractions, is very unsettling to many of our senior neighbors.
4. Our growing suspicion that taxpayers money is being misused and/or stolen as management repeatedly tells us halfway through the year, that they are out of money, to the point where they can't afford hotdogs for our annual 4th of July get together.

This stunned many of us, because our previous on-site manager never ran out of money for the maintenance of the building and threw wonderful holiday parties.

We have asked the HUD IG in Washington DC and Los Angeles to conduct a full and complete audit of the JSMC, all to no avail.

#ZDR2

5. The on-site manager's refusal to allow public inspection of the 'next in line' lists for moving in, transferring and parking to ensure they are being fairly administered.

6. This causes real concern as there appears to be illegal subletting going on, with apparently the help of local travel agencies.

We met with local HUD and CAHFA officials a few years ago, with promises by them, after looking at all our evidence we presented to them to investigate and follow up with us.

We never heard from them again, after numerous request to meet with us.

We understand that this was largely do to the Trump Administration's disregard for tenants rights and concern and why we are inspired by you and President Biden's efforts to clean up the Trump/Carson mess.

We have provided you with an Exhibits List to help you and your staff make it through the documents and letters produced over the years to protect our building,  
our neighbors and taxpayers funds.

Recently we read in the local press about how the Santa Monica Housing Authority has been violating over 1,400 HUD tenant's right to have Residency Advisory Boards. It has been rumored that the City's Mayor and a (former) SMHA official have set up a hand picked RAB with no real input from HUD tenants.

We have included the article as the last document in this package.

We could go on, but you get our concerns and we are only too happy to confer with your people as they investigate our very real concerns.

On behalf of the Barnard Park Tenants Association, Many Thanks!

Boris Pesin  
Acting President  
323.304-6766

**From:** Mathew Millen <[matmillen@msn.com](mailto:matmillen@msn.com)>

**Sent:** Thursday, September 15, 2022 1:10 PM

**To:** SmHousing Mailbox <[SmHousing.Mailbox@santamonica.gov](mailto:SmHousing.Mailbox@santamonica.gov)>

**Subject:** Item 1 Sept 15 meeting

EXTERNAL

I am submitting ALL 5 attachments FOR tonight's meeting  
mathew millen

## problems with Housing Element

Mathew Millen <matmillen@msn.com>

Mon 10/4/2021 2:09 PM

To: sue.himmelrich <sue.himmelrich@smgov.net>; oscar.delatorre@smgov.net <oscar.delatorre@smgov.net>; council@smgov.net <council@smgov.net>

Bcc: matmillen@msn.com <matmillen@msn.com>

### THIS IS WHAT ABUNDANT HOUSING LA HAS TO SAY ABOUT SANTA MONICA'S PROPOSED HOUSING ELEMENT

#### Fair Housing Act became the law of the land in 1968. Why do patterns of segregation persist to this day?

The 1960s were an era of great struggles but also remarkable progress on civil rights, culminating in the year 1968. On February 29th of that year, the National Advisory Commission on Civil Disorders, after studying widespread civil unrest found that, all too often, America consisted of two separate and unequal societies, one for whites and one for Blacks; and such a societal structure was cemented and maintained by where Blacks can and cannot live. In the wake of Reverend Dr. Martin Luther King Jr.'s assassination and nationwide protests, Congress passed the Fair Housing Act, which outlawed housing discrimination based on race, religion, national origin, sex, (and as amended) handicap and family status.

A brief period of reform followed. The new Department of Housing and Urban Development (HUD) and its secretary, George Romney, was tasked with "affirmatively furthering" fair housing (sound familiar?). The HUD sought to integrate well-resourced, whites-only suburbs and demanded that these areas allow more affordable housing – an effort known as "Open Communities". Unsurprisingly, the Open Communities initiative was met with fierce local resistance. Romney tried to enforce integration by withholding federal funding from non complying municipalities, but Nixon, afraid of losing suburban white votes, quickly intervened to halt all such efforts.

Had the federal government actually enforced fair housing laws five decades ago, today's America would be very different. Today, Californians have the opportunity to decide whether or not to enforce our own fair housing law. AB 686 (2018) requires all state and local public agencies to "facilitate deliberate action to explicitly address, combat, and relieve disparities resulting from past patterns of segregation to foster more inclusive communities". It is up to the Newsom administration and the Department of Housing and Community Development to enforce this law and demand cities create fair housing elements that encourage strong housing growth at all levels of income.


#### Tell HCD:

#### enforce housing element laws

Under California's Regional Housing Needs Assessment, cities must update the housing element in a way that encourages historically high housing growth, while

affirmatively furthering fair housing opportunities and undoing patterns of discrimination in housing. This offers a once-in-a-generation opportunity to address the need for more housing in a way that furthers equity, environmental sustainability, and economic recovery.

Unfortunately, many Southern California cities are submitting housing elements that don't meet the state's requirements, and are effectively treating fair housing law as optional. For example, Santa Monica has proposed a housing element that promotes almost all housing growth in formerly redlined areas. South Pasadena and Beverly Hills are proposing housing on sites where it's very unlikely to be built, such as city halls, vacant parcels of railroad track, and historic theaters. These cities are using bad-faith tactics to superficially comply with the law, while avoiding rezoning exclusive areas to allow more housing.



**Mathew L. Millen  
Attorney at Law  
10880 Wilshire Blvd. Suite 1050  
Los Angeles, CA 90024  
(310)470-8071**

July 12, 2021

California Dept of Housing and Community Development  
Housing Element Division

Sent via email to : [HousingElements@hcd.ca.gov](mailto:HousingElements@hcd.ca.gov).

**THESE COMMENTS ADDRESS THE PROPOSED  
HOUSING ELEMENT FROM THE  
CITY OF SANTA MONICA**

**“We know that it’s not by coincidence that poor people are relegated to the Pico neighborhood” de la Torre said. “We know that it was by design”<sup>1</sup>. Segregation is a root cause of the dilemma we face today” School Board Member Oscar De La Torre quoted in [www.Surfsantamonica.com](http://www.Surfsantamonica.com) December 2004**

**I represent a resident of Santa Monica, who is a native of Mexico. He is an honorably discharged, disabled veteran of the United States Army, and a naturalized United States Citizen. He wishes to remain anonymous due to fear of harassment by SMRR**

**THE CITY HOUSING ELEMENT VIOLATES AB686, Government Code 65583** Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

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<sup>1</sup> The “design” Mr. De La Torre is referring to is the saturation of the Pico Neighborhood with city developed low income housing projects after the restrictive covenants were declared unconstitutional by the US Sup. Court

Affirmatively Furthering Fair Housing

**8899.50. Government Code**

(a) For purposes of this section, the following terms have the following meanings:

(1) "Affirmatively furthering fair housing" means taking **meaningful actions**, in addition to combating discrimination, **that overcome patterns of segregation** and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, **replacing segregated living patterns with truly integrated and balanced living patterns**, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. *The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development.*<sup>2</sup>

**THE CITY PROPOSAL TO DEVELOP LOW INCOME HOUSING PROJECTS WITHIN A ½ MILE RADIUS OF THE 17<sup>TH</sup> St. METRO STOP VIOLATES THE AFFIRMATIVELY FURTHERING FAIR HOUSING REQUIREMENTS. THIS PROVISION SHOULD BE DELETED**

**ALSO THE BERGAMOT AREA IS WITHIN THE HISTORICALLY SEGREGATED PICO NEIGHBORHOOD AND SHOULD NOT HAVE NEW LOW INCOME HOUSING**

**THERE EXISTS MORE DEED RESTRICTED LOW INCOME HOUSING UNITS IN THIS ½ MILE SECTION OF THE CITY, THE HISTORICALLY SEGREGATED PICO NEIGHBORHOOD, THAN IN THE WHITE AREA OF THE CITY BETWEEN**

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<sup>2</sup> See also Government Code Section 65583 10(A)

WILSHIRE AND SAN VICENTE BLVD- See attached list of housing projects.

## **THE CITY OF SANTA MONICA HAS BEEN ENGAGED IN A “GEORGE WALLACE” POLICY OF HOUSING SEGREGATION**

### **Santa Monica’s History of Segregation**

During the 1920’s to the late 1940’s the house lots North of Santa Monica Blvd and South of Pico Blvd had “restrictive covenants” that prohibited Blacks, Latinos and Asians from living in those neighborhoods. The minorities were restricted to living in what is called The Pico Neighborhood.<sup>3</sup> The US Supreme Court declared the restrictive covenants unconstitutional.<sup>4</sup> However, according to a 1988 SMMUSD study more than 30 years after *Brown v The Bd of Education of Topeka Kansas* the schools serving the Pico Neighborhood were segregated. The study noted “**Historic housing patterns**”<sup>5</sup> probably preclude any immediate solutions for desegregating the District.” Over 50 years after *Brown v. The Board of Education of Topeka Kansas* ruled segregated schools unconstitutional the children residing in the Pico Neighborhood still attend segregated elementary and middle schools due to City site selection of low income housing projects.

The City of Santa Monica intentionally segregates the minority residents primarily in the historically segregated neighborhood with segregated schools via their site selection of low income housing development concentrated in the historically segregated Pico Neighborhood (zip code 90404).

## **THE CITY OF SANTA MONICA ADOPTED A “GEORGE WALLACE” POLICY OF HOUSING SEGREGATION THROUGH THE SITE SELCTION PROCESS WHEN DEVELOPING LOW INCOME HOUSING PROJECTS**

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<sup>3</sup> East of Lincoln Blvd between Pico on the South and Santa Monica Blvd on the North.

<sup>4</sup> *Shelley v. Kraemer*, 334 U.S. 1 (1948), is a landmark United States Supreme Court case that struck down racially restrictive housing covenants.

<sup>5</sup> The “historic housing patterns” refers to the segregated housing as a consequence of the “restrictive covenants” South of Pico Blvd and North of Santa Monica Blvd. that limited residence in those neighborhoods to “whites only”, the minorities were allowed to reside in the Pico Neighborhood.



Specifically the City of SM has a history of restricting funding for low income housing projects in the minority Pico Neighborhood. This was accomplished through development agreements with commercial developers<sup>6</sup> that required the development of low income housing in the minority Pico Neighborhood, rather than in the white areas of town.

The City also created the Pico Neighborhood Housing Trust Fund. [PNHTF] The terms of the fund limited the development of low income housing with money from the fund geographically to the Pico Neighborhood. The City Council members, none of whom lived in the Pico Neighborhood then through the budget process allocated money to the PNHTF. This of course prevented the development of low income housing in their white neighborhoods. Trust funds were not established to develop low income housing in the white neighborhoods.

It should be noted over \$400,000,000.00 in City funds has been given to Community Corp. of Santa Monica (CCSM) to develop low income housing. The longest serving member of the City Council, Ken Genser<sup>7</sup> lived on San Vicente Blvd. The longest serving member of CCSM's board of directors lived on San Vicente Blvd. Powerful council members and SMRR members live No. of Wilshire. The neighborhood with the least number of city developed multifamily low income units is their neighborhood, from Wilshire to San Vicente Blvd.

**The neighborhood with the greatest number of multifamily low income units is the historically segregated Pico Neighborhood.**

In *Pico Neighborhood Assn. v City of LA*, Case no BC 616804 a civil rights voting lawsuit by Pico Neighborhood residents, the plaintiffs discovered a tape of [former] Councilmember Zane, at a City Council hearing where he stated that **“the Pico Neighborhood has a DISPROPORTIONATE share of affordable housing.”** The council voted against district elections. The City continued *dumping* [the “term” used by the Judge] low income housing in the historically segregated Pico Neighborhood to perpetuate the segregation of minorities, and deny them an opportunity to live in the North of Wilshire/San Vicente neighborhood with the now unenforceable restrictive covenants.

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<sup>6</sup> The developers of Colorado Place were required to develop low income housing in the Pico Neighborhood.

<sup>7</sup> May he rest in peace

The report from the SMMUSD from July 1988 stated “Historic Housing Patterns probably preclude any immediate solutions for desegregating the District.” More than 32 years later due to SMRR council members dumping a disproportionate number of low income housing units in the Pico Neighborhood the schools are still segregated.<sup>8</sup>

### **The City must now comply with the recent Supreme Court Case and AB686 AFFIRMATIVELY FURTHERING FAIR HOUSING**

On June 25, 2015, in *Texas Dep't of Housing and Community Affairs v. Inclusive Communities Project*, the *U.S. Supreme Court* held that a plaintiff may establish a *prima facie* case for discrimination under the *Fair Housing Act* (FHA) on the basis of statistical evidence that a governmental policy causes a disparate impact, without proof that the discrimination was intentional. The case, involved the allocation of low-income housing tax credits. But Justice Kennedy's opinion for the 5-4 majority (Chief Justice Roberts and Justices Scalia, Thomas and Alito dissented), made it clear that the Court's analysis extended to any claim under FHA, including claims based on local land use regulation. In fact, Justice Kennedy pointed directly at “zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification,” commenting that suits “targeting such practices reside at the heartland of disparate-impact liability.”

#### **The Court's Analysis**

The effect of this is that bringing an FHA claim reverses the usual burden of proof in challenging the substance of a land use regulation. The FHA makes it unlawful to “make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.” 42 U.S.C. § 3604(a). Basically, applying the employment discrimination analogy, if the plaintiff adequately pleads statistical evidence that a local government policy has caused a disparity in housing patterns along lines protected by the statute, the burden shifts to the defendant to justify the regulation.

In the context of land use regulation, this analysis reverses the burden of proof in challenging the substance of a land use regulation. In a traditional substantive due process challenge, there is a heavy burden on the plaintiff to overcome the presumption of constitutionality and establish that the regulation is irrational. Now, in an FHA case, where the plaintiff can establish that there is disparate impact, the local government has to prove that the regulation is rational.

*Of course in Santa Monica limiting the funding for low income housing projects ONLY in the Pico Neighborhood establishes the action by the City was intentional. Based on Gautreaux v. Chicago Housing Authority, 304 F. Supp. 736 (N.D. Ill 1969) enforcing 296 F. Supp. 907 (N.D. Ill. 1969) and Gautreaux v. Landrileu, 523 F. Sup. 665, 674, (N.D.Ill. 1981); 425 U.S. 284; Otero v. NY*

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<sup>8</sup> Over the past 18 months the City has funded the development of over 250 units of low income housing in the historically segregated Pico Neighborhood, in clear violation of State and Federal Fair Housing laws. See citations herein.

*Housing Authority*, 484 F.2d. 1122 (2<sup>nd</sup> Cir. 1973), *United States v. Yonkers Board of Education*, 624 F.Supp. 1276 (S.D.N.Y.1985). *NAACP v. HUD*, 801 F.2d 593(1<sup>st</sup> Cir. 1986) , 817 F.2d 149 (1<sup>st</sup> Cir. 1987), *Thompson v. HUD* 348 F. Supp. 2d 398 (Md. 2005), 42 U.S.C. Section 3608(e)(5) and 24 C.F.R. 1.4(b)(1)(iii)(&(iv) and of course *Brown v The Board of Education of Topeka Kansas* the City housing policy violates Fair Housing laws.

In the *Yonkers* court case the Court held, “While placing low cost housing in low income neighborhoods might have made perfect sense to an earlier generation of public housing officials, **[Judge] Sand found it unjustifiable.**”

Therefore in order to properly implement AB686 the HOUSING ELEMENT SHOULD IMPOSE A MORATORIUM ON THE DEVELOPMENT OF LOW INCOME HOUSING IN THE HISTORICALLY SEGREGATED PICO NEIGHBORHOOD (90404) AND LIMIT THE DEVELOPMENT OF LOW INCOME HOUSING IN THE NEIGHBORHOOD BETWEEN WILSHIRE BLVD AND SAN VICENTE BLVD. The City must also rezone the commercial strip of Montana Ave. to allow 3 floors of low income housing above commercial, the same zoning as the Pico Neighborhood.

To Affirmatively Further Fair Housing *my client is seeking* :

- 1) a moratorium on new low income housing projects in the Pico Neighborhood ( 90404 including no low income housing in the Bergamot area)
- 2) a city commitment to develop 3000 units of low income housing between Wilshire Blvd and San Vicente Blvd.
- 3) the zoning on the commercial strip of Montana Ave. be changed so it is the same as the zoning on Pico Blvd. Broadway, 14<sup>th</sup> St. etc. This will allow residential over commercial on Montana Ave.
- 4) TRANSPARENCY:amend the provisions of the Housing Trust Fund program to REQUIRE ALL CITY FUNDED LOW INCOME HOUSING PROJECTS BE SUBJECT TO A PUBLIC HEARING AND A VOTE OF THE CITY COUNCIL TO APPROVE THE FUNDING.<sup>9</sup>

---

<sup>9</sup> If the Chief of Police cannot buy a patrol car for our police officers without a vote of the Council why should a city bureaucrat be able to give away \$15,000,000 to a developer with NO public hearing or city council approval?

Sincerely,

A handwritten signature in black ink, appearing to read "Mathew L. Millen", with a long horizontal flourish extending to the right.

Mathew L. Millen

Attachments included with this letter

# Affordable housing in Santa Monica, by zip code

From: [REDACTED]  
Sent: Wed 10/18/06 6:43 PM  
To: Matmillen@msn.com  
Cc: [REDACTED]

Affordable Housing in Santa Monica (partial listing)  
October 7, 2006

*lots more  
in past  
15 years*

**LA Community Development Commission** -- Manages low-income family housing --  
[http://www.lacdc.org/housing/apply\\_public/apply\\_shtm](http://www.lacdc.org/housing/apply_public/apply_shtm)

- 1855 9th St., 90404
- 1450 14th St., 90404
- 1901-1909 11th St., 90404
- 2006 20th St., 90404
- 175 Ocean Park Blvd., 90405 (family & senior housing)

### Privately-owned affordable housing for seniors:

- Barnard Park Villas -- 300 block Barnard Way, 90405
- Fourth Street Senior Citizen Housing -- 1100 block 4th St., 90403
- Geneva Plaza -- 1400 block 21st St., 90404
- Lincoln Court -- 2800 block Lincoln Blvd., 90405
- Neilson Villas -- 3100 block Neilson Way, 90405
- Santa Monica Towers -- 1200 block 12th St., 90401
- Upward Bound Senior Villas -- 1000 block 11th St., 90403
- Westminster Towers -- 1100 block 7th St., 90403
- Wilshire House -- 1100 block 3rd St., 90401

**Community Corporation of Santa Monica (CCSM)** at 1423 Second St. #B, 90401--  
Founded in 1982, CCSM is a private non-profit organization which develops and manages affordable housing to benefit very low to moderate income people in Santa Monica. Part of its funding comes from the city's Housing Trust Funds.

The city's **Housing Trust Funds** have several sources, none of which are "general funds." These funds can legally only be used for affordable housing: developer fees ("in lieu" fees and office mitigation fees), condominium conversion taxes, redevelopment tax increment, and federal block grant programs (Community Development Block Grants and HOME Investment Partnerships). For fiscal year 2004-05, a total of \$3,834,335 was available to the city from CBDG and HOME. <http://www.santa-monica.org/hsd/services/1other.htm>

The city's Housing Division requires a "local preference" in projects funded by the city, so that Santa Monica residents/workers have priority for any units. Despite this priority system, 20-30% of current CCSM tenants were not previously Santa Monica residents.

According to the city's "Proposed FY 2004-05 One-Year Action Plan" submitted to the U.S. Department of Housing and Urban Development, p.22, "The City continues to fund CCSM to help CCSM maintain approximately 1,200 affordable housing units."  
\*\*\*\*\*

The CCSM 2004 tax return shows the following:

As of June 2005, CCSM reported 940 units.

*— Now 2000 units!*

Total assets at the end of the fiscal year were \$104,677,939.

- Total revenue: \$8,118,956
- Rental fees: \$7,540,175
- Property management fees: \$220,235
- Maintenance svc. fees: \$135,188
- Other revenue: \$320,259

Compensation for the 5 highest paid CCSM employees was \$130,454; \$92,000; \$71,333; \$73,000; and \$70,000, each with a \$4,800 expense account.

Property taxes paid: \$462,720

The twenty members of the CCSM Board, who received no compensation, included two PNA appointees (Oscar de la Torre and Wes Terry), an OPCO appointee (Jamie Zazow), a Wilmont appointee (Betty Mueller), but no FOSP appointee.

CCSM reviews credit history and contacts previous landlords, but does not screen for felony convictions, as Section 8 housing does.

Regarding zoning restrictions, the CCSM Executive Director, Joan Ling, has stated that "affordable housing projects are exempt from the usual City review, but the design [of any new buildings] will go before the Architectural Review Board." [http://smmirror.com/volume4/issue42/community\\_corp\\_unveils.asp](http://smmirror.com/volume4/issue42/community_corp_unveils.asp)

**CCSM buildings in Sunset Park:**

- 1) 2411-2423 Centinela Ave. - 90405 - (groundbreaking in November)
- 2) 2449-2501 Centinela Ave. - 90405
- 3) 1002 Marine St. - 90405
- 4) 915 Ozone Ave. - 90405
- 5) 919 Ozone Ave - 90405
- 6) 929 Ozone Ave. - 90405
- 7) 1206 Pico Blvd. - 90405
- 8) 2122 Pico Blvd. - 90405
- 9) 1916 10th St. - 90405
- 10) 2028 14th St. - 90405
- 11) 2243-2247 28th St. - 90405
- 12) 2260-2268 28th St. - 90405
- 13) 2608-2618 28th St. - 90405
- 14) 2428 34th St. - 90405
- 15) 2432 34th St. - 90405

**CCSM buildings in the Ocean Park section of 90405 zip code:**

- 1) 536 Ashland Ave. - 90405
- 2) 3005 Highland Ave. - 90405
- 3) 2209 Main St. - 90405
- 4) 642 Marine St. - 90405
- 5) 724 Pacific St. - 90405
- 6) 420 Pico Blvd. - 90405
- 7) 708 Pico Blvd. - 90405
- 8) 518 Pier Ave. - 90405
- 9) 418 Strand St. - 90405
- 10) 2907 3rd St. - 90405
- 11) 2211 4th St. - 90405
- 12) 2120 4th St. - 90405
- 13) 2900 4th St. - 90405
- 14) 2400 5th st. - 90405
- 15) 2207 6th St. - 90405

**90404 zip code:**

- 1) 2107 Arizona Ave. 90404
- 2) 1342 Berkeley St. - 90404
- 3) 1427 Berkeley St. 90404
- 4) 1424 Broadway - 90404
- 5) 1959 Cloverfield Blvd. - 90404
- 6) 2009 Cloverfield Blvd.
- 7) 2112-2120 Delaware Ave. - 90404
- 8) 1952 Frank St. - 90404
- 9) 1942-1958 High Place -- 90404
- 10) 1943, 1949, 1955, 1959 High Place - 90404

*Historically segregated Pico Neighborhood*

*Demolished units 1971 New units*

- 11) 2404-2410 Kansas Ave. - 90404
- 12) 2531 Kansas Ave. - 90404
- 13) 2625 Kansas Ave. - 90404
- 14) 1629 Michigan Ave. - 90404
- 15) 2601 Santa Monica Blvd. - 90404 - 44 units, 86 parking spaces, currently under construction (3 stories in front, 4 stories in back)
- 16) 2615 Santa Monica Blvd. - 90404
- 17) 3021-3031 Santa Monica Blvd. - 90404
- 18) 1344 14th St. - 90404
- 19) 1514-1518 14th St. - 90404
- 20) 1512 15th St. - 90404
- 21) 1747 15th St. - 90404
- 22) 1438 16th St. - 90404
- 23) 1808 17th St. - 90404
- 24) 1828 17th St. - 90404
- 25) 1843-1845 17th St. - 90404
- 26) 1917 17th St. - 90404
- 25) 1943 17th St. - 90404
- 26) 1314 18th St. - 90404
- 27) 1937 18th St. - 90404
- 28) 1827 19th St. - 90404
- 29) 1968 19th St. - 90404
- 30) 1925-1933 20th St. - 90404
- 31) 1944 20th St. - 90404
- 32) 2017-2025 20th St. - 90404
- 33) 2023 20th St. - 90404
- 34) 1349 26th St. - 90404

Most of these units are w/in 1/2 mile of

17th St  
Metro Stop -  
Historically Segregated  
Pico Neighborhood  
low income housing  
Projects on every Block!

90403 zip code:

- 1) 1719-1721 California Ave. - 90403
- 2) 911 2nd St. - 90403
- 3) 1038 2nd St. - 90403
- 4) 807 4th St. - 90403
- 5) 1017 4th St. - 90403
- 6) 1118 5th St. - 90403
- 7) 813 9th St. - 90403
- 8) 821 11th St. - 90403
- 9) 937 11th St. - 90403
- 10) 1143 12th St. 90403
- 11) 1149 12th St. - 90403
- 12) 1052 18th St. - 90403

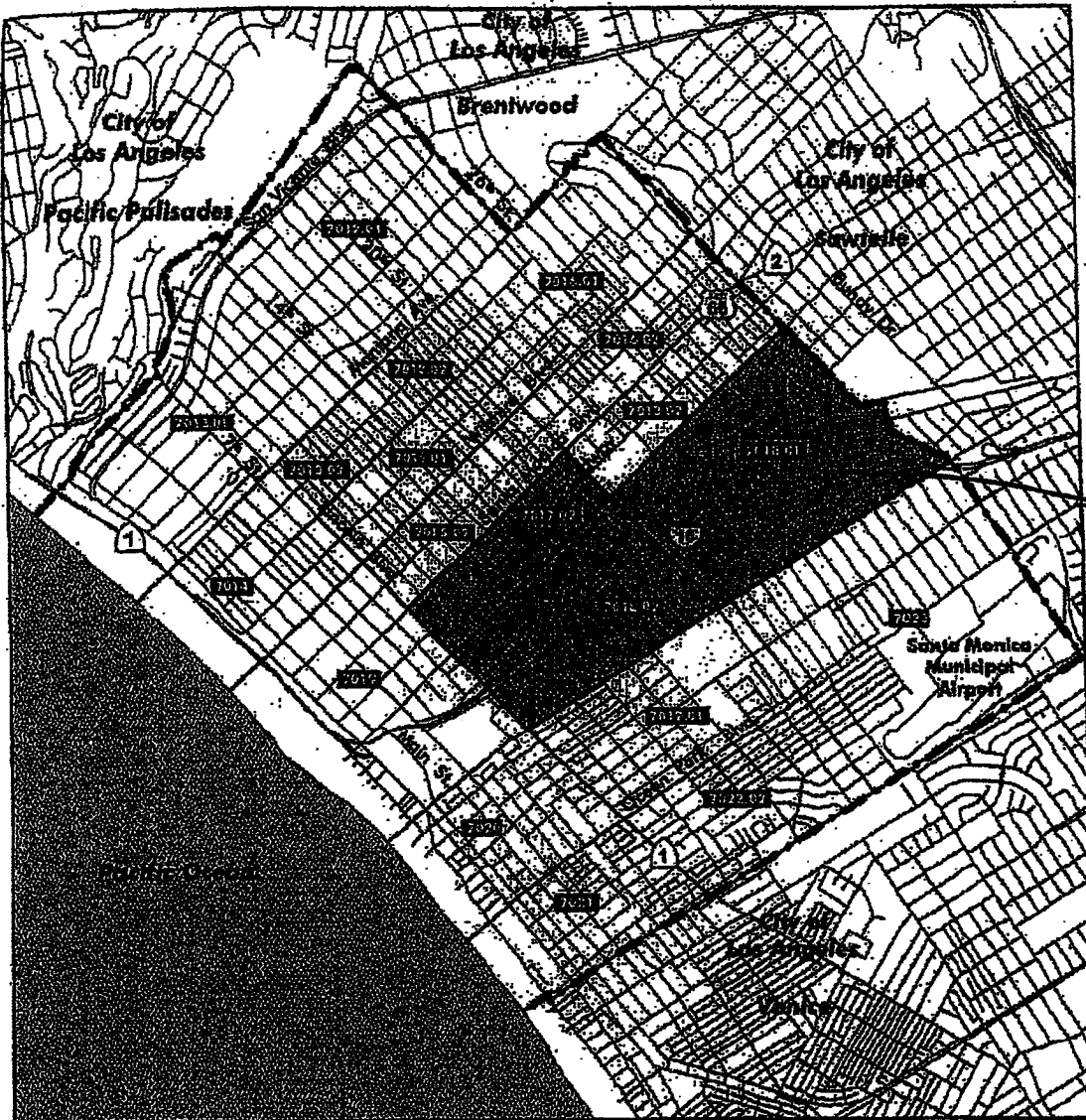
white neighborhood with restrictive  
white neighborhood covenants

90402 zip code:






- 1) 225 San Vicente Blvd. - 90402

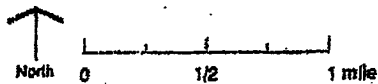
90401 zip code:

- 1) 502 Colorado Ave. - 90401
- 2) 3 Vicente terrace - 90401
- 3) 1227 9th St. - 90401
- 4) 1343 11th St. - 90401
- 5) The Village - 90401 - 160 affordable apartments (65-foot high buildings to be built in the downtown Civic Center, on the old RAND property)



**Legend**

-  City Boundary
-  Streets
-  Census Tract Boundary
-  Census Tract Number
-  Census Tracts with more than 30% Minority Population

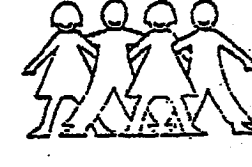
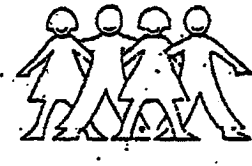
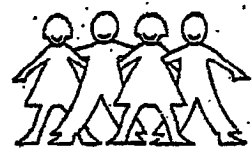
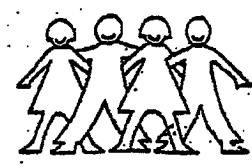
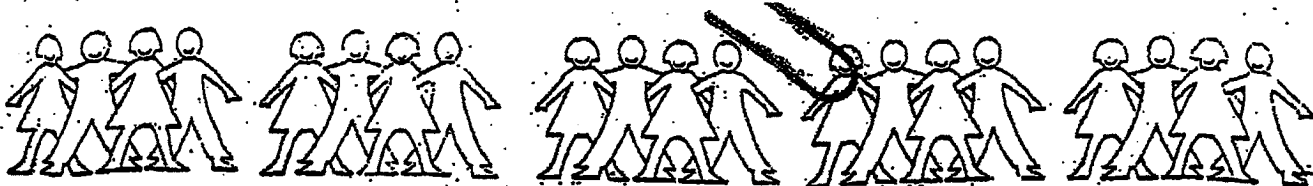


Source: 2000 Census

**Figure 1**  
**Minority Population**  
**by Census Tract**

City of Santa Monica





**DESEGREGATION  
&  
INTEGRATION  
STUDY COMMITTEE**

**REPORT  
TO  
BOARD OF EDUCATION**

**JULY 1988**

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
1651 Sixteenth Street  
Santa Monica, California 90404

## CONCLUSIONS AND RECOMMENDATIONS

1. According to the current definition of segregated schools, the District has some segregated schools despite its voluntary desegregation plan. Three elementary schools are segregated; one elementary school is in danger of being segregated; three schools elementary schools are racially isolated.
2. The District's performance on CAP is directly related to the Social Economic Status (SES) levels and ethnicity percentages. Both variables appear to affect achievement performance on the CAP tests.
3. Stricter enforcement of District guidelines on transfers and out-of-district enrollment offer the greatest opportunity for bringing the District into greater compliance. McKinley and Rogers could become desegregated schools if voluntary transfers are carefully monitored. Historic housing patterns probably preclude any immediate solutions, for desegregating the District. The Spanish Immersion Program is an attempt by the District, as is the lowering of class size, to rectify the segregated status of Edison.
4. The desegregation plan should be implemented, understood and fully budgeted.
5. De-segregation issues and concerns should be given a high priority in all decisions relating to transfer of students, educational programs, staffing and budgets.
6. A major desegregation task force should be formed in order to study in depth the findings and recommendations this committee has reported. Subcommittee's should be formed to study the specific areas as mentioned in this report and seek solutions.

TO: Desegregation and Integration Study Committee

FROM: Jon G. Campbell  
Supervisor  
Instructional Support Staff

DATE: February 1988

Based on the Fall 1987 racial-ethnic survey, the following chart depicts the status of the district regarding segregated schools, "in danger" of becoming segregated schools, and racially isolated schools.

-----  
BASED UPON AN ELEMENTARY MINORITY ENROLLMENT OF 47.3%

School	Minority Percentage	Segregated (+20%)	In Danger (+15-20%)	Racially Isolated (-20%)
Webster	15.1			RI
Malibu Park	18.1			RI
Alternative	26.0			RI
Franklin	28.0			
Roosevelt	33.9			
Grant	47.1			
Muir	63.1		ID	
Rogers	69.3	Seg		
McKinley	70.3	Seg		
Edison	91.3	Seg		

Elementary  
Segregated: 67.3% - 100% minority enrollment  
In Danger: 62.3% - 67.3% minority enrollment  
Racially Isolated: 0 - 27.3% minority enrollment

-----  
BASED UPON THE JUNIOR HIGH MINORITY ENROLLMENT OF 44.9%

Malibu Park	18.1			RI
Lincoln	42.6			
John Adams	58.8			

Junior High  
Segregated: 64.9% - 100% minority enrollment  
In Danger: 59.9% - 64.9% minority enrollment  
Racially Isolated: 0 - 24.9% minority enrollment

-----  
Olympic 43.2  
Samohl 36.3

TOTAL DISTRICT MINORITY PERCENTAGE 43.0

BOARD OF EDUCATION ACTION 6/23/84

ANY SCHOOL WHICH HAS A MINORITY STUDENT POPULATION OF 20 PERCENTAGE POINTS OR MORE ABOVE THE DISTRICT AVERAGE IN ITS RESPECTIVE CATEGORY (ELEMENTARY, JUNIOR HIGH SCHOOLS) MAY BE CONSIDERED SEGREGATED.

ANY ELEMENTARY OR SECONDARY SCHOOL THAT IS 15 - 20 PERCENTAGE POINTS ABOVE THE ELEMENTARY OR SECONDARY MINORITY ENROLLMENT AVERAGE MAY BE DEFINED AS "IN DANGER" OF BECOMING SEGREGATED.

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

Human Resources Department

Racial & Ethnic Distribution

October, 2010

SCHOOL	MINORITY										WHITE			TOTAL Enrollment	MINORITY TOTAL
	AMERICAN INDIAN NATIVE	ASIAN	PACIFIC ISLANDER	FILIPINO	HISPANIC	BLACK not of Hispanic Origin	Multiple or no Response	not of Hispanic Origin	%	N	%	%	%		
Cabell	0	4	0	3	47	10	1	189	74.41%	189	74.41%	254	64	25.20%	
Edison	1	13	1	0	279	20	11	124	27.62%	124	27.62%	449	314	69.93%	
Franklin	0	77	4	2	34	11	13	631	81.74%	631	81.74%	772	128	16.58%	
Grant	4	40	2	4	172	56	7	346	54.83%	346	54.83%	631	278	44.06%	
McKinley	4	59	1	6	151	56	7	156	35.43%	156	35.43%	440	277	62.95%	
Muir	3	19	1	3	109	47	8	126	39.87%	126	39.87%	316	182	57.59%	
Pt. Dume	3	12	2	0	14	11	1	230	84.23%	230	84.23%	273	42	15.38%	
Rogers	1	17	1	4	245	74	35	190	26.14%	190	26.14%	497	342	68.81%	
Roosevelt	5	84	5	18	94	35	34	506	64.79%	506	64.79%	781	241	30.86%	
Weber	0	21	6	1	31	8	2	108	72.48%	108	72.48%	377	67	17.77%	
SMASH K-5	1	26	0	3	2	9	0	50	67.57%	50	67.57%	149	41	27.52%	
SMASH 6-8	0	6	0	3	6	9	0	328	31.48%	328	31.48%	74	24	32.43%	
Adams	1	39	6	9	325	121	13	709	62.80%	709	62.80%	1,042	701	67.27%	
Lincoln	9	121	10	12	191	70	7	569	80.92%	569	80.92%	1,129	413	36.58%	
Malibu 6-8	1	17	3	4	47	15	0	607	86.22%	607	86.22%	456	87	19.08%	
Malibu 9-12	1	13	5	2	63	13	0	38	33.93%	38	33.93%	704	97	13.78%	
Olympic	0	4	1	0	58	11	0	1,415	45.60%	1,415	45.60%	112	74	66.07%	
Santa Monica	9	212	25	21	1,067	335	19	6,368	55.02%	6,368	55.02%	3,103	1,669	53.79%	
TOTALS:	43	784	73	95	3,135	911	158	11,559	43.61%	11,559	43.61%	11,559	5,041	43.61%	
Elementary Schools Grades K-5	22	372	23	44	1,178	337	119	2,844	57.56%	2,844	57.56%	4,939	1,976	40.01%	
Middle Schools Grades 6-8	11	183	19	28	769	215	20	1,456	53.91%	1,456	53.91%	2,701	1,225	45.35%	
Secondary Schools Grades 9-12	10	229	31	23	1,188	359	19	2,060	52.56%	2,060	52.56%	3,919	1,840	46.95%	

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**FILED**  
Superior Court of California  
County of Los Angeles

**FEB 13 2019**

Sherri R. Carter, Executive Officer/Clerk  
By Neil M. Raya Deputy  
Neil M. Raya

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

PICO NEIGHBORHOOD ASSOCIATION,	)	Case No.: BC616804
et al.	)	
	)	
Plaintiffs,	)	STATEMENT OF DECISION
	)	
vs.	)	
	)	
CITY OF SANTA MONICA,	)	
	)	
Defendant.	)	
	)	

Pursuant to CCP §632, the Court issues the following  
Statement of Decision in support of its Judgment after court  
trial:

**INTRODUCTION**

1. Plaintiffs' Pico Neighborhood Association ("PNA"), Maria Loya ("Loya"), filed a First Amended Complaint alleging two causes of action: 1) Violation of the California Voting Rights

02/14/19

1 Elections (CURE) specifically noted the Watsonville case in  
2 urging the Santa Monica City Council to place the issue of  
3 substituting district for at-large elections on the ballot,  
4 allowing Santa Monica voters to decide the question. With the  
5 issue of at-large elections diluting minority vote receiving  
6 increased attention in Santa Monica and throughout California,  
7 Defendant appointed a 15-member Charter Review Commission to  
8 study the matter and make recommendations to the City Council.  
9  
10 76. As part of their investigation, the Charter Review  
11 Commission sought the analysis of Plaintiff's expert, Dr.  
12 Kousser, who had just completed his work in Garza regarding  
13 discriminatory intent in the way Los Angeles County's  
14 supervisorial districts had been drawn. Dr. Kousser was asked  
15 whether Santa Monica's at-large election system was adopted or  
16 maintained for a discriminatory purpose, and Dr. Kousser  
17 concluded that it was, for all of the reasons discussed above.  
18 Based on their extensive study and investigations, the near-  
19 unanimous Charter Review Commission recommended that Defendant's  
20 at-large election system be eliminated. The principal reason  
21 for that recommendation was that the at-large system prevents  
22 minorities and the minority-concentrated Pico Neighborhood from  
23 having a seat at the table.  
24  
25 77. That recommendation went to the City Council in July 1992,  
and was the subject of a public city council meeting. Excerpts

02/14/19

1 from the video of that hours-long meeting were played at trial,  
2 and provide direct evidence of the intent of the then-members of  
3 Defendant's City Council. One speaker after another - members  
4 of the Charter Review Commission, the public, an attorney from  
5 the Mexican American Legal Defense and Education Fund, and even  
6 a former councilmember - urged Defendant's City Council to  
7 change its at-large election system. Many of the speakers  
8 specifically stressed that the at-large system discriminated  
9 against Latino voters and/or that courts might rule that they  
10 did in an appropriate case. Though the City Council understood  
11 well that the at-large system prevented racial minorities from  
12 achieving representation - that point was made by the Charter  
13 Review Commission's report and several speakers and was never  
14 challenged - the members refused by a 4-3 vote to allow the  
15 voters to change the system that had elected them.  
16

17 78. Councilmember Dennis Zane explained his professed  
18 reasoning: in a district system, Santa Monica would no longer  
19 be able to place a disproportionate share of affordable housing  
20 into the minority-concentrated Pico Neighborhood, where,  
21 according to the unrefuted remarks at the July 1992 council  
22 meeting, the majority of the city's affordable housing was  
23 already located, because the Pico Neighborhood district's  
24 representative would oppose it. Mr. Zane's comments were candid  
25 and revealing. He specifically phrased the issue as one of

02/14/19

1 Latino representation versus affordable housing: "So you gain  
2 the representation but you lose the housing."<sup>12</sup> While this  
3 professed rationale could be characterized as not demonstrating  
4 that Mr. Zane or his colleagues "harbored any ethnic or racial  
5 animus toward the . . . Hispanic community," it nonetheless  
6 reflects intentional discrimination—Mr. Zane understood that his  
7 action would harm Latinos' voting power, and he took that action  
8 to maintain the power of his political group to continue dumping  
9 affordable housing in the Latino-concentrated neighborhood  
10 despite their opposition. Garza, supra, 918 F.2d at 778 (J.  
11 Kozinski, concurring) (finding that incumbents preserving their  
12 power by drawing district lines that avoided a higher proportion  
13 of Latinos in one district was *intentionally discriminatory*  
14 *despite the lack of any racial animus*), cert. denied (1991) 111  
15 S.Ct. 681.

17 79. In addition to Mr. Zane's contemporaneous explanation of  
18 his own decisive vote, the Court also considers the  
19 circumstantial evidence of intent revealed by the Arlington  
20 Heights factors. While those non-exhaustive factors do not each

22 <sup>12</sup> Mr. Zane's insistence on a tradeoff between Latino representation and  
23 policy goals that he believed would be more likely to be accomplished by an  
24 at-large council echoed comments of the *Santa Monica Evening Outlook*, the  
25 chief sponsor of and spokesman for the charter change to an at-large city  
council in 1946. "[G]roups such as organized labor and the colored people,"  
the newspaper announced, should realize that "The interest of minorities is  
always best protected by a system which favors the election of liberal-minded  
persons who are not compelled to play peanut politics. Such liberal-minded  
persons, of high caliber, will run for office and be elected if elections are  
held at large."



1 reveal discrimination to the same extent, on balance, they also  
2 militate in favor of finding discriminatory intent in this case.  
3 The discriminatory impact of the at-large election system was  
4 felt immediately after its maintenance in 1992. The first and  
5 only Latino elected to the Santa Monica City Council lost his  
6 re-election bid in 1994 in an election marred by racial appeals  
7 - a notable anomaly in Santa Monica where election records  
8 establish that incumbents lose very rarely. Bolden v. City of  
9 Mobile (S.D. Ala. 1982) 542 F.Supp. 1050, 1076 (relying on the  
10 lack of success of Black candidates over several decades to show  
11 disparate impact, even without a showing that Black voters voted  
12 for each of the particular Black candidates going back to 1874.)  
13 Moreover, the impact on the minority-concentrated Pico  
14 Neighborhood over the past 72 years, discussed above, also  
15 demonstrates the discriminatory impact of the at-large election  
16 system in this case, and has continued well past 1992. Gingles,  
17 supra, 478 U.S. at 48, n. 14 (describing how at-large election  
18 systems tend to cause elected officials to "ignore [minority]  
19 interests without fear of political consequences.")  
20  
21 80. The historical background of the decision in 1992 also  
22 militate in favor of finding a discriminatory intent. At-large  
23 elections are well known to disadvantage minorities, and that  
24 was well understood in Santa Monica in 1992. In 1992, the non-  
25 White population was sufficiently compact (in the Pico

02/14/19

*Mathew L. Millen  
16<sup>TH</sup> St.  
Santa Monica, CA 90404*

September 15, 2022

Agenda Item 1 for Sept 15<sup>th</sup>

To: [smhousing@santamonica.gov](mailto:smhousing@santamonica.gov)

COMMENTS FOR SEPT 15<sup>TH</sup> MEETING OF THE HOUSING COMMISSION

1. The City of Santa Monica segregated the minorities in the Pico Neighborhood (zip code 90404) via so called “restrictive covenants”
2. After the Supreme Court declared the restrictive covenants unconstitutional and unenforceable city policy was to dump low income housing in the Pico Neighborhood
3. The State of Calif Dept of Housing determined the City of SM “perpetuated segregation” of minorities in the Pico Neighborhood due to the City policy of restricting funding for low income housing to Pico and discriminatory site selection
4. Over 90% of city funded low income housing is via Community Corp of Santa Monica(CCSM)
5. Powerful council members and members of the CCSM Board reside in the predominately white North of Wilshire-San Vicente Blvd neighborhood.
6. The Mayor who lives North of Wilshire has pushed to develop over 700 units of low income housing on City owned land in the Pico Neighborhood in violation of H&S Section 8889.50.
7. The Judge in the Latino Civil Rights lawsuit seeking district elections found the city “dumped” low income housing in the Pico Neighborhood
8. A council member stated at a City Council hearing in opposition to district elections the Pico Neighborhood had a “disproportionate share” of low income housing

**THE ONLY WAY THE CITY WILL IMPLEMENT HEALTH AND SAFETY CODE SECTION 8899.50 AFFIRMATIVELY FURTHERING FAIR HOUSING IS FOR H.U.D. TO FILE A LAWSUIT SEEKING AN INJUNCTION STOPPING THE CITY FROM DEVELOPING MORE LOW INCOME HOUSING IN THE PICO NEIGHBORHHOD UNTIL 6000 LOW INCOME UNITS HAVE BEEN DEVELOPED IN THE WILSHIRE TO SAN VICENTE BLVD AREA AND IN SUNSET PARK**

Please see attachments

I have been residing in the Pico Neighborhood since 1981

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



February 8, 2022

David White, City Manager  
City of Santa Monica  
1685 Main Street  
Santa Monica, CA 90401

Dear David White:

**RE: City of Santa Monica's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of Santa Monica's (City) housing element adopted on October 12, 2021 and received for review on November 10, 2021. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Kenneth Kutcher, Abundant Housing LA, Santa Monica Housing Council, Jason Mastbaum, Tieira Ryder, YIMBY Law, Matthew Millen and the League of Women Voters of Santa Monica, pursuant to Government Code section 65585, subdivision (c).

The adopted element addresses many statutory requirements described in HCD's August 30, 2021 review; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households and commenters on this review, by making information regularly available and considering and incorporating comments where appropriate.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the

David White, City Manager

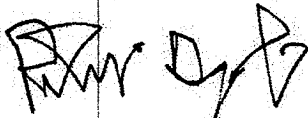
Page 2

statutory deadline (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation, including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

We appreciate your hard work and the diligent effort and cooperation of the entire housing element update team. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact me at [paul.mcdougall@hcd.ca.gov](mailto:paul.mcdougall@hcd.ca.gov).

Sincerely,



Paul McDougall

Senior Program Manager

Enclosure

## APPENDIX CITY OF SANTA MONICA

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. Housing Needs, Resources, and Constraints**

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

**Sites Inventory:** While the element includes some general discussion regarding the identification of sites and affirmatively furthering fair housing (AFFH). The element should still include analysis such as the number of units by income group and location, impact, or lack of, on existing patterns and isolation of the regional housing need allocation (RHNA) to evaluate whether fair housing conditions are improved or exacerbated.

**Local Data and Knowledge, and Other Relevant Factors:** The element generally was not revised to address this requirement. Please see HCD's prior review.

**Goals, Priorities, Metrics, and Milestones:** The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Actions must have metrics and milestones to target meaningful outcomes and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community revitalization and displacement protection.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

**Realistic Capacity:** The element now lists recent developments to support capacity assumptions, however, the analysis of realistic capacity should also account for recent development by affordability as noted in the prior review. This is particularly important since some development affordable to lower-income households may not be built at higher densities assumed in the inventory. In addition, as noted in the prior review, the calculation of residential capacity should account for the likelihood of 100 percent nonresidential uses.

The element describes some recent trends and concludes residential is very likely, but the information also indicates that 100 percent nonresidential uses does occur (p. F-7) and the element should account for this likelihood in the calculation of capacity.

Suitability of Nonvacant Sites: The element includes some additional discussion of the various categories of sites, market conditions and lists some recent redevelopment activity. However, the element should still include analysis of the extent existing uses impede additional development. For example, the element describes various factors utilized to identify high potential sites but does not appear to reflect all of those factors in the inventory. Further, the element lists recent trends but should also utilize those trends to support the validity of factors used to determine potential. Please see HCD's prior review for additional information.

In addition, for your information, the element relies on nonvacant sites to accommodate 50 percent or more of the housing needs for lower-income households, which triggers requirements to make findings based on substantial evidence that the existing use is not an impediment and will likely discontinue in the planning period. While the resolution of adoption includes the appropriate findings, any changes to the analysis should be reflected in future re-adoption of the element.

City-Owned Sites: The element now lists City-Owned sites and indicates sites can be available for development in the planning period. However, given the reliance on these sites and as noted in the prior review, the element should include some discussion on the potential schedule of availability for development in the planning period and revise programs as appropriate to facilitate development on these sites in the planning period.

Accessory Dwelling Units (ADU): The element now clarifies recent ADU trends to include permitted units and adjusts the number of ADUs assumed to be permitted in the planning period. However, as noted in the prior review, HCD records indicate far different ADU trends than what is indicated in the element. The City should reconcile these figures and adjust assumptions as appropriate. Please see HCD's prior review for additional information.

Small Sites: Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size and affordability were successfully developed during the prior planning period or unless the housing element describes other evidence these sites are adequate to accommodate lower income housing. The element lists some recent trends on small sites; however, these trends do not appear to align with assumptions in the inventory as noted in the prior review. For example, the element identifies many sites that accommodate less than 15 units for lower-income households, but trends indicate most developments that are 100 percent affordable for lower-income households are 15 or more units. Please see HCD's prior review for additional information.

Infrastructure: As noted in the prior review, the element must still describe sufficient existing and planned total infrastructure sewer capacity to accommodate the RHNA and include programs, if necessary.

Electronic Site Inventory: As noted in the prior review, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element discusses the number of parcels in various zones but should still discuss opportunities for redevelopment or reuse. In addition, the element indicates parking requirements are inconsistent with AB 139 (Chapter 335, Statutes of 2019) and Program should specifically commit to revise parking requirements.
  - *Permanent Supportive Housing:* The element describes permanent supportive housing uses are permitted uses but should clarify the uses are permitted without discretionary action. If necessary, programs should specifically commit to amend zoning to permit these uses without discretionary action.
  - *Employee Housing:* The element states the City does not regulate housing for six or fewer persons and therefore complies with the Employee Housing Act. However, zoning should explicitly comply with the provisions of the Employee Housing Act and programs should be revised to specifically amend zoning and procedures. Please see HCD's prior review.
3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element generally describes programs that were added to address constraints. However, those programs do not include specific commitment to remove or modify standards and generally commit to only review and change land use controls if necessary. Instead, the element update should review or analyze those land use controls and programs should specifically commit to address constraints. Please see HCD's prior review for additional information.

Fees and Exaction: The element generally describes that typical development on identified sites will not require a conditional use permit and therefore no analysis of planning fees as potential constraints is necessary. However, the element should evaluate fees as constraints regardless of the RHNA or identified sites. Please see HCD's prior review.

Local Processing and Permit Procedures: While the element now includes Program 1.B to streamline architectural review, it must still evaluate approval findings for

impacts on housing and add or modify programs as appropriate. Please see HCD's prior review.

## **B. Housing Programs**

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

- *Shortfall of Sites:* Program 1.A (By-right Approvals) mentions various zoning amendment, however, as noted in the prior review, the Program must specifically commit to acreage, allowable densities, anticipated units and meet all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i).
  - *Program 1A (Streamlined Approvals for Housing Projects):* As noted in the prior review, this program should clarify the allowance of by-right developments for sites identified in previous cycles if the project includes at least 20 percent affordable housing pursuant to Government Code Section 65583.2.
  - *City-Owned Sites:* Program 2E (Affordable Housing on City-owned/Publicly-owned Land) was revised to issue at least one request for proposal in the planning period. But, given the reliance on City-Owned sites, the Program should have far greater commitment to facilitate development on City-owned sites and in stride with assumption for the planning period. Please see HCD's prior review for additional information, including rezoning pursuant to Government Code section 65583.2, subdivisions (h) and (i).
2. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*



As noted in Findings A3, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, while the element includes Program 2.1 to amend zoning for a variety of housing types, the Program should include specific commitment to amend zoning for identified constraints related to the definition of households, residential care facilities for seven or more persons, parking for emergency shelters, permanent supportive housing and employee housing.

3. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element requires a complete analysis of AFFH. Depending upon the results of that analysis, the City may need to revise or add programs to affirmatively further fair housing. In addition, HCD's prior review found the City should revise Program 4.D (Rezoning R1 Neighborhoods) with meaningful and sufficient actions to overcome patterns of segregation and foster inclusive communities. In response, the element now appears to only promote accessory dwelling units; an insufficient action given the perpetuated segregation noted in the element. Please see HCD's prior review.

State identifies  
& confirms segregation  
in Pico Neighborhood!

**Mathew L. Millen**  
**Attorney at Law**  
**10880 Wilshire Blvd. Suite 1050**  
**Los Angeles, CA 90024**  
**(310)470-8071**

July 5, 2022  
California Dept. of Housing and Community Development  
Housing Element Division

Sent via email to: HousingElements@hcd.ca.gov

**OBJECTIONS TO RED LINED AMENDED HOUSING ELEMENT  
SUBMITTED BY THE CITY OF SANTA MONICA**

The resubmitted Housing Element Fails to Comply with AB 686 and **GOVERNMENT CODE 8899.50 et.seq AFFH. On the contrary, the City intends to intentionally segregate more low income housing in the red lined historically segregated Pico Neighborhood (90404).**

The most recent version from the City states as follows:

**“This means that Santa Monica’s AFFH strategy is different compared to other cities with significant demographic and socioeconomic disparities between census tracts”**

This statement that there are **not** significant demographic and socioeconomic disparities between census tracts is **FALSE**. The minorities are segregated in the Pico Neighborhood and the low income residents are concentrated in the Pico Neighborhood and the downtown area. See Exhibit “A” attached hereto.

**THE CITY STAFF REPORT IS DISINGENUOUS AND FACTUALLY NOT ACCURATE.<sup>1</sup>** The revised Housing Element proposes to develop low income housing in the red lined segregated area of the City. Specifically the city owned Bergamot property and around the 17<sup>th</sup> St. Metro Stop. Bergamot, city owned, targeted for a 707 unit low income housing project is within the historically redlined, segregated Pico Neighborhood. The 17<sup>th</sup> St. Metro stop is within the Pico Neighborhood. The revised Housing Element also proposes to build over 300 units of low income housing downtown on City owned property on Arizona between 4<sup>th</sup> St. and 5<sup>th</sup> St. Downtown is a low income neighborhood. See Exhibit “B” attached.

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<sup>1</sup> The Staff report appears to have been prepared by staff members who live No. of Wilshire and don’t want low income housing projects in their neighborhood. The Mayor and staff want to keep dumping it in the Pico Neighborhood.

The February 8, 2022 letter from the Dept of Housing and Community Development rejected the 1<sup>st</sup> version of the City Housing Element because the City proposal failed to “overcome patterns of segregation<sup>2</sup> and foster inclusive communities. In response, the element now appears to promote accessory dwelling units; an insufficient action given the perpetuated segregation noted in the element.”

**The new revised H.E. fails to address HCD’s initial concerns stated above.**

“We know that it’s not by coincidence that poor people are relegated to the Pico neighborhood” de laTorre said. “We know that it was by design<sup>3</sup>. *Segregation is a root cause of the dilemma we face today*” School Board Member Oscar De La Torre quoted in [www.Surfsantamonica.com](http://www.Surfsantamonica.com) December 2004

**TO IMPLEMENT AB 686 and GOVERNMENT CODE 8899.50 et.seq AFFH THE CITY HAS TO IMPOSE A MORATORIUM ON NEW LOW INCOME HOUSING PROJECTS IN THE PICO NEIGHBORHOOD INCLUDING BERGAMOT FOR THE NEXT 10 YEARS<sup>4</sup>**

The geographic boundaries of the Pico Neighborhood are South: Pico Blvd; West Lincoln Blvd; North Santa Monica Blvd to 20<sup>th</sup> St. then South to Colorado then East to Centinela. This includes Bergamot and the 17<sup>th</sup> St. Metro Stop!

A private developer is proposing to build 521 units of mostly market rate housing in the Sunset Park neighborhood of Santa Monica, Exhibit “C”.

**SUGGESTION; TRADE/SWAP THE BERGAMOT SITE FOR THE GELSON’S SITE. THE CITY CAN BUILD THE LOW INCOME HOUSING AT THE GELSON’S SITE AND IMPLEMENT A.F.F.H.**

---

<sup>2</sup> This reference is the Pico Neighborhood. See my prior correspondence.

<sup>3</sup> The “design” Mr. De La Torre is referring to is the saturation of the Pico Neighborhood with city developed low income housing projects after the restrictive covenants were declared unconstitutional by the US Sup. Court

<sup>4</sup> I represent a native of Mexico, who is an honorably discharged, disabled veteran of the United States Army, and a naturalized United States Citizen. He wishes to remain anonymous due to fear of harassment by SMRR

OR THE CITY CAN SELL THE BERGAMOT SITE AND USE THE FUNDS TO BUY PROPERTY IN THE WILSHIRE TO SAN VICENTE BLVD NEIGHBORHOOD and Sunset Park TO DEVELOP LOW INCOME HOUSING IN THOSE NEILGHBORHOODS. By selling City owned land, there is no excuse not to buy properties outside the Pico Neighborhood to develop or build low income housing. The Cost of construction does not vary by neighborhood.

## **THE CITY OF SANTA MONICA HAS BEEN ENGAGED IN A “GEORGE WALLACE” POLICY OF HOUSING SEGREGATION**

### **Santa Monica’s History of Segregation**

During the 1920’s to the late 1940’s the house lots North of Santa Monica Blvd and South of Pico Blvd had “restrictive covenants” that prohibited Blacks, Latinos and Asians from living in those neighborhoods. The minorities were restricted to living in what is called The Pico Neighborhood.<sup>5</sup> The US Supreme Court declared the restrictive covenants unconstitutional.<sup>6</sup> However, according to a 1988 SMMUSD study more than 30 years after *Brown v The Bd of Education of Topeka Kansas* the schools serving the Pico Neighborhood were segregated. The study noted “**Historic housing patterns**<sup>7</sup> probably preclude any immediate solutions for desegregating the District.” Over 50 years after *Brown v. The Board of Education of Topeka Kansas* ruled segregated schools unconstitutional the children residing in the Pico Neighborhood still attend segregated elementary and middle schools due to City site selection of low income housing projects.

The City of Santa Monica intentionally segregates the minority residents primarily in the historically segregated neighborhood with segregated schools via their site selection of low income housing development concentrated in the historically segregated Pico Neighborhood (zip code 90404).

<sup>5</sup> East of Lincoln Blvd between Pico on the South and Santa Monica Blvd on the North.

<sup>6</sup> *Shelley v. Kraemer*, 334 U.S. 1 (1948), is a landmark United States Supreme Court case that struck down racially restrictive housing covenants.

<sup>7</sup> The “historic housing patterns” refers to the segregated housing as a consequence of the “restrictive covenants” South of Pico Blvd and North of Santa Monica Blvd. that limited residence in those neighborhoods to “whites only”, the minorities were allowed to reside in the Pico Neighborhood.

## **THE CITY OF SANTA MONICA PERPETUATED SEGREGATION THROUGH THE SITE SELCTION PROCESS WHEN DEVELOPING LOW INCOME HOUSING PROJECTS**

Specifically the City of SM has a history of restricting funding for low income housing projects in the minority Pico Neighborhood. This was accomplished through development agreements with commercial developers<sup>8</sup> that required the development of low income housing in the minority Pico Neighborhood, rather than in the white areas of town.

The City also created the Pico Neighborhood Housing Trust Fund. [PNHTF]The terms of the fund limited the development of low income housing with money from the fund geographically to the red lined segregated Pico Neighborhood. The City Council members, none of whom lived in the Pico Neighborhood then through the budget process allocated money to the PNHTF. This of course prevented the development of low income housing in their white neighborhoods. Trust funds were not established to develop low income housing in the white neighborhoods.

It should be noted over \$400,000,000.00 in City funds has been given to Community Corp. of Santa Monica (CCSM) to develop low income housing. The longest serving member of the City Council, Ken Genser<sup>9</sup> lived on San Vicente Blvd. The longest serving member of CCSM's board of directors lived on San Vicente Blvd. Powerful council members and SMRR members including the current Mayor live No. of Wilshire. The neighborhood with the least number of city developed multifamily low income units is their neighborhood, from Wilshire to San Vicente Blvd.

The current Mayor lives in a multimillion dollar home in the exclusive R-1 North of Montana Ave. neighborhood. This is probably why there is no proposal to develop low income housing in her neighborhood. On the contrary, the proposal is to keep "dumping" the low income housing in the Pico Neighborhood and downtown. See Exhibit "D" attached hereto.

**The neighborhood with the greatest number of multifamily low income units is the historically segregated Pico Neighborhood. Exhibit D**

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<sup>8</sup> The developers of Colorado Place were required to develop low income housing in the Pico Neighborhood.

<sup>9</sup> May he rest in peace

In *Pico Neighborhood Assn. v City of LA*, Case no BC 616804 a civil rights voting lawsuit by Pico Neighborhood residents, the plaintiffs discovered a tape of [former] Councilmember Zane, at a City Council hearing where he stated that “**the Pico Neighborhood has a DISPROPORTIONATE share of affordable housing.**” The council voted against district elections. The City continued *dumping* [the “term” used by the Judge] low income housing in the historically segregated Pico Neighborhood to perpetuate the segregation of minorities, and deny them an opportunity to live in the North of Wilshire/San Vicente neighborhood with the now unenforceable restrictive covenants, Exhibit “E”.

The report from the SMMUSD from July 1988 stated “Historic Housing Patterns probably preclude any immediate solutions for desegregating the District.” More than 34 years later due to SMRR council members dumping a disproportionate number of low income housing units in the Pico Neighborhood the schools are still segregated.<sup>10</sup> Exhibit “F”

*Of course in Santa Monica limiting the funding for low income housing projects ONLY in the Pico Neighborhood establishes the action by the City was intentional. Based on Gautreaux v. Chicago Housing Authority, 304 F. Supp. 736 (N.D. Ill. 1969) enforcing 296 F. Supp. 907 (N.D. Ill. 1969) and Gautreaux v. Landrileu, 523 F. Supp. 665, 674, (N.D. Ill. 1981); 425 U.S. 284; Otero v. NY Housing Authority, 484 F.2d 1122 (2<sup>nd</sup> Cir. 1973), United States v. Yonkers Board of Education, 624 F.Supp. 1276 (S.D.N.Y. 1985). NAACP v. HUD, 801 F.2d 593(1<sup>st</sup> Cir. 1986) , 817 F.2d 149 (1<sup>st</sup> Cir. 1987), Thompson v. HUD 348 F. Supp. 2d 398 (Md. 2005), 42 U.S.C. Section 3608(e)(5) and 24 C.F.R. 1.4(b)(1)(iii)(&(iv) and of course Brown v The Board of Education of Topeka Kansas the City housing policy violates Fair Housing laws. Exhibit “E”*

In the *Yonkers* court case the Court held, “While placing low cost housing in low income neighborhoods might have made perfect sense to an earlier generation of public housing officials, [Judge] Sand found it unjustifiable.”

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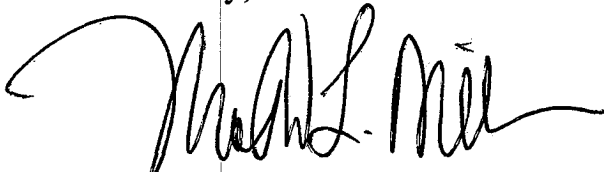
<sup>10</sup> Over the past 18 months the City has funded the development of over 250 units of low income housing in the historically segregated Pico Neighborhood, in clear violation of State and Federal Fair Housing laws. See citations herein.

Therefore in order to properly implement AB686 the HOUSING ELEMENT SHOULD IMPOSE A MORATORIUM ON THE DEVELOPMENT OF LOW INCOME HOUSING IN THE HISTORICALLY SEGREGATED PICO NEIGHBORHOOD (90404) for 10 years AND LIMIT THE DEVELOPMENT OF LOW INCOME HOUSING IN THE NEIGHBORHOOD BETWEEN WILSHIRE BLVD AND SAN VICENTE BLVD. The City must also rezone the commercial strip of Montana Ave.[the Mayor's neighborhood] to allow 3 floors of low income housing above commercial, the same zoning as the Pico Neighborhood.

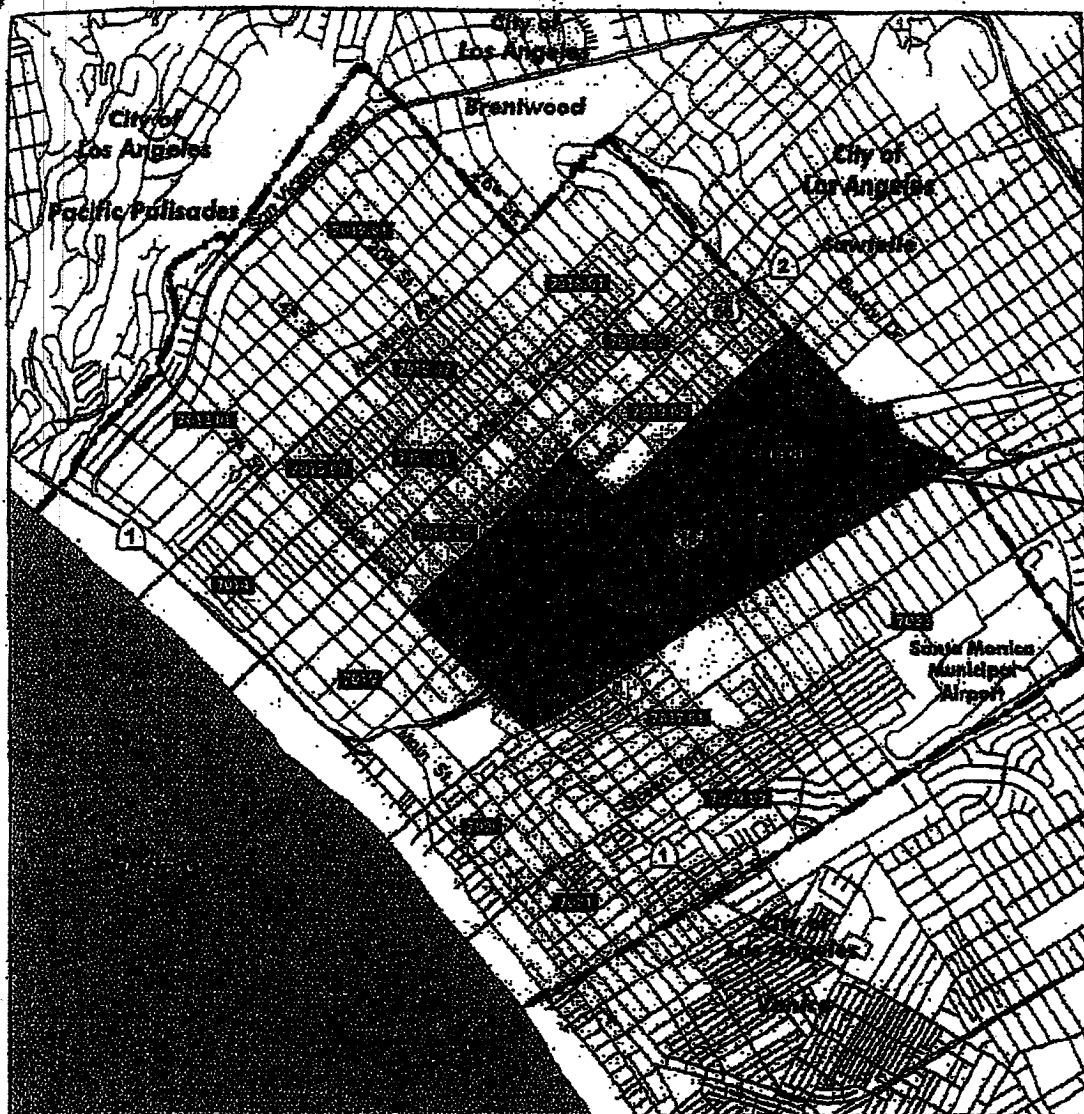
In summary, the revised City Housing Element proposes to “perpetuate segregation” of the low income housing in the red lined historically segregated Pico Neighborhood and fails to propose a viable plan to Affirmatively Further Fair Housing. Selling the City owned land at Bergamot and 4<sup>th</sup> and Arizona and using the funds to develop affordable housing in the predominately white neighborhoods is what is required by **AB 686 and GOVERNMENT CODE 8899.50 et.seq**

Please REJECT this alleged revised plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mathew L. Millen', with a large, sweeping flourish at the end.

Mathew L. Millen



9064  
Pico  
Neighborhood

**Legend**

- • — City Boundary
- Streets
- Census Tract Boundary
- 7070 03 Census Tract Number
- ◆ Census Tracts with more than 30% Minority Population



City of Santa Monica

Source: 2000 Census

**Figure 1**  
**Minority Population**  
**by Census Tract**

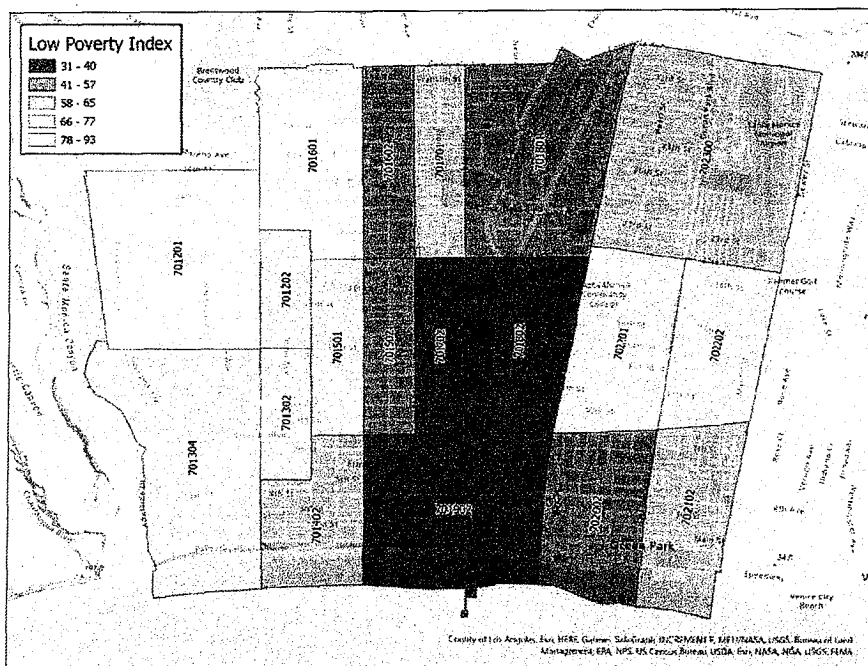
A-1



#### 4. Access to Low Poverty Neighborhoods

In the City of Santa Monica, access to low poverty neighborhoods is closely linked to residential patterns of racial and ethnic concentration. Map 2-18 shows the low poverty indices for the City. The areas with the lowest Low Poverty Indices and thus the highest concentrations of poverty are in the Pico neighborhood and the immediate vicinity of Downtown Santa Monica. These areas have higher concentrations of Black and Hispanic households than the city as a whole. By contrast, the North of Wilshire and North of Montana neighborhoods, with higher White populations, both have higher Low Poverty Indices and thus lower concentrations of poverty. In the City of Santa Monica, Black and Hispanic households have lower access to low poverty neighborhoods than do White and Asian American or Pacific Islander households. The disparities are significant but not extreme.

Map 2-18: Low Poverty Index



#### 5. Access to Environmentally Healthy Neighborhoods

Map 2-19 which shows the Environmental Health Hazard indices across the City and substantiates the view that there are significant differences in environmental health between neighborhoods and that those disparities are correlated with neighborhood demographics. The eastern area of NOMA and Northeast neighborhood of the City are the most environmentally healthy than other areas in the City, and have the highest environmental health indices. The Pico neighborhood, current and former industrial areas of the Industrial Conservation zones, and Downtown Santa Monica are more heavily affected by their proximity to the I-10 freeway than are more heavily White neighborhoods

A-2



The Pico Neighborhood in Santa Monica. Photo: Sam Catanzaro.

## Residents in Certain Santa Monica Neighborhoods Eligible for LA County Guaranteed Income Program

Residents in Downtown and Pico neighborhoods eligible for \$1,000 a month program

By Sam Catanzaro

Residents of two Santa Monica neighborhoods are eligible to apply for LA County's new \$1,000 a month guaranteed income program.

The program, called "Breathe", launched on March 31 and will award 1,000 randomly selected qualifying residents \$1,000 a month for three years.

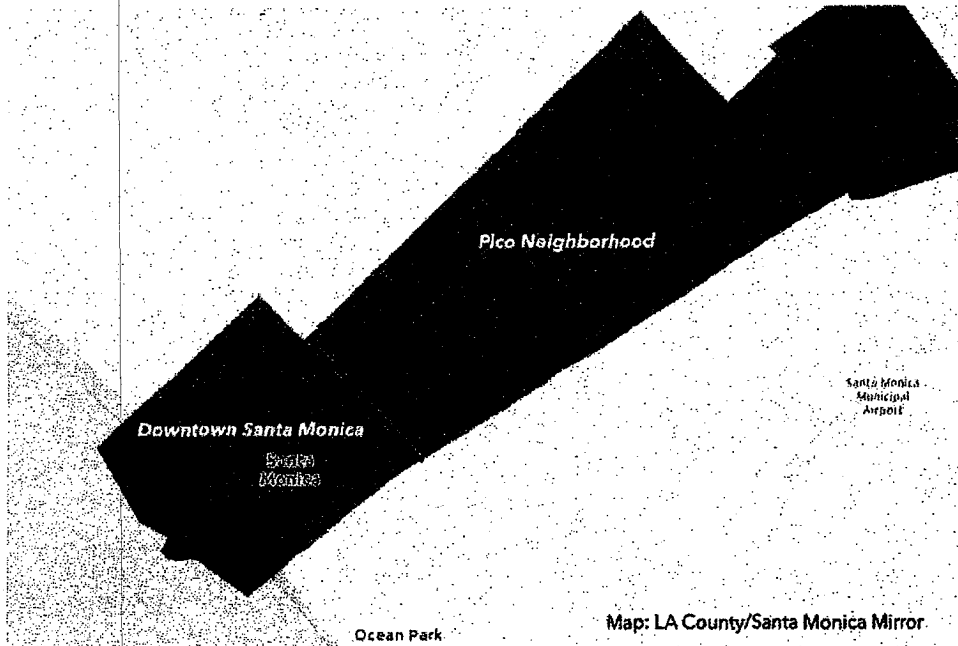
"The course of this pandemic has revealed the large number of County residents who are living on the brink of financial crisis, with insufficient savings to weather a job loss, a medical emergency, or a major car repair. This guaranteed income program will help give residents the breathing room they need to better weather those crises," said program co-author Supervisor Sheila Kuehl.

The enrollment period opened on March 31 and the deadline for applications is April 13. Selection will not depend on the timing of entries. The program is being overseen by the County's Poverty Alleviation Initiative, launched last year to address poverty and income instability among LA County residents.

Applicants must be at least 18 years old and with a household income that falls at or below LA County's average median income (AMI) of \$58,000 for a single-person household or 120 percent of AMI at or below \$96,000 for a family of four, for example. They must also have been negatively impacted by the COVID-19 pandemic.

B

In addition, applicants are required to live within what LA County deems a low-income community. In Santa Monica, two neighborhoods fall under this category: Pico and Downtown. Pico's Boundaries are Lincoln Boulevard to the west, Centinela Avenue to the east, Olympic Boulevard to the north and Pico Boulevard to the south. Downtown contains Wilshire Boulevard, Arizona Avenue, Santa Monica Boulevard, Broadway, and Colorado Avenue from Ocean Avenue to Lincoln Boulevard.



A total of 1,000 participants who apply during the open enrollment period will be randomly selected by a research team from the University of Pennsylvania's Center for Guaranteed Income Research, which is partnering with the County to design and implement the program. Direct monthly payments will be distributed via a debit card to selected residents and will come without strings or conditions.

After participants are selected, another 1,200 applicants will be randomly chosen to participate in the research study only, as part of a control group. Control group participants will not receive the monthly payment. They will complete periodic surveys and interviews about their well-being so that information can be compared to the treatment group and help determine whether or not the program was effective.

To learn more about the program, visit [breathe.lacounty.gov](https://breathe.lacounty.gov)

By [Sam Catanzaro](#) April 8, 2022  
in [News](#)



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NEWS

### **USPS Suspends Service to Santa Monica Block Following Assaults on Mail Carriers**

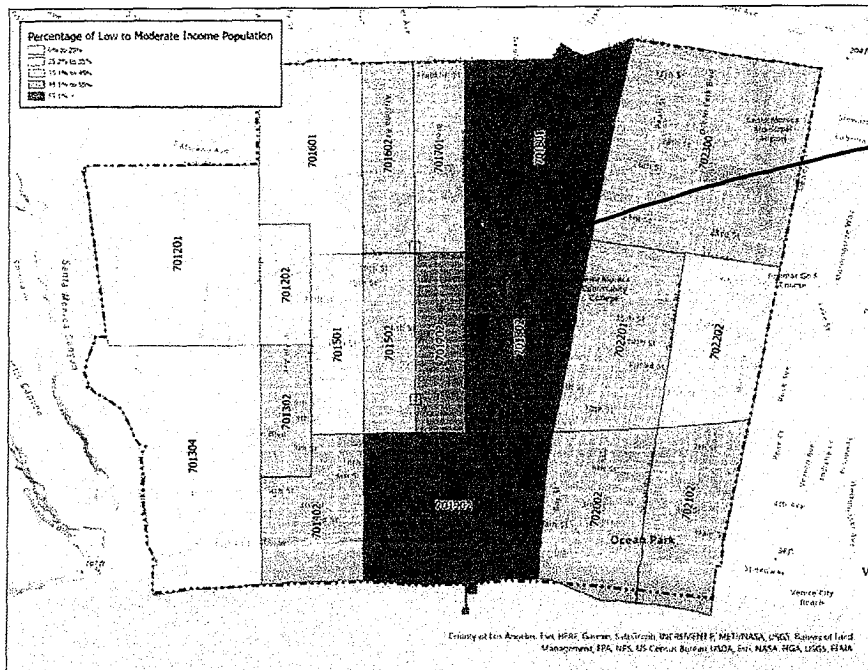
April 11, 2022 [Sam Catanzaro](#)

Residents on the 1300 block of 14th Street without delivery service following multiple assaults By Sam Catanzaro The United States...

B-2

While there are no R/ECAPs within the City of Santa Monica (Map 2-6), the legacy of past racist planning and housing policies have shaped land use patterns in the City that we see today. There are census tracts in the City that have higher concentrations of non-Whites as well as higher concentrations of low income and moderate income population. In general, the patterns of non-White and lower income households continue to mirror the redline maps with more affluent Whites on the northern and southern ends of the City (Map 2-4) and non-Whites and lower income populations concentrated in the central city near the main transportation corridors (Map 2-7).

**Map 2-7: Low to Moderate Income Population by Census Tract**



*Pico Neighborhood (90x04)*

This pattern of segregation is also true for renter versus ownership households. The 2020 AFH found that the location of renters and owners in Santa Monica very highly correlates with patterns of residential racial and ethnic segregation. The areas with the highest concentrations of homeownership, such as north of Montana, Ocean Park, and Sunset Park are also the areas that are predominantly White. The areas with the highest concentrations of renters, such as the Pico neighborhood and Downtown, are areas that contain high concentrations of minorities and/or those with Limited English Proficiency.

The AFH also found that a major contributor to continued racial and ethnic segregation is the economics of high housing and land costs created by zoning, which particularly limits the feasibility of developing of affordable housing in certain areas of the City.

*False  
sell Bergamot &  
4th Arizona -  
yields millions of dollars*

*B-3*



Home > Featured > Residents oppose 521 unit development on Gelson's site

Feb. 21, 2022 at 6:00 am

FEATURED NEWS

# Residents oppose 521 unit development on Gelson's site

Clara Harter - 4 months ago - featured , News



Photo by Matthew Hall.



Over 500 people attended the second community Zoom meeting for the proposed 521-unit Lincoln Center Project, which mainly consisted of residents sharing their opposition to the project with the development team.

The project is located at the corner of Lincoln Blvd. and Ocean Park Blvd. on the site of an existing Gelson's grocery store and surface parking lot. Designs for the almost 900,000 square foot complex include ten separate residential buildings with heights of up to five stories and 36,000 square feet of street facing retail space, including a grocery store. The project is seeking additional height permissions under a state density bonus law in exchange for constructing 53 very low income residential units.

The property owner is SanMon Inc., a subsidiary of Balboa Retail Partners, who are working with Koning Eizenberg Architects and Cypress Equity Investments on the development.

The key concerns raised by residents were the vast scale of the project, its impact on traffic and water supply, the limited number of affordable units and the relatively small retail component. A smaller portion of residents voiced support for the development, saying it was an important part of addressing the housing crisis and helping Santa Monica meet its state mandated requirement to build almost 9,000 new units by 2029.

The development is eligible for by-right approval, meaning that if it meets all building and zoning codes, Planning Commission and City Council cannot deny it. The use of by-right approvals for housing projects is intended to ensure that the City can build the ambitious number of units allocated by the State's Regional Housing Needs Assessment (RHNA).

Although the project will not require a public hearing for development approval, Dave Rand, the project's land use attorney, emphasized to meeting attendees that approval is still a lengthy process with layers of oversight.

C-1

"The administrative approval process with our density bonus requests is not a short process. It's a long, exacting review by the City. It will be reviewed in detail by a myriad of departments for all the various things that we're seeing popping up in the (Zoom) chat: issues related to circulation, safety, infrastructure, sustainability, the like, and there will be a public hearing associated with the design of the project before the City's Architectural Review Board," said Rand.

The community Zoom meeting is one of the steps that developers must take before submitting their project application for administrative review. While they are required to listen to and record community members' input, they are not required to alter their plans in response.

The most common complaint raised by residents is that the 521-unit development is simply too large for the location.

"I feel that the project is way too big," said 46 year Ocean Park resident Mitch Greenhill. "I could imagine that project being very appropriate on the side of the Big Blue Bus Maintenance yard, which is two blocks away from the metro station... you should not put 500 units at the corner of Lincoln Boulevard and Ocean Park Boulevard, it's just way out of scale."

Rand pushed back on that idea, saying he respectfully disagreed and believed that the site was well-suited to large residential development, especially in consideration of Santa Monica's 8,895 unit RHNA allocation.

"The question is, where do you put those units?" said Rand. "Do you put them in the R1 neighborhoods, densify single family stable neighborhoods? Do we put them in R2 or R3 neighborhoods where you would displace existing tenants, many of them rent control tenants? Or do you put them on surface parking lots on the commercial boulevards, proximate to transit and make it bike friendly and pedestrian friendly as is our objective here?"

Traffic was another key concern repeatedly raised by residents as Lincoln Blvd is a significant site of congestion.

"I've lived in Santa Monica for 34 years and, as many other people have stated, 521 units seems insane to me," said Jim Bernstein. "If you stand on the corner of Ocean Park and Lincoln at 6pm, the traffic is backed up from that intersection all the way back down to Main Street and people wait for 15 minutes to go to the light."

The developers have not yet conducted a traffic study, so the potential impact on congestion is unknown. On the one hand, residential uses produce less cars per square foot than retail uses, so the replacement of a highly utilized Gelson's with housing could lead to a net negative impact on congestion. Alternatively, the sheer number of new units and the fact that the development still includes 36,000 square feet of retail space, including space designated for a small grocery store, could create a net increase in congestion.


Rand said the development team has hired a traffic engineer to look at circulation issues and ensure the project is designed to minimize negative impacts on surrounding roadways.

Residents also raised concerns about the impact of the 521 new units on the City's water supply. Rand dismissed this concern by citing the City's water neutrality ordinance, which requires that all new building projects offset their impact on the water supply in order to receive a development permit.

The Lincoln Center team is working on submitting its development application for administrative review, which will include information on the public comment shared during the community meeting. Rand estimates that the approval process, including a design hearing by the Architectural Review Board, will take at least two and a half years with construction estimated to take an additional two and a half years or three years, setting 2027 as the earliest potential opening date.

Clara@smdp.com

Tags: *featured* *News*

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[ADD A COMMENT](#)

C-2

# Affordable housing in Santa Monica, by zip code

From: [REDACTED]  
Sent: Wed 10/18/06 6:43 PM  
To: Matmillen@msn.com  
Cc: [REDACTED]

Affordable Housing in Santa Monica (partial listing)  
October 7, 2006

*lots more  
in past  
15 years*

**LA Community Development Commission** -- Manages low-income family housing --  
<http://www.lacdc.org/housing/apply/public/apply.shtm>

- 1855 9th St., 90404
- 1450 14th St., 90404
- 1901-1909 11th St., 90404
- 2006 20th St., 90404
- 175 Ocean Park Blvd., 90405 (family & senior housing)

**Privately-owned affordable housing for seniors:**

- Barnard Park Villas -- 300 block Barnard Way, 90405
- Fourth Street Senior Citizen Housing -- 1100 block 4th St., 90403
- Geneva Plaza -- 1400 block 21st St., 90404
- Lincoln Court -- 2800 block Lincoln Blvd., 90405
- Neilson Villas -- 3100 block Neilson Way, 90405
- Santa Monica Towers -- 1200 block 12th St., 90401
- Upward Bound Senior Villas -- 1000 block 11th St., 90403
- Westminster Towers -- 1100 block 7th St., 90403
- Wilshire House -- 1100 block 3rd St., 90401

**Community Corporation of Santa Monica (CCSM)** at 1423 Second St. #B, 90401--  
Founded in 1982, CCSM is a private non-profit organization which develops and manages affordable housing to benefit very low to moderate income people in Santa Monica. Part of its funding comes from the city's Housing Trust Funds.

The city's **Housing Trust Funds** have several sources, none of which are "general funds." These funds can legally only be used for affordable housing: developer fees ("in lieu" fees and office mitigation fees), condominium conversion taxes, redevelopment tax increment, and federal block grant programs (Community Development Block Grants and HOME Investment Partnerships). For fiscal year 2004-05, a total of \$3,834,335 was available to the city from CBDG and HOME. <http://www.santa-monica.org/hsd/services/1other.htm>

The city's Housing Division requires a "local preference" in projects funded by the city, so that Santa Monica residents/workers have priority for any units. Despite this priority system, 20-30% of current CCSM tenants were not previously Santa Monica residents.

According to the city's "Proposed FY 2004-05 One-Year Action Plan" submitted to the U.S. Department of Housing and Urban Development, p.22, "The City continues to fund CCSM to help CCSM maintain approximately 1,200 affordable housing units."

The CCSM 2004 tax return shows the following:

As of June 2005, CCSM reported 940 units.  
Total assets at the end of the fiscal year were \$104,677,939.

*— Now 2000 units!*

- Total revenue: \$8,118,956
- Rental fees: \$7,540,175
- Property management fees: \$220,235
- Maintenance svc. fees: \$135,188
- Other revenue: \$320,259

*D-1*

Compensation for the 5 highest paid CCSM employees was \$130,454; \$92,000; \$71,333; \$73,000; and \$70,000, each with a \$4,800 expense account.

Property taxes paid: \$462,720

The twenty members of the CCSM Board, who received no compensation, included two PNA appointees (Oscar de la Torre and Wes Terry), an OPCO appointee (Jamie Zazow), a Wilmont appointee (Betty Mueller), but no FOSP appointee.

\*\*\*\*\*  
CCSM reviews credit history and contacts previous landlords, but does not screen for felony convictions, as Section 8 housing does.

Regarding zoning restrictions, the CCSM Executive Director, Joan Ling, has stated that "affordable housing projects are exempt from the usual City review, but the design [of any new buildings] will go before the Architectural Review Board." [http://smmirror.com/volume4/issue42/community\\_corp\\_unveils.asp](http://smmirror.com/volume4/issue42/community_corp_unveils.asp)

**CCSM buildings in Sunset Park:**

- 1) 2411-2423 Centinela Ave. - 90405 - (groundbreaking in November)
- 2) 2449-2501 Centinela Ave. - 90405
- 3) 1002 Marine St. - 90405
- 4) 915 Ozone Ave. - 90405
- 5) 919 Ozone Ave - 90405
- 6) 929 Ozone Ave. - 90405
- 7) 1206 Pico Blvd. - 90405
- 8) 2122 Pico Blvd. - 90405
- 9) 1916 10th St. - 90405
- 10) 2028 14th St. - 90405
- 11) 2243-2247 28th St. - 90405
- 12) 2260-2268 28th St. - 90405
- 13) 2608-2618 28th St. - 90405
- 14) 2428 34th St. - 90405
- 15) 2432 34th St. - 90405

**CCSM buildings in the Ocean Park section of 90405 zip code:**

- 1) 536 Ashland Ave. - 90405
- 2) 3005 Highland Ave. - 90405
- 3) 2209 Main St. - 90405
- 4) 642 Marine St. - 90405
- 5) 724 Pacific St. - 90405
- 6) 420 Pico Blvd. - 90405
- 7) 708 Pico Blvd. - 90405
- 8) 518 Pier Ave. - 90405
- 9) 418 Strand St. - 90405
- 10) 2907 3rd St. - 90405
- 11) 2211 4th St. - 90405
- 12) 2120 4th St. - 90405
- 13) 2900 4th St. - 90405
- 14) 2400 5th st. - 90405
- 15) 2207 6th St. - 90405

**90404 zip code:**

- 1) 2107 Arizona Ave. 90404
- 2) 1342 Berkeley St. - 90404
- 3) 1427 Berkeley St. 90404
- 4) 1424 Broadway - 90404
- 5) 1959 Cloverfield Blvd. - 90404
- 6) 2009 Cloverfield Blvd.
- 7) 2112-2120 Delaware Ave. - 90404
- 8) 1952 Frank St. - 90404
- 9) 1942-1958 High Place -- 90404
- 10) 1943, 1949, 1955, 1959 High Place - 90404

*Historically segregated Pico Neighborhood*

*Remolded 9/20/04 MTS*



- 11) 2404-2410 Kansas Ave. - 90404
- 12) 2531 Kansas Ave. - 90404
- 13) 2625 Kansas Ave. - 90404
- 14) 1629 Michigan Ave. - 90404
- 15) 2601 Santa Monica Blvd. - 90404 - 44 units, 86 parking spaces, currently under construction (3 stories in front, 4 stories in back)
- 16) 2615 Santa Monica Blvd. - 90404
- 17) 3021-3031 Santa Monica Blvd. - 90404
- 18) 1344 14th St. - 90404
- 19) 1514-1518 14th St. - 90404
- 20) 1512 15th St. - 90404
- 21) 1747 15th St. - 90404
- 22) 1438 16th St. - 90404
- 23) 1808 17th St. - 90404
- 24) 1828 17th St. - 90404
- 25) 1843-1845 17th St. - 90404
- 26) 1917 17th St. - 90404
- 25) 1943 17th St. - 90404
- 26) 1314 18th St. - 90404
- 27) 1937 18th St. - 90404
- 28) 1827 19th St. - 90404
- 29) 1968 19th St. - 90404
- 30) 1925-1933 20th St. - 90404
- 31) 1944 20th St. - 90404
- 32) 2017-2025 20th St. - 90404
- 33) 2023 20th St. - 90404
- 34) 1349 26th St. - 90404

*Historically segregated  
Pico Neighborhood  
low income housing  
Projects on  
every Block!*

*3 New  
Projects on  
14th St  
Between  
Pico &  
Michigan -*

*Another project  
@ 19th @ Pico*

**90403 zip code:**

- 1) 1719-1721 California Ave. - 90403
- 2) 911 2nd St. - 90403
- 3) 1038 2nd St. - 90403
- 4) 807 4th St. - 90403
- 5) 1017 4th St. - 90403
- 6) 1118 5th St. - 90403
- 7) 813 9th St. - 90403
- 8) 821 11th St. - 90403
- 9) 937 11th St. - 90403
- 10) 1143 12th St. 90403
- 11) 1149 12th St. - 90403
- 12) 1052 18th St. - 90403

*white neighborhoods with Restructure  
white neighborhoods covenants*

**90402 zip code:**

- 1) 225 San Vicente Blvd. - 90402

**90401 zip code:**

- 1) 502 Colorado Ave. - 90401
- 2) 3 Vicente terrace - 90401
- 3) 1227 9th St. - 90401
- 4) 1343 11th St. - 90401
- 5) The Village - 90401 - 160 affordable apartments (65-foot high buildings to be built in the downtown Civic Center, on the old RAND property)

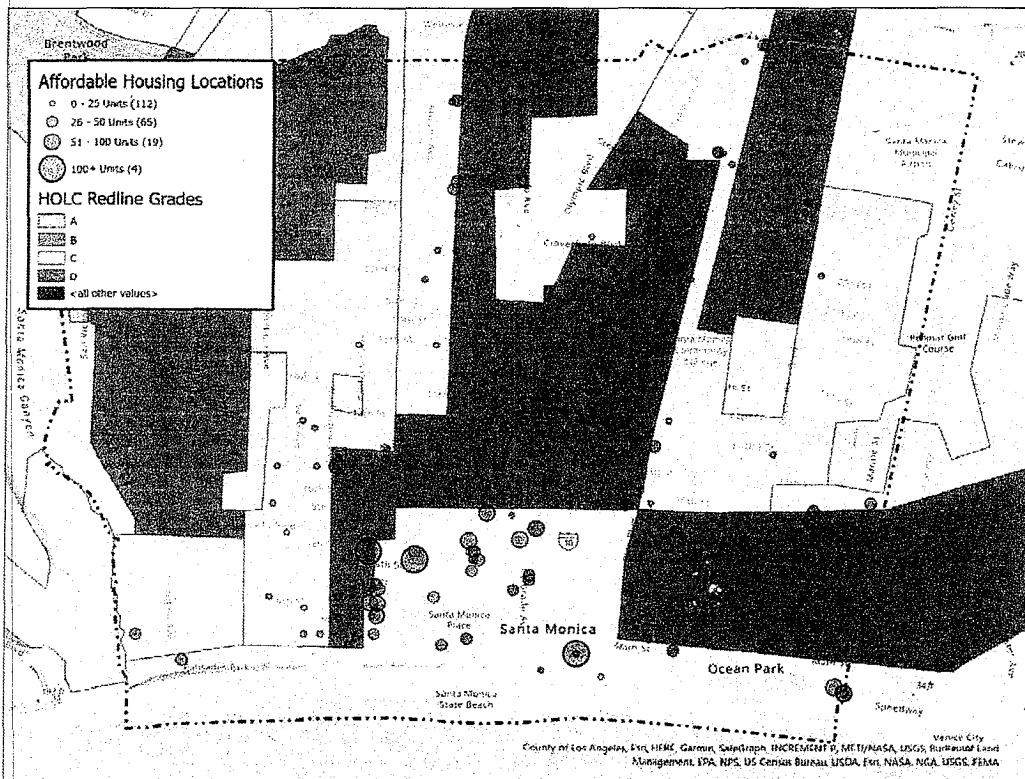
*Mayor's neighborhood*

*D-3*

the Belmar Triangle was home to many African American families and other families of color who migrated to Santa Monica.<sup>1</sup> Through eminent domain proceedings, the Belmar Triangle was razed to build the Santa Monica Civic Auditorium and part of the Los Angeles County Courthouse grounds. The City's annual reports claimed that the Belmar area was "blighted" and that only substandard and dilapidated structures and dwellings were burned down and removed for health and safety reasons.<sup>2</sup>

Over the years, the development of lower-cost affordable housing has largely followed historic patterns of segregation. Map 2-2 shows the redlining boundaries overlaid with affordable housing that has been constructed or acquired/rehabilitated over the years. Of the affordable units that have been constructed over the years, 49% are in the City's former redlined areas (which make up 24% of the City).

**Map 2-2: Affordable Housing and Formerly "Redlined" Areas in the City of Santa Monica**



1 Alison Rose Jefferson, PH.D., The Erased African American Experience in Santa Monica's History; [https://alisonrosejefferson.com/wp-content/uploads/2021/02/Jefferson.ReconstructionAndReclamation.FINAL\\_12.22.2020.pdf](https://alisonrosejefferson.com/wp-content/uploads/2021/02/Jefferson.ReconstructionAndReclamation.FINAL_12.22.2020.pdf)  
 2 Ibid

D-4

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**FILED**  
Superior Court of California  
County of Los Angeles

**FEB 13 2019**

Sherri R. Carter, Executive Officer/Clerk  
By Neil M. Raya Deputy  
Neil M. Raya

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

PICO NEIGHBORHOOD ASSOCIATION,	)	Case No.: BC616804
et al.	)	
	)	
Plaintiffs,	)	STATEMENT OF DECISION
	)	
vs.	)	
	)	
CITY OF SANTA MONICA,	)	
	)	
Defendant.	)	
	)	

Pursuant to CCP §632, the Court issues the following  
Statement of Decision in support of its Judgment after court  
trial:

**INTRODUCTION**

1. Plaintiffs' Pico Neighborhood Association ("PNA"), Maria Loya ("Loya"), filed a First Amended Complaint alleging two causes of action: 1) Violation of the California Voting Rights

E

02/14/19

1 Elections (CURE) specifically noted the Watsonville case in  
2 urging the Santa Monica City Council to place the issue of  
3 substituting district for at-large elections on the ballot,  
4 allowing Santa Monica voters to decide the question. With the  
5 issue of at-large elections diluting minority vote receiving  
6 increased attention in Santa Monica and throughout California,  
7 Defendant appointed a 15-member Charter Review Commission to  
8 study the matter and make recommendations to the City Council.  
9  
10 76. As part of their investigation, the Charter Review  
11 Commission sought the analysis of Plaintiff's expert, Dr.  
12 Kousser, who had just completed his work in Garza regarding  
13 discriminatory intent in the way Los Angeles County's  
14 supervisorial districts had been drawn. Dr. Kousser was asked  
15 whether Santa Monica's at-large election system was adopted or  
16 maintained for a discriminatory purpose, and Dr. Kousser  
17 concluded that it was, for all of the reasons discussed above.  
18 Based on their extensive study and investigations, the near-  
19 unanimous Charter Review Commission recommended that Defendant's  
20 at-large election system be eliminated. The principal reason  
21 for that recommendation was that the at-large system prevents  
22 minorities and the minority-concentrated Pico Neighborhood from  
23 having a seat at the table.  
24

25 77. That recommendation went to the City Council in July 1992,  
and was the subject of a public city council meeting. Excerpts

02/14/19

1 from the video of that hours-long meeting were played at trial,  
2 and provide direct evidence of the intent of the then-members of  
3 Defendant's City Council. One speaker after another - members  
4 of the Charter Review Commission, the public, an attorney from  
5 the Mexican American Legal Defense and Education Fund, and even  
6 a former councilmember - urged Defendant's City Council to  
7 change its at-large election system. Many of the speakers  
8 specifically stressed that the at-large system discriminated  
9 against Latino voters and/or that courts might rule that they  
10 did in an appropriate case. Though the City Council understood  
11 well that the at-large system prevented racial minorities from  
12 achieving representation - that point was made by the Charter  
13 Review Commission's report and several speakers and was never  
14 challenged - the members refused by a 4-3 vote to allow the  
15 voters to change the system that had elected them.  
16

17 78. Councilmember Dennis Zane explained his professed  
18 reasoning: in a district system, Santa Monica would no longer  
19 be able to place a disproportionate share of affordable housing  
20 into the minority-concentrated Pico Neighborhood, where,  
21 according to the unrefuted remarks at the July 1992 council  
22 meeting, the majority of the city's affordable housing was  
23 already located, because the Pico Neighborhood district's  
24 representative would oppose it. Mr. Zane's comments were candid  
25 and revealing: He specifically phrased the issue as one of

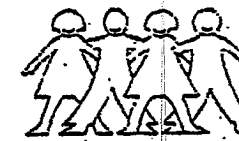
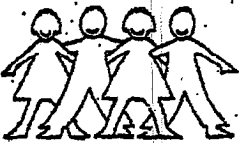
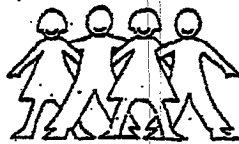
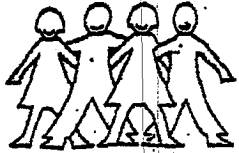
1 Latino representation versus affordable housing: "So you gain  
2 the representation but you lose the housing."<sup>12</sup> While this  
3 professed rationale could be characterized as not demonstrating  
4 that Mr. Zane or his colleagues "harbored any ethnic or racial  
5 animus toward the . . . Hispanic community," it nonetheless  
6 reflects intentional discrimination—Mr. Zane understood that his  
7 action would harm Latinos' voting power, and he took that action  
8 to maintain the power of his political group to continue dumping  
9 affordable housing in the Latino-concentrated neighborhood  
10 despite their opposition. Garza, supra, 918 F.2d at 778 (J.  
11 Kozinski, concurring) (finding that incumbents preserving their  
12 power by drawing district lines that avoided a higher proportion  
13 of Latinos in one district was *intentionally discriminatory*  
14 *despite the lack of any racial animus*), cert. denied (1991) 111  
15 S.Ct. 681.  
16  
17 79. In addition to Mr. Zane's contemporaneous explanation of  
18 his own decisive vote, the Court also considers the  
19 circumstantial evidence of intent revealed by the Arlington  
20 Heights factors. While those non-exhaustive factors do not each

21  
22 <sup>12</sup> Mr. Zane's insistence on a tradeoff between Latino representation and  
23 policy goals that he believed would be more likely to be accomplished by an  
24 at-large council echoed comments of the *Santa Monica Evening Outlook*, the  
25 chief sponsor of and spokesman for the charter change to an at-large city  
council in 1946. "[G]roups such as organized labor and the colored people,"  
the newspaper announced, should realize that "The interest of minorities is  
always best protected by a system which favors the election of liberal-minded  
persons who are not compelled to play peanut politics. Such liberal-minded  
persons, of high caliber, will run for office and be elected if elections are  
held at large."

02/14/19

1 reveal discrimination to the same extent, on balance, they also  
2 militate in favor of finding discriminatory intent in this case.  
3 The discriminatory impact of the at-large election system was  
4 felt immediately after its maintenance in 1992. The first and  
5 only Latino elected to the Santa Monica City Council lost his  
6 re-election bid in 1994 in an election marred by racial appeals  
7 - a notable anomaly in Santa Monica where election records  
8 establish that incumbents lose very rarely. Bolden v. City of  
9 Mobile (S.D. Ala. 1982) 542 F.Supp. 1050, 1076 (relying on the  
10 lack of success of Black candidates over several decades to show  
11 disparate impact, even without a showing that Black voters voted  
12 for each of the particular Black candidates going back to 1874.)  
13 Moreover, the impact on the minority-concentrated Pico  
14 Neighborhood over the past 72 years, discussed above, also  
15 demonstrates the discriminatory impact of the at-large election  
16 system in this case, and has continued well past 1992. Gingles,  
17 supra, 478 U.S. at 48, n. 14 (describing how at-large election  
18 systems tend to cause elected officials to "ignore [minority]  
19 interests without fear of political consequences.")  
20  
21 80. The historical background of the decision in 1992 also  
22 militate in favor of finding a discriminatory intent. At-large  
23 elections are well known to disadvantage minorities, and that  
24 was well understood in Santa Monica in 1992. In 1992, the non-  
25 White population was sufficiently compact (in the Pico

02/14/19



**DESEGREGATION  
&  
INTEGRATION  
STUDY COMMITTEE**

**REPORT  
TO  
BOARD OF EDUCATION**

**JULY 1988**

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
1651 Sixteenth Street  
Santa Monica, California 90404

F



## CONCLUSIONS AND RECOMMENDATIONS

1. According to the current definition of segregated schools, the District has some segregated schools despite its voluntary desegregation plan. Three elementary schools are segregated; one elementary school is in danger of being segregated; three schools elementary schools are racially isolated.
2. The District's performance on CAP is directly related to the Social Economic Status (SES) levels and ethnicity percentages. Both variables appear to affect achievement performance on the CAP tests.
3. Stricter enforcement of District guidelines on transfers and out-of-district enrollment offer the greatest opportunity for bringing the District into greater compliance. McKinley and Rogers could become desegregated schools if voluntary transfers are carefully monitored. Historic housing patterns probably preclude any immediate solutions, for desegregating the District. The Spanish Immersion Program is an attempt by the District, as is the lowering of class size, to rectify the segregated status of Edison.
4. The desegregation plan should be implemented, understood and fully budgeted.
5. De-segregation issues and concerns should be given a high priority in all decisions relating to transfer of students, educational programs, staffing and budgets.
6. A major desegregation task force should be formed in order to study in depth the findings and recommendations this committee has reported. Subcommittee's should be formed to study the specific areas as mentioned in this report and seek solutions.

← 1988

TO: Desegregation and Integration Study Committee

FROM: Jon G. Campbell  
Supervisor  
Instructional Support Staff

DATE: February 1988

Based on the Fall 1987 racial-ethnic survey, the following chart depicts the status of the district regarding segregated schools, "in danger" of becoming segregated schools, and racially isolated schools.

-----  
BASED UPON AN ELEMENTARY MINORITY ENROLLMENT OF 47.3%

School	Minority Percentage	Segregated (+20%)	In Danger (+15-20%)	Racially Isolated (-20%)
Webster	15.1			RI
Malibu Park	18.1			RI
Alternative	26.0			RI
Franklin	28.0			
Roosevelt	33.9			
Grant	47.1			
Muir	63.1		ID	
Rogers	69.3	Seg		
McKinley	70.3	Seg		
Edison	91.3	Seg		

Elementary  
Segregated: 67.3% - 100% minority enrollment  
In Danger: 62.3% - 67.3% minority enrollment  
Racially Isolated: 0 - 27.3% minority enrollment

-----  
BASED UPON THE JUNIOR HIGH MINORITY ENROLLMENT OF 44.9%

Malibu Park	18.1			RI
Lincoln	42.6			
John Adams	59.8			

Junior High  
Segregated: 64.9% - 100% minority enrollment  
In Danger: 59.9% - 64.9% minority enrollment  
Racially Isolated: 0 - 24.9% minority enrollment

-----  
Olympic 43.2  
Samohi 36.3

TOTAL DISTRICT MINORITY PERCENTAGE 43.0

BOARD OF EDUCATION ACTION 6/23/84

ANY SCHOOL WHICH HAS A MINORITY STUDENT POPULATION OF 20 PERCENTAGE POINTS OR MORE ABOVE THE DISTRICT AVERAGE IN ITS RESPECTIVE CATEGORY (ELEMENTARY, JUNIOR HIGH SCHOOLS) MAY BE CONSIDERED SEGREGATED.

ANY ELEMENTARY OR SECONDARY SCHOOL THAT IS 15 - 20 PERCENTAGE POINTS ABOVE THE ELEMENTARY OR SECONDARY MINORITY ENROLLMENT AVERAGE MAY BE DEFINED AS "IN DANGER" OF BECOMING SEGREGATED.

JGC:jm

(Attachment: Enrollment Report)

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
Human Resources Department

Racial & Ethnic Distribution  
October, 2010

SCHOOL	MINORITY										WHITE		TOTAL Enrollment	MINORITY %
	AMERICAN INDIAN / ALASKAN NATIVE	ASIAN	PACIFIC ISLANDER	FILIPINO	HISPANIC	BLACK / not of Hispanic Origin	Multiple or no Response	% of Hispanic Origin	TOTAL	%				
Cabrillo	0	1	0	3	47	10	1	189	74.41%	254	64	25.20%		
Edison	1	13	1	0	279	20	11	124	27.62%	449	314	69.93%		
Franklin	0	7	4	2	34	11	13	631	81.74%	772	128	16.58%		
Gant	4	40	2	4	172	56	7	346	54.53%	631	278	44.06%		
MacKenley	4	39	1	6	151	56	7	156	35.45%	440	277	62.95%		
Mail	3	19	1	3	109	47	8	126	39.87%	316	182	57.59%		
Pc. Duane	3	12	2	0	14	11	1	230	84.25%	273	42	15.38%		
Rogers	1	17	1	0	245	74	35	120	24.14%	497	342	68.81%		
Roosevelt	5	84	5	18	94	35	34	506	64.79%	781	241	30.86%		
Webster	0	21	6	1	31	8	2	308	81.70%	377	67	17.77%		
SMASH K-5	1	26	0	3	2	9	0	108	72.88%	149	41	27.52%		
SMASH 6-8	0	6	0	3	6	9	0	50	67.57%	74	24	32.43%		
Adams	1	39	6	9	325	121	13	328	31.48%	1,042	701	67.27%		
Lincoln	9	121	10	12	191	70	7	709	62.87%	1,129	413	36.58%		
Malibu 6-8	1	17	3	4	47	15	0	359	80.92%	456	87	19.08%		
Malibu 9-12	1	13	5	2	63	13	0	607	86.22%	704	97	13.78%		
Olympic	0	4	1	0	58	11	0	38	33.93%	112	74	66.07%		
Santa Monica	9	212	25	21	1,067	335	19	1,415	45.60%	3,103	1,669	53.79%		
TOTALS:	43	784	73	95	3,135	911	158	6,368	55.02%	11,559	5,041	43.61%		
Elementary Schools	22	372	23	44	1,178	337	119	2,844	57.58%	4,939	1,976	40.01%		
Grades K-5														
Middle Schools	11	183	19	28	769	215	20	1,455	53.91%	2,701	1,225	45.35%		
Grades 6-8														
Secondary Schools	10	229	31	23	1,188	359	19	2,060	52.50%	3,919	1,840	46.95%		
Grades 9-12														

---

**From:** OZ <[zurawska@yahoo.com](mailto:zurawska@yahoo.com)>

**Sent:** Thursday, September 15, 2022 12:00 PM

**To:** SmHousing Mailbox <[SmHousing.Mailbox@santamonica.gov](mailto:SmHousing.Mailbox@santamonica.gov)>; Michelle Gray

<[Michelle.Gray@santamonica.gov](mailto:Michelle.Gray@santamonica.gov)>; Theresa Marasco <[Theresa.Marasco@santamonica.gov](mailto:Theresa.Marasco@santamonica.gov)>; Dominic Gomez <[Dominic.Gomez@santamonica.gov](mailto:Dominic.Gomez@santamonica.gov)>; S. Bavan Meena <[meena.s.bavan@hud.gov](mailto:meena.s.bavan@hud.gov)>

**Subject:** public input HC meeting 9/15/22

EXTERNAL

**URGENT: This is to request an immediate fiscal, operational, programmatic and fair housing audit of SMHA by HUD.**

Dear HUD representatives,

Thank you so much for attending tonight's meeting as long-awaited guests of the new Santa Monica Housing Commission.

Your intervention is absolutely necessary in order to protect the most vulnerable low-income residents of Santa Monica and to protect the tax dollars that fund the federal housing programs administered by SMHA.

SMHA is not a functioning agency, and has not been for a very long time:

1. Five out of the barebones staff positions necessary for its basic functioning have been vacant for months, or in case of the manager position, since May 2020.
2. The City claims that a person with zero qualifications to be SMHA manager, and who already has a full time position with the city, is now the SMHA manager (Setareh Yavari – see her attached application for SM City position).
3. The reality is that there is no management of SMHA.
4. SMHA is not making meaningful efforts to hire for the vacant positions. They have not posted ad jobs on specialized web sites, and it does not look like the people crafting job ads know what to ask for in the ads. There has been one ad on the City web site, that did not ask for the necessary qualifications or experience.
5. SMH has failed to and refused to apply for the funding available, to the detriment of the residents of Santa Monica who are in need.
6. ADA discrimination by SMHA is standard operating procedure. Staff either does not have the working knowledge of the ADA or is not willing to follow the law.
7. SMHA staff does not reply to communications by clients – not by email, not by phone.

8. SMHA staff make people homeless. **This is an actual disgrace.**
9. There is no transparency of SMHA and no information available to clients and the public about the services, contact info of the staff, the organizational chart or the chain of command.
10. Ongoing refusal to form a meaningful RAB. We have never had a meaningful RAB in Santa Monica. Watch the video of the meeting of SMHA Board on 9/13/22. Starts at 2:44:11 ends at 4:55:32:  
[https://www.youtube.com/watch?t=9848&v=pwieHhTAJNY&feature=youtu.be&ab\\_chan nel=CityofSantaMonica](https://www.youtube.com/watch?t=9848&v=pwieHhTAJNY&feature=youtu.be&ab_chan nel=CityofSantaMonica)
11. SMHA staff lie about the RAB in front of the Housing Commission, the SMHA Board, the public and the clients. For example, on 9/13/22 James Kemper stated in front of SMHAB that until a year ago or so HUD recognized the two voucher holders on the Santa Monica Housing Commission as being the equivalent of the RAB.
12. There are no RAB reps on the SMHAB. The reps were assigned on 6/29/21 via a lottery. One of them has never attended a SMHAB meeting since then, the other one attended a couple times but publicly stated that she doesn't know what her role is and doesn't know anything about the Admin Plan.
13. James Kemper unilaterally made the decision to ask HUD for a waiver of the requirement that a homeless or formerly homeless person represents on the policymaking body of SMHA (which is the SMHAB). This was done despite the expressed interest of CoC participants to represent on SMHAB.
14. SMHA does not offer the full range of services that are part of the CoC program, they merely issue a voucher and subcontract with a nonprofit, eg. StepUp on Second, whose only role is to keep the client housed, StepUp does not offer any other services, nor are they even minimally trained on what the CoC program is supposed to offer.
15. SMHA issues the same HCV certificate to the participants of all the programs administered by SMHA (this is per Housing Specialist Loretta Carter), thus confusing clients as to what program they are in. SMHA does not provide ANY information about the CoC program when handing the voucher to the clients. Clients live under the impression CoC is the same as HCV, only has a different name and with CoC you cannot move without first changing to an HCV voucher – that is what Housing Specialists tell clients.
16. SMHA does not advertise job openings within the agency to the clients.
17. The prevailing culture within SMHA is one of disdain for the clients. Clients are often treated as a nuisance. One client reports that she saw a whiteboard at a SMHA office with a stick figure drawing with a bubble coming out of the stick figure's mouth that said, "Gimme housing."

Please, please, dear HUD representatives, help the very-low income residents of Santa Monica who participate in SMHA programs by conducting a comprehensive fiscal, operational and programmatic audit of the agency. SMHA is NOT a high performing agency. It's a non-performing agency.

Thank you very much for your attention to this very important and urgent matter.

Sincerely,

Olga Zurawska

120645-01 - Human Services Manager

**Contact Information -- Person ID:** [REDACTED]

Name: Setareh Yavari Address: [REDACTED]  
Home Phone: [REDACTED] Alternate Phone: [REDACTED]  
Email: [REDACTED]

**Personal Information**

Driver's License: Yes, California , [REDACTED] , Class C  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Master's Degree

**Preferences**

Are you willing to relocate? [REDACTED]  
Types of positions you will accept: [REDACTED]  
Types of work you will accept: [REDACTED]  
Types of shifts you will accept: [REDACTED]

**Objective**

**Education**

**Graduate School** Did you graduate: Yes  
*University of Southern California* Major/Minor: Social Welfare - Policy & Administration  
*www.usc.edu* Units Completed: 4 Semester  
[REDACTED] Degree Received: Master's  
Los Angeles, California

**College/University** Did you graduate: Yes  
*California State University, Northridge* Major/Minor: Psychology  
[REDACTED] Units Completed: 8 Semester  
Northridge, California Degree Received: Bachelor's

**High School** Did you graduate: Yes  
*La Reina High School* Degree Received: High School Diploma  
[REDACTED]  
Thousand Oaks, California

**Work Experience**

**Acting Human Services Manager** Hours worked per week: 40  
5/2012 - Present # of Employees Supervised: 7  
Name of Supervisor: Karen Ginsberg - Director, Community & Cultural Services Department  
City of Santa Monica May we contact this employer? Yes  
1685 Main Street, Room 212

Santa Monica, California 90401  
(310) 458-8701 x. 5101

#### **Duties**

- Manage the operation of the City's Human Services Division including the development, implementation and oversight of:
  - ? The Human Services Grants Program in providing social services and direct services to the community;
  - ? The Human Services Division's operational budget;
  - ? RFP/CIP related materials resulting in funding recommendations, contract negotiations, and coordination and implementation of those projects;
  - ? Community needs assessment activities resulting in recommendation of new/revised policies, program/direct service design, implementation and contract administration. This includes working with department and inter-departmental groups to design innovative programs (e.g. Cradle to Career and Homeless Service Initiatives);
  - ? A range of federal, state and local legislations and funding sources impacting human services;
  - ? Contracts (program and fiscal) in accordance with local, state and federal laws and regulations;
  
- Supervise Division administrative and direct service staff, develop and implement staff development and training activities and personnel policies and procedures;
  
- Work with various City departments, Boards & Commissions, non-profit agencies, and special interest groups (e.g. SMMUSD, Santa Monica College, and Neighborhood Groups) in developing effective solutions and policies to addressing human service needs;
  
- Oversee the on-going planning and implementation of the City's Homeless Management Information System, the future Youth Management Information System and other reporting systems to ensure effective programming;
  
- Prepare and edit a variety of reports on behalf of the Human Services Division including staff reports and planning documents to City Council and various City and County Commissions. Make presentations to Council and Commissions as appropriate;
  
- Interface with the media, community groups, non-profit organizations, county and federal officials. Act as a resource to the public, various City departments, commissions and other organizations on human service related matters;
- Highly organized with strong analytic and problem solving skills; ability to forge strong relationships with other City departments and governmental agencies, community stakeholders and non-profit service providers in the delivery of social services

---

**Human Services Administrator** Hours worked per week: 40  
 11/2009 - 5/2012 # of Employees Supervised: 5  
 Name of Supervisor: Julie Rusk - Manager  
 City of Santa Monica May we contact this employer? Yes  
 1685 Main Street, Room 212  
 Santa Monica, California 90401  
 (310) 458-8701

#### **Duties**

- Oversee the administration of the City's Human Services Grants Program specific to homeless services including: development of RFP/CIP related materials, program development/design, direct service design and oversight, contract administration (program and fiscal) and policy analysis
- Hired and cultivated the Homeless Initiatives Unit. Under my leadership provided opportunities for professional and skill development in order to assist staff in fully integrating within the Division and Department



- Oversee the monitoring, evaluation and implementation of a range of federal, state and local legislations and funding sources impacting human services
- Provide oversight of contracts, both program and fiscal, in accordance with local, state and federal laws and regulations
- Develop and manage the operating budget for the Homeless Initiatives Unit and oversee over \$2M in funding to local non-profits
- Oversee the planning and organization of special programs, projects and City sponsored human service activities (e.g. Annual Homeless Count)
- Provide technical assistance to non-profit organizations on program development, policies and procedures, project budget, documentation and data collection, program outcomes, and other administrative and fiscal areas
- Work with various Human Services Division units, City departments, Commissions, non-profit agencies, and interest groups in developing effective solutions and policies to addressing human service needs
- Oversee the on-going planning and implementation of the City's Homeless Management Information System to ensure effective programming
- Prepare and edit a variety of reports on behalf of the Human Services Division including staff reports and planning documents to City Council and various City and County Commissions. Make presentations to Council and Commissions as appropriate
- Interface with the media, community groups, non-profit organizations, county and federal officials. Act as a resource to the public, City departments, commissions and other organizations on human service related matters
- Highly organized with strong analytic and problem solving skills; ability to forge strong relationships with other City departments and governmental agencies, community stakeholders and non-profit service providers in the delivery of social services

#### **Reason for Leaving**

Professional Development

---

<p><b>Sr. Administrative Analyst - Homeless Services</b> 10/2003 - 10/2009</p>	<p>Hours worked per week: 40 Name of Supervisor: Stacy Rowe - Human Services Administrator May we contact this employer? Yes</p>
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City of Santa Monica  
<http://santa-monica.org>  
1685 Main Street  
Santa Monica, California 90401  
(310) 458-8701

#### **Duties**

- Assist in the administration of the City's Community Development Grants Program specific to homelessness, including the establishment of funding priorities and recommendations
- Monitor contract compliance for City-funded agencies and review and assess audited financial statements for City-funded agencies
- Plan, organize and direct special programs and projects in the areas of human services as related to homeless issues including funding applications to external funding agencies
- Provide technical assistance to non-profit organizations on program development, policies and procedures, project budget, documentation and data collection, program outcomes, and other administrative and fiscal areas
- Work with City divisions, non-profit service provider, other community organizations and members of the public to ensure the effective coordination of homeless services within the continuum of care
- Oversee the implementation of the City's homeless information management system
- Participate in the preparation of a variety of reports including staff reports
- Conduct administrative research, studies and surveys
- Prepare reports recommending appropriate courses of action for solutions to problems and/or

## advocacy

- Act as a resource to the public, City departments, commissions and other organizations on homeless issues
- Provide staff support to City Commissions, including the Social Services Commission and the Commission on the Status of Women
- Program Manager for the City's Homeless Community Court Program including supervision of Administrative Analyst and Staff Assistant
- Program Manager for the City's Santa Monica Homeless Service Registry Program including supervision of the City's Clinical Consultant

**Reason for Leaving**

[REDACTED]

**Administrative Analyst**

4/2002 - 9/2003

City of Santa Monica  
Santa Monica, California 90401  
(310) 458-8701

Hours worked per week: 40

Name of Supervisor: Stacy Rowe - Human Services Administrator

May we contact this employer? Yes

**Duties**

- Researched administrative problems and conducted various studies and surveys
- Gathered data and worked closely with division staff in analyzing and interpreting data and formulating solutions
- Provided administrative support in the area of grants management and human services planning. Worked with division staff to coordinate grants management projects
- Acted as a resource to the public, other City departments, City Commissions and other organizations on various human service projects and issues
- Assisted, coordinated and implemented special projects related to Human Services Division programs and policies
- Provided administrative support to City Commissions including the Social Services Commission and the Commission on the Status of Women
- Prepared correspondence and written reports including staff reports to City Council

**Social Work Intern**

9/2001 - 3/2002

City of Santa Monica  
Santa Monica, California

Hours worked per week: 20

Name of Supervisor: Julie Taren - Senior Administrative Analyst

May we contact this employer? Yes

**Duties**

- Performed preliminary program and fiscal reviews
- Acted as support staff to the city liaison for the Social Services Commission
- Coordinated the Social Welfare Intern Consortium
- Represented the City at various meetings

**Relief Counselor/Social Work Intern**

9/2000 - 7/2001

OPICA Adult Day Care  
West Los Angeles, California

Hours worked per week: 35

Name of Supervisor: [REDACTED] - Clinical Director

May we contact this employer? Yes

**Duties**

- Developed and implemented marketing strategies for this non-profit agency
- Collaborated with community agencies to develop and implement plans to increase access for the developmentally disabled and to monitor outcomes
- Performed individual and group counseling
- Conducted intakes and assessments

**Behavior Specialist**

2/1999 - 8/1999

Hours worked per week: 40

Name of Supervisor: [REDACTED] - Program Director

May we contact this employer? Yes

Casa Pacifica (a non-profit agency)  
Camarillo, California

**Duties**

- Worked with shelter supervisors to ensure shelter and residential housing functions
- Acted as back-up supervisor when needed
- Member of the crisis response team
- Participated in interdisciplinary team meetings including evaluation of individual treatment plans, program goals and objectives and organizational policy
- Provided consultation to parents of clients
- Maintained client documentation and prepared reports (including analysis of program evaluations, interenal and external)

**Certificates and Licenses**

**Skills**

Office Skills

Typing:

Data Entry:

Languages

[REDACTED]

**Additional Information**

**References**

Professional

[REDACTED]

Professional

[REDACTED]

Professional



**Resume**

**Text Resume**

**Attachments**

**Agency-Wide Questions**

1. Q: Have you previously worked as a permanent, probationary, or temporary employee of the City of Santa Monica?

A:

2. Q: If you are hired into the position for which you are applying, would you be in a supervisory or subordinate relationship to any relative, domestic partner or member of your family?

A:

3. Q: Do you have a relative, domestic partner or member of your family employed by the City of Santa Monica? If yes, please provide detailed information in the any "Yes" responses field , please indicate the employee's name and the department in which he/she works and whether or not the employment is full or part time.

A:

4. Q: Would you be willing to accept permanent, part-time work (20-30 hours/week with benefits)?

A:

5. Q: Would you be willing to accept "as-needed" temporary work, (no benefits)?

A:

6. Q: If you are under the age of 18, can you supply a work permit?

A:

7. Q: If applicable to this position, do you wish to claim Veteran's Preference Points? NOTE: You must submit a copy of your DD214 at the time of application

A:

8. Q: Please give details for any "Yes" responses to the questions above.

A:

**9.** Q: How did you learn of this position?

A: [REDACTED]