



Additional Documents List
Regular City Council Meeting
February 17, 2021
(Updated on 2/18/2021 @ 8:10 a.m.)

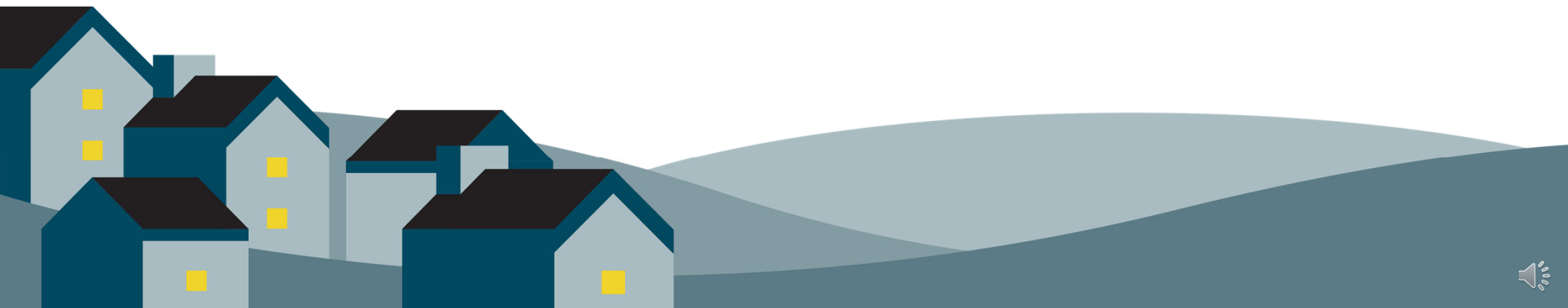
Item No.	Agenda Item Description	Distributor	Document
3	Housing Accountability Presentation	Joanna Hankamer, Planning and Community Development Director	PowerPoint Presentation
8	Minutes of the Regular City Council Meeting on November 4, 2020	Maria E. Ayala, Chief City Clerk	Memo correcting the proposed minutes.
11	Resolution Condemning the City's History as a Sundown Town and Past Practices of Institutionalized Racism	Tamara Binns, Executive Assistant to the City Manager	Memo to update proposed resolution.
14	Adoption of a Resolution Affirming the San Gabriel Valley Council of Government (SGVCOG) White Paper on Los Angeles Homeless Services Authority (LAHSA) Reform	Lucy Demirjian, Assistant to the City Manager	Memo modifying language of the proposed resolution.
15	Adoption of the 2021-2022 Legislative Platform	Lucy Demirjian, Assistant to the City Manager	Memo provides modified language as suggested by Mayor Mahmud for consideration.

<p>20</p>	<p>Project No. 2355-APP (Continued) - Appeal of the Planning Commission’s Decision to Approve Project No. 2191-HDP/TRP – Hillside Development Permit for the street extension of Moffat Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in the City of Los Angeles and a Tree Removal Permit</p>	<p>Joanna Hankamer, Planning and Community Development Director Malinda Lim, Associate Planner</p>	<p>Memo provides a clean final copy of proposed resolution; and, supplemental information for the staff report.</p>
<p>PC</p>	<p>Emailed Public Comment for: Closed Session “A”; Regular Session Agenda Item Nos. #2, 11, 12, 14, and 20</p>	<p>Maria E. Ayala, Chief City Clerk</p>	<p>Emailed Public Comments</p>



Housing Legislation Presentation Series

PRESENTATION #1: Housing Accountability Act, February 17, 2021



Key Housing Legislation

- Housing Accountability Act (Skinner, 2017) SB 167
- Housing Crisis Act (Skinner, 2019) SB 330



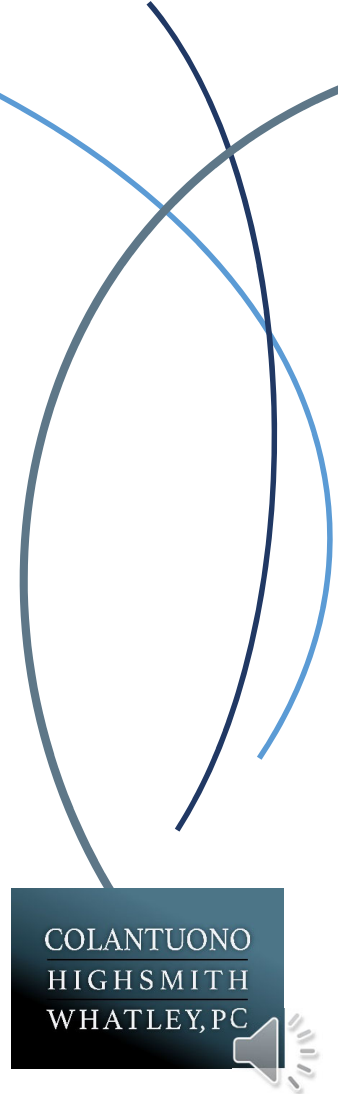
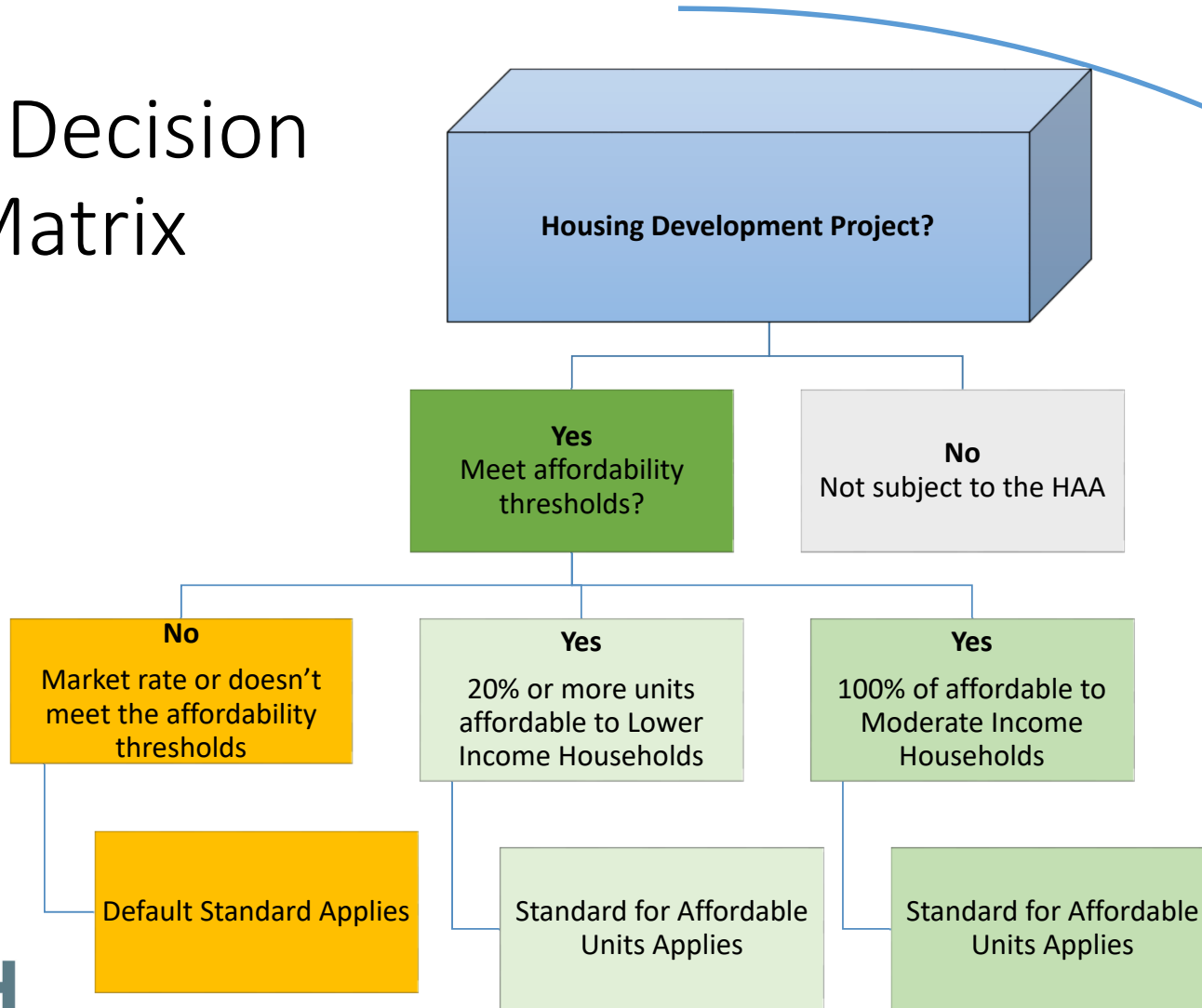


Definition: Housing Development Project

- HAA & SB 330 only apply to housing development projects
 - Residential units only.
 - Mixed-use developments - at least two-thirds of the square footage designated for residential use.
 - Transitional housing or supportive housing.
 - ❖ Does not apply to single-family residential



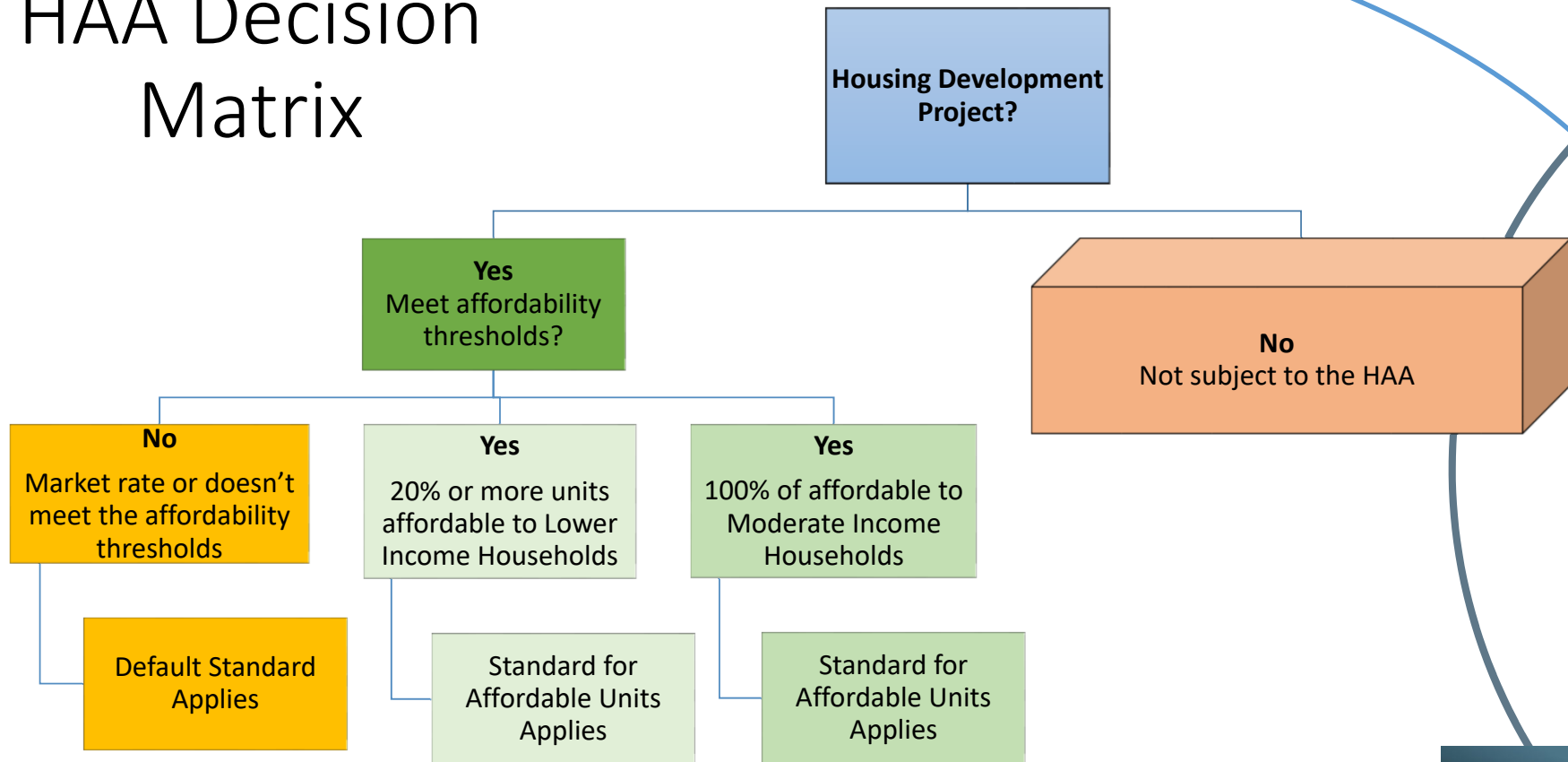
HAA Decision Matrix



COLANTUONO
HIGHSMITH
WHATLEY, PC



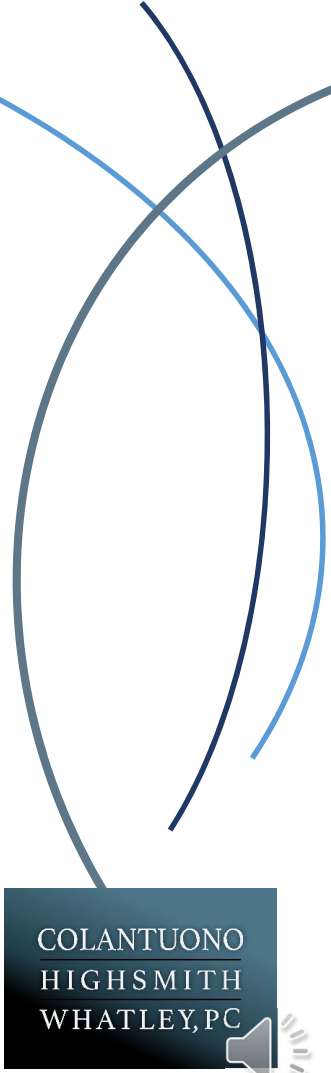
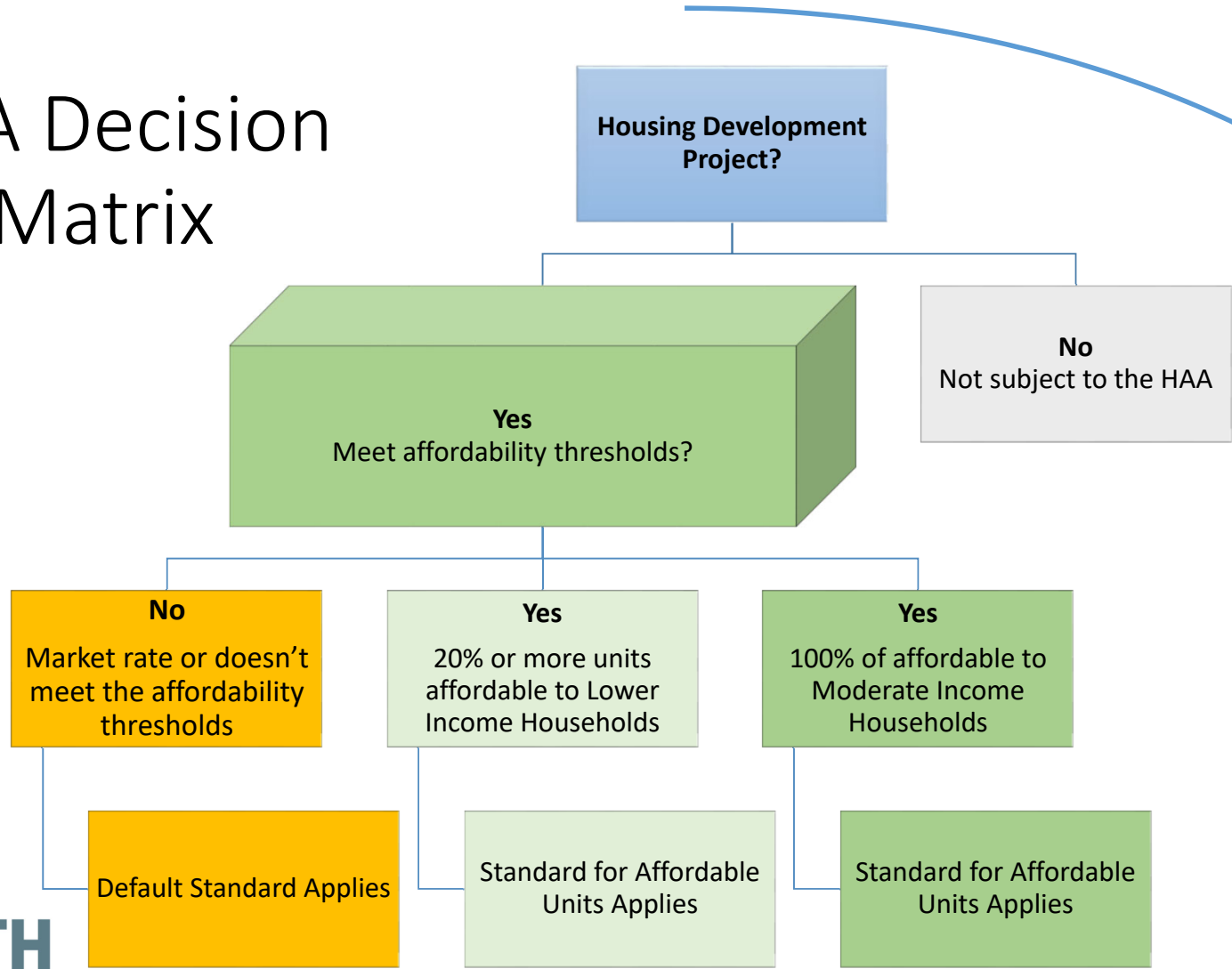
HAA Decision Matrix



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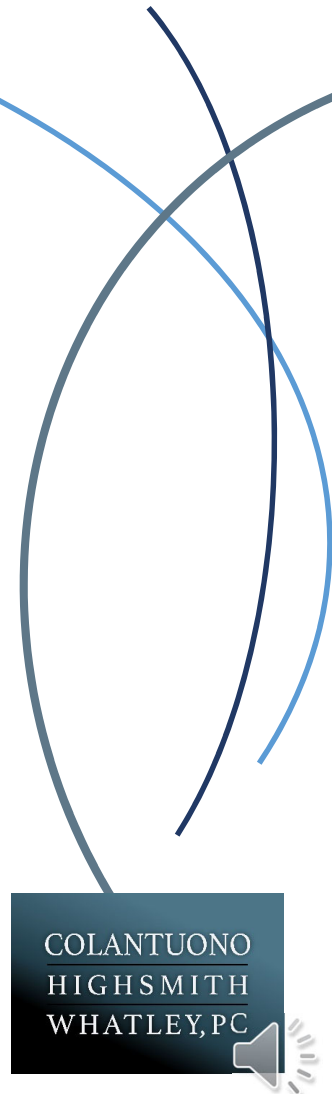
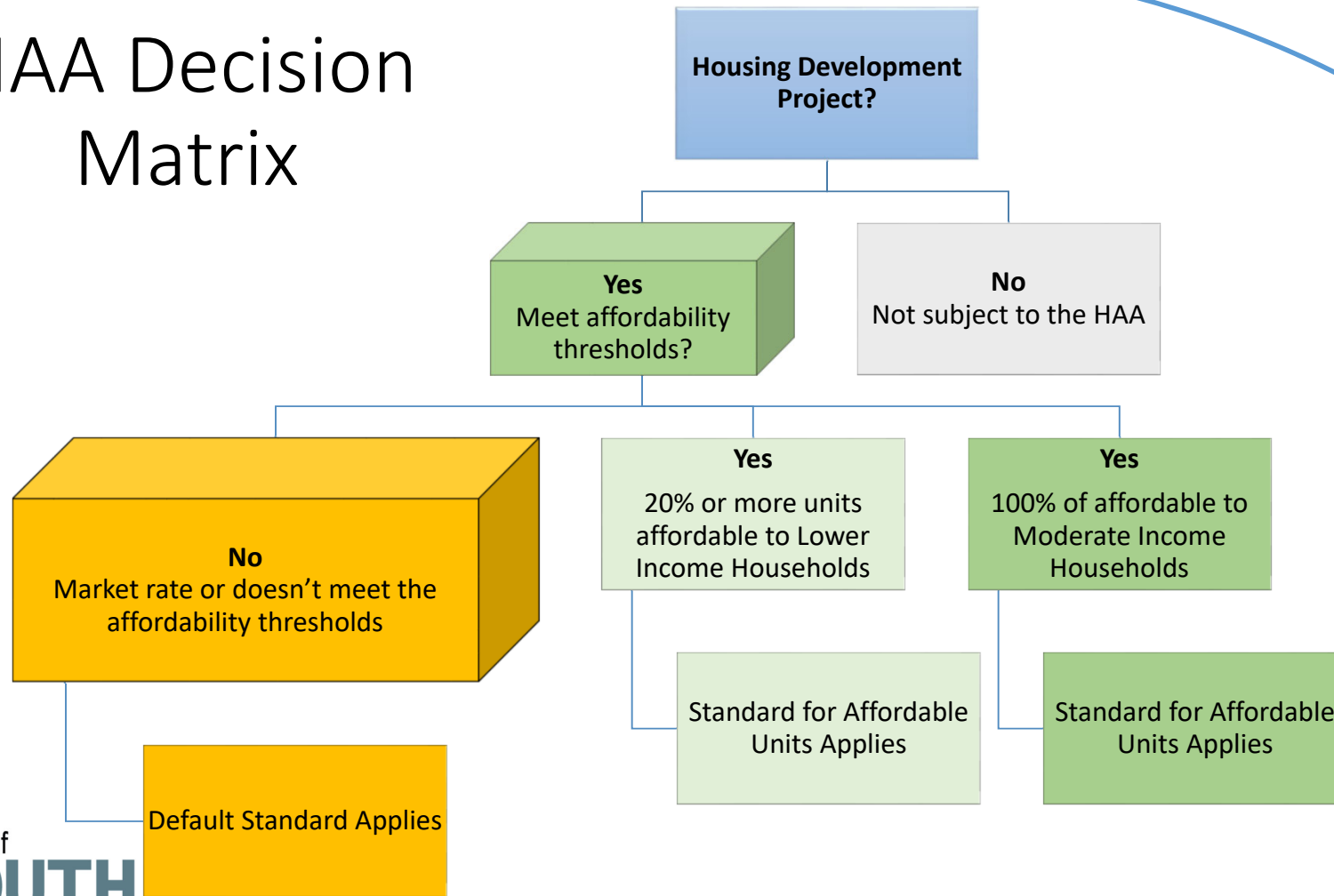
HAA Decision Matrix



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HAA Decision Matrix



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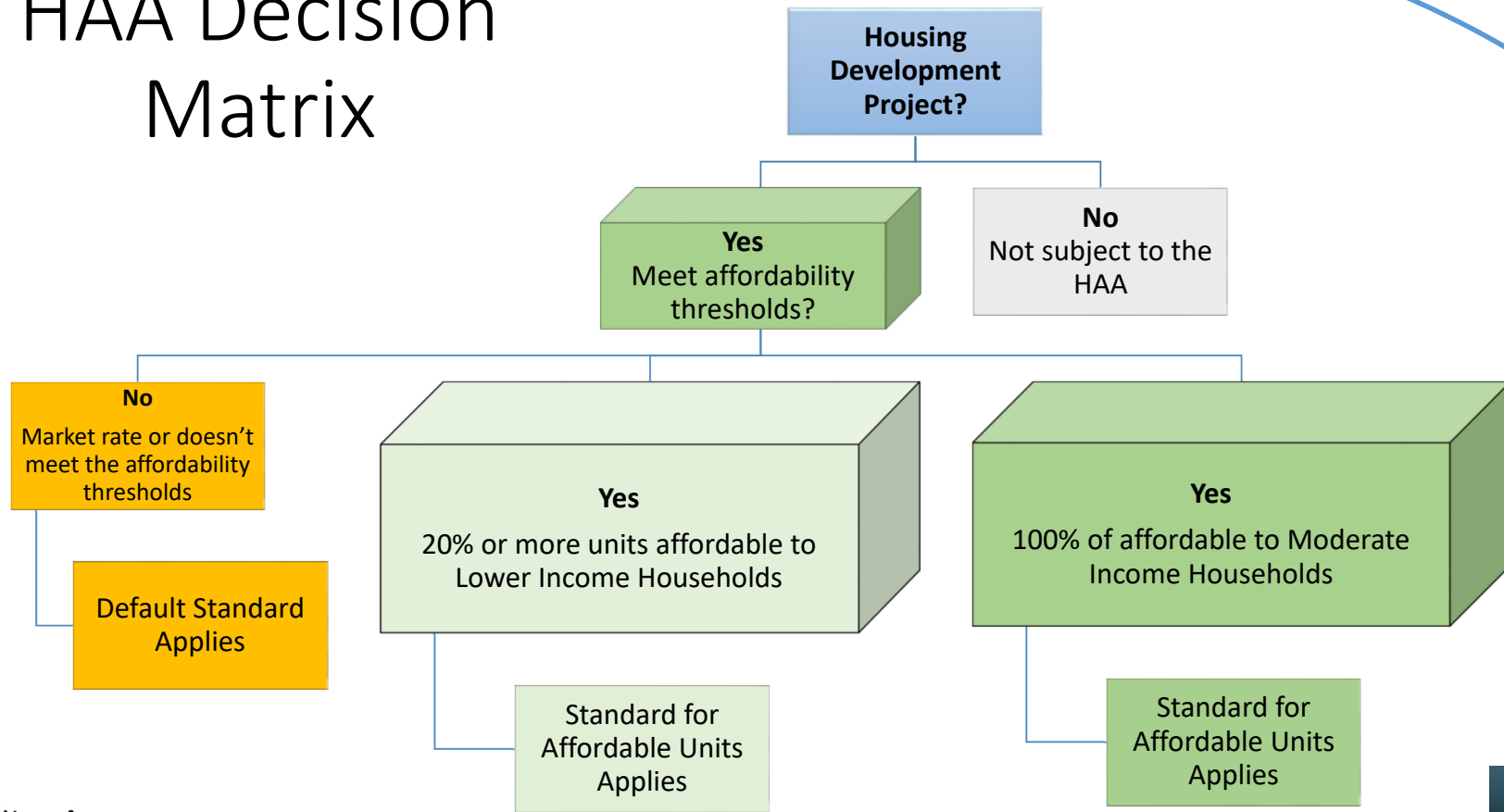


Default Standard of Review No Affordable Units

- Project is consistent with objective general plan, zoning, subdivision, and designs standards & criteria
 - City cannot disapprove the project or impose conditions that reduce its density unless it makes both of the following findings:
 - There is a specific, adverse impact upon the public health or safety; and
 - There is no feasible method to satisfactorily mitigate or avoid the adverse impact



HAA Decision Matrix



COLANTUONO
HIGHSMITH
WHATLEY, PC



Standard of Review for Projects with Affordable Units

- City cannot disapprove unless one of the following findings are made:
 1. Compliant housing element **and** met the RHNA allocation for all income categories proposed for the project
 2. Project has a specific, adverse impact upon the public health or safety, and there is no feasible method to mitigate or avoid impact
 3. Denial is required to comply with specific state or federal law, and there is no feasible method to comply
 4. On land zoned for agricultural or there is inadequate water or sewer to serve the project
 5. Project is inconsistent with both zoning and general plan land use designation



Extent of Protections

- The standards of review apply to land use approvals tied to new construction & demolition, including:
 - Subdivision Map approvals
 - Conditional Use Permits,
 - Design Review Permits,
 - Hillside Development Permits,
 - And others
- Do not apply to variances



Expanded Legal Remedies

Who can initiate litigation?

- The applicant;
- Any person who would be eligible to apply for residency in the project; or
- A housing organization.

If liable, Court will:

- order the City to approve the project within 60 days.
- Grant attorneys' fees and costs.

Fines issued for non-compliance

- If action not taken within 60 days, the court will issue a minimum \$10,000 fine per housing unit.
- If the inaction was in bad faith, the minimum fine award is multiplied by five.

HCD can also refer the matter to the Attorney General





SB 330: Housing Crisis Act

- Five hearing limit on housing development project applications
- No net loss housing unit rule
- No net loss of development intensity rule
- Objective design review standard requirement
- Two-step application process for housing development projects

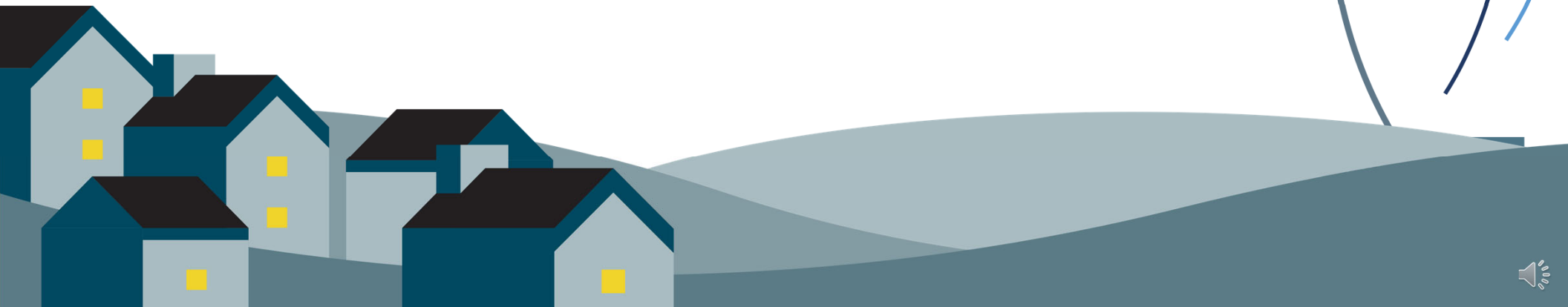




Questions?

PRESENTATION #1:

Housing Accountability Act, February 17, 2021





City of South Pasadena
City Clerk Division

Memo

Date: February 17, 2021

To: The Honorable City Council

Via: Sean Joyce, Interim City Manager

From: Maria E. Ayala, Chief City Clerk

Re: February 17, 2021, City Council Meeting Additional Document -
Correction to Item No. 8, Minutes of the Regular City Council Meeting on
November 4, 2020

On page 10 of 11 of the proposed November 4, 2020 City Council meeting minutes (specifically, Agenda Item No. 16 of the proposed minutes) the action is inadvertently missing information on the selected firms for the approved agreements. This information was provided prior to the City Council meeting by way of an Additional Document on November 3, 2020, and as such the motion and action at the meeting did reflect approval of those specific firms.

The proposed minutes currently state:

3. Approve a Professional Services Agreement (PSA) with [firm to be determined] in an amount not to exceed \$120,000 for up to six months for enhancement services to address the planning application backlog; and

It is recommended that City Council adopt the November 4, 2020 minutes with the correction for the minutes to **correctly** state:

3. Approve Professional Services Agreements (PSA) with two firms, **Rincon Consultants, Inc. and Sagecrest Planning + Environmental** in an amount not to exceed \$120,000 for up to six months for enhancement services to address the planning application backlog (as presented in the Additional Documents); and

Attachment:

- Additional Document provided on November 3, 2020



**City of South Pasadena
Planning and Community
Development Department**

Memo

Date: November 3, 2020
To: The Honorable City Council
Via: Sean Joyce, Interim City Manager
From: Joanna Hankamer, Director of Planning and Community Development
Kanika Kith, Planning Manager
Re: November 4, 2020, City Council Meeting Item No. 16 Additional Document –
PSAs and Employment Agreement

Attached are the additional documents referenced in the staff report for Item No. 16

Attachments 1 and 2 are proposed Professional Services Agreements (PSAs) with Rincon Consultants, Inc. and Sagecrest Planning + Environmental to help staff process the planning application backlog for six (6) months. On October 27, staff released a Request for Proposals for temporary senior planner support services and received three proposals from planning consulting firms. Based on experience level of proposed temporary senior planners, local and/or relevant knowledge, and cost of services, staff is recommending that the City Council approve Professional Services Agreements (PSAs) with two firms, Rincon Consultants, Inc. and Sagecrest Planning + Environmental. Each of the two PSAs would be for as-needed planning services for six (6) months, not to exceed the total budget of \$120,000; however, if approved, the contracts would be administered through purchase orders initially not to exceed \$60,000 for each firm so as not to exceed the budget. Should one consulting firm outperform the other in efficiency and quality, the purchase orders could be revised to shift most of all of the remaining work to the more appropriate firm.

PSAs with two (2) firms would expand the pool of available temporary contract planners, which allow City staff to assign temporary staff as needed and based on their experience in relation to each planning application. The total proposed budget would remain at \$120,000 for enhanced planning support up to six (6) months.

Attachment 3 is the proposed Employment Agreement with CalPERS annuitant, Elizabeth Bar-El, in an amount not to exceed \$57,950 to provide backfill temporary planning services



**City of South Pasadena
Management Services
Department**

Memo

Date: February 16, 2021

To: The Honorable City Council

Via: Sean Joyce, Interim City Manager

From: Tamara Binns, Executive Assistant to the City Manager

Re: February 17, 2021, City Council Meeting Item No. 11 Additional Document – Resolution Condemning the City’s History as a Sundown Town and Past Practices of Institutionalized Racism

Staff would like update the Resolution to reflect the inclusion of the Latinx community.

WHEREAS, the term most often refers to the forced exclusion of Blacks, the history of sundown towns also includes prohibitions against Jews, Native Americans, Chinese, Japanese, **Latinx**, and other minority groups;

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, CONDEMNING THE CITY'S HISTORY AS A SUNDOWN TOWN AND PAST PRACTICES OF INSTITUTIONALIZED RACISM

WHEREAS, racial disparities have existed since the birth of this nation, to the detriment of Black communities and people of color, and persist across wealth, health, education, the criminal justice system, and beyond; and

WHEREAS, although no official ordinance or law of the City of South Pasadena has been found imposing sundown restrictions, oral and written history, public accounts, and newspaper articles explicitly demonstrate the history as a “sundown town” for a significant portion of the 20th century;

WHEREAS, such sundown towns throughout the state of California, along with towns and cities in many other states, excluded—often by social and cultural means, including police profiling—members of non-white racial and ethnic groups, particularly African Americans, from living in said jurisdictions or even being inside the city limits after sundown;

WHEREAS, the term most often refers to the forced exclusion of Blacks, the history of sundown towns also includes prohibitions against Jews, Native Americans, Chinese, Japanese, **Latinx**, and other minority groups;

WHEREAS, on October 23, 1911 City Council members (Jacobs, Vatcher, Wilson, and Adams) voted to block the designation of an orphanage for Black children.;

WHEREAS, in 1941 a race restriction campaign was established by a non-profit committee (named "South Pasadenans Inc.") and aided by the City. The purpose of the committee was to restrict non-white citizens from purchasing homes;

WHEREAS, 165 Japanese residents were forced to evacuate South Pasadena due to Executive Order 9066;

WHEREAS, in 1955 Susan McClain, a Black 9-year-old, was denied entry to the Orange Grove Plunge (El Sereno Star, Oct. 27, 1955). According to a lawsuit filed against the City, the girl was not permitted entry due to a Recreation Department rule "barring Negroes";

WHEREAS, the City of South Pasadena understands the importance of examining what role it has played in institutional racism, both historically and currently, and is ready to embark on a journey towards racial literacy; and

WHEREAS, the South Pasadena City Council envisions a city that fosters diversity, equity, and inclusion throughout every community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City of South Pasadena acknowledges, apologizes for, and condemns all racially-motivated, discriminatory, or exclusionary aspects of the City’s history, and deeply regrets the pain, hurt, and suffering such policies have caused;

SECTION 2. The City of South Pasadena will continue to promote inclusion and equity, and will stand up to bigotry, hatred, intolerance, racism, and violence as reaffirmed in Resolution 7673 dated August 5, 2020;

SECTION 3. The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

PASSED, APPROVED AND ADOPTED ON this 17th day of February 2021.

Diana Mahmud, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria E. Ayala, Chief City Clerk
(seal)

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 17th day of February 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Maria E. Ayala, Chief City Clerk
(seal)



**City of South Pasadena
Management Services
Department**

Memo

Date: February 16, 2021

To: The Honorable City Council

Via: Sean Joyce, Interim City Manager

From: Lucy Demirjian, Assistant to the City Manager

Re: February 17, 2021, City Council Meeting Item No. 14 Additional Document – Adoption of a Resolution Affirming the San Gabriel Valley Council of Government (SGVCOG) White Paper on Los Angeles Homeless Services Authority (LAHSA) Reform

The attached document provides modified language (redlined) for the Resolution as suggested by Mayor Mahmud, to express the City's concurrence with the findings and recommendations contained in the SGVCOG White Paper on LAHSA Reform.

Finance Ad Hoc Committee

Scope and Purpose

To enhance communication with the public regarding the status of the City's FY2019-2020 Comprehensive Annual Financial Report, and the Fiscal Year 2020-2021 Annual Budget, by obtaining updates from staff, approximately every two weeks, or more often as needed.

Staff will provide information for the Ad Hoc Committee, such as:

2019-2020 CAFR

- Status of monthly bank reconciliations
- Report regarding the steps necessary to close FY 2019-2020, with estimated timelines
- Provide information regarding the process to "close the year"
- Improvements and enhancements from previous fiscal years, and recommendations to continue to improve the process
- Timing of Auditor engagement
- Estimated timelines, and completion dates

Final 2018-19 CAFR

- Allow the ad hoc Task Force to review and comment on the Finance Commission's September 24, 2020 comments concerning the draft CAFR prior to final Commission and City Council action, the latter of which is anticipated for October 21, 2020.

2020-2021 Budget

- Provide information regarding the budget preparation process
- Provide a Budget Calendar
- Provide updates regarding the status of completion, based upon established deadlines in the Budget Calendar

Policies & Procedure Update

- Provide a list of polices/procedures to be reviewed, updated, created
- Prioritize the list of policies to be updated/created, can use the Internal Controls/Management letter as a starting point.
- Prioritize implementation of corrective actions identified in Internal Controls/Management Letter

Financial Reports (Expenditure and Revenues)

Working with staff, the Ad Hoc Committee will provide a recommendation to the Finance Commission (and subsequently from the Finance Commission to the City Council) regarding:

- Regular Financial Reporting - for example, quarterly financial reporting, and the report contents
- Audit and Budget Calendars

Forensic Audit

Assess the necessity of, or scope of any additional audits, depending upon the summation of the Ad Hoc Committee's work, up to and including a forensic audit where the situation warrants additional review.

The Ad Hoc Committee will provide updates to Finance Commission, so that the public can be informed of the status of the CAFR, Budget, and Financial Policy Updates. The Commission will provide periodic updates to the City Council until all financial reporting is up to date.

RESOLUTION
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
ADOPTING-CONCURRING WITH THE FINDINGS AND
RECOMMENDATIONS OF THE SAN GABRIEL VALLEY
COUNCIL OF GOVERNMENTS'
WHITE PAPER ON LAHSA REFORM

WHEREAS, the City of South Pasadena is a member of the San Gabriel Valley Council of Governments (SGVCOG).

WHEREAS, the SGVCOG serves as a unified voice to maximize resources and advocate for regional and member interests to improve the quality of life in the San Gabriel Valley.

WHEREAS, the City of South Pasadena and the other member cities of the SGVCOG cities provide homelessness services and work with the Los Angeles Homeless Services Authority (LAHSA), the LA County Homeless Initiative, the LA County Department of Mental Health, the LA County Sheriff's Department, and various other State and County departments, nonprofits, service providers, and other municipalities.

WHEREAS, the 2020 Homeless Count identified 15 people experiencing homelessness in the City of South Pasadena. It identified 4,555 people experiencing homelessness in the San Gabriel Valley, representing an increase of 47% over the last five years. With the inclusion of the separate count within the separate Pasadena Continuum of Care, the homeless population of the San Gabriel Valley represents nearly 10% of the Countywide total.

WHEREAS, the Los Angeles County Board of Supervisors approved a motion on September 1, 2020, seeking to explore changes to the structure and function of LAHSA and highlighting the need to examine the system as a whole.

WHEREAS, the SGVCOG convened a working group to draft a white paper to ensure the San Gabriel Valley had a leading voice in these reform efforts. This working group consisted of representatives from 11 cities and met five times from September to November 2020.

WHEREAS, this working group drafted a white paper (Exhibit A) that outlined the causes and impacts of systemic problems with the current homelessness response system, identified comprehensive solutions, confirmed the San Gabriel Valley's commitment to best practices and programs, and affirmed a willingness to lead the region to a more effective, County-wide coordinated strategy to combat homelessness.

WHEREAS, this white paper was subsequently reviewed and adopted by the SGVCOG Governing Board.

NOW, THEREFORE, BE IT RESOLVED that the City of South Pasadena does hereby express its concurrence with the findings and recommendations contained in ~~approve~~ the SGVCOG White Paper on LAHSA Reform (Attachment A).

PASSED, APPROVED AND ADOPTED on this 17th day of February, 2021.

Diana Mahmud, Mayor

ATTEST:

APPROVED AS TO FORM:

Maria E. Ayala, City Clerk

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 17th day of February, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Maria E. Ayala, City Clerk
(seal)



**City of South Pasadena
Management Services
Department**

Memo

Date: February 16, 2021

To: The Honorable City Council

Via: Sean Joyce, Interim City Manager

From: Lucy Demirjian, Assistant to the City Manager

Re: February 17, 2021, City Council Meeting Item No. 15 Additional Document –
Adoption of the 2021-2022 Legislative Platform

The attached document provides modified language as suggested by Mayor Mahmud for consideration. Edited language and deletions have been highlighted.



City of South Pasadena Legislative Platform 2021-2022

The primary objective of the Legislative Platform is for the City Council to adopt official City positions on specific legislative issues, including proposed state initiatives, at the start of the legislative session. The legislative platform will streamline the approval process by providing staff clear direction on pertinent issues at the beginning of the legislative session.

The Platform is developed and maintained using the goals and objectives adopted by the City Council, a review of legislative priorities from the League of California Cities, input from City Council and staff, research of current law and pending legislation, as well as discussions with local legislative staff and the City's legal counsel.

For proposed legislation, either consistent with the City's legislative priorities or consistent with legislative positions the City has taken in the past; City staff shall be authorized to prepare position letters for the Mayor's signature after City Council consideration. Items not addressed in the City's legislative priorities will require further Council direction, and staff will be required to submit a request to Council. Legislative priorities may only address issues directly relevant to or impacting the provision of municipal services.

City departments are encouraged to monitor and be knowledgeable of any legislative issues related to their discipline. However, any requests for the City to take positions on a legislative matter must be directed to the City Manager's Office. City departments may not take positions on legislative issues without City Manager's Office review and approval.

The process for responding to legislative proposals is streamlined as follows:

1. Once a determination is made that a legislative proposal may impact the City, a letter outlining the City's position (supporting or opposing the issue) will be drafted for the Mayor's signature.
2. If the Mayor is unavailable, the Mayor Pro Tem will sign the position letter.
3. If a legislative issue is not addressed in the Legislative Platform but impacts the City, staff will place the matter on the next City Council agenda for consideration.
4. The position letter will be sent to the bill's author, the City's legislative representatives, the League of California Cities, and other stakeholders as deemed appropriate.
5. A copy of the final letter will be distributed to the City Council.

City of South Pasadena Legislative Platform

LOCAL CONTROL	<ol style="list-style-type: none">1. Support legislation that enhances local control and allows cities to address the needs of local constituents within a framework of regional cooperation.2. Oppose preemption of local authority whether by state or federal legislation or ballot propositions.3. Support legislation that streamlines and simplifies the job of running a city and oppose efforts that erode the City's authority to control its own affairs.
ECONOMIC DEVELOPMENT	<ol style="list-style-type: none">1. Oppose legislation that erodes the ability of cities to condition and deny projects that negatively impacts to the community.2. Support legislation that preserves or increases funding for the Community Development Block Grant (CDBG) program as provided by the U.S. Department of Housing and Urban Development. Support legislation that expands the eligibility and allowable uses of CDBG funds. Oppose legislation that will reduce funds dedicated to the CDBG program.3. Support legislation that enhances the City's efforts to retain existing businesses and attract new businesses.4. Support legislation that provides tangible and productive tools and incentives to support new investment and community development.5. Support legislation that provides funding for the production of affordable housing.6. <u>Support efforts to increase resources for critical and sustainable local infrastructure projects including roads, public transit, active transportation, water availability, and broadband deployment that enhance workforce and economic development and improve quality of life.</u>

<p>HOUSING/ HOMELESSNESS</p>	<ol style="list-style-type: none"> 1. Support legislation and local, state, and federal programs that employ evidence-based best practice strategies to reduce the number of people experiencing homelessness by: preventing homelessness for those at-risk; providing emergency and transitional housing; expanding affordable permanent housing; and promoting self-empowerment through counseling, job training, and other supportive services. 2. <u>Support efforts to increase the supply and affordability of housing and resources to assist individuals at risk of homelessness, while preserving historic resources and local decision making to ensure cities retain flexibility based on the land use needs of each community.</u> 2.3. <u>Work collaboratively to facilitate the purchase, rehabilitation, and resale of the Caltrans-owned SR 710 surplus properties in compliance with the provisions of the Roberti Act.</u>
<p>TRANSPORTATION</p>	<ol style="list-style-type: none"> 1. Support measures to finance local and regional transportation programs and improvements, including <u>Active Transportation Mode and Complete and Green Streets.</u> 2. Support continuous appropriations of new monies directly to cities for the preservation, maintenance, rehabilitation, and development of local street and road systems. 3. Support efforts to fully fund the TSM/TDM alternatives <u>in accordance with prior City positions.</u> <u>Support efforts to remove the SR-710 freeway between the I-10 and I-210 from the Streets and Highway Code</u> 4. Support efforts to relinquish the property along the SR-710 freeway between the I-10 and I-210 back to the local jurisdictions
<p>FISCAL RESPONSIBILITY</p>	<ol style="list-style-type: none"> 1. Oppose any legislation that would make local agencies more dependent on the State for financial stability and policy direction. 2. Oppose legislation that would impose State mandated costs for which there is no guarantee of local reimbursement or offsetting benefits. 3. Oppose any change in revenue allocations that would negatively (current or future) affect local government, including the redistribution of sales tax, property tax, COPS grants, Proposition 172 funds, gas tax (HUTA), transient occupancy tax (TOT) and vehicle in- lieu fees (VLF).

	<ol style="list-style-type: none"> 4. Support full cost reimbursement to the City for all federal, state and county-mandated programs. 5. Support legislation that strengthens and expands ongoing revenue for the City. <u>6.</u> Oppose legislation that undermines and preempts local authority over local taxes and fees. <u>7.</u> <u>Support efforts to secure direct and flexible funding and resources for cities to protect residents from the COVID-19 pandemic, deliver essential services, support small businesses, and assist the community's ability to fully recover from the effects of the pandemic.</u> <u>6.8.</u> <u>Support suspension of the Maintenance of Effort (MOE) requirement for SB1 funding (Road Maintenance and Rehabilitation Program) in consideration of the economic challenges cities are facing due to the COVID-19 pandemic.</u>
<p style="text-align: center;">LAND USE</p>	<ol style="list-style-type: none"> <u>1.</u> Oppose legislation that imposes unreasonable mandatory development standards in transit intensive areas <u>and residential neighborhoods.</u> 2. Support legislation that strengthens the concept of local control/local home rule for local decision making on land use and zoning matters. 3. Support legislation that would increase available funding for affordable housing. <u>4.</u> <u>Support reforms and improvements to housing element law to provide clear protections for local jurisdictions to preserve historic resources and processes and flexibility to allow regional cooperation; and to establish realistic housing goals and performance standards—including modifications in criteria and methodology -to meet the State's Regional Housing Needs Assessment (RHNA) goals.</u> 5. Oppose legislation that places new restrictions on local land use control and transportation funding tied to external factors beyond municipal control. 6. Support legislation that strengthens local governments' regulatory authority and control over the siting of marijuana industries. 7. Oppose legislation and regulatory efforts that would diminish or eliminate the authority of cities to zone and plan for the development of telecommunications infrastructure, including the siting of cellular communications towers or transmission sites.

<p>PUBLIC SAFETY</p>	<ol style="list-style-type: none"> 1. Support federal, state, and local assistance for local police, fire, and homeland security initiatives, and any measures that will help contribute to local public safety. 2. Oppose legislation that would impede local law enforcement from addressing crime problems and recovering costs resulting from a crime committed by the guilty party. 3. Support efforts that strengthen local law enforcement's ability to prevent and fight crime. 4. Support legislation that minimizes alcohol-related criminal behavior and underage drinking. <u>5. Support equitable public safety reforms that reduces liability to cities, improves public safety in the community, and strengthens community relations with peace officers, while addressing concerns over excessive use of force and distrust in peace officers.</u> <u>6. Oppose efforts to reprioritize public safety funding and programs without proper procedural or stakeholder engagement that would result in decreased public safety services and increased crime.</u> <u>7. Support legislation and additional resources to strengthen community disaster preparedness, resiliency, and recovery in collaboration with the state and federal governments.</u> <u>5.8. Support ongoing efforts to mitigate wildfire disasters through responsible brush and forestry management, including coordination between local and state governments and utility providers.</u>
<p>ENERGY</p>	<ol style="list-style-type: none"> 1. Support legislation that allows flexibility in the City's effort to cost-effectively meet energy goals. Protect Community Choice Aggregation (CCA) local control and autonomy, especially with regard to finances, power procurement, reliability, and local customer programs. 2. Support legislation that keeps funding for public benefits programs in local communities. <u>3. Support CCA efforts to purchase renewable energy at competitive rates and create benefits and savings for cities, small businesses, and residents.</u> <u>3.4. Support equal treatment of bundled and unbundled customers by the CPUC and other state agencies.</u> <u>4.5. Support efforts to expand consumer access to renewable energy, such as incentives and grants for solar, which would reduce reliance on non-renewable sources.</u>

<p style="text-align: center;">WATER</p>	<ol style="list-style-type: none"> 1. Oppose efforts to mandate a state water public benefits charge unless funds remain within the local community. 2. Oppose new regulations that do not allow appropriate time and resources for compliance. 3. Oppose actions by Regional Water Quality Control Boards that impose mandates on cities that exceed state or federal regulations and/or are outside their jurisdictional authority to impose or enforce. 4. Support legislation that provides funding for Water Infrastructure, Security and Programs that promote water reuse and conservation. 5. Support legislation that extends the compliance period for Maximum Contaminant Levels (MCLs) in drinking water. 6. Support the preservation, protection, and access of clean water from polluted dry weather and urban runoff, pursuant to each cities' responsibility for the capture and infiltration of stormwater into local aquifers. 6.7. Support practical, feasible, and affordable solutions to meet mandatory compliance with water quality and treatment standards, notwithstanding prior agreements that otherwise limit cities' ability to undertake such activities.
<p style="text-align: center;">ENVIRONMENT</p>	<ol style="list-style-type: none"> 1. Oppose legislation that imposes undue hardship on local agencies to implement environmental regulations. 2. Support policy development, funding, research, and implementation strategies based on scientific data and human/ecological risk assessment for addressing urban water and storm water runoff. <u>3.</u> Support policy development, “watershed based” solutions, funding and research for addressing urban runoff and beach closures, which identify the sources of bacterial, viral and other contaminants as well as human pathogens. 3.4. <u>Support initiatives to advance the State's goals for sales of all new passenger vehicles to be zero-emission by 2035 and additional measures to eliminate harmful emissions from the transportation sector.</u>
<p style="text-align: center;">ARTS & CULTURE</p>	<ol style="list-style-type: none"> 1. Support legislation that will help maintain and enhance the City's performance arts venues, and funding for arts development. 2. Oppose any reductions and/or eliminations of arts and library programming or funding.

<p>COMMUNITY SERVICES/ RECREATION</p>	<ol style="list-style-type: none"> 1. Support legislation that will help provide residents with safe, accessible services and facilities. 2. Oppose action that depletes services and funding sources created to enhance the community's varying needs.
<p>EMPLOYEE AND LABOR RELATIONS</p>	<ol style="list-style-type: none"> 1. Oppose any measure that imposes upon local government mandated employee benefits that are more properly decided at the local level. 2. Oppose efforts which reduce local control over public employee disputes and impose the regulations of an outside agency. 3. Support reform measures that provide sustainable and secure public pensions and other post-retirement benefits to ensure responsive and affordable public services. 4. Oppose efforts to legislate changes in how the California Public Employee Pension System invests its assets if the proposed changes will result in a loss of funds. 5. Support legislation that streamlines the Workers' Compensation system and makes it easier for employers, employees, and health care providers to navigate.
<p>ELECTIONS</p>	<ol style="list-style-type: none"> 1. Support legislation that provides small to mid-sized cities to have at-large elections instead of divisive districts.
<p>FILMING</p>	<ol style="list-style-type: none"> 1. Support efforts to promote and retain film and television jobs in California.



**City of South Pasadena
Planning and Community
Development Department**

Memo

Date: February 17, 2021

To: Mayor and Members of the City Council

From: Sean Joyce, Interim City Manager

Prepared By: Joanna Hankamer, Planning and Community Development Director
Malinda Lim, Associate Planner

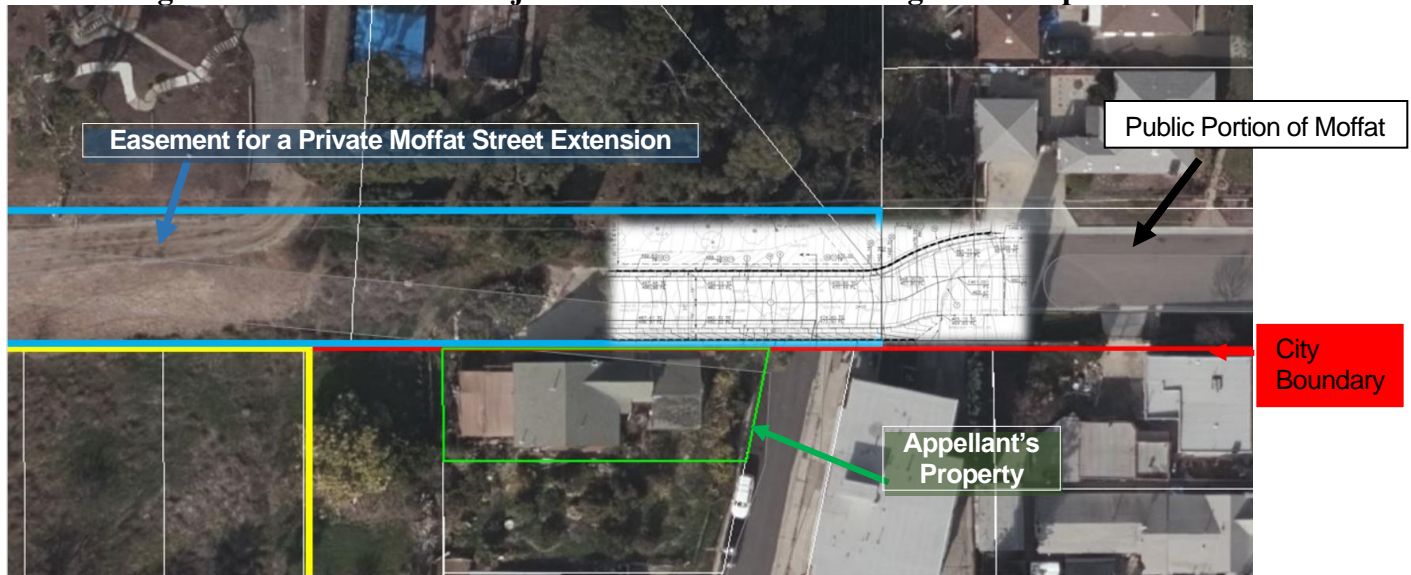
Re: Additional Document #1 for **Item No. 20** – Moffat Street Appeal (Project No. 2355-APP)

The resolution for this item in the agenda packet contained strikeouts; a clean version of the resolution is included as **Attachment 1**. In addition, the below **Figures 1 - 3** are provided as a supplement to the staff report. In each of the figures, the red line is the city border between South Pasadena and the City of Los Angeles; the blue outlined area is the easement located in South Pasadena for a private access road; the yellow outlined areas are the lots owned by the applicant and within the City of Los Angeles; and the green outlined area is the property owned by the appellant.

Figure 1 – Aerial View of Project Site

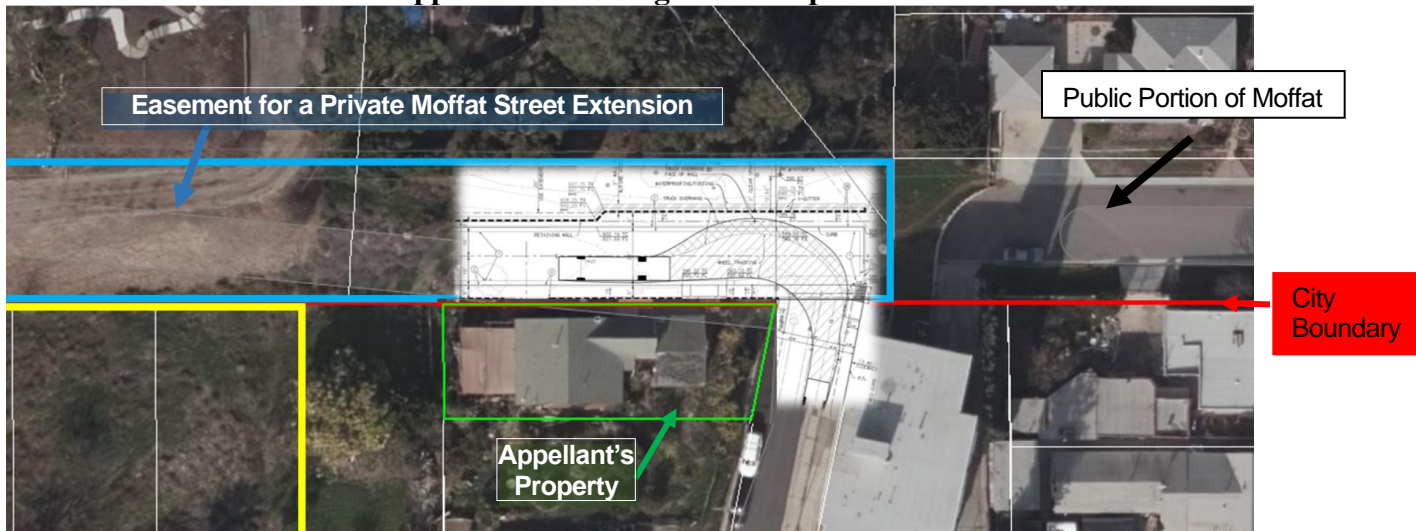


Figure 2 – Aerial View of Project Site With Initial Street Alignment Proposal



This street alignment was originally proposed to connect the private portion of Moffat Street to the public portion of Moffat and close off Lowell Avenue.

Figure 3 – Aerial View of Project Site With Planning Commission Approved Street Alignment Proposal



This revised street alignment would connect the private portion of Moffat Street to Lowell Avenue, would continue to provide access from Lowell Avenue to the appellant's garage, and will keep all future vehicle traffic for the Los Angeles landlocked lots within the City of Los Angeles.

Attachment:

1. Clean Version of Resolution

Attachment 1

Clean Resolution

P.C. RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA UPHOLDING THE PLANNING COMMISSION DECISION OF APPROVAL FOR A HILLSIDE DEVELOPMENT PERMIT AND A TREE REMOVAL PERMIT (PROJECT NO. 2191-HDP/TRP) FOR THE EXTENSION OF MOFFATT STREET WHICH WILL BE A PRIVATE STREET EXTENDING WESTWARD FROM THE NORTHERN END OF LOWELL AVENUE TO ALLOW ACCESS TO SEVEN LANDLOCKED LOTS IN THE CITY OF LOS ANGELES (ASSESSOR'S PARCEL NUMBERS 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, AND 5310-005-004)

WHEREAS, in 1923, Tract No. 5643 was recorded in the City of Los Angeles and includes the seven landlocked legal lots south of the proposed private street Moffatt Street; and

WHEREAS, on July 12, 1961, the South Pasadena City Council adopted Ordinance 1373 for the vacation and abandonment of a portion of Moffatt Street as a public street, pursuant to an Act of Legislature of the State of California set forth in Sections 8300 et. Seq. of the Streets and Highway Code; and

WHEREAS, on April 4, 1962, the Community Redevelopment Agency of the City of South Pasadena approved an easement for ingress and egress to the owners of the thirteen lots located in the City of Los Angeles abutting along the southern boundary of Moffatt Street and the City of South Pasadena; and

WHEREAS, on November 15, 2018, Planet Home Living, (Applicant), submitted an application for a Hillside Development Permit for the extension of Moffatt Street westward and a Variance for a +/- 18 foot high retaining wall along the northern boundary of the proposed private street; and

WHEREAS, in December 2020, the applicant withdrew the variance application for the high retaining wall along the northern boundary of the private street and proposed a new retaining wall design to be a maximum height of six feet for all portions of the retaining wall; and

WHEREAS, the proposed project is considered a "Project" as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; and

WHEREAS, the project site is a vacant land surrounded by single-family residences and unoccupied land. According to the City's GIS mapping system, the project site is not located within a liquefaction or landslide zone. The Director of Planning and Community Development determined that a biological constraints survey of the project site was required to document the existing conditions and assess the potential for special status plant or wildlife species or other regulated biological resources occurring on the project site. The report concluded that the project site contains no suitable habitat for special status

plants and wildlife, and does not occur within any federal U.S. Fish and Wildlife Services Critical Habitat boundaries; and

WHEREAS, the proposed project qualifies for a categorical exemption from the CEQA pursuant to Section 15303, Class 3 – New Construction or Conversion of Small Structures. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction; and

WHEREAS, the Planning Department evaluated the project for consistency with the City's General Plan, City of South Pasadena Municipal Code, the City's Design Guidelines, and all other applicable state and local regulations; and

WHEREAS, on February 26, 2020, notices regarding the tree removals were sent to those within a 100-foot radius of the project site; and

WHEREAS, in accordance with state law, on February 27, 2020, City of South Pasadena Planning and Building Department published a legal notice in compliance with the South Pasadena Municipal Code in the *South Pasadena Review*, a local newspaper of general circulation, regarding the City of South Pasadena Planning Commission meeting of March 10, 2020. In addition, on February 28, 2020, a public hearing notice was mailed to all property owners and occupants within a 300-foot radius of the project site, indicating the date and time of the public hearing at the Planning Commission meeting of March 10, 2020; and

WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on March 10, 2020, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2191-HDP/TRP and continued the proposed Hillside Development Permit and Tree Removal Permit for the extension of Moffatt Street to a date uncertain to allow the Applicant and Staff time to provide additional information the Commission requested; and

WHEREAS, in accordance with state law, on May 28, 2020, City of South Pasadena Planning and Building Department published a legal notice in compliance with South Pasadena Municipal Code in the *South Pasadena Review*, a local newspaper of general circulation, regarding the City of South Pasadena Planning Commission meeting of June 9, 2020. In addition, on May 29, 2020, a public hearing notice was mailed to all property owners and occupants within a 300-foot radius of the project site, indicating the date and time of the public hearing at the Planning Commission meeting of June 9, 2020; and

WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on June 9, 2020, at which time continued the proposed Hillside Development Permit and Tree Removal Permit for the extension of Moffatt Street which will be a private street at the request of the applicant to allow additional time for the public to comment to the next regularly scheduled Planning Commission meeting of July 14, 2020; and

WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on July 14, 2020, at which time continued the public hearing and directed the Applicant to submit an alternative street alignment design connecting the private street to Lowell Avenue to the next regularly scheduled Planning Commission meeting of August 11, 2020; and

WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on August 11, 2020, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2191-HDP/TRP and approved the proposed Hillside Development Permit for the street design of Moffatt Street which will be a private street extending westward from the northern end of Lowell Avenue and Tree Removal Permit for the removal of five trees, subject to conditions of approval; and

WHEREAS, on August 26, 2020, the last date of the appeal period for the August 11, 2020 Planning Commission meeting, Micah Haserjian submitted an appeal of the Planning Commission's decision; and

WHEREAS, in accordance with state law, on October 9, 2020, City of South Pasadena Planning and Building Department published a legal notice in compliance with South Pasadena Municipal Code Section 36.630.020 concerning the Appeal of the Planning Commission's approval of Project No. 2191-HDP/TRP in the *South Pasadena Review*, a local newspaper of general circulation, regarding the City of South Pasadena City Council meeting of October 21, 2020. In addition, on October 8, 2020, a public hearing notice was mailed to all property owners and occupants within a 300-foot radius of the project site, indicating the date and time of the public hearing at the City Council meeting of October 21, 2020; and

WHEREAS, on October 21, 2020, the City Council conducted a duly noticed public hearing, at which time directed the Applicant and Staff to obtain in writing form the City of Los Angeles that the private street needs to be constructed prior to issuance of any building permits for the construction of the single-family homes in the City of Los Angeles, the revision of the conditions of approval shall be revised to not allow the construction of the private street without the City of Los Angeles issuing the building permits for the homes, and confirmation that a rezoning effort is underway for the Northeast Hillside area and continued the public hearing to the next regularly scheduled City Council meeting of November 18, 2020; and

WHEREAS, the South Pasadena City Council held a duly noticed public hearing on November 18, 2020, at which time received a letter from Los Angeles County Supervisor, Hilda Solis, stating that the zoning of lots in El Sereno were to be re-evaluated later in 2020 through the Northeast Los Angeles Community Plan and directed staff to discuss the plan update with the City of Los Angeles long range planning staff and continued the public hearing; and

WHEREAS, in accordance with state law, on February 5, 2021, City of South Pasadena Planning and Building Department published a legal notice in compliance with South Pasadena Municipal Code Section 36.630.020 concerning the Appeal of the Planning Commission's approval of Project No. 2191-HDP/TRP in the *South Pasadena Review*, a

local newspaper of general circulation, regarding the City of South Pasadena City Council meeting of February 17, 2021. In addition, on February 4, 2021, a public hearing notice was mailed to all property owners and occupants within a 300-foot radius of the project site, indicating the date and time of the public hearing at the City Council meeting of February 17, 2021; and

WHEREAS, the City Council conducted a duly noticed public hearing on February 17, 2021, at which time public testimony was taken concerning the Appeal of the Planning Commission's approval of Project No. 2191-HDP/TRP and approved the proposed Hillside Development Permit for the street design of Moffatt Street which will be a private street extending westward from the northern end of Lowell Avenue and Tree Removal Permit for the removal of five trees, subject to conditions of approval.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1: The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under Article 19 Section 15303, Class 3 – New Construction or Conversion of Small Structures of the California Guidelines for Implementation of CEQA. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction. Specifically, the project involves street improvements of an access easement to landlocked properties in the City of Los Angeles boundary.

SECTION 2: DESIGN REVIEW FINDINGS

The City Council hereby upholds the Planning Commission's approval and finds that the proposed project is consistent with all applicable findings for approval of a Design Review Permit pursuant to South Pasadena Municipal Code (SPMC) Section 36.410.040(I), as follows:

- 1. Is consistent with the General Plan, any adopted design guidelines and any applicable design criteria for specialized areas (e.g., designated historic or other special districts, plan developments, or specific plans);**

The General Plan land use designation of the site is Altos De Monterey Residential which allows one single-family unit per lot. The proposed project is a private street within an access easement for seven landlocked properties in Los Angeles and does not involve the addition of another dwelling unit therefore, it is consistent with the General Plan.

- 2. Will adequately accommodate the functions and activities proposed for the site, will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments, and will not create adverse pedestrian or traffic hazards;**

The location of the proposed project is within the hillside. With the development of the private street, it will create an easier access for the nine properties it serves and for emergency services to reach the properties. A 4-foot wide sidewalk is proposed on the south side of the private street and a condition was added for the

installation of street lighting for better visibility. Therefore, the proposed project will have no negative impact to the existing pedestrian or traffic circulation.

- 3. Is compatible with the existing character of the surrounding neighborhood and that all reasonable design efforts have been made to maintain the attractive, harmonious, and orderly development contemplated by this Section, and the General Plan; and**

The proposed project was designed to reduce the number of trees proposed for removal and to improve the street access for multiple properties. The height of the retaining wall is conditioned not to exceed six feet in height and will have landscaping to help blend the wall into the hillside.

- 4. Would provide a desirable environment for its occupants and neighbors, and is aesthetically of good composition, materials, and texture that would remain aesthetically appealing with a reasonable level of maintenance and upkeep.**

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. An abundance of landscaping is proposed to help screen the wall. A condition was added for the properties utilizing the private street to maintain the street to be aesthetically appealing.

SECTION 3: ALTOS DE MONTEREY FINDINGS

The City Council hereby upholds the Planning Commission's approval and finds that the proposed project is consistent with all applicable findings for the Altos de Monterey zone pursuant to South Pasadena Municipal Code (SPMC) Section 36.250.030(E), as follows:

- 1. The scale of the proposed building, design, height and mass in relation to the street frontage, to all setbacks and surrounding existing property; and**
Not applicable; no building is proposed for this project.
- 2. The relation of existing adjoining building heights and their views; and**
The maximum height of the retaining wall may not exceed 6 feet in height and must be separated by a minimum length equal to the height of the wall, not to exceed six feet. In addition, the locations of the proposed walls are lower than the existing neighboring homes.
- 3. The relation of proposed building heights to the existing topography; and**
Not applicable; no building is proposed for this project.
- 4. The impact on surrounding properties; and**
The proposed private street will have a positive impact on the surrounding properties. The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. The proposed project will create an easier access for the nine properties it serves for emergency services to reach the properties.
- 5. The obstruction of sunlight to the existing adjoining residences.**

The proposed retaining walls help to retain the existing hillside and will be a lower elevation than the existing property at 2051 La Fremontia Street. The existing homes on Atlas Street within the City of Los Angeles are at the top of the slope; the proposed development of the single-family homes on the vacant lots would be the cause of sunlight obstruction.

SECTION 4: HILLSIDE DEVELOPMENT PERMIT FINDINGS

The City Council hereby upholds the Planning Commission's approval and finds that the proposed project is consistent with all applicable findings for approval of a Hillside Development Permit pursuant to South Pasadena Municipal Code (SPMC) Section 36.410.065(F), as follows:

1. The proposed use complies with the requirements of Division 36.340 (Hillside Protection) and all other applicable provisions of this Zoning Code.

Within the AM zone, walls may not exceed six feet in height. As proposed, the concrete block retaining walls are maximized at six feet in height plus a 3'8" cable safety rail on top. A condition is added for the retaining wall height to not exceed six feet and for the retaining walls to be separated a distance equal to the height of the retaining walls, not to exceed six feet. The conceptual landscape plans show the addition of 16 required replacement trees for the removal of five (5) trees. Toyon, California sycamore, and coast live oak are the proposed replacement trees. Rosmarinus prostrates and creeping fig will be planted over the retaining wall to help disguise and blend the wall into the natural landscape. For ground cover, twin peaks and deer grass are proposed. Due to the size of the project, the landscaping will require compliance with the City's Water Efficient Landscape Ordinance. A condition was added for the applicant to submit construction landscape and irrigation plans in compliance with the City's Water Efficient Landscape Ordinance.

2. The proposed use is consistent with the General Plan and any applicable specific plan;

The General Plan land use designation of the site is Altos De Monterey Residential which allows one single-family unit per lot. The proposed project is a private street within an access easement for seven landlocked properties in Los Angeles and does not involve the addition of another dwelling unit therefore, it is consistent with the General Plan.

3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood of the proposed use;

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. The proposed project will create an easier access for the nine properties it serves for emergency services to reach the properties. The project is

conditioned to install stop signs, stop pavement legends, and limit lines for the north and south approaches on Maycrest Avenue to improve traffic safety.

4. **The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and**

According to the Preliminary Geotechnical Report, the project site is suitable to be developed as proposed and will be safe against hazard from landslides, settlement, or slippage and will have no adverse effect on the geologic stability of the adjacent properties provided that the recommendations outlined in the report are implemented.

5. **The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, and view protection.**

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. An abundance of landscaping is proposed to help screen the wall. A condition was added for the properties utilizing the private street to maintain the street to be aesthetically appealing.

SECTION 5: RECORD OF PROCEEDING

The documents and other materials that constitute the record of the proceedings upon which the City Council's decision is based, which include, but are not limited to, the staff reports, as well as all materials that support the staff reports for the proposed project, and are located in the Planning and Building Department of the City of South Pasadena at 1414 Mission Street, South Pasadena, CA 91030. The custodian of these documents is the City Clerk of the City of South Pasadena.

SECTION 6. DETERMINATION

Based upon the findings outlined in Sections 1 through 5 above and provided during the public hearing, the City Council hereby upholds the Planning Commission's Decision of Approval on August 11, 2020 for a Hillside Development Permit for the extension of Moffatt Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in Los Angeles and a Tree Removal Permit for the removal of five trees (Project No. 2191-HDP/TRP) (APNs: 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004), subject to the Conditions of Approval, attached hereto as Exhibit "A."

SECTION 7: CERTIFICATION OF THE RESOLUTION

The City Clerk of the City of South Pasadena shall certify that the foregoing Resolution was adopted by the City Council of the City of South Pasadena at a duly noticed regular meeting held on the 17th day of February 2021.

**PASSED, APPROVED, AND ADOPTED this 17th day of February 2021 by
the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

Diana Mahmud, Mayor

ATTEST:

Maria E. Ayala, Acting City Clerk (seal)

APPROVED AS TO FORM:

Teresa L. Highsmith, City Attorney

Closed Session City Council Meeting
E-mail Public Comment 2/17/2021

AGENDA ITEM A.
Existing Litigation

1. Chris Bray

From: Chris Bray <[REDACTED]>
Sent: Tuesday, February 16, 2021 7:30 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: Diana Mahmud <dmahmud@southpasadenaca.gov>; Michael Cacciotti <mcacciotti@southpasadenaca.gov>; Jon Primuth <jprimuth@southpasadenaca.gov>; Jack Donovan <jdonovan@southpasadenaca.gov>; Evelyn Zneimer <ezneimer@southpasadenaca.gov>
Subject: Re: public comment -- CLOSED session, item a, feb. 17 2021

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

(Replacement draft, comment for closed session, Feb. 17, Item A, "Existing Litigation: Alison Smith v. City of South Pasadena)

Councilmembers,

The sewage spill in Alison Smith's back yard happened in January of 2018. After more than three years of trench warfare, there is now no possibility that either side will "win" the resulting lawsuit in any meaningful way.

The City of South Pasadena has generated six-figure legal costs for a case that should have ended long ago with a five-figure settlement (and that now, after the insane punitive raid on Alison's house, should result in a six-figure settlement).

Meanwhile, Alison Smith is on her second lawyer, and her first lawyer has filed a lien against any settlement or judgment that she may receive. Anything she "wins" will be split between multiple lawyers, and she'll get whatever's left.

Everyone loses. No one has gained, or can now gain, from three years of avoidable pain and conflict -- no one but the lawyers. End this with a meaningful settlement offer. End it this week. The idea of filing an appeal over the anti-SLAPP ruling is shamefully stupid, and a public embarrassment for the city. Stop somewhere short of giving a half-million-dollar gift to Colantuono, Highsmith, and Whatley. *Notice* that your lawyers have advised you to pursue a course of action that has only resulted in endless payments to your lawyers, while escalating and extending an unnecessary conflict.

Ask yourself: how have you turned a modest sewage spill case, the likes of which are filed against local governments a thousand times a year all over California, into Jarndyce & Jarndyce? If someone trips and falls in a city park, will Teresa Highsmith turn it into a million-dollar case that goes all the way to the Supreme Court? What's going on here?

Chris Bray
South Pasadena resident

Regular City Council Meeting
E-mail Public Comment 2/17/2021

AGENDA ITEM NO. 2
General Public Comment

1. Doug Smith
2. Ella Hushagen (on behalf of 73 individuals)



The nation's largest pro bono law firm

South Pasadena City Council
1424 Mission Street
South Pasadena, CA 91030

Delivered via electronic mail.

February 16, 2021

RE: SUPPORT – draft inclusionary housing ordinance

Dear honorable members of the City Council,

We write in support of the draft Inclusionary Housing Ordinance (draft IHO). As outlined below, we urge the Council to maintain the proposed 20% affordability standard for mid-size and larger projects, maintain the carefully crafted standards to prioritize mixed-income development with on-site affordable units, and prioritize the creation of Very Low- and Extremely Low-Income units. We also offer specific recommendations to strengthen the proposed policy.

Public Counsel is the nation's largest pro bono public interest law firm, and the Southern California affiliate of the Lawyers Committee for Civil Rights Under Law. Our Community Development Project maintains a specific focus on producing and preserving affordable housing. In this capacity, we have been deeply involved in the development of state and local policy aimed at advancing mixed-income development, including but not limited to state density bonus law, the City of Los Angeles Measure JJJ and TOC Program, and the Los Angeles County Inclusionary Housing ordinance.

Inclusionary housing is an important tool to create much-needed affordable housing. Along with strong tenant protections, affordable housing preservation policies, and alternative social housing and community-ownership models, inclusionary housing is an important piece of a comprehensive housing justice framework. Building market-rate housing, alone, will not create housing opportunities for the City's Low, Very Low, and Extremely Low Income residents. As noted in the Staff Report, South Pasadena more than tripled its above-moderate RHNA goals, but fell short of the affordable housing goals. A well-crafted inclusionary housing program will create mixed-income development that better reflects the needs of residents in South Pasadena and opens up opportunity for inclusive and equitable community growth.

We applaud the Planning Department for producing a very thoughtful and comprehensive draft ordinance. We have reviewed many inclusionary housing policies across California, and the South Pasadena draft IHO stands out as uniquely balanced. In particular, we strongly support and encourage the Council to retain the following important provisions.



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- **Require 20% affordable housing for larger projects.** We support the Planning Department's determination that projects with 26 or more units should include 20% affordability. We would like to clarify some questions about state law raised by other commenters at the Planning Commission. State law permits, *but does not require*, HCD to review rental housing inclusionary ordinances adopted or amended after September 15, 2017, but only if: (1) the ordinance requires more than 15% of the units to be affordable to lower income households, **and** (2) the locality has either: (a) failed to meet 75% of its share of the above moderate income RHNA prorated over five years, or (b) failed to submit its annual housing element report for the last two years.¹ According to the Staff Report, South Pasadena has exceeded its above moderate income RHNA, and has submitted timely housing element annual reports.² State law does not prevent South Pasadena from adopting a 20% inclusionary standard in its effort to meet the affordable housing needs of its residents.
- **Create affordable housing in small projects.** The draft IHO will produce affordability in small and large projects alike. We support the application of affordability standards in small projects between 3 to 10 units.
- **Encourage deeply affordable housing.** The draft IHO prioritizes the creation of deeply affordable housing by including an Extremely Low Income (ELI) set-aside option, and by limiting the provision of Moderate Income units only to smaller projects.
- **Prioritize on-site affordable housing.** The draft IHO also includes carefully crafted standards for off-site units and, very importantly, limits in-lieu fees to small projects. While in-lieu fees can help generate funding for affordable housing, they often undermine goals of inclusive mixed-income development. By prioritizing on-site affordable housing, limiting in-lieu fees to only small projects and fractional units, and allowing only off-site construction with strong fair housing standards, the City will help create new housing for all incomes and promote equitable community growth.

In addition to maintaining the elements of the draft IHO listed above, we offer the following recommendations to strengthen this policy.

- **Ensure that off-site units affirmatively further fair housing.** The draft IHO requires that off-site units be "located on a property within 1,500 feet of the proposed project, or in a comparable neighborhood as determined by the planning commission." We strongly support the 1,500 foot proximity standard, in order to prevent off-site housing units from contributing to income-segregated housing patterns. To further strengthen this important

¹ Cal. Gov't Code §65850.01(a). See also, Public Interest Law Project, "INCLUSIONARY ZONING REVITALIZED" <http://www.pilpca.org/wp-content/uploads/2018/01/Inclusionary-Zoning-Revitalized-AB-1505-2018.pdf>

² Staff Report, p.2. See Also,

<https://cahcd.maps.arcgis.com/apps/View/index.html?appid=8ea29422525e4d4c96d52235772596a3>



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fair housing objective, we recommend amending the "comparable neighborhood" option to require that the Commission's determination take into account the obligation to affirmatively further fair housing.

- **Require Very Low Income Units in 26-50 unit projects.** For projects with 26-50 units, the draft IHO requires the same inclusionary rate for Extremely Low Income (ELI), Very Low Income (VLI), or Low Income (LI) units. The Staff Report acknowledges that this will skew the incentive and likely only result in the provision of LI units. As a result, these mid-size projects would never be accessible to VLI households. The draft IHO very appropriately requires a 50/50 split between VLI and LI households in projects with 51 or more units. We urge the Council to apply this same standard for mid-size projects and open up housing opportunities for VLI households across all project types.
- **Maximize the length of affordable housing covenants.** In order to maximize the life of affordable units created through this ordinance, we recommend that covenants be affordable for *99 years or the life of the project*, whichever is longer. This will prevent expiring covenants when a residential building is still in operation.

Thank you for considering these comments and recommendations. Please feel free to reach out with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Smith".

Doug Smith
Supervising Senior Staff Attorney
dsmith@publiccounsel.org

February 17, 2021
General Public Comment, Open Session

We heartily applaud South Pasadena's Planning Department for proposing an inclusionary zoning ordinance. We are asking the Councilmembers to endorse key components of the draft ordinance, and instruct the Planning Commission to move swiftly to finalize its recommendation.

The Planning Department's ordinance will maximize affordable housing development in the city. New housing developments with more than 10 units will be required to include between 15% to 20% affordable units, and developments with more than 25 units will have to build 20% affordable units. These robust requirements for affordable development are on par with what the city of Pasadena requires. Pasadena has observed no disincentive to development since strengthening its inclusionary zoning ordinance.¹

We support the Planning Department's decision to allow developments with three or fewer units to pay in-lieu of fees rather than develop affordable units. This provision will optimize South Pasadena's development of affordable housing by not taking smaller developments with four or more units off the table. In-lieu of fees are generally ineffective. Small cities face special challenges in collecting and leveraging such fees to develop affordable housing.

It is imperative for South Pasadena to adopt an aggressive ordinance, and quickly. First, and most critically, your constituents in South Pasadena support development of affordable housing. The pandemic has illustrated the grave public health crisis caused by a lack of affordable housing in our broader community: people forced to crowd into apartments and houses to make the rent are infected with and die from COVID-19 at significantly higher rates than people who do not live in overcrowded housing.² COVID-19 deaths in our greater Los Angeles County are disproportionately impacting Black and Latinx households—increasing by 1000% from November to January—due largely to overcrowded housing and the lack of affordable housing which increases the spread of the virus.³ This is neither the first nor last public health crisis we will face. The city's moral responsibility to build affordable housing has never been more stark.

Second, the city has fallen far behind in the production of affordable housing. ***In six years, from 2013-2019, the city produced merely 10 affordable units*** out of 93 total units. The city has approved a number of developments in the heart of downtown that contain zero affordable units, like Mission Bell and Seven Patios. The ordinance is designed to make up ground on this disappointing record.

¹ PASADENA NOW, January 25, 2021, "Developers Not Discouraged by Inclusionary Housing Ordinance Amendment." Available online at <https://www.pasadenanow.com/main/developers-not-discouraged-by-inclusionary-housing-ordinance-amendment/>

² Mejia, Brittny, LOS ANGELES TIMES, January 29, 2021, "When coronavirus invaded their small apartment, children desperately tried to protect dad." Available online at <https://www.latimes.com/california/story/2021-01-29/how-overcrowded-housing-led-to-covid-death-la-family>

³ Lin, Rong-Gong & Money, Luke, LOS ANGELES TIMES, January 30, 2021, "Latino COVID-19 deaths hit 'horrifying' levels, up 1,000% since November in L.A. County." Available online at <https://www.latimes.com/california/story/2021-01-29/la-latino-covid-19-deaths-up-1000-percent-since-november>

Finally, South Pasadena appealed its RHNA allocation on the basis that the city is built out and no room remains for new construction. The appeal was unsuccessful; the city would be prudent to operate as though the RHNA allocation will stand. If space is a precious commodity, South Pasadena must optimize remaining sites to develop 1,151 affordable units required by state law.

At the Planning Commission meeting, a number of the commissioners expressed concern that the ordinance seemed rushed. It is not. Inclusionary zoning has been on the city's agenda since 2018. There have been multiple stakeholder meetings about it. The commissioners have previously lamented their inability to require developers to build affordable units without an inclusionary zoning ordinance.

We agree with Commissioner Padilla, who appealed to her colleagues that, "speaking from [her] heart," the inclusionary zoning ordinance is the most critical work the Planning Commission has before it. Commissioner Padilla urged her colleagues to be bold. She cast doubt on fears that the ordinance will deter developers from building in South Pasadena. After all, South Pasadena has the trifecta of outstanding schools, metro access, and walkable streets.

We ask the Council to direct the Planning Commission to recommend the Planning Department's inclusionary zoning ordinance at its next upcoming meeting, and send it to the City Council for first reading by **March 3, 2021**.

Signed,

- | | |
|---------------------------|--------------------------|
| 1. Sean Abajian | 24. Sarah Erlich |
| 2. Alexander Aquino | 25. Margaret Farrand |
| 3. Ahilan Arulanantham | 26. Will Hoadley-Brill |
| 4. Anne Bagasao | 27. Laboni Hoq |
| 5. Kerrie Barbato | 28. Che Hurley |
| 6. Matthew Barbato | 29. Ella Hushagen |
| 7. Chris Becker | 30. Phung Huynh |
| 8. Robin Becker | 31. Amy Davis Jones |
| 9. Sierra Betinis | 32. Mariana Huerta Jones |
| 10. Katrina Bleckley | 33. Amber Jaeger |
| 11. Felicie Borredon | 34. William Kelly |
| 12. Laurent Borredon | 35. Afshin Ketabi |
| 13. Anny Celsi | 36. Caroline Kimbel |
| 14. Amber Chen | 37. Kristen Kuhlman |
| 15. Janna Conner-Niclaes | 38. Caitlin Lainoff |
| 16. Frederick Eberhardt | 39. Alexandria Levitt |
| 17. Jonathan M. Eisenberg | 40. Jacinta Linke |
| 18. Richard Elbaum | 41. Tony Lockhart |
| 19. Owen Ellickson | 42. Tiana Lopez |
| 20. Alan Ehrlich | 43. Ian Marshall |
| 21. Justin Ehrlich | 44. Jan Marshall |
| 22. Stephanie Ehrlich | 45. Richard Marshall |
| 23. Betty Emirharian | 46. Robin Meyer |

47. Abby McCrate
48. Jenny Munninopas
49. Ayaka Nakaji
50. Raf Niclaes
51. Joanne Nuckols
52. Victoria Patterson
53. Noah Perez-Silverman
54. Sarah Perez-Silverman
55. Myron Dean Quon
56. Alexandra Ramirez
57. Minoli Ratnatunga
58. Allie Schreiner
59. Barrett Schreiner
60. Andrea Seigel

61. Delaine Shane
62. Alexandra Shannon
63. Sean Singleton
64. Allison Smith
65. Christopher Smith
66. John Srebalus
67. Levi Srebalus
68. Kathleen Telser
69. Andrew Terhune
70. Casssandra Terhune
71. Amy Turk
72. Helen Tran
73. Jean Yu

Regular City Council Meeting
E-mail Public Comment 2/17/2021

AGENDA ITEM NO. 11

**Resolution Condemning the City's History as a Sundown
Town and Past Practices of Institutionalized Racism**

1. Helen Tran (Care First South Pasadena)
2. Noah Kuhn (On behalf of 21 individuals)



February 16, 2021

Submitted via email: ccpubliccomment@southpasadenaca.gov

Re: Public Comment, Open Session, Agenda Item 11, Sundown Town Resolution

Dear City Council:

We are encouraged that the City Council is working toward a more racially equitable and inclusive community here in South Pasadena. Over generations, South Pasadena has become more racially diverse and, today, our city is majority non-white (59%).¹ Like you, we believe the city should step up during this time of racial reckoning. To do so, the city must tell the truth about its past and present. **That is why we do not support the Resolution Condemning the City's History as a Sundown Town and Past Practices of Institutionalized Racism in its current draft for the February 17 meeting.** Although the proposed Resolution is a step in the right direction, it tells an inaccurate story of the city's past and remains silent on the city's *continuing* practices of institutionalized racism.

We recommend that the City Council continue a vote on the Resolution to allow time for amendments. The City Council should direct city staff to provide more historical context for the Resolution. City staff should seek input from community members, consult with experts in various disciplines, and conduct thorough research of local public archives. To start, the Anti-Racism Committee of South Pasadena² and local student journalist, Noah Kuhn,³ have published accounts of the influence of white supremacy and racism in the city.

We also urge the City Council to include, as part of the Resolution, an order requiring the city to address the vestiges of its sundown past: **"The City of South Pasadena will review and revise its policies, procedures, ordinances, programs, values, goals, and missions through an anti-racism lens to foster an unbiased and inclusive environment that is free from discrimination and harassment toward any person or group."**⁴

¹ U.S. Census Bureau, *Quick Facts: South Pasadena, California*, <https://www.census.gov/quickfacts/southpasadenacitycalifornia> (population estimates, 2019).

² *Racist History of South Pasadena*, Anti-Racism Committee (ARC) of South Pasadena, <https://arcsouthpasadena.org/racist-history-of-south-pasadena>.

³ Kuhn, Noah. *South Pasadena's History of Racism*, Tiger (Aug. 18, 2020), <https://tigernewspaper.com/south-pasadenas-history-of-racism/>

⁴ See Glendale Resolution No. __, available at https://glendaleca.primegov.com/meeting/attachment/1468.pdf?name=CC_09152020_Resolution_8b2 ("The City of Glendale will review and revise its policies, procedures, ordinances, values, goals, and missions through an anti-racism lens to foster an unbiased and inclusive environment that is free of discrimination and harassment toward any person or group.").

Institutionalized Racism Started in the Past, and Permeates South Pasadena's Laws and Policies Today

One of the main markers of a sundown town is its “all-white” population.⁵ The persisting reputation of South Pasadena as an “all-white town,” despite demographics that show otherwise, is reflected in the city’s moniker as a “Mayberry town” and city leaders’ oft stated desires to maintain the city’s “small town charm.” Demographics and reputation happen by design, not by chance.

Today, South Pasadena consists of 3.6% Black people and 18.5% Latinx people, rates that are significantly lower than those of Los Angeles County which consists of 9.5% Black people and 48.6% Latinx people.⁶ While Asian Americans have moved into the city at higher rates than their representation in the county’s overall population, Black and Latinx people have been much less represented.

Racism in Land Acquisition

South Pasadena was founded on the stolen land of the Gabrielino and Tongva tribes, the original inhabitants of the land. In 1940, the city started construction of the Arroyo Seco Parkway on the land of another tribe, the Kawies.⁷ The taking of tribal land for the construction of this major road came at a time of growth for the city as its white residents sought to create an all-white suburb. The Resolution does not acknowledge the violent, racist beginnings of the city and the exclusion of indigenous peoples.

Racism in Housing Policies

Black and Latinx people have long been excluded from living in South Pasadena. This exclusion occurred through both formal policies of the city and the political campaigns of its white residents. In 1940, South Pasadena had about 14,000 white residents (98.4%) and 234 residents

⁵ Loewen, James W. *Sundown Towns: A Hidden Dimension of American Racism*, p. 4 (Kindle version), The New Press (2005) (“A sundown town is any organized jurisdiction that for decades kept African Americans or other groups from living in it and was thus ‘all-white’ on purpose. There is a reason for the quotation marks around ‘all-white’: requiring towns to be literally all-white in the census—no African Americans at all—is inappropriate, because many towns clearly and explicitly defined themselves as sundown towns but allowed one black household as an exception. Thus an all-white town may include nonblack minorities and even a tiny number of African Americans.”).

⁶ U.S. Census Bureau, *Quick Facts: South Pasadena, California*, <https://www.census.gov/quickfacts/southpasadenacitycalifornia> (population estimates, 2019); U.S. Census Bureau, *Quick Facts: Los Angeles County, California*, <https://www.census.gov/quickfacts/fact/table/losangelescountycalifornia,CA/PST045219> (population estimates, 2019).

⁷ Kuhn, Noah. *South Pasadena's History of Racism*, Tiger (Aug. 18, 2020), <https://tigernewspaper.com/south-pasadenas-history-of-racism/>.

of other races (1.6%).⁸ During the 1940s, South Pasadena began including racially restrictive covenants into its property deeds, which prevented non-white people from purchasing homes in the city.

These racially restrictive covenants were popularly supported by the city's white residents, and city officials sanctioned and enforced them. The *Pacific Citizen*, a Japanese American-led newspaper, reported in 1946 that restrictive covenants covered about 80% of property within the city. The covenants were challenged in litigation by civil rights groups.⁹ Similarly, the *Los Angeles Sentinel*, a Black-led newspaper, reported in 1947 that "[t]he city of South Pasadena has long followed the practice of inserting race restrictions in tax deeded lands."

South Pasadena officials are offering the small-boy excuse that other cities have been doing the same thing. . . . Meanwhile excited residents of the city have formed an organization and are on record with loud announcements that they will fight to the bitter end to keep their city lily white.¹⁰

The restrictive covenants between the 1940s and 1960s had an immediate impact of excluding Black and other non-white residents and increasing the proportion of white residents. As the city's population grew by 1950, white people also grew to a larger proportion, making up 99.2% of South Pasadena. However, the number of Black and non-white people decreased from the decade before to 130 residents—30 Black people and 100 people of other races.¹¹

Racially restrictive covenants were struck down in 1948 as unenforceable by the U.S. Supreme Court, but private parties were still allowed to adhere to these covenants. Homeowners and city officials in South Pasadena upheld these covenants through the 1950s and 1960s. By 1960, the proportion of white residents in South Pasadena grew again to 99.4%. The number of Black residents dropped to 7 people total.¹²

⁸ U.S. Bureau of the Census, *1950 United States Census of Population*, p. 45, <https://www2.census.gov/library/publications/decennial/1950/population-volume-3/41557421v3p2ch07.pdf> (Tracts 473, 474 & 475).

⁹ Article is attached. Kido, Saburo, *Nisei Problems Go to Court: A Resume of Important Test Cases*, *Pacific Citizen*, p. 2, 5 (Dec. 28, 1946), available at https://pacificcitizen.org/wp-content/uploads/archives-menu/Vol.022_%2301_Jan_05_1946.pdf ("The viciousness of the restrictive covenants is becoming more and more apparent. In South Pasadena, about 80 percent of the property within the city limits is covered with the restrictive covenants. Thus American citizens will be unable to live in certain communities because of their race or ancestry.").

¹⁰ Article is attached. *Silly South Pasadena*, *Los Angeles Sentinel* (Oct. 23, 1947), available via ProQuest Historical Newspapers: *Los Angeles Sentinel*.

¹¹ U.S. Bureau of the Census, *1950 United States Census of Population*, p. 45, <https://www2.census.gov/library/publications/decennial/1950/population-volume-3/41557421v3p2ch07.pdf> (Tracts 473, 474 & 475).

¹² U.S. Bureau of the Census, *U.S. Censuses of Population and Housing: 1960, Los Angeles-Long Beach, Calif.*, p. 19, 120, <https://www2.census.gov/library/publications/decennial/1960/population-and-housing-phc-1/41953654v5ch04.pdf> (Tracts 4805, 4806 & 4807).

Restrictive covenants were finally outlawed with the passage of the Fair Housing Act of 1968. Not by coincidence, the demographics of South Pasadena took a significant turn by 1970, tracking the passage of fair housing laws and other gains of the civil rights movement. Still, in 1970, whites made up 96% of the city and Blacks and other races just 4%—117 Black people and 810 people of other races.¹³ From 1970 to 1980, the city continued to diversify significantly, with Black people reaching 2% of the city population and non-white races 22.8%.¹⁴ Asian and Latinx residents increased in proportion by double digits until the present day.¹⁵ Meanwhile, Black residents grew only by about 1.6%, reaching just 3.6% today.

Instead of restrictive covenants, South Pasadena today excludes Black and Latinx people from the city by preventing the development of affordable housing and maintaining the city's property tax structure. White families have gained significant advantage with homeownership, first with the assistance of federally-backed mortgages from which people of color were excluded for three decades, from the 1940s to the 1960s. The real estate transfer tax, set since the 1950s, is fixed at a mere 27.5 cents per \$500 of property value or 55 cents per \$1,000.¹⁶ This, along with Proposition 13 which passed in 1978, has kept home ownership primarily in the hands of white families who are able to pass down their homes to heirs, benefit from increasing home values, and maintain their properties with very minimal costs. In contrast, new or aspiring homeowners in South Pasadena, many who are now people of color, are unable to afford homes in the city or pay a larger share of property taxes.

Despite these racial disparities in homeownership and wealth here in South Pasadena, which have been cemented with housing and tax policies, the city continues to actively fight and stall the development of affordable housing. As far back as 1992, South Pasadena has continuously

¹³ U.S. Bureau of the Census, *1970 Census of Population and Housing, Los Angeles-Long Beach, Calif. Part I*, p. XI, 112,
<https://www2.census.gov/library/publications/decennial/1970/phc-1/39204513p11ch05.pdf>
(Tracts 4805, 4806, 4807.01 & 4807.02).

¹⁴ U.S. Bureau of the Census, *1980 Census of Population, General Social and Economic Characteristics, Part 6, California*, p. 77,
https://www2.census.gov/library/publications/decennial/1980/volume-1/california/1980a_cacs1-01.pdf.

¹⁵ U.S. Bureau of the Census, *1990 Census of Population, General Population Characteristics, California, Section 1 of 3*, p. 106,
<https://www2.census.gov/library/publications/decennial/1990/cp-1/cp-1-6-1.pdf>; U.S. Census Bureau, *County and City Data Book: 2000*, p. 787,
<https://www2.census.gov/library/publications/2001/compendia/ccdb00/2000ccdb.pdf>; U.S. Census Bureau, *Quick Facts: South Pasadena, California*,
<https://www.census.gov/quickfacts/southpasadenacitycalifornia> (population estimates, 2019); Census Viewer, *South Pasadena Population: Census 2010 and 2000 Interactive Map, Demographics, Statistics, Quick Facts*, <http://censusviewer.com/city/CA/South%20Pasadena>.

¹⁶ South Pasadena City Code, § 26A.2.

skirted its legal obligations to build affordable housing.¹⁷ This year, the city attempted but failed to appeal its Regional Housing Needs Allocation (RHNA) to build 2,062 units of affordable housing over the next eight years.¹⁸ The city has delayed enactment of an inclusionary housing ordinance for at least three years, during which time the city has approved multiple developments of luxury condominiums with no affordable units.

Racism in Policing

Just as South Pasadena once policed non-whites from living here and visiting, the city continues to police people who are deemed undesirable by the city's dominant groups. The city funds the South Pasadena Police Department at an outsized amount—one-third of the city budget—far above any spending it dedicates to social services. In Los Angeles County, Black people make up a vastly disproportionate number of people experiencing homelessness. Knowing this, the city continues to authorize the police to administer and steer its homeless services, tasking the police with monitoring unhoused individuals and removing their property from public spaces. The city could, instead, fund social services and housing programs to help people exit homelessness.

Other policing practices in the city are more overtly racist. The city sanctions explicit displays of white supremacy within the South Pasadena Police Department. During the Black Lives Matter protests in the city last year, officers wore thin blue line flag symbols while meeting with BLM protestors and while on duty around the city. This flag was prominently displayed at the Capitol Riot this year and in past white supremacist rallies such as that in Charlottesville, Virginia, in 2017. SPPD officers also faced complaints of biased policing against BLM protestors and protestors who opposed Trump rallies. Officers went unpunished, and the city did not issue any statement specifically denouncing white supremacy. When the then-police chief invited a far right, white supremacist group for a prayer service in the city, he, too, went without discipline until there was public outcry for accountability. To date, that accountability has taken the form of the police chief's administrative leave and an early retirement, during which his pension will be covered by city taxpayers.

Talk is Cheap

There is much more history, past and present, that cannot be covered by a public comment. Decade after decade, the city has formalized policies and practices that excluded Black, Latinx, and Asian people from living safely in the city and participating fully in its institutions. As the sociologist James W. Loewen wrote in his book, *Sundown Towns: A Hidden Dimension of American Racism*, without policy changes from the city to accompany anti-discrimination apologies and statements, "talk is cheap."¹⁹

Thank you for your consideration of this comment. We look forward to collaborating with city government going forward to engage in a fulsome approach to the anti-racist work before us.

¹⁷ Article is attached. *Cities Warned About Low-Cost Housing*, Los Angeles Sentinel, p. A-14 (Nov. 5, 1992), available via ProQuest Historical Newspapers: *Los Angeles Sentinel*.

¹⁸ <https://southpasadenan.com/scag-update-south-pasadena-appeal-of-housing-allocation-denied>

¹⁹ p. 431 (Kindle version).

Sincerely,

Anti-Racism Committee (ARC) of South Pasadena
Black Lives Matter South Pasadena
Care First South Pasadena
Noah Kuhn, Junior, South Pasadena High School

Cities Warned About Low-Cost Housing

State prosecutors have warned a dozen cities in Los Angeles County that they could face legal action for failing to comply with affordable housing laws, an official said Friday.

The California Department of Housing and Community Development enlisted the help of the Attorney General's Office to break down barriers some cities place in the way of affordable housing development, said HCD assistant director Paul Kranhold.

"Of the 47 cities that were the very worst offenders," Kranhold said. "Six of the 12 listed in Los Angeles County have been in violation since 1979."

Those six cities are Palos Verdes Estates, Sierra Madre, Monrovia, Cerritos, Bradbury and Beverly Hills.

The remaining cities are Claremont, Covina, Manhattan Beach, Norwalk, South Pasadena and Walnut.

Kevin Techarhouthian, director of public works for Sierra Madre, said he had not received the letter and he doesn't "know if someone else got it."

"I'm not familiar with the details of that particular plan," he said.

Spokesmen for South Pasadena, Cerritos and several of the other cities could not be reached for immediate comment.

According to state law, local governments must produce a plan for how they will meet their fair share of the region's affordable housing needs.

The law was designed to promote the construction of affordable housing, but reportedly is being ignored because "the cities would rather see the development take place in someone else's backyard," Kranhold said.

The resulting problems include pockets of lower and low-income housing, longer commuting distances, air pollution and traffic congestion, he added.

"If any of the cities I mentioned have plans, we don't know about it," Kranhold said. "And one only needs to look at rental and housing prices in Los Angeles County to realize there is a problem."

The non-compliance could leave the cities vulnerable from legal action—either by the Attorney General's Office, private citizens or public

action groups. "It's not a threat," Kranhold said, "but a reminder that housing prices are going through the roof and the state can't cope with the problem on its own."

Last April, HCD issued its first report to the Legislature on the status of housing elements and found that 79 percent of the 509 cities and counties in California were out of compliance with the law.

A recent study by the National Association of Homebuilders found that 19 of the 25 least affordable housing markets in the nation were located in California.

And business surveys continually cite high housing costs for their employees as a major deterrent to locating or expanding operations in the state.

As part of the Statewide Housing Plan, HCD has projected a need of 300,000 units of new housing this year. The state has been producing less than 110,000 annually.

"Housing that is affordable to working families is one of the key factors that will determine California's future," said HCD director Timothy Coyle. "The hope that we as Californians have for more affordable housing rests with the willingness of local governments to reduce the cost of housing production."

Sewer Tax Could Pay For Officers

A mayoral candidate recently proposed siphoning five percent of the sewer maintenance fund to pay for 650 more Los Angeles police officers.

"We have to have the will to take (money) from sacred cow bureaucracies that have been used to spending it without scrutiny," said Councilman Joel Wachs, "and free it up to rearrange our priorities to make public safety the top one."

Wachs said \$42 million should be taken from the \$838 million repair fund, which also pays for federally required upgrades to the city's waste water treatment system.

The San Fernando Valley councilman, who earlier this month announced his candidacy, said "nobody is questioning" the need for the project the city's Public Works Department oversees.

Inner City Youths Sought For Future in Legal Field

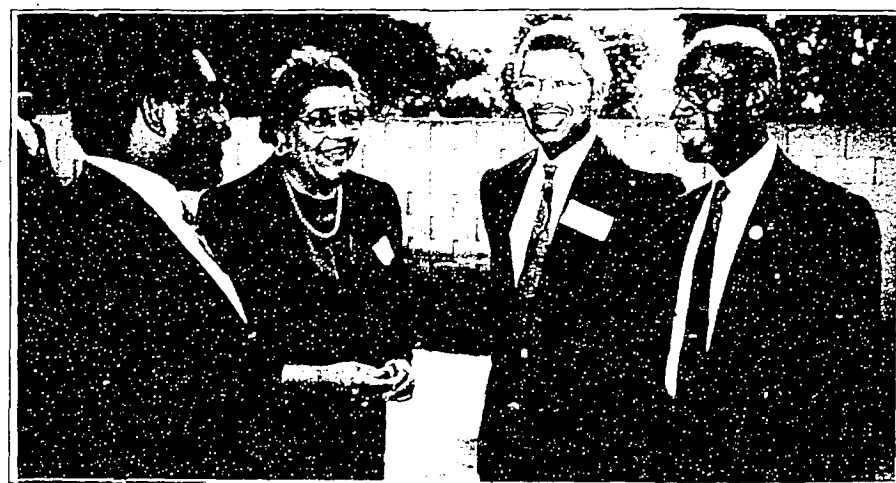
Local attorney Angela Robinson is seeking inner-city young men and women to participate in the "Young Barristers" program established to provide youth at an early age the opportunity to meet with minority attorneys and explore various careers in the legal field.

Robinson, who practices entertainment law, says "you're never too young to be exposed to career development."

The program is an avenue for students interested in someday becoming an attorney but may not have the same opportunities as others might to participate in mock trials, visit L.A. Municipal Court houses and share friendly experiences with other youth in the program.

She points out that California's minority attorney population only makes up five percent of the state's total. Moreover, she says, early preparation is the key to accomplishing the goal of becoming an attorney.

Robinson, a graduate of the Thurgood Marshall School of Law,



KAISER 25th--(from left) Shown at the 25th Anniversary celebration for Kaiser Permanente's Watts Learning and Counseling Center, Former Kaiser staff member, attorney Roger A. Clay, Kaiser vice president and regional counsel for Kaiser Permanente, Sandra H. Cox, Meroney E. Harrison, vice president of Administration at California State University Sacramento and Director of the Watts Counseling and Learning Center, Bill Coggins.

Woo Obtains Office Space for United Minority Contractors

The United Minority Contractors recently hosted a celebration in brand new office space, obtained by Councilman Michael Woo.

Woo arranged for Lowe Enterprises to donate the space to the United Minority Contractors, which will use the space to house administrative offices and a school for minority youths and others who want to learn the skills and techniques of the building industry.

"The members of United Minority Contractors are helping rebuild this city literally and figuratively," said Woo. "They are repairing buildings that were damaged last spring, and they are helping to rebuild a community that has been damaged by a lack of jobs, a lack of training, and a lack of hope. By helping United Minority contractors, we are helping the city rebuild."

United Minority Contractors was formed six months ago to assure minority involvement in building projects citywide. The group helps promote self-sufficiency in the inner-city by training beginners in the building trades, and by helping experienced contractors sharpen their skills and increase their abilities to manage ever-larger projects.

Among the United Minority Contractors most recent jobs was the refurbishing of the 92,000-square-foot Sears store in Hollywood, which was damaged in the riots. Sears was ready to leave Hollywood after the riots, but Woo convinced them to

stay, and to use minority contractors for the rebuilding job. The project employed 70 South Central youth and unemployed trades people, and demonstrated that people of diverse backgrounds can work together.

"Our new offices will help us train more South Central youth and the unemployed homeless, and help them develop productive careers," said John Davis, executive consultant for the United Minority Contractors. "We appreciate the help of the many people who made this all possible. It will be a very positive association and a successful joint venture."

Woo said the United Minority Contractors' effort was exactly the kind of program city government and the private sector should be supporting throughout the city. "The members of the United Minority Contractors are out there creating opportunities and helping prepare people to take advantage of them," he said. "Lowe is helping United Minority Contractors rebuild a community."

Woo spent a month looking for office space for the United Minority Contractors before Lowe Enterprise offered this space.

"Donating space to the United Minority Contractors is a continuation of Lowe Enterprises' commitment to downtown, supporting ef-

orts that make a difference by responding to the needs of the community," said Greg Hoxworth senior vice president and general manager of Lowe's downtown properties.

He said that Lowe supports many other social service efforts, including Transition House for the homeless, the Children's Institute, and the Genesis food distribution network.

Sheriff Shows New Weapon

The sheriff's department unveiled a new weapon in the fight against drugs—a "talking truck" equipped with a two-way radio which allows deputies to share anti-drug messages with children.

Sheriff Sherman Block was scheduled to receive the keys to the 1993 Chevy S-10 pickup at a 10:30 a.m. news conference at Jan Adams Elementary School, 4353 E. 153rd St., said sheriff's Sgt. John Harris of the Substance Abuse Narcotics Education (SANE) Bureau.

The truck will be used in conjunction with the SANE program that teaches children about the dangers of drug use.

"The truck takes on a unique personality and 'cries' and 'blinks' through its headlights while 'talking' to the children," Harris said. "It is equipped with a two-way radio that allows a deputy to surreptitiously talk with children and share anti-drug messages."

The black and white truck has a camper shell and a light bar on top, and is emblazoned with the sheriff's insignia and the SANE logo.

Today's event coincides with Drug Abuse Recognition/Red Ribbon week, and anti-drug effort that involves law enforcement groups and private organizations.

HAVE YOU SEEN THIS PERSON? WANTED



Name: Charles Earl Stell
Warrant #: SA011782
Court: Beverly Hills Municipal Div. 1
Sex: Male Eyes: Brn
Hair: Blk Ht: 5'10"
Wt: 180 DOB: 3/26/64
SSN#: 562-19-3972
Call Police or Sheriff Dept. or (213) 296-5464

HAVE YOU SEEN THIS PERSON? WANTED



Name: Samuel Alex Simpson
Warrant #: CR44654
Court: Riverside Superior
Sex: Male Eyes: Brn
Hair: Blk Ht: 5'8"
Wt: 145 DOB: 4/19/42
SSN#: 556-60-0679
Call Police or Sheriff Dept. or (213) 296-5464

Police Promote Officers

The Los Angeles Police Department has promoted seven lieutenants to captain, including the fourth woman in the department's history to achieve that rank.

Peggy York, 50, was promoted during a ceremony at Parker Center. The occasion marked the first promotions within the department in almost a year because of financial constraints, said Police Chief Willie Williams.

All the officers were on a list of people who had passed promotion exams. "They worked hard for those badges," Williams said. "They unequivocally earned it."

York is the commanding officer for detectives at the Wilshire Division and a 24-year LAPD veteran. Only one other female captain is on the force, Capt. Jan Carlson, commanding officer at Pacific Division. The two women went through the police academy together in 1968.

"We were told in the academy we couldn't be captain. Many of us accepted it as the way things were," York told reporters.

"Over the next 10 years, some of us decided that we were interested in promoting and interested in really trying to have more influence in the way the department is run," she said.

York said she has worked in all four of the LAPD's geographic bureaus. In 1980, she said, York and her partner became the first female homicide detectives.

The LAPD has made some progress in terms of promoting women, she said. "We have moved beyond the point of women having to prove we can do the job," she said. "The next phase we are entering is how much influence will women have on the nature of police work—how the job is done."

"Women have good communication skills and are compassionate. That ties right into community-based policing," she said.

Also promoted were David Doan, John Mark Leap, Bruce Hagerty, Bob Gale, Louis Gray and Ron Seban.

In the future, Williams said, promotions will be marked with ceremonies like today's, so family and friends can attend.

"My first official order to the new captains," the chief said, "is that they have the rest of the day off."

provides consultation to up-and-coming artists as an outlet to reach the Los Angeles entertainment market.

For more information on the Young Barristers program, contact attorney Angela Robinson at (213) 659-5268.

HAVE YOU SEEN THIS PERSON? WANTED



Name: Derrick D. Wallace
Warrant #: BA047586
Court: Los Angeles Superior Dept. 120
Sex: Male Eyes: Brn
Hair: Blk Ht: 5'10"
Wt: 145 DOB: 5/30/63
SSN#: 560-17-5041
Call Police or Sheriff Dept. or (213) 296-5464

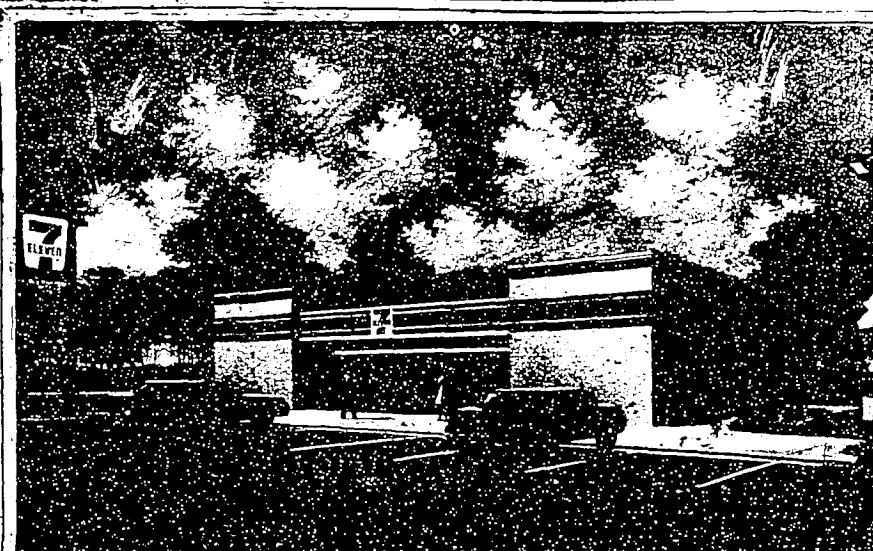
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COUNCIL MEMBER RITA WALTERS INVITES ALL 9th DISTRICT RESIDENTS TO A COMMUNITY FORUM Saturday, November 7, 1992 10 am to Noon New Hope Baptist Church 52nd Street and Central Avenue

The Los Angeles Department of Water and Power has proposed a restructuring of water rates. This new rate structure will be considered by your city council during the next few weeks. DWP representatives will explain the proposal and will be available to discuss how it affects you. Officials from the City Department of Aging and the Social Security Administration will also be present to respond to senior citizen concerns. Our Council District staff will be available to discuss the development of a new DASH shuttle and future community clean-up efforts.

For further information, call 213-237-1088

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Los Angeles Sentinel

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MAIN OFFICE—1050 East 43rd Place, Los Angeles 11, Calif.—AD. 8184
CIRCULATION—1112 E. 43rd Street, Los Angeles 11, Calif.—Century 2-2811
WATS OFFICE—1870 E. 103rd Street, Los Angeles 3, Calif.—LAfayette 8161
Entered as second-class matter March 6, 1947 at the post office at Los Angeles, California under the act of March 3, 1879.

Interstate United Newspapers, Incorporated, National Advertising Representatives
545 Fifth Ave., New York 17, Murray Hill 2-5452
Member Audit Bureau of Circulations
Established 1933

THURSDAY, OCT. 23, 1947

- PLATFORM**
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 3. Publish the news without fear or favor.
 4. Adequate police protection for all citizens.
 5. All citizens should have right to participate in government without respect to race or color.
 6. Workers of all races must have right to organize and bargain collectively.
 7. Adequate housing, decent living conditions for all citizens.

HISTORY
The Los Angeles Sentinel is twelve years old. It was founded by Leon H. Washington

Jr. as the Eastside News Shopper and developed into its present form and size to fill the needs of the community it serves. During the twelve years it initiated and led the Don't Spend Your Money Where You Can't Work Program; initiated the campaign that led to the Low Cost Housing program in this state; supported social security and old age pension plans; supported liberal and progressive candidates for all offices. It advocates redistricting of Los Angeles to give full representation in City Council; believes in and has sought for abolition of race, restrictive housing covenants and for the right of workers to organize and bargain collectively.

Subscription Rates: 1 year — \$4.00 3 months — \$2.50



Member: Associated Negro Press
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Silly South Pasadena

The city of South Pasadena has long followed the practice of inserting race restrictions in tax deeded lands. Last week, Ernest Chamberlain, a South Pasadena man with a sense of fair play, filed a suit seeking to restrain his City Fathers from the practice. Caught with their legal pants down, South Pasadena officials are offering the small-boy excuse that other cities have been doing the same thing. Just what that proves, we don't know, but it sounds like a pretty lame excuse for law breaking.

Meanwhile excited residents of the city have formed an organization and are on record with loud announcements that they will fight to the bitter end to keep their city lily white.

As long ago as 1917 the United States Supreme Court decided that political subdivisions are forbidden by constitutional prohibitions from setting up segregated districts and it is our guess that South Pasadena can't get away with its newest move in that direction.

What the incident indicates is the need for a Supreme Court decision banning the whole race restriction racket. Courts have long held that covenants do not violate constitutional guarantees on the ground that the

Fourteenth Amendment only prohibits "state action" and that such agreements are mere private contracts.

The point is always neglected that even though covenants are ordinarily entered into by private property owners state courts are called upon to enforce them. It seems apparent to the laymen that the state acts through its courts just as it does through its legislative or executive authorities.

In any event, it is becoming increasingly plain that unless the Supreme Court calls a halt living space open to Negroes, and other "non-Caucasians," is going to be increasingly limited both in the metropolitan and suburban areas. In Los Angeles, as elsewhere, the Negro population continues to grow and to pile up the ghettos that are open to them. And here, as elsewhere, the ghetto continues to breed the evils attendant on overcrowding and bad housing. That is an old story that hardly needs re-telling here.

It is a sad commentary that at the very time America needs unity and when democracy needs exemplification, American cities and their citizens are wasting their time and energy in upholding discredited racist doctrines that did so much to plunge the world into bloodshed in 1939.

And Nothing Happened

Something new happened under the sun in Virginia last week when a football tackle by the name of Chet Pierce played for Harvard on the home field of Virginia University. As we get it, Pierce is just a so-so football player and not likely to win any All-American mentions. Critics who saw him said he was just as good, or as bad, as the 47 to 0 beating his team absorbed would indicate.

It just happens that Pierce is a Negro and that gloomy prophets had predicted all kinds of dire disaster if he were permitted to play football against the youngsters who attend Virginia University. To their credit, it must be recorded that the Virginia

football players took a poll and voted unanimously that they didn't give a hoot whether Pierce played or not.

Not only did Pierce play but he stayed with his team at the Monticello Hotel, a super-cooper hostelry where Jim Crow has reigned supreme since Reconstruction days. We are happy to report that the hotel roof didn't cave in, nor the sun refuse to shine nor did the other guests walk out. To put it simply, nothing happened at all.

Nothing, that is, except just one more bit of proof that Jim Crow is a pretty darned silly piece of business in Virginia or anywhere else.

The Need for FEPC

A. Phillip Randolph, chairman of the National Council for a Permanent FEPC, is quite correct in pointing out that this is the time to launch an all-out offensive for the enactment of a fair employment practices act by the Congress.

Both parties are casting anxious eyes in the direction of Negro voters and wondering what they will do in 1948 and it is reasonable to expect that northern Democrats and Republicans will be more amenable to reason than they were at the last session of Congress.

There can be little doubt that if the measure ever came to a vote in the House and Senate it would pass and that the president would sign it. Fly in the ointment is that it is bottled up in Committees and that only the way to get it out is through pressure on GOP big-wigs who could force their followers into line if they wanted to.

Come on Methodists

Like the ways of Providence the ways of the A.M.E. church fathers pass human understanding at times. Their latest venture into goofiness was to attempt removal of the 1948 conference from Los Angeles to Kansas City. And that after this city had been okayed at least three times since 1946. One of the charges bandied about as a "reason" for not meeting here was that the Rev. Frederick M. Jordan, pastor of the First A.M.E. Church, is a "Communist." That's silly, of course, and it is remarkable that a bishop of the church should resort to peddling such tripe.

Behind the move for removal may be the fact that the Rev. Jordan is one of the leading candidates for the

bishopric and that his rivals don't want him to have the advantage of being on his home grounds when the election is held.

We still hope that the Methodists will get to enjoy our hospitality next year and we're willing to hazard a guess that most of the potential lay and clerical delegates join with us in that feeling. They're victims of church politics just as we are and we hope that they'll find some way of putting the curbs on their overly ambitious bishops.

The Conference hasn't yet been officially moved away from Los Angeles and concerted activity will certainly be effective to keep it here where it belongs.

The Watchtower

By Roy Wilkins

Everyone knows by now that in discussing the so-called race problem, the lowest level of argument to which a white person can sink is the "social equality" argument. This is the Bilbo-Rankin level, than which there is no lower.

In the fight for a permanent FEPC only Senator Allen J. Ellender of Louisiana has brought up social equality. But Ellender is on the same mental level as Rankin, so his attitude was not surprising.

But on October 13 there was made public in Washington a brief prepared by Donald Richberg, a lawyer, and chairman, in the early Roosevelt days, of the old NRA. Richberg argues against a permanent FEPC and calls such legislation "detestable." He says it favors Communism. He says the bill would prohibit the freedom to "choose one's associates or co-workers." Mr. Richberg has sunk to the Bilbo-Rankin-Ellender level. He says it is both communism and social equality for the government to say that every citizen in America must have a fair chance to get a job regardless of his color or his religion. Since when has the right to work in a factory been considered the same as going to a party, a dinner, or a dance? Since when have workers had the "freedom" to bar employment to anyone simply because they wouldn't entertain that person at a social gathering?

Is Mr. Richberg serious when he says that if people are given a fair chance at a job by law that is Communism? Does he mean that one of the cornerstones of American free enterprise is racial and religious prejudice? Are we at last to have a responsible person make this admission?

Richberg also uses his statement to slap at labor unions. In fact, it appears that he went out of his way to do this by saying that labor unions were guilty of discrimination and therefore employers ought not be prohibited from discriminating also. This argument ignores completely the fact that both big labor organizations, the AFL and CIO, are supporting FEPC legislation morally and financially.

Perhaps in view of the stinking record of NRA on the Negro, we should not expect anything better from Richberg. But we have a right to expect something better from the Senate Labor and Welfare Committee. Richberg says he submitted his brief on FEPC at the invitation of the Senate Committee. Senator Taft is chairman of the committee. Senator Donnell of Missouri is chairman of the subcommittee which held hearings on the FEPC bill in June and July. Both are Republicans.

Why didn't Mr. Taft's committee have Mr. Richberg submit his brief during the hearings so his contemptible arguments could be answered before the committee? Why wait until October. Is Mr. Taft's committee making a sneak black-jack attack on FEPC through Richberg?

Does Senator Taft and the Republican party think the Negroes of this country are complete fools? By inviting this kind of brief Taft and the GOP have put themselves on the Rankin-Bilbo-Ellender level. Do they think they can get Negro votes in 1948 with this stuff?

EXCUSSES

The man who is always making excuses can usually make good ones. Practice makes perfect.

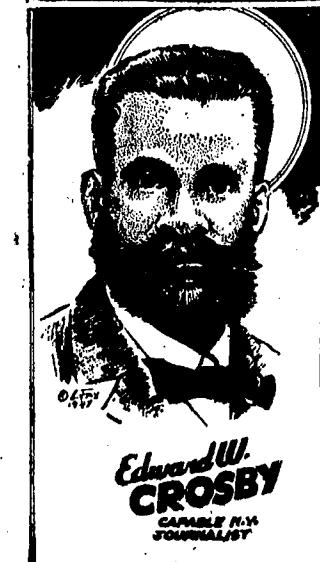
HOW FAST

Speed records are old stuff. They're being kicked around almost every day of the year. Still it's hard not to get excited about the speed attained by American robot rocket planes reported to be between 1400 and 1700 miles per hour. If robot planes can do it now, planes carrying pilots will probably be doing it in a few years. If commercial planes ever go that fast the passengers will be at their destination before they realize they've started. Sort of confusing.

NEW COMEDIENNE

Lovely Jane Russell makes her screen debut as a romantic comedienne in Paramount's Technicolor film, "The Paleface," in which she stars with Bob Hope.

THEY'LL NEVER DIE By Elton Fax



45 YEARS AGO ONE OF THE CRACK EDITORS AND FEATURE WRITERS ON THE "BUFFALO (N.Y.) TIMES" WAS A NATIVE OF EASTERN N.Y. STATE, EDWARD W. CROSBY.

BORN ABOUT 105 YEARS AGO, HE WAS EDUCATED IN N.Y. CITY AND ALBANY. AT 36 HE BEGAN TO COMMAND ATTENTION AS A PUBLIC SPEAKER IN BUFFALO AND WAS ONE OF THE EARLY LEADERS OF THE PUBLIC OBSERVANCE OF ABRAHAM LINCOLN'S BIRTHDAY.

MR. CROSBY'S LITERARY TALENTS LED HIM INTO THE NEWS PAPER FIELD FOR YEARS HE SERVED AS THE GRAPHIC EDITOR AND EDITORIAL WRITER ON THE FINISHED "BUFFALO TIMES." HE IS PROBABLY BEST REMEMBERED FOR HIS "SNAPSHOTS" AND "THE JUNIOR LETTERS" WHICH APPEARED REGULARLY IN THE "TIMES."

Edward W. Crosby
CAPABLE N.Y. JOURNALIST



"LACKS THE COURAGE TO UNSHACKLE HERSELF"

Labor View

By George McCray (For ANP)

High international politics took the spotlight as soon as the CIO convention opened in Boston and the A.F.L. convention came to order in San Francisco. The manner in which these two champions of the common man in America made up their minds about the Marshall plan should be both depressing and disappointing to American Negro citizens.

The American Federation of Labor is for the plan without reservation. The A.F.L. would be in favor of any policy which promises the destruction of communism. And so far as that organization is concerned, Mr. Truman can send abroad as much food, clothing, and equipment as he deems necessary so long as these shipments do not raise prices.

The CIO, torn between ever sharpening conflicts between Communists and non-Communists in the organization, adopted a com-

promise resolution favoring the Marshall plan to help Europe resist the encroachment of communism. Philip Murray and his associates believe that it is all right to ship goods to Europe under the Marshall plan, but the United States should do nothing to interfere in the internal affairs of the nations accepting the aid.

Frankly in all the years this writer has followed CIO activities, it has never adopted a more senseless resolution. As an American citizen who will be forced to make his contribution to the aid to Europe plan, I want the assurance that my sacrifices will help to achieve two things.

The first is the preservation of and the extension of democracy not only in Europe but among the millions of colonial peoples in Africa, Asia, and West Indies, and in the South Pacific. These peoples, all colored and mostly Negro, are not menaced by communism, but their

CIO-AFL Conventions

By George McCray (For ANP)

Balk On Marshall Plan

European oppressors still deny them effective democracy and freedom. I should want to know also that the resources expended under the Marshall plan will be shared with these colonial areas which have been long exploited, but so poorly developed. The problems of mankind, Mr. Marshall and President Truman should realize, do not end with solution in Europe.

Finally as a tax-paying American, I want to be assured that not one cent of my contribution under the Marshall plan will be used to suppress the efforts of colonial peoples to enjoy those very freedoms which we are supposedly trying to preserve in Europe.

That the AFL and the CIO could ignore the opportunity to strengthen and to extend democracy over a wider area of the world through the Marshall plan is indicative of the shallow thinking and hypocrisy which is the curse of the present-day world.

A LOOK AT BOOKS

Local Libraries Have New Novels

"Strike for the Heart" is a first novel by Kay Belliveau, a young twenty-one-year-old Vassar College graduate and winner of the Mademoiselle College Fiction Award. A suddenly finds herself facing a serious dilemma — Shall she marry Peter and remain a small-town housewife, or plunge into the liberal world which Art Stevens, a labor leader and jazz musician has made seem so important? During the transition to maturity, Francesca learns that change and growth are sometimes as full of pain as of promises. It is a sensitive picture of how she learns to see herself objectively.

"How to Worry Successfully" by David Seabury, the well-known psychologist, is a reassuring book in which he shows how to make the natural tendency to worry pay dividends in success and happiness — making it a constructive process instead of harmful as so many contend. He uncovers the common causes of difficulties and troubles faced by all of us and presents tested methods of overcoming oppressive thoughts. It should help one to "work and play and sleep better."

"Roberta, Interior Decorator," by Marjorie Freer is a new career story combined with a delightful romance. As her home town college does not offer her the courses

she wants Roberta persuades her parents to let her go to New York where she works part time and attends a decorating school. After two years she becomes assistant decorator at one of the smartest shops. She meets Jonathan, a student of furniture design, and falls in love, but he leaves to study abroad. She tries in vain to follow him and her whole world seems to crash. The working out of her problem makes fascinating reading.

"Candy and Candy-Making" by Mary B. Bookmeyer is by a successful candy-maker. It is practical and scientific, telling how and why to make all kinds of candy. There are many rules and recipes and many illustrations showing attractive outlays of confections.

H. I. Brock, ex-school teacher and now a newspaper man, is the author of "The Little Book of Limericks." Contrary to the idea held by many that limericks must be

badly to be funny this collection is not only humorous but "fit to print."

"Introduction to Advertising" by Arthur Judson Brewster, Herbert Hall Palmer and Robert G. Ingram — all authorities along the advertising line, is a fifth edition of this title, a sure indication that it has proved useful. It is a well-illustrated book covering all phases of the subject and giving special emphasis to the retailing field. There is a brief chapter on the development at the beginning of the book and one on "Advertising as a Vocation" at the end.

These books may be secured at neighborhood libraries Helen Hunt Jackson Branch at 2330 Naomi Avenue and Vernon Branch at 4604 South Central Avenue; hours are Monday through Friday from 1:00 p.m. to 9 p.m. and Saturday from 9 a.m. to 1 p.m.

Letters to the Editor

To Editor: While visiting in Tijuana, Mexico, Friday evening, August 29th, in company with John Roundtree, deputy district attorney of San Diego county, we went to a popular cafe bearing the name of "The Stork Club," a corner location in a streamlined building in the heart of Tijuana's business district.

One entering the cafe, a special "buffer" officer halted us with the explanation that, the establishment was a private club, and as such, we could not enter. I promptly challenged his legal authority on correctness of the so-called club, further, that our Race accounted for the rebuff. Our protestations attracted attention of the manager who went a step further in admitting the policy of the house was to bar colored Americans, and brusquely advised us to be on our way. I countered with a warning the Mexican laws were being violated and we would soon return with an officer who would bring them to an accounting for the exclusion. They shouted, "go ahead, you still won't come in."

After approaching one officer, who couldn't speak English and another who was afraid, we went to the Police Station where to the Chief of Police we explained our experience.

On hearing our case, the Chief promptly summoned five policemen, huddled them in a police patrol car and in another car he accompanied us to the cafe where, the special "buffer" officer, the manager and

two others were fearfully brought to account. They all joined in prayerfully offering an excuse after another of "misunderstanding," etc. with pleadings against arrest, with assurances the cafe does not bar colored Americans nor any one else.

The owners profusely apologized to us with handshakes of assured welcome at all times. The Chief strongly reprimanded owners and management with a warning that another like offense will mean the jail.

The San Diego Race Relations Society has had several complaints that certain Tijuana cafes practiced the private club bluff against colored Americans. The corner excitement blocked traffic. Tell your readers to report any attempted exclusion to the Tijuana Chief of Police who will protect their right to service.

Dennis V. Allen, president
San Diego Race Relations Society

LIMITLESS OPPORTUNITIES

Some individuals are inclined to believe that opportunities are limited in this day and age. That's bunk! As long as men are willing to think—and we mean think—there will always be abundant opportunities to be seen and utilized.

BIRTHDAY GIFT

Astor Richard Denning's actress-wife, Evelyn Ankers, gave him a complete spear-fishing outfit for his birthday. He is currently starring in Pine-Thomas' "Caged Fury," a Paramount release.

Between the Lines

By Dean Gordon B. Hancock
For ANP

NEGROES AND THE GROUND-FLOOR

Twenty-five years ago I addressed a Sunday afternoon audience of about 300 in one of Richmond's leading Negro churches. Incidentally, I made observations on why cities, usually grow towards the west. The earth rotates upon its axis from west to east, and the wind usually follows in the direction of the earth's motion, that is, generally from west to east. This generally drives the smoke and grime in cities back on the east side, and the wealthy and well-to-do keep moving westward to escape the smoke and grime which the east-siders must endure.

For instance, New York's east side and London's east side and so on in most of the larger urban centers of the world. I further observed that if I were going to invest, it would always be in property on the west end of some growing city.

There were in that audience a mail and wife who took what I said incidentally to heart. They decided to move out and buy on Richmond's west side. Today although the husband has passed on, his widow is living comfortably because she has more than 100 lots bringing fancy prices as a result of investing in the west end, as a result of a casual observation in an address 25 years ago.

This article is designed to call the race's attention to an economic opportunity that holds for the race possibilities far grander than those suggested to that married couple 25 years ago. Within recent weeks a delegation from Liberia has come to this country seeking capital and men to develop the natural resources of Liberia. It is not a Firestone enterprise but one that promises economic emancipation to Liberia and Liberians. The delegation made representations to this country and former secretary of state Edward R. Stettinius became seriously interested and now heads what can be aptly called the Liberia Development Company.

But more important than the mere organization, is the fact that Negro men and capital are wanted. Edward R. Stettinius has done a remarkable thing to encourage the development of Liberia and the equally remarkable thing to let Negroes in on the "ground floor." Just as that couple took my observations seriously, it would pay the wealthy Negroes of this country to take seriously the opportunity that is at stake in the Liberian business adventure.

Our insurance companies with their bulging treasuries could study with profit the Liberian enterprise and its possibilities. The Negroes of today must realize that what they invest today—and how wisely—will largely determine what the tomorrow of the race will be. The Roosevelt for many generations have had in their mouths when born the proverbial "silver spoon." Why? Because a Roosevelt of a former generation invested in Manhattan real estate. As a business venture the Liberian Development company offers Negroes a rare opportunity to insure themselves against the economic tribulations of tomorrow.

What is more, I am told that Negroes can now obtain stock in the Chesapeake and Ohio railway, one of the gilt-edge investments of the century. I am wondering how many Negroes with money know this, or are taking advantage of this. This is probably true of the A.T. & T. company and perhaps Coca Cola. In other words we need to develop an "investment consciousness" if we are to advance our cause. For years this column has been trying to develop "job-consciousness" and "vote-consciousness" and "dollar consciousness." We are adding now "investment consciousness."

Not only is Liberia calling for our capital but she is calling for American professionals and especially Negro teachers. If a thousand young educated Negro Americans could be suddenly seized with a missionary complex and turn towards Liberia, we would be laying sure foundations. Liberia and Ethiopia are all that the white man had left in Africa for the present. It is highly probable that these two Negro states will afford standing room and leverage for the Negroes of tomorrow. The ground-floor in Liberia is calling!

SPIDER OF THE MIND

Prejudice is born of ignorance and malice. One of the greatest men of this country said "prejudice is the spider of the mind." It weaves its web over every window and over every crevice where light can enter, and then disputes the existence of the light that it has excluded. That is prejudice. Prejudice will give the lie to all the other senses. It will swear the northern star out of the sky of truth. You must avoid it. It is the womb of injustice, and a man who cannot rise above prejudice is not a civilized man; he is simply a barbarian. —Robert C. Ingersoll.

PACIFIC CITIZEN



VOL. 28; NO. 25

SALT LAKE CITY, UTAH,

SATURDAY, DECEMBER 28, 1946

Price: Seven Cents

Nisei Parents File California Suit Against Education Code Permitting Race Segregation

LOS ANGELES—The Nisei parents of Takao Aratani, 8-years of age, filed suit in Superior court on the boy's behalf on Dec. 12, challenging the constitutionality of a California law which permits separate schools for children of Indian, Chinese, Japanese and Mongolian ancestry.

The suit is sponsored jointly by the National Japanese American Citizens League and the American Civil Liberties Union and was filed by A. L. Wirin and Fred Okrand on behalf of Mr. and Mrs. Shigemi Aratani.

Mr. Aratani, pre-war president of the Los Angeles JACL, is a veteran of the 442nd Combat team.

The suit admitted that the boy is attending the Amelia street school of Los Angeles on an unrestricted basis but contended that sections 8003 and 8004 of the State Education Code violate the 14th Amendment of the U. S. Constitution and sections of the California Constitution.

The action declared that the sections in question authorize the governing board of any school district to establish "separate schools for children . . . and descendants, they will not be permitted into any other schools."

The complaint alleged that Takao Aratani can be required to attend a separate school under the present provisions of the education code.

Escheat Proceedings Filed in Madera

MADERA, Calif. — Charging violation of the Alien Land law, the State of California last week filed a suit to escheat the property of Nobuichi Niino in Madera. The property consists of 22 acres of rural land and two lots in Madera.

Sociologist Finds Persons With Greater Knowledge of Nisei Have Most Favorable Attitude

SANTA BARBARA, Calif. — Persons who have the greater knowledge about people of Japanese ancestry have the most favorable attitude toward Japanese Americans, according to a report made public last week by Dr. Gwynne Nettler, associate professor of sociology at Santa Barbara college, University of California, the Santa Barbara Free Press reported.

From widely scattered sections of the nation, Dr. Nettler has compiled statistics on public attitudes toward persons of Japanese ancestry. He also has measured whether the persons interviewed had had genuine knowledge about Japanese Americans or had formed opinions without a basis of fact.

His conclusions recently were published in the American Journal of Sociology and the American Sociological Review.

Dr. Nettler was quick to point out that acquaintance with families of Japanese descent did not necessarily indicate accurate knowledge about them, and as a result some persons who had been living near them sometimes know less about Japanese Americans than those more distant.

It was also stressed by Dr. Nettler that although persons with greatest accurate knowledge about people of Japanese ancestry have the most favorable attitude toward them, it cannot be said that those who lack this information necessarily have unfavorable attitudes.

"The idea back of the study," he explained, "was to determine what motivates people's beliefs in their favorable or unfavorable attitude toward minorities. Frequently, people have a racial attitude because they claim they 'know' that particular group; in this study an effort was made to ascertain if they really had that information."

In the first of the studies, Dr. Nettler interviewed 15 members of

Organize First All-Nisei Post Of VFW Group

SACRAMENTO Group Elects Dr. Harada Temporary Commander

SACRAMENTO—The organization of the first all-Nisei post of the Veterans of Foreign Wars was being completed this week by Japanese American veterans of World War II.

A meeting was held on Dec. 27 at the Buddhist church recreation hall.

The post will be the first VFW unit in the country to be composed wholly of Japanese American veterans.

Permanent officers will be elected at the Jan. 7 meeting of the group.

Dr. Y. Harada who served with the 442nd Combat Team overseas was named temporary chairman at a preliminary meeting on Dec. 18 at the courthouse. K. K. Oshima was named temporary adjutant and Yasuo Mori was appointed temporary quartermaster.

The VFW also has Chinese and Filipino chapters on the West Coast.

Leaders of Utah Veterans Groups Condemn Land Law

State Commanders of Legion, VFW, Amvets Pledge Efforts To Repeal Anti-Alien Measure

Leaders of Utah's veterans groups this week condemned the Alien Land law, passed by the legislature in 1943 to prohibit agricultural property ownership by aliens of Japanese ancestry, and called for its repeal at the 1947 legislative session.

A resolution condemning the Utah Alien Land law was passed unanimously on Dec. 19 at a meeting of the state commanders of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Spanish American War Veterans and American Veterans of World War II in Salt Lake City.

In the resolution, presented by Glen Thompson, commander of Salt Lake City's Atomic post of the VFW, the state commanders declared that they would work for the repeal of the discriminatory legislation. Thompson also is a state vice-commander of the VFW.

The Atomic post, whose membership is composed of overseas veterans of World War II, recently unanimously passed a resolution calling for the repeal of the Alien Land law.

It is reported that a draft of a bill to repeal the Alien Land law of Utah is being prepared. The Utah law is patterned on the California law, with the exception that it provides that aliens "ineligible to citizenship" may lease land on a year to year basis. The law was amended at the time of its passage in 1943, when it was pointed out that the original proposal, if strictly enforced, would prohibit even the occupancy of farm property by Japanese aliens. At the time the bill was being considered hundreds of alien Japanese volunteer workers from war relocation centers were at work on Utah farms in an effort to save the sugar beet crop, which was threatened because of a shortage of farm workers.

HAYASHI ELECTED NEW PRESIDENT OF N.Y. CHAPTER

NEW YORK — Tom Hayashi was elected president of the New York JACL for the coming year at the election meeting on Dec. 18.

Mr. Hayashi is a junior member of the New York law firm of Whitman, Ransom, Coulson and Goetz.

With 100 members and friends in attendance, the following members of the 1947 cabinet were elected: Ina Sugihara, vice-pres.; Mary Inouye, rec. sec.; Chiz Hayashi, corres. sec.; Mitty Kimura, treas.; Harry Kuwada, treas.; Mitsuo Takami, membership director; Toshio Sasaki, financial director; Toshi Miyazaki, program director, and Chiz Ikeda, publicity director.

Utah Girl, Stranded in Japan By War, Returns to Family

OGDEN, Utah — Masaye Kawaguchi, 18, was back home in Roy, Utah, this week having set foot on American soil for the first time in many years.

Masaye, when 13 years of age, was in Japan visiting her grandmother, Mrs. Tori Kawaguchi, at Shimizu in Shizuoka and was scheduled to return to the United States in Sept., 1941.

"I had planned to return in September, but the Japanese halted passenger traffic," she said, following her reunion with her father, C. I. Kawaguchi.

She declared that Shimizu was under sea and air bombardment for five months before the war ended.

"A year ago, by chance, I ran into George Kato of Riverdale, who was with the American occupation army in Japan and he aided me in getting word to my folks that I was alive," Miss Kawaguchi said.

"In all of the war years I figured I'd never see my mother, father or brother again. The entire experience seems like a bad dream," she added. "I can't begin to explain how happy and thrilled I am to be home. I went through more than four years of strain, never knowing whether I would be killed or what my fate would be."

Placer County Investigates Nisei Property

Campaign Initiated To Uncover Violations Of Alien Land Law

AUBURN, Calif.—Placer county authorities now are conducting investigations into the property holdings of American citizens of Japanese ancestry in an effort to uncover violations of the California Alien Land law.

The two latest escheat proceedings against Japanese Americans under the law, which prohibits land ownership by aliens of Japanese ancestry, have been filed against the farm properties of Minoru Takamine and H. Ota. Another case, involving the property of Aster Kondo, has been set for trial.

In these cases the State of California will charge that alien Japanese exercise control over properties deeded to Nisei.

Two Persons Found Wounded in Murder, Suicide Attempt

POCATELLO, Idaho — Shigeo Sagurada, 26, and Elaine Edmo, 23, were taken to the General hospital on Dec. 14 following what Pocatello police described as an attempted murder and attempted suicide.

Summoned by reports of a fight, officers reported they broke into a house at 930 South Hayes and found Sagurada assaulting the woman with a meat fork. When police entered the room, Sagurada allegedly drank poison.

A note written by Sagurada was found by police and indicated that Sagurada had planned to commit suicide.

Police reported they believed both would recover.

Yamamoto Elected To Post in Brigham Amvets

BRIGHAM CITY, Utah — Charles Yamamoto was elected senior vice-commander of Brigham City Post No. 7 of American Veterans of World War II (Amvets) at the annual election meeting last week.

The Brigham City post, which includes many veterans of Japanese ancestry in its membership, was responsible for a strong declaration against race discrimination which was passed at the Utah state convention of Amvets earlier this year.

Sam Kuwata is the retiring senior vice-commander of the post.

Nisei Appeals Board Decision In License Case

Discriminatory Policy Charged to State Equalization Board

LOS ANGELES—Charging race discrimination by the California State Board of Equalization in "arbitrarily denying applications of Japanese Americans for liquor sale licenses," Masako Kinoshita, proprietor of a Los Angeles restaurant, has filed suit in the California District Court of Appeals through her attorneys, A. L. Wirin and John Maeno.

Mrs. Kinoshita, a United States citizen, originally had applied to the State Board of Equalization for an on-sale wine and beer license. The board denied her application. After a hearing before Franklin J. Cole of the board, the latter recommended that Mrs. Kinoshita be granted the license on the basis of her claim that she was the sole owner of the restaurant. The board again denied her the license on the basis that Mrs. Kinoshita's husband was a Japanese national.

Mrs. Kinoshita's case was taken to Superior Judge Henry Willis and a peremptory writ of mandate was sought, asking that the license be granted her on the grounds that she was being arbitrarily discriminated against because of her race. Judge Willis, in dismissing the petition for the writ, ruled that he would not disturb the findings of the board.

In the brief filed last week Wirin and Maeno declare that there is conclusive evidence to prove Mrs. Kinoshita's claim that she is the sole owner of the restaurant since the property was purchased from the proceeds of the sale of other properties and from savings and funds which she had acquired prior to her marriage to her Japanese alien husband in 1940.

War Agency Liquidation Unit Handling Claims For Loss of Goods

NEW YORK — Claims which were filed with the Department of Interior for losses sustained on property stored with the War Relocation Authority are now being handled by the War Agency Liquidation Unit, according to its director, Boyd N. Larsen.

In a letter to Peter S. Aoki of the Greater New York Committee for Japanese Americans, Larsen said that once the large backlog of such claims is cleared, payments must await a congressional appropriation.

Payments cannot be made until Congress meets again.

didn't like "foreigners" didn't like these Daniereans, Wallonians and Pireneans, either.

the American Legion post at Hood River, Ore., which removed the names of 16 Japanese American soldiers from its honor roll in Dec., 1944, and other obviously pro and anti-Japanese groups.

His second study, from which his main conclusions were drawn, was based on viewpoints of students at UCLA and the University of Washington at Seattle, both on the Pacific Coast in close proximity to the problem; the College of Metallurgy in El Paso and two groups in St. Louis, the Young Men's Hebrew Association and Harris Technical College.

"The survey showed that students at Seattle, where there is a large concentration of those of Japanese descent, did not know significantly more about the Japanese than did groups in St. Louis," Dr. Nettler observed.

To put his survey on a purely factual basis, Dr. Nettler measured specific information about the many persons interviewed through two information tests, one containing 24 questions and the other 16. Thus, statistically, he determined whether those who claimed to "know" about persons of Japanese ancestry actually did have facts or merely unfounded prejudice.

He pointed out that many persons without accurate information had favorable attitudes, indicating that they, in general, had goodwill attitudes toward minority groups, whether or not they knew them.

Asked whether these results were true of all minority groups, Dr. Nettler replied that as a scientist, he could not yet make such an application. However, he cited a survey made by E. L. Horowitz, New York psychologist, who asked a number of persons whether or not they liked other races, inserting three non-existent races, which he called Daniereans, Wallonians and Pireneans. Horowitz found that people who in general

Back Home in Los Angeles: Patterns of Pre-War Community Life Revived by Evacuees Who Have Returned to West Coast

By MARY OYAMA

Los Angeles.

SO WE'VE been home more than a year and a half since our return to the Coast—and it's also about time to check up on our experiences and reactions of the last ten months. It is rather astonishing how quickly one can return to the normal pattern of living, once a semblance of it is established.

During the first year after our return to our original home everything seemed new, novel, and exciting, the experience was sharply focused and each image sharply etched. We all felt as if we were moving into our House on the Hill for the first time and even the surrounding hills seemed like a strange foreign country. Now all that novelty has worn off considerably and we feel as if we had slipped back into the years and months preceding the fateful December 7th of 1941.

Evacuation, internment, relocation, resettlement, already have the hazy quality of a dream. Last year we felt the urge to pinch ourselves whenever we found ourselves in a group or large crowd of Nisei: "Can it be possible? This is just like pre-war days—even some of the same old faces!" But now we are more calm about things and accept such meetings in a granted sort of way.

Rather naively, many of us thought that Little Tokyo had disappeared forever and that there would be no more Nisei clubs and organizations, and no more "Japanese town." Yet within the last six or eight months Nisei clubs galore have sprung up like mushrooms. A friend who is making a sociological survey of Nisei organizations informs us that he has already put 84 clubs on his list and undoubtedly there will be more by the time the survey is completed.

A few of the organizations are reactivations of those groups which were in existence before evacuation, but the rest are all new groups being built up out of entirely new memberships. Some what the same situation exists in the churches and church organizations. While there may be a few of the "old standbys" composing the nucleus, the vast majority of any membership is new, and as one Nisei aptly described, "people from all over, from different camps, different schools, different parts of town—new faces from other towns, too."

Even one's own personal circle of friends is largely comprised of entirely new friends. Many, of course, are evacuation friendships, people whom we had the good fortune to meet in assembly centers or relocation centers (and whom we might not have met otherwise). The general impression we get is as if we Nisei were cards in a deck that had been well shuffled, then arbitrarily dealt out hither, thither and yon. The cards in each hand form a new group according to congeniality, neighborhood location, church or interests.

In our own experience we find that our pre-evacuation circle of Caucasian and non-Nisei friends remain the same as far as the intimate friends go, but even the casual Caucasian acquaintances have all moved away or been scattered to different parts of the country by the war. Our Nisei friends are almost all new friends whom we have met or made since our return.

Besides our Caucasian friends we also have made some other new friends whom we did not have before evacuation—our Negro friends who have opened up a whole new world to us. Looking backwards to the days before the war we recall when we had a detached academic interest in the Negro people and their problems as identified with the "minority group problem." Then came the evacuation and our sudden friendship with Jean and Chester Himes.

After we met this Negro writer and his wife we found ourselves taking an intense personal interest in the welfare of all Negro Americans and their ever-present "race problem" (so called, but actually a human welfare problem). This personal contact broadened our understanding of the basic problem faced by all minorities. We find ourselves in the same position as that of the Caucasian American who suddenly discovers the Nisei and likes them. "The more I know you, the better I like you"—etc.

We are overwhelmed with the sudden realization of what an appalling evil segregation is:

the deliberately connived conspiracy of men to keep human being from knowing each other. How can such things be? To what evil end and purpose? One does some careful soul-searching and further self-scrutiny—"Where have I been all these years?"

More than ever we realize that segregation, whether self-imposed as in the case of many Nisei, or imposed by the majority group, Jim Crow always results in the same dead-end prejudice. In the former we discourage the majority group from knowing us by setting up our own barriers, in the latter the majority group tries to set up impenetrable walls which the minority group dare not even touch. After this burning bush revelation we cannot help but feel as uneasy as an unhappy and futile Cassandra when we find ourselves at the usual Nisei dance, where a mob of Nisei are unconcernedly milling around just as in pre-war days. Surely there must be some way whereby two birds could be killed with one stone, where a dance could serve to further the process of assimilation as well as give Nisei youth his recreation. All this energy should be at least partly expended for some worthy cause for otherwise we are lapsing in the same old ruts.

The question is not: "Do we Nisei want to mix out of our own racial restricted group?" but rather as the Reverend Arnold Nakajima puts it, "Is it to our advantage to do so?" Definitely, the answer is "yes," but whether the Nisei actually believes this or not, THAT is the question. Sometimes the Nisei leaders wonder.

Even those Nisei who successfully resettled in the East and Midwest and who became integrated into the social life of their communities, return to fall back into the same pattern. Unless a special effort is made to widen social contacts out of the Nisei and Japanese community, one can go on for weeks, or even months, without any "outside" or Caucasian American contacts. The more social conscious veterans confess that they find themselves falling into a rut as soon as they return to the Japanese community, where they miss the wider contacts which they enjoyed while in service.

In this respect Los Angeles is no different from Denver, or San Francisco or any other city which has a large settlement of Japanese and Nisei. The more successful one's return home and adjustment, the more "normal" the reorganization of the Little Tokyos, the more identical becomes a present set-up with the pre-evacuation Nisei world. This is something to ponder over.

There are those who would justify this condition by arguing that the Nisei is content, and likes things the way they are, that he is enjoying some well-earned security after the buffeting of the last three or four years, and that many Nisei, by early environment and training, are not yet well equipped to make themselves feel at home in the larger American community. They say, let the status quo be—for the time being.

We grant that such reasoning sounds quite logical; but our contention is that when the status quo becomes static, degeneration and retrogression are already setting in. Progress never stands still, but always moves forward. If the Nisei are not currently prepared to move forward, let our churches and social agencies go immediately about the task of helping the Nisei to prepare for forward-moving progress. Now is the time for both Nisei leaders and Nisei organizations to pioneer in this work.

Many of us, both civilians and

Progress Report:

Nisei Problems Go To Court

A Resume of Important Test Cases

By Saburo Kido

World War II uprooted the economic foundations of the persons of Japanese ancestry on the west coast. Most of them, if they have the energy and the capital, will start all over again. Those who no longer have the stamina of youth will be dependent upon public charity, since their friends and relatives are no longer in a position to aid them, as they did in earlier times of stress. During the depression there were practically no persons of Japanese ancestry on relief rolls, despite the economic pressure of those days in the 1930's.

Upon returning to their homes on the west coast, the evacuees find that many obstacles must be cleared away. Since legislative actions are almost an impossibility, the evacuees must resort to the courts. Oyama Escheat Case

Most important of the test cases is the Oyama case, which challenges once again the constitutionality of the California Alien Land Law. In July, 1923, the United States Supreme Court ruled in the case of Terrance vrs. Thompson that the alien land act was unconstitutional, a proper exercise of police power in the state, and that the designation of "alien ineligible to citizenship" was not discriminatory.

The facts in the Oyama case are as follows: an alien Japanese father (ineligible to citizenship) purchased a tract of land for his citizen son, Fred Oyama, a minor. Letters of guardianship were obtained from the court, and on two occasions when money was borrowed, the order of court was obtained. However, the father had not kept a separate bank account nor filed an accounting or reports pertaining to the management of the property.

The trial court held that the presumption of the alien land act is that if an alien ineligible to citizenship pays the consideration and takes title in another's names, there is a violation. The judgment was given to the state in the escheat proceedings.

Because 60 cases depend upon the outcome of the Oyama case, the California Supreme Court agreed to accept the case without its going first to the District Court of Appeals. Three major points were urged by the Oyama attorneys: 1) that the act was unconstitutional; 2) that the statute of limitations applied; and 3) that the parents had the right to make a gift of real property and once title was vested in the citizen, his ownership was absolute.

The Supreme Court made an exhaustive review of the constitutionality of the act and again held it valid. The justices further declared that the statute of limitations did not apply. Furthermore the court held that the facts justified the lower court in finding that the parents violated the Alien Land Law and therefore the judgment to escheat was valid.

Aside from the first two points raised, the third is of major importance to all citizens of Japanese ancestry. After the Yano guardian-

soldiers, have a tendency to relax and to feel that since the war is over, we can ease up on our efforts toward achieving that "brave new world." Hence we see the Nisei veterans' apathy toward AVC, the resettled Nisei's "rugged individualism" ("I don't have anything to do with the Japanese community"), and the returnee's cozy return to their Little Tokyos. For the Nisei vets, it is a pity that they cannot be allowed to relax in peace for the rest of their lifetime after all the hardships they endured in combat; but the present critical condition of the world with the atom bomb hovering menacingly above like the Sword of Damocles, will allow no reprieve.

In other words, we still fight the battle, though not with guns. Both veterans and civilians are challenged by the resurgence of the Ku Klux Klan, the emergence of the Columbians, the unabated tide of anti-Semitism and countless other dragons. Social awareness, education, legislation, united organization, and a sense of universal responsibility, must be our weapons. Our business is to come out of our Little Tokyo shells, get citizenship for our Issei parents, unite with other minorities, link hands with the majority group to improve human conditions everywhere.

There is enough work to keep the Nisei busy for a long time to come.

ship case of 1924 and the Fujita escheat case of 1932, it was accepted as the law of the state of California that parents ineligible to citizenship can make a gift of money to purchase real property for their citizen children, even of tender years; that if a gift is beneficial to the minor, the law presumed his acceptance; and the recordation of the deed in the child's name was considered sufficient delivery. Furthermore, the presumption of trust in the case where there was the relationship of parent and child as in the Yano case. And a long line of California cases was cited to uphold this position.

Since no qualification was made by the Supreme Court in deciding the Oyama case regarding the purchase of the property, the impression is created that the Yano and Fujita cases have been reversed. Although this may not be the intent, the matter is left in suspense. The question which needs to be qualified is: "When does a valid title pass when a gift is made by the parent to a child?"

Other questions arise, such as "Can the original intent be reversed through the subsequent acts of the donor (parent)?" and "Can the minor's interest be jeopardized and the innocent beneficiary penalized even after letters of guardianship have been issued by the court upon the failure of the guardian to perform his duties?"

The Oyama case will be appealed to the United States Supreme Court. If the highest tribunal of the land consents to hear the case, the opportunity to present all the aspects of the case will be afforded. Stockton Theater Case

Abrogation of trade treaties between Japan and the United States on January 28, 1940, created a situation wherein alien Japanese may not have the right to lease property for commercial or even residential purposes.

A test case began in Stockton, California, when a landlord started proceedings to cancel a lease on a theater. The option to renew was exercised and the renewal made after the negotiation of the treaty. The landlord contended that because of the non-existence of a treaty, an alien Japanese no longer has the right to lease commercial property and therefore the contract was void. The trial held that there was no lease. Upon appeal the District Court of Appeals held that the interpretation of the term, "treaty not existing," meant that the Treaty of 1911 was incorporated as a part of the California Alien Land Law and that the subsequent abrogation made no difference.

The California Supreme Court has agreed to review the case. Until a final decision is rendered, this question remains in abeyance. Until the matter is settled, the reestablishment of businesses by alien Japanese evacuees remains a difficult problem.

Fishing Rights

The deep sea fishing industry of California was pioneered by alien Japanese residents. As soon as the income from fishing became an important item, agitation was commenced to bar alien Japanese from receiving commercial fishing licenses. Various attempts were made in the state legislative sessions but they were invariably defeated. Thus, the so-called fishing bills began to be known as "cinch bills," introduced to harass the Japanese. In 1945, however, while the evacuees were still away from their homes, the legislature passed an amendment to the Fish and Game Code, prohibiting "aliens ineligible to citizenship" from obtaining commercial fishing licenses.

A few hundred Issei who depended upon fishing for their livelihood were prevented from engaging in this industry. Thus their only re-

course was to appeal to the courts. Judge Henry M. Willis of the Los Angeles Superior Court held in a sweeping decision that the amendment was a "thin veil to conceal a purpose" to discriminate against Japanese, and that it violated the guarantees of the Fourteenth Amendment of the United States Constitution by denying to alien Japanese the equal protection of the laws.

The case is now pending before the California Supreme Court. Civil Service Employees

The State Personnel Board of California indulged in a race baiting orgy of its own at the outbreak of war. Nisei civil service employees were given the choice of giving up their positions voluntarily or have disloyalty charges lodged against them. About 300 took the easy course but close to 90 asked that specific charges be brought against them before their dismissal.

The Nisei through their attorney, filed for back wages between the period of their suspension to the time of evacuation and have also asked for dismissal of the charges which were pending.

Indictments drawn up against the Nisei employees charged that they were disloyal because they attended Japanese language schools, because they were members of "secret societies" which later were declared to be girls clubs, because their parents subscribed to Japanese language newspapers, because they had dual citizenship and they contributed to the inefficiency of other employees by reason of the fact that they were of Japanese ancestry and thus were the cause of unrest and suspicion.

Upon hearings in Sacramento and Los Angeles, the charges were withdrawn. The clearances given by the War Relocation Authority and the Army made it apparent that the charges could not stand.

Although jobs have been promised those cleared, most of them have better paying positions and therefore have resigned. They fought for vindication and succeeded in forcing the State Personnel Board to retract the charges.

School Segregation

Japanese Americans in California through the JACL are participating in a test case pertaining to school segregation in California. They have joined with several other groups in filing an "amicus curiae" brief.

The case which is now before the Ninth Circuit Court of Appeals involves the segregation of Mexican Americans. The California school Code states that "the governing board of any school district may establish separate schools for Indian children, excepting children of Indians who are wards of the United States Government and children of all other Indians who are descendants of the original American Indians of the United States, and for children of Chinese, Japanese or Mongolian parentage."

The Federal District Court ruled that the segregation of children of Mexican or Latin descent violated the Fourteenth Amendment of the United States Constitution.

Prior to the war, the segregated school in Florin, California was abolished through the efforts of the JACL chapter there. There was a segregated school in the Courtland-Walnut Grove district also.

There is a segregated Chinese school in San Francisco. The segregated school question was an international issue around 1906 when the Japanese government protested the practice in San Francisco. Restrictive Covenants

Several Negroes through the legal department of the National Association for the Advancement of Colored People have brought test cases in California to test the constitutionality of the restrictive covenants. The matter is pending before the State Supreme Court. Most likely, those of Oriental ancestry will be joining the appeal when and if the matter should go before the United States Supreme Court.

The viciousness of the restrictive covenants is becoming more and more apparent. In South Pasadena, about 80 per cent of the property within the city limits is covered

(Continued on page 5)

Autograph Hunters at Dance



CHICAGO—Joe E. Brown, film and stage star, autographs dance programs at the Chicago JACL's Inaugural ball at Hotel Shoreland. Mrs. Lincoln Shimizu is at left while Amy Matsumoto and Mary Suzuki are at right. —Photo by Vincent Tajiri

Joe E. Brown, of the Big Mouth And the Big Heart, Recalls Heroism of Nisei Soldiers

By VINCE TAJIRI

CHICAGO — The man whose chief claim is a keen sense of humor and the fact that the lower portion of his face is practically all mouth, wasn't playing it for laughs.

The occasion was the JACL's inaugural ball, a semi-formal affair at the Hotel Shoreland, and as he was the star of the entertainment program, the 400 guests were waiting for the gag-line and perhaps and ear-blasting shout from that cavernous mouth.

It did not come.

Instead, Joe E. Brown, American, stilled the audience into a reverent silence as he spoke of the peace that had come to the world and of the tragedy of racial hatreds.

He also told of his visits into the front lines entertaining the troops, and pointed out the courage of the Japanese American youths who had fought with the 100th Battalion, the 442nd Combat Team and with the Military Intelligence units.

For ten minutes this man, who is known the world over for his performance in the entertainment field, talked, not as the star of a play and numerous movies, but as a sincere American who has seen the loyalty of the Japanese Americans on the battlefield and knew of their problems here.

Then, Joe E. Brown stepped into a more familiar role, that of a comedian. He stopped, blinked his eyes as a flashbulb went off in his face, and remarked to the photographer, "That was a good one, but the angle was wrong. You should have taken this view," indicating the back of his head. The audience roared and Joe E. Brown was again the big-mouthed, laughable cut-up of "Elmer the Great," "Alibi Ike" and at present "Harvey."

Then, with a "good night" he was gone, the music began and the dancers returned to the floor.

We talked to Joe E. Brown afterwards and found him as advertised. This man who has known personal tragedies (he lost one son in the war) is still endowed with the ability to laugh and to make others laugh. Mild and unassuming he has a great love for life and people.

Knowing of his weakness for sports and being acquainted with the fact that whenever possible he can be found on football Saturdays on the UCLA player's bench we asked him for a prediction on the Rose Bowl game. As expected, he picked the Bruins, but hesitated to name the score. He added, "the papers have made Illinois a one-point favorite, but they've got a great bunch of guys down there (UCLA) and they'll be plenty hard to beat."

Speaking of Ernie Case, the Uclans' great quarterback, Brown quoted authorities Bob Waterfield and Mike Frankovich, both former Bruin stars, in saying "Case is the best 'T' quarter in the country; better than Johnny Lujack or Arnie Tucker, or even Waterfield himself." And for your informa-

tion, Waterfield was named as the "pro player of the year" in 1945 by the National Professional Football league.

In regards to questions about the Nisei and the war, Brown recalled that one of the most touching and inspiring letters he had ever read was from the mother of a former Nisei cheer-leader at UCLA who had been killed in action with the 442nd in Italy. The letter had been written to Dr. Sproul, dean of the college.

Case Against Dr. Kim Will Test Covenants

Neighbors Seek Court Order to Oust War Veteran From Home

LOS ANGELES—The validity of a neighborhood property owners' covenant restricting residential privileges to Caucasians will be tested in Superior court in a suit against Dr. Yin Kim, Korean American dentist and war veteran.

Dr. Kim recently conferred with officials of the JACL and the ACLU in regard to the action brought against him by Hugo and Winifred Boucek and John C. and Esther Merrill as representatives of property owners who signed an agreement permitting non-Caucasians to enter premises only as servants.

Dr. Kim's attorney, Fred Okrand, said the dentist was served with a copy of a temporary injunction a day after he occupied a house at 1201 South Gramercy Place. Since he did not move away, a contempt order was filed, on which a hearing has been set for Feb. 6 in Superior Court.

Meanwhile, Okrand also filed a demurrer to the injunction petition. Judge Henry M. Willis overruled the demurrer on the ground that the California Supreme Court has many times upheld the validity of restrictive covenants. However, he delayed issuance of the injunction pending trial of the merits of the case. This will follow the hearing on the contempt order.

Some 20 cases involving restrictive covenants against persons of Japanese, Chinese and Negro ancestry now are pending before the California Supreme Court.

Babe Nomura Named To All-Conference Football Team

SAN JOSE, Calif.—Babe Nomura, Nisei backfield star of the San Jose State eleven, is one of five Spartan players to be named on the all-conference team of the California College Athletic association.

The all-star team was picked by conference coaches.

San Jose State won the CCAA championship and will meet Utah State in the Raisin Bowl at Fresno on New Year's day.

Writer Charges Evacuees Victims of "Great Swindle"

DISTRICT COUNCIL VOTES APPROVAL OF DEFENSE FUND

LOS ANGELES — Formation of the Legal Defense fund of the Japanese American Citizens League was given the approval of the Pacific Southwest District Council as it met in Los Angeles Sunday, Dec. 22, under the chairmanship of Karl Taku of San Luis Obispo.

Mike Masaoka, executive secretary of the Anti-Discrimination Committee; Hito Okada, national JACL president, and Frank Isani of Long Beach were authorized to arrange for the retention of Saburo Aido and A. L. Wirin as legal counsel for the defense fund.

The new branch of the JACL will be concerned with test cases on the rights of Japanese Americans and other minority groups and will also work in southern California in matters of escheat and other property cases.

Delegates from Los Angeles, Arizona, San Diego, Santa Barbara, Venice, San Luis Obispo, Long Beach and Orange City attended the meeting, which was held at the Kum Far Low.

The delegates voted unanimously that the Pacific Southwest District Council would assume \$50,000 of the budget for the JACL and the ADC in the year 1947. The council delegates voted that the \$50,000 would be the minimum raised by the group.

A nominations committee under Frank Mizusawa of Orange county was named to select candidates for the district council and present them for action at the next meeting, which will be held on Feb. 8.

Other members of the nominating committee are Frank Chuman of Los Angeles; Dr. George Hara of San Diego, Ben Yabuo of Arizona and Ken Dyo of Santa Barbara.

Nisei Linguists Sought for Japan Occupation Work

LOS ANGELES—Nisei with ability to speak Japanese and with knowledge of judicial, technical and medical terms who are willing to take a United States civil service job in Japan with the occupation forces are being sought by the California State Employment Service, 1100 South Flower Street, according to information conveyed to Scotty Tsuchiya of the JACL regional office.

Anger Over Evacuation Led To Writing Novel About WRA Camp, Declares Karen Kehoe

By EVERTTTT JAMES STARR
NEW YORK CITY—Karen Kehoe, author of "City in the Sun," a novel of the evacuation, told an audience of JACL members December 18 that she was "angered into writing" her book.

The author was the guest speaker at an election meeting held at the Japanese Methodist church, 323 West 10th street.

Winner of the Dodd Mead and Company Intercollegiate Literary Fellowship, Miss Kehoe reviewed her reasons for writing "City in the Sun," her first novel. Stating that her book was a direct result of her experiences as a WRA worker at the Gila (Arizona) relocation center, she said that she was angered into writing her book.

She was hurt by both the careless treatment of the evacuees and also by the "principles" for which the creation of the WRA was deemed necessary, she said. Before accepting her stenographic position at Gila, Miss Kehoe said, she had little conception of such a program.

She had seen the minorities meeting their race difficulties in Detroit, Los Angeles and Chicago, but she worked mostly with the Jewish and Negro problem. At Gila she received her first real knowledge of the Issei and Nisei and their misfortunes and misery, physical and mental. She came to

Japanese Americans Lost Farms, Businesses, Homes During Crisis, Declares Smith

NEW YORK—"One of the greatest swindles in America's boisterous history has been going on under our noses," asserts Bradford Smith, former OWI chief of the Central Division, in the Winter issue of Common Ground magazine.

This swindle, scarcely known as yet to the public, was the result of the mass evacuation in the spring of 1942 of all Americans and aliens of Japanese ancestry from the West Coast, he declared. So rapid was this evacuation that often they had only a matter of

days to dispose of their worldly goods to make ready for a removal which they thought would be only for a few weeks but which lasted for four years, Smith points out. Secondhand furniture dealers and plain opportunists, as well as community "big shots" were quick to take advantage of the situation and to relieve their Japanese American friends of goods and property at a fraction of their value.

The author, who made trips through California in 1943 and 1946 to gather firsthand information about what actually was happening to the property of the

evacuees, writes that the War Relocation Authority tried to protect their property. "But what it could do was pitifully little. A man who knows hundreds of these cases says that less than five per cent of the 100,000 evacuees came off "all right." He considers that he himself came off all right; he lost his business—a prospering store, and some furniture."

Not only did American citizens lose their farms, businesses and homes—but young men of Nisei background who served in the United States Army are returning to the West Coast to find race discrimination so powerful it already has resulted in seizing as forfeit to the state a number of farms operated by American veterans because they were purchased in their names by alien parents long ago. The Alien Land Law of California prevents anyone ineligible for citizenship (Orientals) to own property, Smith noted.

One farmer returning to his place near Venice, California, before planting inquired at the market whether or not his celery would be accepted, was assured it would be, and used his last bit of money for planting his crop. After harvesting the celery, he again returned to the market but was refused a sale. This farmer was lucky, however, because WRA intervened and sold his crop for him.

Smith believes that much of the swindle was the result of the common opinion that the Japanese would never return to the West Coast and, therefore, no one would ever check up on the disposition of their property. Typical of this attitude was the employee of a large Los Angeles produce business who agreed to "befriend" the owner. He requested and received a letter from the owner stating that the Nisei no longer was owner, in order, as the employee said, "to convince customers it was all right to deal with him in wartime." As produce prices boomed, the employee collected all profits from the business—plus the \$100 per month guarantee for salary—and is now the proprietor. The rightful owner is robbed of a business he spent many years building.

One Nisei left his car, some farm implements, and a radio with a Caucasian neighbor. When he realized the evacuation was to be more than a few weeks duration, he sent for his radio and gave orders to sell his automobile. Although the car had a book value of \$500, the friend sold the car—minus the tires which he kept for himself—for \$475 and asked the Nisei to "loan him the money for furniture." Upon refusal of the loan, the neighbor charged the evacuee \$25 for selling the car, \$30 travel allegedly involved, \$20 for his time, and other items of expense. His radio could be redeemed for \$39 — "storage charges."

An American Legion commander similarly "befriended" many Nisei during the evacuation by obtaining power of attorney, selling their property, and pocketing the money. The men were thus robbed have refused to file suits as they feel it is useless for persons of Japanese descent to expect justice in the state of California.

Bradford Smith is convinced that if the American people are fully informed of the reasons for and results of the Nisei wartime evacuation, much of the damage done can be repaired. He suggests: 1) Enactment of a law to give Japanese aliens an opportunity to acquire a law to give reparations for actual losses of real or personal property; and 3) Strengthening citizens' committees in California and elsewhere to combat racism and give force to the powers of decency and fair play.

Canadian Officials Warn Against Mass Return to Coast

TORONTO, Ont.—Large-scale return of Canadians of Japanese ancestry to the Pacific coast when the present exclusion orders are lifted would not be advisable, according to Vancouver authorities, Sgt. Major Buck Suzuki told a Japanese Canadian Committee for Democracy mass meeting on Dec. 8.

Suzuki, who recently visited the West Coast at the request of the JCCD, said he was quoting officials of the Department of Labor, the office of Eemy Alien Property Custodian and the Mounted Police, who expressed the fear that a large-scale return of the evacuees might result in a new flare-up of anti-Japanese sentiment.

Florin Fellowship Group Organized

FLORIN, Calif.—The Florin Youth Fellowship has been organized under the direction of the Rev. Masaji Goto with Josephine Seno as president.

Other officers include Jean Dakuzaku, Ben Miyaoka, Mary Seno, Sally Mizoguchi, Akira Mizoguchi, Florence Wakita, Bill Yoshizuka and Bill Taketa. Mr. and Mrs. Harry Sakakihara are the advisers.

PACIFIC CITIZEN

(Official Publication of the Japanese American Citizens League)

National Headquarters: 413-15 Beason Building, 25 East Second South Street, Salt Lake City, Utah.

Editorial and Business Office: 415 Beason Building, Phone 5-6501.

Other National JACL Offices in Chicago, New York, Denver, San Francisco, Seattle and Los Angeles.

Subscription Rates: JACL members, \$2.00 year Non-members, \$3.00 year.

Entered as second class matter in the post office at Salt Lake City, Utah. Published weekly, under the act of March 3, 1879.

LARRY TAJIRI EDITOR

EDITORIALS:

"Greatest Swindle"

"One of the greatest swindles in America's boisterous history has been going on under our noses," Bradford Smith declares in an article in the Winter 1947 issue of *Common Ground*. His reference is to the forced disposal as a result of the evacuation order of property owned or controlled by residents of Japanese ancestry on the West Coast in 1942.

The story of the forced liquidation of assets and the loss or deterioration of property owned by the evacuees as a result of the forced evacuation is not a pretty one. Secretary of Interior Krug hinted at it in his letter to Speaker of the House Rayburn on April 24, 1946 in which he urged the passage of the administration-sponsored bill to create an Evacuation Claims Commission. "The evacuation orders gave the persons affected desperately little time in which to settle their affairs," Secretary Krug noted. "The government safeguards that were designed to prevent undue loss in these circumstances were somewhat tardily instituted, were not at once effectively publicized among the evacuees, and were never entirely successful.

"Merchants had to dispose of their stocks and businesses at sacrifice prices. In a setting of confusion and hysteria, many evacuees sold personal possessions for a small fraction of their value. A large number had to accept totally inadequate arrangements for protection and management of property. Valuable lease-hold interests had to be abandoned."

"Continued exclusion increased the losses," Secretary Krug's letter continued. "Private buildings in which evacuees stored their property were broken into and vandalized. Mysterious fire destroyed vacant buildings. Property left with 'friends' unaccountably disappeared; goods stored with the government sometimes were damaged and lost. Persons entrusted with the management of evacuee property mulcted the owners in diverse ways. Tenants failed to pay rent, converted property to their own use and committed waste. Prohibited from returning to the evacuated areas even temporarily to handle property matters, the evacuees were unable to protect themselves adequately . . ."

Bradford Smith, chief of the Central Pacific division of OWI during the war, is now writing a book on Japanese Americans for the Peoples of America series. He backed up his story of the "great swindle" in *Common Ground* with case histories of evacuees who have been victimized. He notes that there are three remedies which, if vigorously pressed, "may yet make some recovery for the forces of decent American principles against the seepage of greed masking under the guise of racism."

The three remedies, according to Mr. Smith, are (1) the passage of legislation to give citizenship to Japanese aliens who desire it and can prove a strong interest, (2) enactment of a law to indemnify the evacuees for actual and accountable property losses and (3) the continuation and strengthening of the citizens' committees "which in California and elsewhere have gathered together the forces of decency and fair play to combat the well-financed and well-organized minority of special interests who seek to establish on the West Coast the fascist racism we have been fighting abroad."

"There is more at issue here than protecting the rights of the Japanese American minority," the *Common Ground* article concludes. "There is the question of our integrity as a nation, the question whether we can pluck out the moat that is in our own eye, whether we can put into practice the principles we profess."

The Land Grabbers

Paralleling the "greatest swindle" which Bradford Smith has described is California's "great land grab." The unseemly haste of many California public officials to file escheatment proceedings under the Alien Land law of property owned by American citizens of Japanese ancestry is undoubtedly occasioned by the fear that law may be repudiated in the near future.

At the present time Americans of Japanese ancestry are the only group of American citizens whose right to own property is being questioned. Investigations now are being pressed in several California counties to "uncover violations" of the Alien Land law to institute legal action to confiscate the properties. It is perhaps significant that the areas in which Alien Land law cases are being pressed also were areas in which anti-evacuee movements to prevent the return of the Japanese Americans also were active. The racist and the profiteer have found, in the Alien Land law, a cloak of legality behind which they can mask their hate and their greed.

The Alien Land law no longer represents the will of the majority of California's citizens, as the recent defeat of Proposition 15 has indicated. The Alien Land act also has been condemned as an instrument of discrimination by Attorney General Robert Kenny of California.

The acceleration of efforts to enforce the law may be inspired by the fear of its proponents that the people of California may follow its repudiation of Alien Land law amendments with the repeal of the law itself.

New Scapegoat

Mr. McClatchy has a new scapegoat. For two generations H. J. McClatchy and his father, the late V. S. McClatchy, have been the fountainhead of racist propaganda against persons of Japanese ancestry in California. The McClatchys conducted their campaigns through the Joint Immigration Committee, once a powerful force in any national discussion of the issue of immigration.

The McClatchys favored restrictive legislation, such as the "ineligible alien" restrictions, which were aimed at persons of Japanese ancestry.

During the recent election H. J. McClatchy used newspaper columns to appeal to the voters of California to support the Alien Land law amendments which would validate legislative additions to the 1920 law. The people of California rejected the proposal.

Last week in San Francisco Mr. McClatchy again was on the losing side. He and C. M. Goethe, wealthy backer of anti-Japanese and anti-Nisei campaigns, were outvoted by members of the influential San Francisco Commonwealth club's section on Immigration and Americanization which reversed previous club policy and voted for the granting of an immigration quota to Japanese. The vote was 18 to 11 and upset the club's traditional stand on the question.

In the debate on the question Mr. McClatchy no longer waved the banner of the Yellow Peril. He had found a new scapegoat.

"Any present ending of restrictions, such as against highly prolific *Hindustan*, would be a blunder," he said. The italics are ours.

Canadian Policy

Two leading Canadian newspapers recently deplored the decision of the British Empire's Privy Council which upheld the validity of Canada's orders for the forced deportation of persons of Japanese ancestry. Both the Vancouver Province and the Winnipeg Free Press have condemned the government's action taken under authority of wartime orders-in-council and have urged that Canada should enact a bill of rights which would place civil liberties beyond the interference of the government or the parliament.

The Free Press, which has given powerful support to the case for the Japanese Canadians, commented that the government's deportation program, under which approximately 5,000 persons including many Canadian-born children have been deported to Japan, was "morally indefensible."

The Vancouver paper recalled Prime Minister King's statement that there had been no offense against Canada's security by any person of Japanese ancestry during the war and said that, in view of this fact, "if there are any forcible deportations they must be not on the grounds of security but on the grounds of race."

Washington News-Letter

Ben Kuroki Continues His 59th Mission Against Racism

Recently we heard for the first time Ben Kuroki deliver his famed 59th mission talk against racial discrimination. It was at the meeting sponsored jointly by the Washington JACL and the Washington Council of the East and West Association at the Department of the Interior auditorium. And we went away impressed, as did the vast audience of 750.

The boy from Nebraska did a bang-up job, living up to all advance notices as a punch-packing crusader against racial intolerance.

Vagaries

Reprints . . .

"The Boy From Nebraska," Ralph G. Martin's hard-hitting biography of Ben Kuroki, is being published in an Armed Forces edition of 25,000. The New York Post also is running the book in serial form in a condensed version . . . Mine Okubo's "Citizen 13660," published by Columbia University Press, has gone into its second printing. Its first printing of 5000 copies has sold out . . . S. I. Hayakawa's Chicago Sun review of Wendell Johnson's "People in Quandaries" created so much interest that Chicago book stores promptly sold out all the copies they had on hand. Mr. Hayakawa is the author of "Language in Action," a Book-of-the-Month club selection in Dec., 1941, and is the editor of *Etc.*, a magazine on semantics.

Short Story . . .

Collier's has bought a short story about a Nisei war veteran by Jean Jorgenson . . . Ruth Benedict, noted anthropologist and author of "The Races of Mankind," did extensive work for the U. S. army on the Japanese race during the war. Because she could not go to Japan to study the Japanese because of the war, Miss Benedict used persons of Japanese ancestry in the United States in her observations on their culture and racial characteristics. Her observations, which helped the U. S. army to formulate its occupation policy, are published in her new book, "The Chrysanthemum and the Sword."

War Case . . .

Colorado's wartime case involving three Nisei women from the Granada relocation center who were accused of attempting to assist two German PWs in escaping from a southern Colorado farm was recalled this week as U. S. authorities received a letter from one of the German prisoners involved. The former PW, now back in Berlin, wrote that he was sorry that he had involved the girls in the case . . . The Gila River relocation center is the latest to be dismantled by the War Assets Administration.

Bud Fukei, one of several Nisei who took jobs on metropolitan dailies during the war, will start a new Nisei semi-weekly, the Northwest Times, in Seattle. Fukei edited the bilingual Great Northern Daily in Seattle before the evacuation. During the war he worked for the St. Paul Pioneer-Press Dispatch and the Cleveland News.

Stranded Jive . . .

Several Nisei musicians who were stranded in Japan by the outbreak of war while playing American jazz in Tokyo, Osaka and Yokohama dance palaces are thriving on the revived craze in Japan for jazz, which was banned during the war . . . Sueo Serisawa, former California artist who is now in New York City, is represented by a painting in the new exhibition at the Grand Central galleries . . . Sachi Wada's short story, "Hawaiian Christmas," appears in the Dec. 15 issue of the magazine "Young People."

Mrs. R. A. Isenberg, who was active along with other members of the Fair Play committee in obtaining employment for approximately 200 returned evacuees of Japanese ancestry in the Palo Alto and Atherton area, received a threatening note signed by the "KKK" last week because she has taken a leading role in aiding John T. Walker, Negro war veteran whose Redwood City home was burned to the ground by hoodlums on Dec. 6. Mrs. Isenberg was warned she would be "tarred and feathered" if she continued to be active in the Walker case . . .

For 30 solid minutes he held his audience spellbound. The many Nisei who heard him were favorably impressed, declaring that he did a masterful job—which, in the final analysis, is probably the highest compliment the ex-talented critic can receive, for his severest critics have always been the Nisei.

The speech that Ben delivered was basically the same one he has given many times, which he alters in spots to suit the make-up of his audience. But despite the fact that he has given it on a number of occasions, it has lost none of its sincerity.

And that, perhaps, is the outstanding feature of his talk. We could not help but feel that Ben's heart was in every experience he related, and that he was pleading from the depths of his soul for tolerance and understanding.

Ben was telling his own story, the story of a Nebraska Nisei farm boy who suddenly ran into prejudice he had never known in his home town. It was a story that sounded almost incredible unless you knew the speaker as a man who was brought up to respect the rural creed of simple honesty.

But as he carried his audience with him through his grueling experiences when he was being knocked around by prejudice, he prevented them from getting too wound up by injecting a bit of humor. We thought that Ben's timing was excellent; he has a keen sense of the dramatic.

His fame and success as a speaker are well deserved. He has worked hard, battling and overcoming all the handicaps in public speaking that a shy kid falls heir to in a small country town where deeds count more than words. As a youngster out in Hershey, Ben's greatest fear was having to get up to recite even in a school class that numbered only a handful.

He never made a speech until he returned from his 30 bombing missions in Europe. He was sort of shoved onto a stage. Naturally he did not take to it easily, but he realized that he was doing some good; he realized that there was a deplorable need to clear up misunderstandings some people had about who was fighting the war and for what.

The discrimination that he, a man in uniform with ribbons and medals to show he had been in the scrap, burned him up. If it was going to be that tough for him, he thought, how much tougher would it be for those Nisei who wore no uniforms and had no ribbons or medals.

Ben plunged into his campaign to beat down prejudice with a vengeance, and it was this earnestness which helped in a great measure to overcome his stagefright.

Ben's stature as a speaker therefore is heightened by the consummate way he triumphed over his handicaps. He has traveled a long way, and it is a glowing tribute to his sincerity and to his determination to make good in a field of endeavor which at one time held such deadly fears for him.

Meanwhile, the American Veterans Committee and other groups are planning an "old-fashioned house-building" to reconstruct the Negro veteran's home.

The American Bowling Congress is expected to review its present discriminatory policy which prevents non-Caucasians from playing in ABC tournaments and leagues when ABC delegates meet in Los Angeles next April . . . The CIO has threatened to withdraw its participation in ABC leagues unless the organization revises its restrictive racial policy . . . Sawtelle Garage of Los Angeles hit 2391 last week in the Red league at the Vogue alleys, the highest series by a Nisei team in competition this year. Before the war several Nisei teams hit the magic 3000 mark, including a Salt Lake team, with Jun Kurokawa, Tad Sako, Sam Matsukawa, Isamu Tanabe and Ike Oki, which scored 3006.

BOOK REVIEW:

"The Spoilage" Is the Story Of Those Who Lost Faith



This drawing was made by Chiura Obata for the jacket of "The Spoilage."

THE SPOILAGE: Japanese American Evacuation and Resettlement. By Dorothy S. Thomas and Richard Nishimoto. With contributions by Rosalie A. Hankey, James M. Sakoda, Morton Grodzins, and Frank Miyamoto. University of California Press, 1946. 388 pages. \$3.75.

By LARRY TAJIRI

"The Spoilage" is the documentary record of the ten per cent of the Japanese American evacuees from the West Coast who, in fear, bitterness and frustration, lost their faith in the United States and renounced their allegiance. It is a remarkable, readable report and many of its passages, particularly those dealing with the personal histories of the evacuees involved, will have an emotional impact for anyone who has any contact with the evacuation.

Early in 1942 a group of social scientists, including a number of Nisei, organized the Evacuation and Resettlement Study at the University of California. In what may be construed as an effort to maintain objectivity, especially of observers who carried on their work in the war relocation centers, the study was blanketed in secrecy comparable to that of the army's atom-bomb project. Now that the war is over, the various restrictions against the evacuees rescinded and the relocation camps lying empty and desolate on forgotten land, the sum of the group's observations on war relocation is being made available to the general public.

"The Spoilage," dealing mainly with the segregates at Tule Lake, is the first of two books which are being published at the University of California. The second volume, "The Salvage," which will discuss the ninety per cent of the evacuees who left the relocation centers for individual resettlement, will appear in 1947.

With access to the records of the War Relocation Authority and the Wartime Civil Control Administration, the Army agency which carried out the actual evacuation, as well as to the files of such private organizations as the JACL, the authors have provided what probably will be considered as the "official" story of the wartime evacuation and detention of 110,000 persons of Japanese ancestry. Yet because the work is the product of a non-government agency (the UC project was financed by the Columbia Foundation of San Francisco and other private grants) the authors pull no punches in their treatment of WCCA and WRA policies.

Like Alexander Leighton's "The Governing of Men" which discussed relocation at the Poston camp, "The Spoilage" is a report on the behavior of human beings under the experiences of forced evacuation and forced detention. The frustrations engendered by the abnormal conditions of internment are not peculiar to the Nisei nor to their Japan-born parents. The literature of Koestler and others on European displaced persons touch on the fear and insecurity which is a product of such displacement. Some of the reactions noted by Russell Brines in "Until They Eat Stones," which tells of the internment of white Americans at Santo Tomas, are the parallel of the behavior of Japanese and Japanese Americans in the relocation centers.

But while the internment of Americans by an enemy army at Santo Tomas was an expected consequence of war, the West Coast evacuation resulted in the internment on grounds of race, without individual hearings or trial, of 75,000 American citizens. These Nisei were not disfranchised, in fact they were permitted to vote by absentee ballot in the elections of their native state and later they were asked to volunteer for the United States army while still confined behind the fences and watchtowers of the relocation camps. There were many among these Nisei in the camps who could not rationalize upon the contradictions of their situation. Out of their predicament grew bitterness and frustration and out of it grew fear—fear of added discrimination and mistreatment in an unfriendly outside world—and a feeling of insecurity which colored their judgments and led them to take actions which they

would not have taken under normal conditions.

There were approximately 5,000 renunciants at the segregation camp of Tule Lake and it is with this group that the authors of "The Spoilage" are mainly concerned. The book, however, contains important material in its treatment of the evacuation itself and the early stages of the development of the relocation centers with particular emphasis on personality and group conflicts which developed from differences in attitude toward the administration of the camps and to the evacuation itself.

The authors point out a fact that generally is overlooked in denunciation of the Army and the government for the mass evacuation. This is that public and political pressure determined the form of the whole program. There was no provision in the original evacuation plans for permanent relocation centers. There was no idea of limiting the free movement of the evacuees outside the West Coast prohibited zone. But voluntary evacuation did not work mainly because of public hostility and the Army and the administration bowed to expediency. The original mistake of mass evacuation was amended by the WRA under Dillon S. Myer who was resolved to return the evacuees to normal communities as soon as feasible.

"The Spoilage" contains detailed reports on the Manzanar, Poston and Tule Lake incidents, all of which were sensationally reported in the California press, and the dispassionate accounts, drawn from government records and the observations of field workers, lend a new perspective to these separate crises in the evacuee communities.

There is extensive material on the registration of 1943 which resulted in the administrative determination of the "loyal" and "disloyal" among the evacuees and led to the definition, among the evacuees themselves, of sympathies and antagonisms and resulted in the establishment of the Tule Lake camp as a segregation center for those persons who, in the opinion of the government, had not satisfactorily answered the loyalty questions in the registration questionnaire. But the published excerpts of interviews with many who chose the road to Tule Lake indicate that the matter of loyalty was not the primary one in their decisions. Fear of insecurity in forced resettlement outside the campus and bitterness against the government for the treatment accorded them were larger factors.

The second half of the book is concerned wholly with the Tule Lake segregation center and discusses various stages in the development of evacuee attitudes at the camp. The pressure and coercion practiced by organized segregation groups within the center to force American citizens to renounce their citizenship are described.

There are chapters on the martial law invoked at Tule Lake following the "riot" in November, 1943, and on the inception of organized campaigns within the camps against evacuees considered to be "informers." This account of Tule Lake shows the development of WRA policy and describes how the administration botched the handling of one "incident," which grew out of the death of a farm worker in an auto accident and how the WRA handled with considerable finesse another "incident" which resulted from the unwarranted shooting of an evacuee by a "trigger-happy" Army guard.

The final chapters are devoted to the mass renunciations of citizenship by citizen evacuees at Tule Lake and close with this comment:

"With mass renunciation of citizenship by Nisei and Kibei, the cycle which began with the evacuation was complete. Their parents had lost their hard-won foothold in the economic structure of America. They, themselves, had been deprived of rights which indoctrination in American schools had led them to believe inviolable. Charged with no offense, but victims of a military misconception, they had suffered confinement behind barbed wire. They had been stigmatized as disloyal often far removed from any criterion of political allegiance. They had been at the mercy of administrative agencies working at cross purposes. They

(Continued on page 7)

Book Review:

Evanston Housewife Writes Book About Nisei Resettlers

By SUE KUNITOMI

Chicago, Ill.

Stacy felt queer when she remembered that her brother, Thorne Kennedy, was fighting the Japanese in Burma. Here the Okamotos were going to be the Kennedys' next door neighbors in Northridge, Illinois. She could see the Nisei girl was pretty and chic, her brother well-groomed. Just the same, they were different and Stacy wasn't sure that she would like them.

Then when business men began talking about having them move out because their coming to Northridge would lower real estate values and the high school gang tensed up, Stacy and her family felt deep sympathy for the newcomers. It just didn't seem decent and American in tradition to judge people by their skin.

The Okamotos went about quietly, painting and scrubbing their new home. Mr. Okamoto, a dentist, practiced in Chicago. Mrs. Okamoto kept house while Charlie and Dorothy attended Northridge high school. There was a service star in their window for Bill, who was a sergeant in Burma. There was so little they wanted—only to be left alone, to live their own life.

One afternoon, Stacy and Liz asked Dorothy to have a coke at the Soda-Bar. They saw the sign, "No Japs Wanted!" that some student had tacked up. The following morning, the newly painted picket fence was broken. When some delinquent set fire to the Soda-Bar, everyone spread ugly rumors and pointed their fingers at Charlie. Soon after Thorne was reported "missing in action" and Stacy was all mixed up. She didn't want to concern herself with the Okamotos. She wanted to concentrate on her music lessons, go to a movie with Eric instead of quarreling with him. Running for election as representative

for the student council, Stacy wanted to win. But her beligerent defense of the Japanese Americans was sure to lose some votes.

It was bad enough, but a few weeks later, a War Dept. telegram notified the Okamoto family that Bill was killed—mistaken for an enemy soldier, he was shot by one of his own men. That settled things for Stacy; she decides to stick to her principles and loses to Gay. The victor turns tables and is converted to Stacy's way of thinking. Out of their conversations come the "Creed for Americans" which is presented to the student body and the community of Northridge for consideration and signature. At this crucial point, Thorne returns and relates that he was rescued from behind enemy lines by a group of intelligence men, led by Sgt. Bill Okamoto. When the creed is presented Thorne, their hero, tells the story of Bill and states that if everyone is willing to sign a pledge to make Democracy work in the school and keep that pledge, then Democracy will work in every corner of America.

"In Tradition," Anne Emery of Evanston, Illinois, writes the thoughtful story of the relocation of a Japanese American family into a conservative, proud American city and the tension, the flare-ups of two armed camps facing each other across an obstacle of prejudice. She writes of the conflicting emotions of a 17-year-old white American girl in contrast to Florence Mean's "Moved-Outers," which describes the tangled thoughts of an 18-year-old Nisei American. Mrs. Emery is sympathetic and understanding in writing of a group of people she came to know through girls who worked for her and adds her support to the efforts of the Japanese Americans who are making their future in the teeming cities of Illinois.

Nisei Problems Go To Court

(Continued from page 2)

with the restrictive covenants. Thus American citizens will be unable to live in certain communities because of their race or ancestry. Such curtailment of a fundamental right to live and move freely within the country clearly should be declared against policy and an infringement of constitutional rights.

Japanese Americans have filed test cases in the lower courts against restrictive covenants. The outcome will be decided by the test cases already before the Supreme Court.

Citizens of Chinese, Korean and Filipino ancestries are confronted with the same type of restrictive covenants. Eventually, all the minority groups will be joining in the appeal to have the restrictive covenants declared illegal.

Renunciants

Those persons of Japanese ancestry who renounced their American citizenship under a special act passed by Congress to permit American citizens to expatriate while living within this country if the petition was approved by the Attorney General are appealing to the court to declare the act unconstitutional. Their contention is that a citizenship conferred under the Constitution cannot be lost. Furthermore they are claiming that they renounced their citizenship under duress.

Two types of cases are being presented, those who had reached majority and those who were either minors or below the draft age.

The government's position that these renunciants became enemy aliens and therefore deportable as undesirable aliens is also being tested. Those who professedly had dual citizenship are the ones involved. Those who had no dual citizenship are in the status of "stateless persons" and cannot be deported for there is no country to which they can be sent.

Evacuation

The decision of the United States Supreme Court in the Korematsu evacuation test case was a sad blow. Every person of Japanese ancestry and their friends had expected that the orders were discriminatory in singling out persons of Japanese ancestry, especially citizens. The American Civil Liberties Union and the JACL have been considering the proposal of bringing up a new test case to try to

obtain a reversal of the Korematsu decision.

In this connection, the lifting of the mass evacuation had practically eliminated the possibilities of a direct test of the orders. But the case of Homer Glen Wilcox versus Lieutenant General J. L. DeWitt for damages may open up a new angle. The crux of the case is that Wilcox was evicted from California by soldiers upon his refusal to leave. Now he is suing General DeWitt for damages. The federal district judge gave judgment to Wilcox for nominal damages since the purpose was merely to establish a precedent as to liability.

The judge stated that although the orders of exclusion may be valid, the general had no right to use the army in the eviction of civilians.

The case is now pending before the United States Ninth Circuit Court of Appeals.

A person of Japanese ancestry may file a similar suit and raise the constitutionality of the evacuation orders once more. This is going to necessitate the raising of funds for such purposes.

In the Ozawa case, which decided the question whether persons of Japanese ancestry were eligible for citizenship, the contention was raised that Japanese were of the Aryan race and therefore fell within the category of "white" and also that the law was discriminatory. The United States Supreme Court ruled that "white" included only those who were known or considered to belong to that category at the time Congress enacted the law and not on a scientific interpretation.

It will be interesting to have this question reconsidered by the present United States Supreme Court justices. The only fear is that they may not agree to review the case.

To have persons of Japanese ancestry go to the courts to have their status clarified is a healthy sign. In order to cover as many problems as possible, the formation of the Civil Rights Defense Union has been a strategic move. A unified and concerted action by all those interested will save expenses and costs.

This is the opportune time to go to the courts. Once the rights and status are settled, the future course can be planned.

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Salt Lake City, Utah**Okada Insurance Hits**
High Series in League

Okada Insurance of Salt Lake City hit a high series of 2725 to defeat the young Kasai Insurance team, 3 to 1, as the second half of the Salt Lake JAACL season opened on Dec. 16 at the Temple alleys.

George Sakashita, with a 539 series, led the second-place Dawn Noodle team to a 2565 to 2297 victory over the Ogden Vets, while Main Jewelry upset the Orem Farmers, 2213 to 2172. Wally's Flowers took four points from ABC Town shop, 2216 to 2109, while OK Cafe and Utah Auto Club had an even split in their match.

Maki Kaizumi's 585 and Jun Kurumada's 574 topped the high-scoring Okada team to games of 968, 931 and 826.

San Jose Ballroom
Issue Settled

SAN JOSE, Calif.—The facilities of the San Jose Women's club ballroom were again made available to persons of Japanese ancestry, when representations from the United Citizens' League resulted in a clarification of the club's policy.

When the JAACL group applied for use of the ballroom recently they were informed by the custodian that since no Nisei groups had been recommended for use of the hall, the ballroom would only be rented to Caucasians.

Protests were made through Mrs. Stephen Peabody and Mrs. Claude Settles, who are active in civic and church activities.

The UCL was informed this week that the hall was available for use by Japanese Americans.

Tani, Nakano Head
List of Nominees
For St. Louis Posts

ST. LOUIS—Henry Tani and Sam Nakano head the list of 22 candidates who have been nominated for posts in the 1947 cabinet of the St. Louis JAACL.

Nakano is the present head of the St. Louis chapter.

The names of the candidates are: Louis Kurahara, Alfred Morioka and Mrs. Florence Okuyama, vice-pres.; Aiko Kayashima, Mrs. Alice Hayashi and May Sakaizawa, rec. sec.; Suzie Yamashita, Toshi Iwata and Mitsuko Hattori, corres. sec.; George Oshima, Rose Ogino and Jimmie Hayashi, treas.; Jim Kamei and Dan Sakahara, delegates; and Jean Otani, Min Iwasaki and Fred K. Oshima, public relations.

George Teraoka, chairman of the election committee, stressed that the meeting will be open to write-in candidates.

The new officers will be installed at an inaugural dinner in January.

The St. Louis chapter is sponsoring a New Year's eve dance at a downtown hotel.

On Dec. 29 Jimmie Hayashi's blue team, which won the membership contest, will be given a "spaghetti dinner" by Will Kagawa and his red team at Henry Tani's home.

Install New Officers
Of Seattle Chapter

SEATTLE—New officers of the Seattle Progressive Citizens League, a chapter of the JAACL, were installed on Dec. 13 at the dance which followed the testimonial banquet for Nisei war veterans.

Masao Satow, acting national executive secretary of the JAACL, installed the following members of the new cabinet:

George Minato, pres.; Joe Hirabayashi, first vice-pres.; Toru Sakahara, second vice-pres.; Mitsuye Uyeta, rec. sec.; Alice Kawaniishi, corres. sec.; Frank Yanagimachi, treas.; Emery Andrews, Clarence Arai, Frank Hattori, Dave Hirahara, Mac Kaneko, Frank Kinomoto, Akira Kumasaka, Bill Mimbu, Frank Miyamoto, Robert O'Brien, Roy Sakamoto, Dick Set-suda, Harry Takagi, Shigeko Uno and Juro Yoshioka, members of the advisory board.

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"The Spoilage," A Story of Tule Lake

(Continued from page 5)
had yielded to parental compulsion in order to hold the family intact. They had been intimidated by the ruthless tactics of pressure groups in camp. They had become terrified by reports of the continuing hostility of the American public, and they had finally renounced their irreparably depreciated American citizenship.

"Many of them have since left the country, voluntarily, to take up life in defeated Japan. Others will remain in America, in the unprecedented and ambiguous status of citizens who be-

came aliens ineligible to citizenship in the land of their birth."

There is a footnote to the story of "The Spoilage" in the United States district court in San Francisco. More than one thousand of Tule Lake's renunciants, released from the tensions of the segregation camp and assured by contact with the outside world that Americans of Japanese ancestry have the goodwill of a considerable proportion of their fellow citizens and a future in this, their native land, have filed suit to regain the citizenship they renounced while confined in the bleakness of the segregation camp.

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Vital Statistics

BIRTHS

To Dr. and Mrs. Paul Yamauchi, 217 South Boyle Ave., Los Angeles, a boy, Norman Kazumasa, on Nov. 15.

To Dr. and Mrs. Keichi Shimizu, 244 1/2 East First St., Los Angeles, a girl, Barbara Jean, on Nov. 27.

To Mr. and Mrs. John Iwatsu of Bergenfield, N. J., a girl, Claire, on Nov. 27.

To Mr. and Mrs. Mas Hondo a boy on Dec. 15 in Salt Lake City.

To Mr. and Mrs. Kunihiko a girl on Nov. 5 in Sierra Madre, Calif.

To Mr. and Mrs. Nobu Kawai a boy on Nov. 8 in Pasadena, Calif.

To Mr. and Mrs. Kobayashi a boy on Nov. 10 in Pasadena.

To Mr. and Mrs. Yosh Fujimura a boy on Dec. 6 in Pasadena.

To Mr. and Mrs. Bill Kuga a girl on Nov. 28 in Los Angeles.

To Mr. and Mrs. Fred Kurimoto a boy on Oct. 25 in Los Angeles.

To Mr. and Mrs. I. Yutaka, 33 1/2 South West Temple st., Salt Lake City a girl on Dec. 13.

Mr. and Mrs. Seizo Kodani, Monterey, Calif., a girl on Nov. 29.

To Mr. and Mrs. Charles Tambara, a boy on Dec. 14 in Los Angeles.

To Mr. and Mrs. Haruo Asai, Lodi, Calif., a girl on Dec. 6.

To Mr. and Mrs. William Yoshimura a girl in Denver.

To Mr. and Mrs. George H. Sunada twin girls in Denver.

To Mr. and Mrs. Tsuneo Masuda, Henderson, Colo., a boy.

To Mr. and Mrs. I. G. Nishimura, Brighton, Colo., a girl.

DEATHS

Taro Nishi, 43 East 2nd South St., Salt Lake City, on Dec. 18.

Miwa Suzuki on Dec. 14 in Mountain View, Calif.

Sotaro Ushijima on Dec. 13 in Los Angeles.

Mrs. Tsuchiyo Saiki, formerly of Los Angeles, Calif., Dec. 17 in New York City. She is survived by her husband, Tsunesuke, and three sons, George, Frank and Jimmy.

Yataro Yamaguchi, 82, on Dec. 14 in San Diego.

George Goro Kijiki, 68, on Dec. 19 in Pocatello, Idaho.

Manjiro Doi on Dec. 9 in Fresno, Calif.

Mrs. Hide Yokoyama, 59, of 2441

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Nisei Voted Most Inspiring Player

FRESNO, Calif.—Fibber Hirayama was voted last week as the "most inspiring player" on the Exeter high school lightweight team.

Hirayama starred at left half-back on the lightweights who have not lost a game in three years.

Grant St., Ogden, on Dec. 14. She is survived by the following sons and daughters: Mitsuo and Hisako, Yokoyama, Ogden; Shigeo Yokoyama, U. S. Army, Percy Jones general hospital, Battle Creek, Mich.; and Mrs. Tsutomu Mitsuo, Salt Lake City.

Roy Fujii, 27, in Florin, Calif., on Dec. 6.

Nobuko Sakamoto, 13, on Dec. 12 in Los Angeles.

Keitaro Kawane on Dec. 19 in Los Angeles.

Masumi Iriye on Dec. 9 in Chicago.

WEDDINGS

Kikuye Terasawa to Toshiro Tagawa on Dec. 11 at Seabrook, N. J.

Midori Funatake to Joe Komoto in Portland, Ore.

Marion Tanabe to John Miyabe on Nov. 27 in San Diego.

Yoshie Yoshiaki, Brooks, Ore., to Tosh Mayeda in Longview, Wash., on Dec. 7.

Dorothy Hiroko Keikoan to Kiyoshi Uratsu on Dec. 8 in Sacramento.

Alice Hiroko Fujii, La Jara, Colo., to Tatsuo Matsuda of Pearce, Colo., on Dec. 11 in Denver.

Shizuko Tamura, Swink, Colo., to Keita B. Tashiro, Crowley, Colo., on Dec. 11 in Denver.

Helen Yukiko Muneakiyo to Donald Junichi Onuma on Dec. 1 in Chicago.

Alma Grace Bando to Ralph Kato on Dec. 9 in Chicago.

Sue Aoki to John Kitasaki on Dec. 12 in Washington, D. C.

Mary Makishima to Shoji Ishimaru on Dec. 12 in Lodi, Calif.

Toshiko Uyeshima to Shoji Ishimaru on Dec. 15 in Stockton, Calif.

Mark M. Yoneda to Taeko Uyeda on Dec. 15 in Denver.

Nisei Lieutenant Weds Miss Ravetta

WASHINGTON — Miss Sophie Ravetta and Lt. Arthur Kaneko were united in marriage on Dec. 9 at the Sacristy of St. Matthew's Cathedral in Washington. The Rev. John S. Spence performed the ceremony. The bride's attendants were Margaret Bahradnika and Teresa Amtrano, while Lt. Tom Sakamoto served as best man.

The bride, who wore a white gown and carried a bouquet of white roses, was given in marriage by Mr. John McGann, program chairman of the National Catholic Community Service. The ushers were Capt. Philip Ishio and Lt. Joe Masuda. A reception was held at the Catholic USO social hall on N Street N. W.

The bride is employed by the National Catholic Community Service and is an active member of the Washington Nisei Junior Hostesses Club. The groom is with the Washington Documents Center.

Lodi Wedding

LODI, Calif.—Miss Mary Makishima was married to Shoji Ishimaru on Dec. 15 at the Presbyterian Calvary church with the Rev. Hata officiating.

The bride, daughter of Mrs. S. Makishima and the late Mr. D. Makishima; and the groom, the son of Mr. and Mrs. S. Ishimaru, both graduated from Stockton schools. The groom recently returned from service in the U. S. Army.

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Ota Files Suit For Accounting On Inheritance

LOS ANGELES — Setsuzo Ota, former wrestling star, filed suit here on Dec. 16 for an accounting of the remnants of the estate of his late wife, Lucy Banning Ota.

Daughter of a pioneer Southern California real estate magnate, Mrs. Ota died of illness in Italy in 1929 while traveling with her husband.

Ota alleged he was left all but \$40,000 of the estate which once was valued at \$463,897.

Ota claimed the \$40,000 was bequeathed to Mrs. Ota's legal adviser, the late Ward Chapman. Ota declared that Chapman left the \$40,000 in the estate and collected the interest.

Most of the rest of the estate is claimed by Mrs. R. D. Kellard, who alleges that Ota assigned his interest to her in exchange for an unspecified amount of cash.

Arizona JACL Plans New Year's Eve Dance

GLENDALE, Ariz.—The Arizona chapter of the JACL will hold its annual New Year's Eve party at the beautiful "Fiesta Room" of the Hotel Westward Ho, as announced by John Tadano, chairman of the affair. About 150 to 200 persons are expected to attend.

Buffet supper will be served and dancing to the music of the "New Yorker" orchestra. There will be entertainment with noise-makers, hats, horns and also a drawing of many prizes.

The committee in charge of this affair are John Tadano and Masao Tsutsumida, program; Mrs. Ben Hikida, invitations; Carl Sato, Tsutomu Ikeda, Lindy Okabayashi and Ben Yabuno, prizes; the Lobos club, microphone and other miscellaneous work.

This is the first affair in the new plans of reactivation of the Arizona chapter of the JACL. The officials of the Arizona chapter will work along with the National JACL in its fight to obtain citizenship for the Issei and passage of the evacuation claim bill.

Veteran Elected To Leadership of Orange County CL

SANTA ANA, Calif.—The new cabinet of the Orange County JACL is headed by Frank Mizusawa, veteran of the Pacific theater.

The members of the new cabinet include Tom Enomoto, first vice-pres.; Hitoshi Nitta, second vice-pres.; Bill Okuda, exec. sec.; James Sasano, treas.; and Frank Nagamatsu, Louis Dirschner, Charles Ishii, Shig Nagamatsu and Fred Mizusawa, members-at-large.

Henry Kanegae is the retiring president of the chapter.

Will Hold Dance

PORTLAND, Ore. — A New Year's eve dance will be sponsored by the Oregon YBA on Dec. 31 from 8 p. m. at the YWCA, Broadway and Taylor streets, in Portland.

Entertain Soldiers

LOS ANGELES—In the first organized program to entertain Nisei GIs from the military intelligence school at Monterey, Calif. who are now on Christmas furloughs in Southern California, three Nisei girls' organizations entertained the soldiers at the International Institute on Dec. 22.

Ten Denver Nisei Hurt in Four-Car Crash on Highway

DENVER, Colo. — Ten Denver Nisei were injured in a four-car accident on Dec. 12 at the junction of Deer Creek road and Bowles avenue, Sheriff Charles Foster of Littleton reported.

The ten Nisei were traveling in four cars, which piled up when the lead auto, driven by Mike Toda, 18 missed the right turn into Bowles avenue off Deer Creek road and skidded 175 feet. The cars of Sam Yahiro, 20; John Ota, 22, and Sumumu Fujinami, 18, which were following Toda, were smashed up in the crash that followed.

Injured passengers were Sam Yoshimura, 16; Chickie Morishige, 18; Min Yoshimura, 18; Henry Ishita, 19; Swiss Nishiyama, 16, and Masa Yoshimura, 18.

Fresno County Judge Orders Confiscation of Farm Owned Since 1917 by Nisei Citizen

FRESNO, Calif.—In the first decision handed down in more than 20 escheat proceedings filed against persons of Japanese ancestry by the State of California and Fresno County for alleged violation of the Alien Land Law, Superior Judge Clark Clement of Hanford on Dec. 13 ordered the confiscation of land to which Tomoye Fujita, American-born daughter of Mr. and Mrs. Sogataro Fujita, holds title.

Judge Clement ruled that the parents of the Nisei girl, who was employed in government work during the war, were in control of the property in violation of the Alien Land Law which prohibits agricultural land ownership by Japanese aliens.

The Fujitas' son, a member of the U. S. Army during the war, was not named in the case.

Attorneys for the defense noted that Miss Fujita served during the war translating foreign broadcasts for the intelligence service of the Federal Communications Commission.

In his ruling Judge Clement said that the elder Fujitas illegally obtained two parcels of farm land through their daughter who is a citizen and is eligible to own property.

The first piece of land, located at Thompson and Butler avenues, was acquired in 1917 in the name of Tomoye, then an infant. The second piece of land, according to the court, was acquired in the name of G. A. McNab.

In both instances, the court ruled the property was held in the names of United States citizens as a subterfuge and that the Japanese parents were in fact the real owners, cultivating the land and controlling its transfer.

In defense of his action, Fujita told the court he bought the first parcel in 1917 in the name of his daughter and held the property for her. Fujita testified he banked in his daughter's name and that a Jack Wrightson did some banking for him.

Fujita was the guardian of his daughter's estate and he said when she became of age in 1938 "I turned whatever I had over to her."

His daughter testified that she banked for her father only once, in Nov. 1945. She said that after the evacuation in 1942 when they were forced to leave the home, people broke into the house, scattered and took their possessions and when she returned, only a few papers such as cancelled bank checks, could be found.

Nisei Player Given Madera Prep Award

MADERA, Calif. — Ken Osaki, star quarterback of the Madera Union high school football team, was awarded the annual "most improved player" award at the football banquet on Dec. 4.

Osaki was one of the best passers in the Yosemite league.

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WE WISH TO THANK OUR FRIENDS FOR THE MANY FAVORS OF THE PAST YEAR AND TAKE THIS OPPORTUNITY OF SENDING YOU GREETINGS FOR . . .

A Merry Christmas
and
A Happy New Year

AOYAGI CO.

MR. and MRS. YOSHIO TERADA
MISS NAN YAMAMOTO

147-157 West 42nd St.

New York City 18, New York



From: Noah Kuhn <[REDACTED]>
Sent: Wednesday, February 17, 2021 3:16 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: Lulu Talesnick <[REDACTED]>; Ava Dunville <[REDACTED]> Nikita Mankad <[REDACTED]>; Adam Kwoh <[REDACTED]>; Will Hoadley-Brill <[REDACTED]>; [REDACTED] <[REDACTED]>; Ella Jayasekera <[REDACTED]> Amber Chen <[REDACTED]>; MO .T. <[REDACTED]>; Sage Pierone <[REDACTED]>; Khalil Murdock <[REDACTED]>; [REDACTED] <[REDACTED]>; Sadie Metcalfe <[REDACTED]>; [REDACTED] <[REDACTED]>; frances lee <[REDACTED]>; Yousef Khan <[REDACTED]>; [REDACTED] <[REDACTED]>

Subject: Public Comment Agenda Item #11

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here is our public comment for tonight’s City Council meeting:

Dear City Councilmembers,

We hope you are all doing well.

We are youth in South Pasadena writing to express our strong opposition to the City Council passing the City’s [Sundown Town resolution](#) (agenda item #11) in its current state at its meeting today (2/17).

We are grateful that the Council is working on a resolution to acknowledge South Pasadena’s history of racism. This is an incredibly important step to create an anti-racist and inclusive town. However, in its current form, the resolution falls short of its stated goals.

First, the resolution only lists four examples of racism in South Pasadena, which does not paint a comprehensive picture of our racist history. The [Tiger Newspaper](#) and the [Anti-Racism Committee](#) have both created timelines of racism in the city which document many more instances of racism in South Pasadena. Accurately explaining and acknowledging our City’s history of racism is a critical process that cannot be rushed. A key historical piece that is missing from the proposed resolution is South Pasadena’s oppression of the indigenous communities in the region like the Tongva — whose land the City still forcibly inhabits.

Second, the resolution does not tie the racism in South Pasadena’s past to the discrimination BIPOC community members face today. With the clashes between community members and the SPPD in the past year, there are real examples of present day racism in our town; these instances need to be addressed. We would like to see research on how restrictive housing covenants from the 1940s still impact the community’s demographics today. Racism did not disappear from South Pasadena in 1955, though one might get that impression from reading the proposed resolution.

Third, the City needs to provide concrete next steps on how it will “promote inclusion and equity, and will stand up to bigotry, hatred, intolerance, racism, and violence.” Words without a commitment to action are not meaningful, so it is imperative that the City Council take the time to develop specific anti-racist goals. A great way to begin that process is by reaching out to the community, especially the youth

of South Pasadena, to hear how our town can become more inclusive. We encourage the Council to host forums about anti-racism because real change will only happen if there is buy in from the community.

As young people in the community, we ask to be included in the discussion of how to make South Pasadena more inclusive and anti-racist. Thank you for hearing our concerns.

Sincerely,

Noah Kuhn (SPHS junior)
Lulu Talesnick (SPHS junior)
Ava Dunville (SPHS junior)
Ava Feldman (SPHS junior)
Nikita Mankad (SPHS junior)
Adam Kwoh (SPHS senior)
Will Hoadley-Brill (SPHS Class of 2018)
Sarah Zenas (SPHS Class of 2020)
Ella Jayasekera (SPHS senior)
Emily Wei (SPHS senior)
Amber Chen (SPHS junior)
Maya Turun (SPHS junior)
Ian Graham (SPHS senior)
Sydney Abundo (SPHS senior)
Khalil Murdock (SPHS senior)
Sage Pierone (SPHS Class of 2019)
Evelyn Dowd (SPHS junior)
Sadie Metcalfe (SPHS junior)
Ava Carbonara (SPHS senior)
Frances Lee (SPHS junior)
Yousef Khan (SPHS sophomore)

Regular City Council Meeting
E-mail Public Comment 2/17/2021

AGENDA ITEM NO. 12

**Award of Contract to Adhami Engineering Group for the
Engineering Design, Construction Documents, and
Specifications for Rectangular Rapid Flashing Beacons in an
Amount Not-to-Exceed \$49,324**

1. Mark Gallatin
2. Alan Ehrich

This comment concerns agenda item 12, the contract for the Rectangular Rapid Flashing Beacons (RRFB). I respectfully request that this item be pulled from the consent calendar for separate discussion and consideration by the City Council.

Two of the three intersections where the RRFB are planned are in the heart of or immediately abutting the National Register-listed Mission Street Historic District. As such, it is important that in enhancing pedestrian safety, methods are selected which do not detract from the historic character of this area.

Page 2 of the staff report states that construction of the project is being funded by a federal grant. Was a review required by Section 106 of the National Historic Preservation Act conducted and coordinated with the State Office of Historic Preservation? No visuals were provided with staff report to allow Council and the public to see what the proposed RRFBs will look like. Please see the attached photos of RRFBs in the city of Glendale. Is this what is proposed for our National Register Historic District? Are there less visually intrusive alternatives available?

This project is a perfect example of why capital projects should be reviewed through a preservation lens with public participation when they have the potential to impact historic resources. While pedestrian safety is paramount, the means by which it is achieved within a historic district of local, state and national significance deserve an opportunity for public review and comment, perhaps before the Mobility Transportation and Infrastructure Commission in conjunction with the Cultural Heritage Commission.

Thank you for the opportunity to comment and for your consideration.

Mark Gallatin






South Pasadena City Council
Council Meeting February 17, 2021
Agenda Item 12, Public Session
Proposed contract for engineering, design and construction of rectangular rapid flashing
beacons (RRFB)

This comment is in objection to the staff recommendation for agenda item 12 regarding
contracts for rectangular rapid flashing beacons at 3 locations around the city.

First, the staff report fails to indicate this proposed project was reviewed and approved by
the Public Safety, Public Works or Mobility & Transportation commissions. The
commissions provide critical public input and oversight to city government operations
and help to prevent and expose fraud and waste by elected and non-elected city officials.

Second, just last April, after more than 3 years of pushing and agitating, and with support
and assistance of Councilman Schneider, Public Works, over Director Abbas' objections,
installed low cost and very effective hi-visibility pedestrian crossing vertical panels at the
intersection of Lyndon and Fremont, as well at other locations around the city. I made a
public comment to the council last May as to how immediate and noticeable the change to
pedestrian safety and cross-traffic had become. Those safety improvements are still
working and effective. So why, in this COVID budget busting year would the city,
without a current budget, approve spending \$49,000 in consultant fees and \$235,000 in
construction costs without a proper community review? How were the three intersections
in the staff report selected when the residents of South Meridian can't get a stop sign at
the intersection of Meridian and Oak, which would greatly impact pedestrian, motorist
and public safety?

The Proposition C funds should be saved and allocated to more important street projects
such as the 110 hook ramp at State Street. The city can't afford to squander the limited
funds we receive from Measures C, M and R.

I urge the council to reject the staff recommendation and reconsider the necessity of this
project.

Alan Ehrlich
Lyndon Street
South Pasadena

Regular City Council Meeting
E-mail Public Comment 2/17/2021

AGENDA ITEM NO. 14

**Adoption of a Resolution Affirming the San Gabriel Valley
Council of Government (SGVCOG) White Paper on Los
Angeles Homeless Services Authority (LAHSA) Reform**

1. Care First South Pasadena



February 17, 2021

Public Comment Re: Agenda Item 14, Resolution to Approve SGVCOG White Paper On LAHSA Reform

Dear Councilmembers,

We applaud South Pasadena's engagement in the San Gabriel Valley Council of Government's (SGVCOG) to take a more proactive approach to addressing homelessness in our community. The White Paper contains excellent suggestions for local interventions and stakeholder participation. **But, we urge you to vote against the resolution affirming the SGVCOG's White Paper until it reflects realignment away from policing unhoused individuals.**

The SGVCOG White Paper on Los Angeles Homeless Services Authority (LAHSA) Reform complains that a major impediment to effective local implementation of Measure H funds in San Gabriel Valley cities is its prohibition on using funds for law enforcement. It contends that small cities lack alternatives to law enforcement to engage people experiencing homelessness, and calls on LAHSA to lift the ban on using Measure H funding for law enforcement activities engaging people experiencing homelessness.

Allocating Measure H funding to law enforcement for outreach to unhoused people in the community is the wrong approach. The purpose of outreach is to develop trust, a connection to community, and hopefully in time, a bridge to appropriate services. The purpose of policing—enforcement of laws—is at odds with those goals.

In South Pasadena, officers are tasked with addressing both neighbors' complaints about people who are unhoused and the humanitarian needs of the unhoused. South Pasadena's homeless plan says that 20% of the calls to dispatch are regarding unhoused individuals—a staggering percentage given that the 2020 LAHSA point-in-time survey identified only 15 unhoused individuals in our city. Officers notify unhoused individuals that they need to take down camps and remove personal items from public spaces. They request installation of dividers on bus benches to prevent unhoused individuals from sleeping there when housed neighbors complain. Officers are also tasked with connecting unhoused people to resources. They distribute blankets and masks.

Unsheltered people are far likelier to be cited and arrested for a range of reasons, not least of which are laws that criminalize homelessness. *See, e.g., SPMC §§ 24.02(c)(26) & (27).* Many unhoused people have had traumatic experiences with law enforcement. Some unhoused people report discomfort speaking to law enforcement because other unhoused people suspect they are reporting illegal activity, sowing distrust among the local unhoused community.

Moreover, SPPD already receives substantial funding for “non-enforcement outreach,” including Measure H money.¹ Its programs have not produced the outcomes envisioned by the City’s 2018 Plan to Combat and Prevent Homelessness.²

We recognize and appreciate the humanity demonstrated by SPPD officers engaged in this work, like Lieutenant Shannon Robledo. However, SPPD has been given an impossible task. Law enforcement officers do not have access to the Coordinated Entry System, which would allow them to enter unhoused individuals into the system, locate an individual’s caseworker, and identify available services and housing. As shared in the Measure H reports, “a real challenge in getting new program enrollees [is] to accept shelter and services.” This process “requires building a relationship and trust.” Even with the best intentions, SPPD’s effectiveness will be limited, for the reasons explained above.

The White Paper argues that small cities lack infrastructure to recruit and hire non-law enforcement personnel, like licensed clinical social workers, to conduct outreach and connect unhoused people with services. Yet if more resources are directed to law enforcement, it will make it that much harder to use licensed social workers to address homelessness.

Policing people experiencing homelessness, under the guise of outreach, is now a publicly recognized cruel and outdated practice of excluding specific populations of people from the city. In the past, as a sundown town, South Pasadena used the same methods of policing to remove non-whites from the city after dark and exclude non-whites from the community. Policing the unhoused is an extension of that antiquated form of policing. According to SGVCOG, 75% of people experiencing homelessness in our region are people of color.

The city is poised to pass a resolution apologizing for its past as a sundown town on February 17. The city must do more than pass a resolution. It must take affirmative steps to remove sundown town practices from policing. Deputizing law enforcement to address unhoused people living in our community is out of sync with the city’s goal of being inclusive and anti-racist.

¹ The Measure H grant does not allocate funding specifically for SPPD but does assign SPPD the role of overseeing and implementing the grant for South Pasadena. As part of the city’s Measure H grant, South Pasadena committed \$25,000 in matching funds for SPPD in the role as Homeless Coordinator. SPPD is entitled to reimbursement from the County for overtime hours worked by officers during HOST engagements. County of Los Angeles, Chief Executive Office, Expansion of Sheriff’s Homeless Services Outreach Teams, June 29, 2020, <http://file.lacounty.gov/SDSInter/bos/supdocs/146384.pdf>. The SGVCOG grant allocates \$20,000 to “non-law enforcement outreach” and an additional \$20,000 to public outreach programming by SPPD over the course of about 18 months.

² About five months into the SGVCOG grant, the only programming that has occurred is the expenditure of \$978.31 to pay for the port-a-potty and handwashing station at the South Pasadena Library—services that were already established prior to this grant as the city’s response to the COVID-19 pandemic. About nine months into the Measure H grant, only about 10 to 13 individuals in the cities of Arcadia and South Pasadena have retained, been placed into, or exited homelessness to permanent housing. It is unclear from the grant reporting whether these counts cover different individuals or individuals who were part of different programs during the same grant reporting cycle. South Pasadena reported two (2) individuals were matched to apartments during the nine-month period, but it has not yet been reported whether these two individuals did move into their apartments at this time.

Signed,



1. Alexander Aquino
2. Ahilan Arulanantham
3. Kiera Atkinson
4. Anne Bagasao
5. Isabel Barbera
6. Matthew Barbato
7. Katrina Bleckley
8. Felicie Borredon
9. Laurent Borredon
10. David Carbonara
11. Angel Castillo
12. Christine Chin
13. Isabel Chin
14. Caroline Creaghead
15. Frederick Eberhardt
16. Richard Elbaum
17. Owen Ellickson
18. Riko Enomoto
19. Sarah Erlich
20. Caitlyn FERENCE-Saunders
21. Tzung-lin Fu
22. Robert Grant
23. Sue Grant
24. William Hoadley-Brill
25. Laboni Hoq
26. Mariana Huerta Jones
27. Che Hurley
28. Nancy Hurley
29. Ella Hushagen
30. Phung Huynh
31. Amber Jaeger
32. William Kelly
33. Afshin Ketabi
34. Christopher Kramsch
35. Myra Kramsch
36. Caitlin Lainoff
37. Tony Lockhart
38. Joanne Long
39. Sofia Lopez
40. Elena Mann
41. Daisy Mayer
42. Anna McCurdy
43. Sharon Mizota
44. Victoria Patterson
45. Sarah Perez-Silverman
46. Julia Moreno Perri
47. Natasha Prime
48. Laura Riley
49. Greg Santos
50. Allie Schreiner
51. Gretchen Schulz
52. Andrea Seigel
53. Alexandra Shannon
54. Stephanie Stein
55. John Srebalus
56. Kathleen Telser
57. Andrew Terhune
58. Cassandra Terhune
59. Helen Tran
60. Amy Turk
61. Roya Yasharpour

Regular City Council Meeting
E-mail Public Comment 2/17/2021

AGENDA ITEM NO. 20

Project No. 2355-APP (Continued) - Appeal of the Planning Commission's Decision to Approve Project No. 2191-HDP/TRP – Hillside Development Permit for the street extension of Moffat Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in the City of Los Angeles and a Tree Removal Permit

1. Rebecca Hsia
2. Allegra Inganni
3. Tom Williams
4. Ben Jacobson
5. Neilesh Mutyala
6. Brandon Young
7. Sharon Alcazar
8. Jacqueline G.
9. Nancy Ladner
10. Cindy Juarez
11. Los Angeles Councilmember Kevin de Leon

From: Rebecca Hsia [REDACTED]
Sent: Tuesday, February 9, 2021 5:27 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Project 2355-APP

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

I am a resident of south Pasadena on Camino Verde, and my property is near the proposed Moffat Street extension. I am opposed to the tree removal, and I do not want the trees to be removed and I do not want the hillside developed.

Thanks,
Rebecca Hsia

From: Allegra Inganni <[REDACTED]>
Sent: Wednesday, February 10, 2021 2:32 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Project # 2355-APP for 2-17-21 meeting Moffat Street Extension

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

I am writing as a resident and homeowner on Atlas Street in Los Angeles. I oppose the Moffat Street extension project for a number of reasons:

- 1) The direct construction and property value impact on my neighbors living on Moffat Street and Lowell Ave.
- 2) The general noise and debris issues associated with a huge construction project for all neighbors in the area, not just those on the streets named. The project could take years and includes getting utilities up a precarious hillside. It is a massive undertaking.
- 3) The environmental impact of the project to the undeveloped land on that hill for animals, the trees that will be removed, and the permanent change to the landscape. That hill represents a small piece of rural life in a big, busy city. That untouched land is incredibly important for the natural balance in the area.
- 4) The potential hazards and damage to Atlas street specifically from not only construction debris run off, but the long term increased earthquake, mudslide, and water run off concerns. Having massive houses looming above our street does not provide us with the stability and comfort in an earthquake prone part of the world.

I am unclear who benefits from this project besides the real estate/architect firms behind this. Why would South Pasadena or Los Angeles support this when there were clearly many, many neighbors and constituents opposed in the previous meetings? I implore the Council to reconsider this unnecessary, disruptive, and potentially dangerous project.

Thank you
Allegra Inganni

From: Tom Williams <[REDACTED]>
Sent: Sunday, February 14, 2021 6:03 PM
To: councilmember.kevindeleon@lacity.org; Julio Torres <julio.torres@lacity.org>
Cc: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Moffat Street/Driveway Extension -

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Appeal against the proposed Moffat Street/Private Driveway in South Pasadena will be considered this week by SoPas City Council. If rejected The Plaintiff most likely will sue South Pasadena and perhaps the City of Los Angeles as various persons and departments have interacted with SoPas agencies without incorporation of potential impacts and establishment of lead agency Memorandum of Agreement between the two cities.

As clearly indicated by many drawings and descriptions, the SoPas project includes grading, filling, compaction of ground in the City of Los Angeles, along with concrete sidewalks, retaining walls, driveways with gutters/curbs.

and the current SoPas alternative includes direct physical connection with the CityLA Lowell Av. street.

Further actions and issuance of a permit would allow and support the SoPas project approval of construction within the City of Los Angeles, without any consideration of impacts and permits of the City of LA.

Various references have been made by the developer/CiLA and Cities of LA/SoPas but without documentation. This latter is also used by SoPas statement for the haul route for excess grading materials and for construction supplies, as yet the "staging" and contractor employee parking has not been located, but side-references has been mentioning LA, not in SoPas.

The neighborhood council (LA-32) has supported our stakeholder and would support the appeal to both SoPas and LA. Various members of the board will support the stakeholders' legal pursuits.

We would deeply appreciate the council member's of staff's review and support of the stakeholders complaint.

I am informed and aware of most of the issues for last 30 years as part of the 710 history, and I am available for discussion and clarifications for this current project in person and/or by phone.

Dr Tom Williams [REDACTED]

-----Original Message-----

From: Ben Jacobson <[REDACTED]>

Sent: Monday, February 15, 2021 4:15 PM

To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>

Subject: Re: South Pasadena Council meeting Project #2355-APP (continued)

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

Regarding item #20, a traffic study is essential. The added traffic of the proposed development could potentially pose a grave danger to neighborhood residents in case evacuation becomes necessary due to a natural disaster.

Thank you,
Ben

> On Feb 15, 2021, at 4:01 PM, Ben Jacobson <[REDACTED]> wrote:

>

> Hi

> I'm emailing regarding agenda item #20 Along with hundreds of people

> in my neighborhood in El Sereno, I strongly oppose the Moffat street

> extension and hillside development. There has not been a traffic

> study, environmental impact report or approval by the city of LA.

> Personally it would be extremely damaging to my ability to work from

> home during covid due to the noise and it would cause unacceptable

> disruption and financial hardship to my family and to many of my

> neighbors Thank you Ben

>

From: Neilesh Mutyala <[REDACTED]>
Sent: Tuesday, February 16, 2021 8:47 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Fw: Agenda Item 20: Letter from Counsel

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include the comment below and attached letter in the record of public comments for the February 17th City Council meeting re: agenda item 20. Additionally, I would like to note that the proposed plan in PW-19 "The level of outdoor lighting to shall have no direct light or excess glare onto the adjacent neighbors" - the placement of street lights according to the plan will violate this condition for our house. While this is only one issue out of the many raised by my neighbor in his appeal, it is indicative of the lack of engagement with the community impacted that has been a hallmark of this project.

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

From: Neilesh Mutyala <[REDACTED]>
To: "ccpubliccomment@southpasadenaca.gov" <ccpubliccomment@southpasadenaca.gov>
Cc: Joanna Hankamer <jhankamer@southpasadenaca.gov>; Malinda Lim <mlim@southpasadenaca.gov>; Kanika Kith <kkith@southpasadenaca.gov>
Sent: Friday, October 16, 2020, 05:19:05 PM PDT
Subject: Agenda Item 12: Letter from Counsel

With respect to Project No. 2355-APP (Agenda Item 12),

Planning commission staff and the Applicant's attorney reached a conclusion regarding Grantor and Grantee status in the relevant ingress and egress easement. My letter contending this point is included as Exhibit B of Micah Haserjian's appeal. It begins with:

"At the July 14th Planning Commission meeting, during which this Permit application was discussed in context of public comments, Commissioner Dahl requested the following: 'From the residents on La Fremontia, who originally had the claim that they had Grantor status...I would like to give them a chance to weigh in that they concur with that designation that they have no approval authority in this decision.'"

Yet, since then and after my letter submitted to Planning Commission in support of my neighbor's appeal, no one from the City has complied with Commissioner Dahl's request.

Thus in preparation for this appeal hearing, I've retained Counsel to further analyze the permit, easement and appeal documentation. Jesse B. McKeithen from Donahue Fitzgerald reviewed the material and concluded that the Applicant and City's position "is misplaced." Attached is his full letter, which I'd like to submit as part of this public comment for the record.

Thank you,
Neilesh Mutyala

October 13, 2020

ELECTRONIC MAIL

Joanna Hankamer

Director of Planning and Community Development
Planning and Building Department
City of South Pasadena
1414 Mission Street
South Pasadena, California 91030

South Pasadena City Council
City of South Pasadena
1414 Mission Street
South Pasadena, California 91030

Re: Project No. 2191-HDP/TRP – Hillside Development Permit and Tree Removal Permit

Dear Director Joanna Hankamer and Councilmembers of the South Pasadena City Council:

Our law firm has been engaged by Mr. Neilesh Mutyala, the homeowner of 2050 La Fremontia St. in South Pasadena, CA 91030 to submit this letter in support of Mr. Micah Haserjian's appeal of the Planning Commission's approval of the above-referenced matter. We disagree with the contention in Mr. Stephen A. Scheck's letter to the Planning and Building Department of the City of South Pasadena, dated June 25, 2020, that the authority to approve grade changes to the easement area at issue vested with the City of South Pasadena (the "City"), particularly considering that the grantor, the City's former Community Redevelopment Agency (the "Grantor"), no longer exists. As explained below, the factual record and relevant case law demonstrate that it was the City's intent to remove itself from any such authority relating to the land and that such authority was transferred from the City to Mr. Mutyala and the three other private homeowners who own the land that the easement crosses and who are the successors to the Grantor.

Mr. Scheck represents HDP Moffatt Street LLC and Planet Home Living (collectively, "Developer"). Developer is the owner of seven lots on the south side of the former Moffatt Street in the City of Los Angeles immediately adjacent to the southern boundary of the City of South Pasadena. The Developer's property is landlocked and has access to the existing Moffatt Street via a Right-of-Way Easement ("Access Easement") granted by the Grantor across the privately owned property set forth in Schedule B of the Access Easement.

The Access Easement was recorded on June 14, 1962 in Book D1649, Page 122, and granted in place of the former Moffat Street, which was a public street vacated by the City in 1962. The Grantor of the easement was the City's Community Redevelopment Agency which

previously owned the real property set forth in Schedule B. That real property was eventually subdivided and developed, and the resulting lots are now privately owned. Notwithstanding the succession of ownership of the property underlying the easement area, Developer contends that certain authority vested to the Grantor remains vested with the City. However, the factual record and legal precedent establish that the Grantor passed this authority to approve grade changes to the Access Easement along to the Grantor's successors who are the owners of the private properties underlying the servient estates, including Mr. Mutyala.

Analysis

Mr. Mutyala is a successor to the Grantor; Mr. Mutyala resides at 2050 La Fremontia Street, South Pasadena, which property underlies a portion of the area covered by the Access Easement.

The burden imposed on the servient tenement by an easement created by a written instrument, such as here with respect to Mr. Mutyala's property, is determined by the terms of the instrument. *See City of Pasadena v. California-Michigan Land & Water Co.* (1941) 17 Cal. 2d 576, 579. Here, the Access Easement places certain conditions on the use of the easement. Line 22 of page 2 expressly requires that the "Grantees shall make no changes in the grade of said Moffatt Street (vacated) without first obtaining the approval of the Grantor."

It is well settled law that the transfer of real property passes all easements attached to it even though such easements are not specifically mentioned in the grant, unless such easements are expressly excluded. Civ. Code § 1104; *see Jones v. Sanders* (1903) 138 Cal. 405, 411. "The principle is, that where ... the owner of an entire estate sells a portion, the purchaser takes the tenement, or portion sold, *with all the benefits and burdens which appear*, at the time of the sale, to belong to it, as between it and the property which the vendor retains." *Rosebrook v. Utz* (1941) 45 Cal. App. 2d 726, 729 (emphasis added). The principle applies to both the dominant and the servient estates. *Id.* (noting that the principle is "entirely reciprocal" for both estates).

As the owner of the property underlying the servient estate and as the successor to the Grantor, Mr. Mutyala accordingly enjoys all the benefits and burdens on the property which appeared at the time of his purchase of the same; this includes the burden on his property created by the Access Easement. Similarly, Developer, as the successor for the Grantees, enjoys all the benefits and burdens on its property. The benefit of right of access along the vacated Moffatt Street however is conditioned on certain restrictions. One such condition, which is at issue here, obligates the Grantees and their successors to first obtain the Grantor's successors' approval on grade changes to the vacated Moffatt Street.

Developer contends that the authority to approve changes to the grade of the vacated Moffatt Street does not run with the land to the successors of the Grantor because the language of the Access Easement is supposedly "clear" in its intent to reserve this authority for the Grantor. As support, Developer identifies a limited and specific instance where the Access Easement included certain "successors or assigns" language with respect to the Grantor to argue that this was the only instance where the Grantor intended to reserve certain conditions to their

successors. However, Developer's contention is unavailing, especially upon considering a more complete version of the record regarding the easement and the City's intent related thereto.

The paramount goal of interpreting a writing creating an easement is to determine the intent of the parties. *See Zissler v. Saville* (2018) 29 Cal. App. 5th 630, 639, *reh'g denied* (Dec. 27, 2018). Where the intent is not entirely clear, as is the case here, courts may look at extrinsic evidence. "In ascertaining the intent of the parties, the court may resort to extrinsic evidence not only to resolve a facial ambiguity but to determine the existence of and resolve a latent ambiguity. [Citations.] An ambiguity is latent if the resort to extrinsic evidence reveals that what appears to be perfectly clear language is in fact susceptible of more than one reasonable interpretation. [Citations.]" *Id.* at 644. Here, extrinsic evidence contradicts the Developer's contention that the Access Easement clearly intended to reserve the authority to approve grade changes on the vacated Moffatt Street for the Grantor.

Specifically, minutes from the City Council's meeting on December 27, 1961 contradict Developer's assertion of a supposed "clear" intent by the City to retain the authority to approve changes to grade on the vacated Moffatt Street. Those minutes indicate that the City Attorney "stated once the street is vacated, it becomes private property, and the City would have no power whatsoever. He would not want the City to retain any rights as it would lead to endless litigation." The CRA Attorney stated at the same meeting: "The Agency would grant the easements which would go along with the sale to private owners." Similarly, the minutes of the February 14, 1962 City Council meeting reflect that the City Attorney expressed concern relating to the City retaining control over any changes to the grade of the vacated Moffatt Street, and "urged that this be omitted." In response, the City Council stated that "the City of South Pasadena should be divorced from anything to do with the vacated portion of Moffatt Street after it has been vacated."

Such exchanges between the City Attorney and City Council do not indicate a "clear" intent by the City to retain authority to approve grade changes to Moffatt Street. On the contrary, the minutes indicate quite the opposite: that it was the City's intent to allow such authority to run with the land and to the Grantor's successors. The City ultimately sought to be "divorced" from the vacated portion of Moffatt Street, not to forever retain authority related to the same, as Developer now contends. Furthermore, the Community Redevelopment Agency is no longer in existence. The authority to approve grade changes would therefore return to the City, notwithstanding the City Council's express intent that they did not want anything to do with the land. The proposed result runs in stark contrast to the express intent of the City Council.

Developer's attempt to portray the issue relating to the easement as clear and settled under the law and the language of the Access Easement is misplaced. Mr. Mutyala is one of the successors to the Grantor. Pursuant to the Access Easement and the City's intent related thereto, Developer's use of the easement relating to changing grades on the vacated portion of Moffatt Street is conditioned on first obtaining Mr. Mutyala's approval of the change.

Thank you for your consideration of this submission on behalf of Mr. Mutyala.

Very truly yours,

A handwritten signature in blue ink that reads "Jesse B. McKeithen". The signature is written in a cursive style with a long horizontal line extending to the right.

Jesse B. McKeithen

JBM:ksj

P: (626) 381-9248
F: (626) 389-5414
E: mitch@mitchtsailaw.com



Mitchell M. Tsai
Attorney At Law

155 South El Molino Avenue
Suite 104
Pasadena, California 91101

VIA E-MAIL

February 17, 2021

City of South Pasadena City Council
817 Mound Avenue
South Pasadena, CA 91030
Em: ccpubliccomment@southpasadena
ca.gov

Hon. Diana Mahmud, Mayor
1414 Mission Street
South Pasadena, CA 91030
Em: dmahmud@southpasadenaca.gov

Hon. Michael A. Cacciotti, Mayor Pro Tem
1414 Mission Street
South Pasadena, CA 91030
Em: mcacciotti@southpasadenaca.gov

Hon. Evelyn G. Zneimer,
Councilmember
1414 Mission Street
South Pasadena, CA 91030
Em: ezneimer@southpasadenaca.gov

Hon. Jack Donovan, Councilmember
1414 Mission Street
South Pasadena, CA 91030
Em: jdonovan@southpasadenaca.gov

Hon. Jon Primuth
1414 Mission Street
South Pasadena, CA 91030
Em: jprimuth@southpasadenaca.gov

RE: Open Session Agenda Item 20: Project No. 2355-APP (Continued) - Appeal of the Planning Commission's Decision to Approve Project No. 2191-HDP/TRP – Hillside Development Permit for the street extension of Moffat Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in the City of Los Angeles and a Tree Removal Permit

Dear Mayor Mahmud and Honorable Councilmembers,

On behalf of Coyotl + Macehualli and Appellant Micah Haserjian (“**Commenters**” or “**Appellant**”), my Office is submitting these comments on the City of South Pasadena’s (“**City**” or “**Lead Agency**”) Project No. 2191-HDP/TRP – Hillside Development Permit to install a private roadway extending westward approximately 600 feet from the terminus of the existing Moffatt Street and Tree Removal Permit for the removal of 5 protected trees to provide access to 7 lots in the City of Los Angeles through an easement in South Pasadena (“**Project**”).

Commenters reside adjacent to and in the vicinity of the Project and would be directly affected by the environmental impacts of the proposed Project and any related Project approvals.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporates by reference all comments raising issues regarding the Project submitted prior to any Project approvals or certifications. *Citizens for Clean Energy v. City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

I. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1).¹ “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only

¹ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 *et seq*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. The Project Facially Does Not Meet the Criteria for a CEQA Exemption Under CEQA Guidelines § 15303

The City claims that the Project is exempt from CEQA review because it qualifies as construction, installation, or conversion of small structures, facilities, or equipment under CEQA Guidelines § 15303. This is incorrect. CEQA Guidelines § 15303 may only be used for exemption when the facilities, such as a street extension, serve other such exempt construction such as structures not exceeding 2,500 square feet of floor area or 10,000 square feet in an urbanized area. CEQA Guidelines § 15303(c). Moreover, Section 15303 only exempts the construction of new small facilities or structures, and does not include or otherwise exempt other related activities such as the proposed tree removal permit.

The development proposed for the Project’s 7 lots greatly exceed the aforementioned maximum development permitted under section 15303 of the CEQA Guidelines. CEQA requires that the City consider the “maximum allowable for any legal parcel” for the purposes of determining if an exemption is lawful. Here, the City is proposing to exempt a road extension to serve 7 single-family residences when the maximum allowed is 3. *Id.* § 15303(a).

Here, the City seeks to build the Moffat Street extension to serve the further construction of a single-family residential development that would not qualify for a CEQA exemption under CEQA Guidelines § 15303. CEQA Guidelines § 15303 is only intended for small apartment buildings up to four units, garages, carports, patios, fences, or the like.

The proposed Project seeks to expand Moffatt Street to accommodate development of additional landlocked parcels in the City of Los Angeles, which is not an exempt project under CEQA Guidelines § 15303 because it greatly exceeds the scope of serving other exempt structures and is part and parcel of a larger single-family residential development that is improperly piecemealed, as discussed further below.

C. Isolated Approvals for the Moffat Street Extension Constitute Improper Project Piecemealing

Under CEQA, a project is defined as the “whole of an action” with the potential to physically change the environment. CEQA Guidelines § 15378 (a). A development proposal thus cannot be divided into several segments, each viewed in isolation from the others, for purposes of CEQA analysis. *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal. App. 4th 1209 (extensively analyzing leading CEQA “piecemealing” cases).

An EIR must include an analysis of future expansion or other actions if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. *Id.* at 1222 (quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 396.)

Here, there are seven homes proposed for development by Applicant Planet Home Living currently undergoing planning review with the Los Angeles Building Department which the Moffat Street Expansion is designed to serve and provide access. (June 9, 2020 City Staff Report, p. 2.) This street expansion, approvals applied for also by Planet Home Living, is a necessary condition for that development—thus being reasonably foreseeable and changing the scope of the Project entirely. The City cannot review this Project in isolation from the City of Los Angeles’ discretionary actions approving construction of seven homes that it will serve. The City admits that this is the overriding and central purpose of the street expansion. (*Id.*)

Moreover, the City’s conditions of approval expressly acknowledge the

While CEQA environmental review is triggered by a discretionary decision, CEQA requires that environmental review be conducted over the entirety of a project regardless of whether the other parts of a project may not be subject to a discretionary decision. CEQA Guidelines § 15378(c) (“[t]he term ‘project’ does not mean each separate governmental approval.”) The case of *City of Antioch v. City Council* (1986) 187

Cal. App. 3d 1325, 1338 where the Court rejected an environmental study for a site development permit for a roadway due to the study's failure to consider the environmental impacts of subsequent development of parcels that would be connected to the roadway is on-point.

The Conditions of Approval for the Project directly contradict prior staff analysis by making it clear that the City is not only permitting the construction of a private road but also requiring that single family homes be built alongside that private road. (Staff Report 20 -15 – 16.) Condition of Approval P-14 specifically requires that prior to the issuance of a grading permit for the private street, that:

The applicant **shall demonstrate that they received approved building permits from the City of Los Angeles for the seven (7) properties** (Tract 5643 Lot 26 APN:5309-012-019, Lot 24 APN: 5309-012-017, Lot 22 APN: 5309-012-015, Lot 20 APN: 5309-012-013, Lot 18 APN: 5309-012-011, Lot 18 APN: 5309-012-009, and Lot 16 APN: 5309-012-007) in either of the following combinations:

- a. Four (4) of the seven (7) lots listed above as long as one of the parcels is Lot 26, or
- b. Any five (5) of the seven (7) lots listed above.

(Staff Report 20-16.) More explicitly, Condition of Approval No. P-12 requires that the application provide “a preliminary development plan (site plans and elevations) for the **construction of all seven (7) lots . . .**” (Staff Report 20-15.) The City's claim that its discretion is limited to reviewing the private road (not to mention the tree removal permit as well as retaining wall) is disingenuous. The City's approval for the private road is expressly conditioned upon development of the seven lots. Thus, the City needs to prepare an EIR that considers the entirety of the Project.

II. **THE CITY FAILED TO DEMONSTRATE AUTHORITY TO ISSUE PROJECT APPROVALS OR THAT THE DOMINANT EASEMENT HOLDER DOES NOT EXCEED THE SCOPE OF THE PRIVATE EASEMENT ON MOFFATT STREET**

The location, physical dimensions, and the scope of use of a private right-of-way easement are largely determined by its method of creation. Civ. Code § 806. The terms of the grant of the express easement will normally address these issues. When one grants an easement in general terms, for example, for the purpose of access, ingress,

and egress to vehicles and pedestrians, it will be construed as creating an easement to be used by the easement holder "for all reasonable purposes." See *Zissler v. Saville* (2018) 29 Cal. App. 5th 630, 639 (remanding case and instructing that new judgment include provision that easement may be used to extent that is reasonably necessary for convenient enjoyment of easement and is consistent with purpose for which easement was granted, if use does not unreasonably interfere with enjoyment of, unreasonably damage, or materially increase burden on servient estate).

However, a private street easement grants only a right of ingress and egress and a right of unobstructed passage across the easement. *Absent express language*, a private street or access easement does not grant rights for any other purposes (e.g., gutters, curbs, sidewalks, utilities, and lighting). *Schmidt v. Bank of America* (2014) 223 Cal. App. 4th 1489.

Here, the City of South Pasadena abandoned the portion of Moffatt Street that is now in question. As made clear by Commenters' Reasons for Appeal, the Feb. 14, 1962 meeting minutes demonstrated that the City of South Pasadena vacated this portion of Moffatt Street and left it as a private street easement between the owners of the landlocked parcels and Commenters. The record further demonstrates, in the July 12, 1961, Ordinance 1373, that the original intent of the City was to vacate Moffatt Street. Thus, the Applicant as successor and assignee of the easement rights needs consent of the servient estate holders to expand the use of the easement, or the lot owners abutting the ingress/egress easement.

The City did not retain any rights to expand the use of the easement by issuing Project approvals allowing the Moffatt Street expansion.

III. THE CITY HAS VIOLATED THE PUBLIC RECORDS ACT AS WELL AS DENIED ADMINISTRATIVE DUE PROCESS BY FAILING TO RESPOND TO APPELLANT'S PUBLIC RECORDS ACT REQUEST

The term "due process of law" asserts a "fundamental principle of justice which is not subject to any precise definition but deals essentially with the denial of fundamental fairness, shocking to the universal sense of justice." (*Ursino v. Superior Court* (1974) 39 Cal.App.3d 611, 621, quoting *Grey v. Whitmore* (1971) 17 Cal.App. 3d 1, at 20-21.) The California Supreme Court has long held procedural due process protections, such as

notice and a right to be heard, apply to adjudicatory land use hearings. (*Horn v. County of Ventura* (1979) 24 Cal.3d 605, 614, 618, 621.)

The City has failed to give Appellant administrative due process. First, during the November 18, 2020 City Council meeting, the City Council heard only the first 30 minutes of the 2+ hours of dial in comments that the public submitted on this item, violating the Brown Act's requirements that the public be given an opportunity for its comments to be considered by the City Council. Moreover, the City has allowed the applicant to present a presentation that exceeds the 3-minute time limit imposed upon Appellant.

Finally, the City has failed to respond to Appellant's September 16, 2020 public records act request. The City has failed to make a determination as to whether it has responsive documents to Appellant's PRA Request by the 10-day deadline of September 26, 2020, nor has it issued a reasonable extension for the City to respond to Appellant's PRA Request. (Cal Government Code The City's failure to determine if it has responsible documents and produce any responsive non-exempt documents to Appellant violates the procedural requirements of the California Public Records Act as well as principles of administrative due process since Appellant has been denied an opportunity to present their appeal with access to the necessary information that they are entitled to have as a matter of law.

IV. **CONCLUSION**

Commenters respectfully request that the City deny the Project approvals and require that the Project prepare an environmental impact report that covers the entirety of the proposed Project and consideration of Commenters' easement rights.

Sincerely,



Mitchell M. Tsai
Attorneys for Coyotl + Macehualli
and Appellant Micah Haserjian

From: Sharon Alcazar <[REDACTED]>
Sent: Wednesday, February 17, 2021 1:09 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Cc: Paul Dominguez <[REDACTED]>
Subject: Project Number: 2355-APP (2191-HDP/TRP)/ FEB 17 7:30PM AGENDA ITEM #20

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

Our names are Sharon and Paul Dominguez and we are the owners of 4511 Lowell Ave, Los Angeles, CA 90032. I am writing to state we oppose Project No.2355-APP (2191-HDP/TRP), agenda item #20.

We reviewed the power point presentation provided by the developer and there a few concerns that are not addressed.

1. Access to new lots through Lowell Ave is not a decision that needs to be made by the city of South Pasadena. The city of South Pasadena is taking an illegal action and supporting the decision of creating a private road through the city of Los Angeles.
2. Lowell Ave is currently a one-way street without the opportunity for easy access. At the moment, tenants from the apartments at 4520 currently use Lowell Ave to park. When emergency vehicles, deliveries, and vehicles drive up the hill and run over the curb where apartments are located or illegally turn into our driveway on a daily basis and vehicles always have difficulty reversing on Lowell due to one way access. Damage to our property has occurred.
3. The developer hasn't presented any resolutions for the property owners affected on the Los Angeles property line (including our property).

4. In regards to utilities, sewer and electrical, it mentions the city of Los Angeles will be liable. The electricity and sewer system is located in front of our home and the developer would need to have a point of access to the homes that will be built blocking our backyard view. There is currently an easement from 1924, that runs through our property for such utilities mentioned above that would run through our backyard, carport, and driveway. As homeowners, how are we protected from the easement. It is implied homeowners will not have no choice but to comply with the developers demands even though it's been years since we've been contacted.

5. We also oppose the permit for numerous tree removal. Trees should not be removed. They provide oxygen and are organic food resources.

6 The developer provided plans and clarifications to the new street development, our biggest concern is the speed limit of cars entering and exiting the private street. Also, in the powerpoint presentation it does not discuss trash collection.

7. The developer also discusses dwelling, landscaping, water drainage, for new homes that are intended to be built in our backyard but he does not go into detail as to where the exit point will be..through our property line? And how water drainage will affect our property line. Currently when it rains we have puddles of water that form in our backyard due to the hillside.

9. If the private street is granted, we lose the peacefulness of our cul de sac.

10. The decision is not a sustainable solution. The city of South Pasadena does not have the right to dictate the access of a private road through the city of LA. The city of LA needs to be made aware of the decision South Pasadena is trying to impose to "make it easier" for the city to grant access for a private road without disturbing their community.

In summary, we feel that the residents of South Pasadena, enjoy the peacefulness of the dead-end street and would not appreciate the increased traffic due to construction of a private street that would restrict residents of 4519 and 4520 to have access to their parking garages and their home. The hillside behind us has been abandoned for many years and even though the developer states that they won't displace wildlife and the land is sustainable, our biggest fear as residents of 4511 Lowell is that the foundation of our remodeled and surrounding homes will be affected due to the dwelling and constant digging.

We oppose this project all together and do not see the need to build 7 \$1M dollar homes and create a private street in order to access homes. Council members voted against the project in 1961 and we ask that you do so again in 2020. Our beautiful City of Los Angeles does not need 7 additional homes. We feel that his project is not necessary and is not in need of another developer to make millions of dollars based on a decision by the city of South Pasadena that would profit the city of Los Angeles. Thank you for your time.

Best,

Sharon Alcazar

email: [REDACTED]

Cell: [REDACTED]

From: y g <[REDACTED]>
Sent: Wednesday, February 17, 2021 3:03 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Agenda Item #20 Project No. 2355-APP

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As a community member, I do not approve of the actions that South Pasadena have taken in part to have this development recklessly approved to please developers that are not of the community. El Sereno is a majority immigrant working class community, unfortunately people not of the community want to build their developments no matter what the cost is. This is an incredibly racist project that should have never been approved! Shame on you South Pasadena, we see what your actions prioritize despite.

This proposed construction violates the rights of the property owners and residents of the affected areas in terms of potential displacement, increased traffic and related health issues, as well as impacting the wildlife and plantlife of the area - including multiple endangered Southern California Black Walnut Trees. The piecemealing of this project in order to avoid having to produce an environmental impact report is also unconscionable.

South Pasadena gave up all rights to the easement in the 1960's. South Pasadena has no right to approve this road since they gave up their easement rights in the 1960's. This is one of several dishonest actions that South Pasadena has taken.

Dishonest actions that South Pasadena have taken are:

- South Pasadena is illegally acting as the Lead Agency on a project that affects Los Angeles.
- South Pasadena withheld meeting minutes to cover up the fact that they don't have any rights to approve this project.
- Later this year the Northeast Los Angeles Community Plan will be revisiting the zoning of these lots on the hill (last revisited 21 years ago). The community believes the R1 zoning of the landlocked lots is antiquated and we will be working with the Advisory Committee to make sure that this hill and other hills like it in El Sereno are properly zoned to serve the needs of our community today not the community of El Sereno in 1923. South Pasadena may have essentially approved a private street to nowhere. This is irresponsible.

Dishonest actions by developers, Planet Home Living:

- This project is being piecemealed in order to avoid having to produce a CEQA report
- No one has seen plans for the development that would happen in LA. Allowing for the developers to build whatever they please. There is no accountability with South Pasadena or the developers, Planet Home Living.
- The property owner that the easement lies on is strongly opposed to this project and was lied to and later threatened by the developer.

- The developer has not produced any real plans for the construction of the private street connecting to Lowell Ave.

Sincerely,

Jacqueline G.

From: Nancy Ladner <[REDACTED]>
Sent: Wednesday, February 17, 2021 3:15 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Agenda item 20, Project #2355-AP

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

This comment is for Agenda Item 20, Project No 2355-APP (the road construction around E. Moffatt St.) to be read at the public hearing this evening.

My name is Nancy Ladner. I have been following and opposing this project for a year. I attended the in-person hearings before the planning commission in March and have expressed my opposition at all of the hearings I was aware of since then. This has gone on too long.

The City of South Pasadena made the right decision when it agreed with its many concerned residents by denying the road construction through Moffatt Street. The extension would damage the character of the neighborhood, displace coyotes and bobcats into the neighborhood, and would have very negative effects in the adjoining Los Angeles neighborhood.

However, South Pasadena's decision to allow the road construction to be built through a Los Angeles street, is baseless. The City of South Pasadena does not have jurisdiction to approve a project in a different city. If South Pas wanted to allow construction on South Pas land, but did not want to allow the extension through Moffatt Street, the correct decision would have been to deny the Moffat Street extension and nothing further. It was improper and without any reasonable grounds for South Pas to approve construction of a road in the City of Los Angeles.

Furthermore, I drive by the area all the time and can see that the Los Angeles land on which the street would be built is very narrow and steep, and it is my understanding that the developer did not submit a plan for this alternative road. This makes South Pasadena's approval of this project extremely irresponsible. South Pasadena is approving a project it has not even reviewed (because it has no jurisdiction to do so) and allowing the developer to push through construction in Los Angeles without getting proper approval through Los Angeles. This construction will certainly damage adjacent LA properties and it could be dangerous to all residents in the area. The city should deny the construction through South Pasadena, full stop. Thus, I submit that the City of South Pasadena should amend its prior decision. It should AFFIRM the denial of the road construction through Moffat St., but REVERSE the portion approving construction through the Los Angeles street.

Thank you,

Nancy Ladner

From: Cindy Juarez <[REDACTED]>
Sent: Wednesday, February 17, 2021 3:39 PM
To: City Council Public Comment <ccpubliccomment@southpasadenaca.gov>
Subject: Opposing Agenda Item #20

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Agenda item #20

As a community member, I do not approve of the actions that South Pasadena have taken in part to have this development recklessly approved to please developers that are not of the community. El Sereno is a majority immigrant working class community, unfortunately people not of the community want to build their developments no matter what the cost is. This is an incredibly racist project that should have never been approved! Shame on you South Pasadena, we see what your actions prioritize despite.

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South Pasadena withheld meeting minutes to cover up the fact that they don't have any rights to approve this project.

Later this year the Northeast Los Angeles Community Plan will be revisiting the zoning of these lots on the hill (last revisited 21 years ago). The community believes the R1 zoning of the landlocked lots is antiquated and we will be working with the Advisory Committee to make sure that this hill and other hills like it in El Sereno are properly zoned to serve the needs of our community today not the community of El Sereno in 1923. South Pasadena may have essentially approved a private street to nowhere. This is irresponsible.

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The property owner that the easement lies on is strongly opposed to this project and was lied to and later threatened by the developer.

The developer has not produced any real plans for the construction of the private street connecting to Lowell Ave.

Sincerely,
Cindy Gradilla



Kevin de León
Councilmember, Fourteenth District

February 17, 2021

South Pasadena Mayor Diana Mahmud and Mayor Pro Tem Michael Cacciotti and
Members of the South Pasadena City Council
1414 Mission St.
South Pasadena, Ca 91030

Councilmembers and Mayor,

As geographic neighbors, the cities of South Pasadena and Los Angeles share a mutual interest in protecting the health, welfare, and quality of life of our residents. Our adjacency provides us the opportunity to work together to mitigate the potential impacts of proposed projects within our respective communities, not only for our own residents, but for one another's residents. To this end, I offer my concerns regarding the proposed Project No. 2191-HDP/TRP, Hillside Development Permit for the street design of the private street portion of Moffat Street connecting only to Lowell Avenue and Tree Removal Permit for the removal of five trees for the Moffat Street extension, subject to conditions of approval.

While I recognize the independent jurisdiction and authority of the City of South Pasadena to determine whether or not to approve this project and to determine appropriate mitigations, I stand with my constituents in noting that the approvals today may have possible impacts in the City of Los Angeles.

My staff has received letters and emails of concern from residents, LA County Supervisor Hilda Solis, and the LA32 Neighborhood Council Board, regarding the potential cumulative impact of approval for this street construction project as it relates to the seven undeveloped and privately owned lots to the south of the proposed road extension. The concerns center around potential piecemealing of environmental impacts should these seven parcels be proposed for development within the City of Los Angeles at a later date, presumably by this same owner who is planning to develop this road with the City of South Pasadena.

To that end my staff has spoken with the LA City Planning staff who reviews development projects in this area. They confirmed that the property owner had briefly consulted on preliminary plans for development of the seven lots, however these conceptual plans have not resulted in any permit filings at this time, and so we land in an uneasy space between a reasonable assumption of intent, without an actual project to assess.

I request that your consideration of this project include acknowledgement that at this time the road is proposed independently of its relationship with the potentially affected parcels in the City of Los Angeles. I then ask that the City of South Pasadena make a commitment to share all relevant determinations, studies, and analyses resulting from this project with the City of LA if the seven southern parcels are submitted for development in order that your knowledge, which might have bearing any proposed development, can become part of our shared public record. I extend a similar commitment to always ensure that the City of Los Angeles will share our considerations for any future projects on our side of our jurisdictional boundaries that have bearing on potential future determinations in the City of South Pasadena.

I certainly share a concern with residents that cumulative development proposals are not piecemealed out across our two jurisdictions and I will be making sure that this project is brought to the attention of the City of Los Angeles' Department of Building and Safety and Department of City Planning so that any future development is considered holistically.

I welcome your input at any future date in assisting our City in determining whether the concerns expressed by our residents regarding piecemeal development have been fully addressed based on your in-depth review of this proposed street design project.

On behalf of residents of Los Angeles' Council District 14, I thank you for your consideration of our concerns.

Sincerely,



KEVIN DE LEÓN
Councilmember, 14th District, Los Angeles City Council

CC:

Joanna Hankamer, Planning and Community Development Director, City of South Pasadena
Supervisor Hilda Solis First District, Chair, LA County
Aydin Pasebani Assistant Environmental & Special Projects, Office of Supervisor Hilda L. Solis
Vince Bertoni, Director of City Planning, Los Angeles City
Frank Lara, Assistant Bureau Chief, Los Angeles Dept. of Building & Safety