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Policing L.A.'s Skid Row: Crime and Real Estate Redevelopment in Downtown Los Angeles [an Experiment in Real Time]

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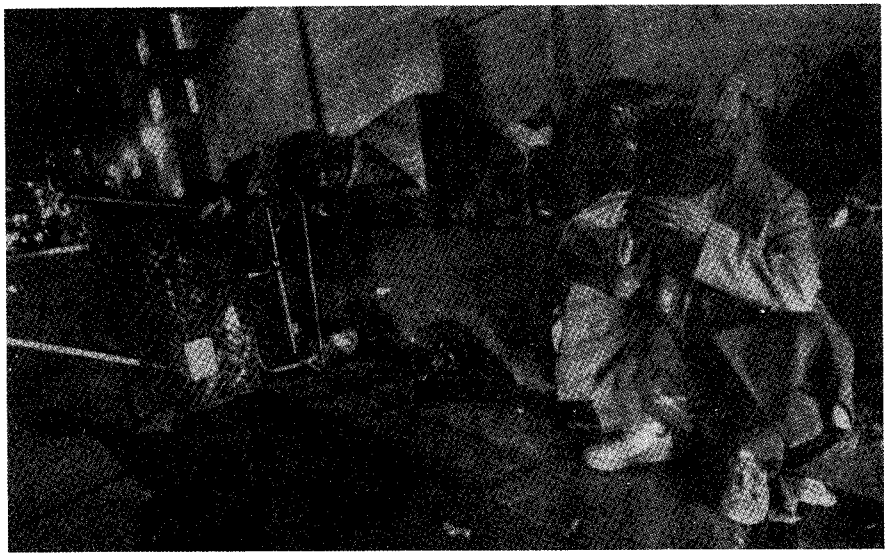

L.A. SKID ROW, DECEMBER 2003, PHOTO BY GENARO MOLINA

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So the whole battle going on in [Skid] Row, as any great big battle is ever about, is about real estate. That's all it's about. It's about real estate. . . . Who is going to win the real estate. If we can buy enough of these buildings. . . .

Alice Callahan, L.A. Skid Row homeless advocate[1]

I actually believe that on some level the existence of poor and potentially homeless people or borderline people is not antithetical to a healthy urban environment. . . .

Tom Gilmore, L.A. Skid Row real estate developer[2]

Times Square. The Bowery. Downtown L.A. The near-west side of Chicago. These disorderly neighborhoods of our major urban centers, these magnets for the destitute, these Skid Rows of America were the center of heated debate and much political initiative at the turn of the twenty-first century.[3] Some, like Chicago's near-west side, vanished—bulldozed down, re-engineered—the beneficiaries (or victims) of massive urban renewal projects. In Chicago, the single-room occupancy hotels ("SROs") and flophouses were gutted, the missions and saloons were closed, and in their place rose high-end, residential apartments—the Presidential Towers, four 49-story modern high-security towers with over 2,300 apartments and over 900 spaces of sheltered parking.[4] Others, like Times Square, had radical

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[1] Interview with Alice Callahan, Homeless Advocate, in Los Angeles (Sept 11, 2004) (on file with author).

[2] Interview with Tom Gilmore, Real Estate Developer, in Los Angeles (Sept 10, 2004) (on file with author).

[3] See Robert C. Ellickson, *Controlling Chronic Misconduct in City Spaces: Of Panhandlers, Skid Rows, and Public-Space Zoning*, 105 Yale L J 1165, 1167–73, 1202–19 (1996) (describing the evolution of Skid Rows in America during the late twentieth century, the academic and legal debates, and the range of political initiatives addressed to street disorder). For earlier historical and sociological treatments of American Skid Rows, see Donald J. Bogue, *Skid Row in American Cities* (Chicago 1963); Jacqueline P. Wiseman, *Stations of the Lost: The Treatment of Skid Row Alcoholics* (Chicago 1979); William McSheehy, *Skid Row* (GK Hall 1979); Allen Z. Gammage, David L. Jorgensen, and Eleanor M. Jorgensen, *Alcoholism, Skid Row and the Police* (Charles C. Thomas 1972); and before that, the classic, Nels Anderson, *The Hobo: The Sociology of the Homeless Man* (Chicago 1961).

[4] For fascinating discussions of the elimination of Chicago's Near-West Side Skid Row, see Ross Miller, *Here's The Deal: The Buying and Selling of a Great American City* 3–93 (Knopf 1996); Anthony Ijomah, *The Role of Major Institutions in the Redevelopment of Chicago's Near West Side, 1940–1990* (Ph.D. dissertation) (University of Wisconsin–Milwaukee 1991); and Ronald Miller, *The Demolition of Skid Row* 8–25 (Lexington 1982). For a description of Presidential Towers, see Paul Gapp, *Presidential Towers No Beauty,*

surgery—massive, planned, precision redevelopment. While some of the landmark buildings and theatres were refurbished, office towers and corporate, commercial, and media headquarters rose in their midst. Times Square morphed from red lights to large-scale LED displays and signage, and became a vibrant and luxurious commercial, hotel, media, business, and entertainment center.[5] Still others, like Los Angeles' Downtown, welcome the twenty-first century relatively intact.

Among criminal law scholars, sociologists, and students of policing, New York City drew the most attention. A well-publicized clash between former New York City mayor Rudolph Giuliani and his first police commissioner, William Bratton, took the limelight, and fed a rancorous debate over the effectiveness of New York-style "broken-windows" policing—or more exactly, over who should get credit.[6] A larger question emerged from those debates: Did order-maintenance policing and the NYPD's aggressive policy of stop-and-frisk searches and misdemeanor arrests really bring down the crime rate in New York City and transform disorderly neighborhoods like Times Square into high-end, commercially-viable, urban communities?[7] Many researchers explored this question, focusing specifically on the role of misdemeanor law enforcement and its potential effect on crime.[8]

But It Works Like A Charm, Chi Trib, Arts 6 (Dec 22, 1985).

[5] For a general discussion, see James Traub, *The Devil's Playground: A Century of Pleasure and Profit in Times Square* (Random House 2004); James Traub, *Common Of Earthly Delights*, NY Times B48 (Mar 14, 2004).

[6] David C. Anderson, *Crime Stoppers*, NY Times 47 (Feb 9, 1997).

[7] See, for example, Ana Joanes, *Does the New York City Police Department Deserve Credit for the Decline in New York City's Homicide Rates? A Cross-City Comparison of Policing Strategies and Homicide Rates*, 33 Colum J L & Soc Probs 265, 273 (2000).

[8] Consider John E. Eck and Edward R. Maguire, *Have Changes in Policing Reduced Violent Crime? An Assessment of the Evidence*, in Alfred Blumstein and Joel Wallman, eds, *The Crime Drop in America* (Cambridge 2000); Jeffrey Fagan and Garth Davies, *Policing Guns: Order Maintenance and Crime Control in New York*, in Bernard E. Harcourt, ed, *Guns, Crime, and Punishment in America* (NYU 2003); Bernard E. Harcourt and Jens Ludwig, *Broken Windows? New Evidence from New York City and a Five-City Social Experiment*, 73 U Chi L Rev (forthcoming 2006); Bernard E. Harcourt, *Illusion of Order: The False Promise of Broken Windows Policing* (Harvard 2001); Bernard E. Harcourt, *Policing Disorder*, 27 Boston Rev 16–22 (Apr/May 2001); Andrew Karmen, *New York Murder Mystery: The True Story Behind the Crime Crash of the 1990s* (NYU 2000); George L. Kelling and William H. Sousa, Jr., *Do Police Matter? An Analysis of the Impact of New York City's Police Reforms*, 22 Civic Report No 22, Manhattan Institute Center for Civic Innovation (Dec 2001), available at <http://www.manhattan-institute.org/html/cr_22.htm> (last visited Feb 22, 2005); George L. Kelling and Catherine Coles, *Fixing Broken Windows* (Free 1996); Andrea McArdle and Tanya Erzen, eds, *Zero Tolerance: Quality of Life and the New Police Brutality in New York City* (NYU 2001); Eli B. Silverman, *NYPD Battles Crime: Innovative Strategies in Policing* (Northeastern 1999); Ralph B. Taylor, *Breaking Away from Broken Windows: Baltimore Neighborhoods and the Nationwide Fight Against Crime, Guns, Fear, and Decline* (Westview 2001).

In this literature, the NYPD appeared to be the lead protagonist and crime reduction the dominant plot in New York City's urban renewal of the mid- to late-1990s.[9]

But is that right? Did the NYPD's "broken windows" policing really lead the urban renewal in New York City? Did order-maintenance policing trigger the redevelopment of Times Square? Did aggressive misdemeanor arrests transform the city's Skid Rows? Or was it the other way around? Were the leaders or instigators, instead, high-end commercial and residential real estate developers? Or the commercial, media, and entertainment enterprises that captured Times Square? Or the urban planners who, many years earlier in the late 1970s and 1980s, designated this blighted area for massive development? Could it be that real estate redevelopment reconfigured crime patterns in New York's Red Light district, producing the crime reduction? Was the crime drop a mere byproduct of enhancing or protecting real estate investments? And if so, how come people moved into these disorderly urban areas when they were still in such a condition of blight, crime, decay, and homelessness? Who were the urban pioneers who moved in first? Could it be that they had a taste for disorder and deviance?

It is, naturally, difficult to disentangle the chronological and causal arrows between crime and real estate. The two are so intimately related. The story of Times Square, for instance, fits within a larger historical narrative concerning the ebb and flow of real estate values—a story that runs through "white flight" in the 1960s and 1970s, inner-city urban decay in the 1970s and 1980s, and a gradual return of young professionals to the inner core, as well as gentrification of the lower-Manhattan, Downtown, and warehouse districts.[10] This account has important political economic dimensions, including the loss of manufacturing jobs, factories, and light industry in the city, resulting in a healthy supply of large, convertible, loft spaces.

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[9] Kelling and Sousa, *Do Police Matter* at 187–89 (cited in note 8).

[10] For a general discussion, see Traub, *The Devil's Playground* (cited in note 5).

In this larger story, crime and real estate *values* are inextricably linked. Wesley Skogan's research on police beat meetings in Chicago confirms that home-owners, as compared to renters, are disproportionately interested in crime and policing in their neighborhood, and as a result are disproportionately represented at local police precinct beat meetings.[11] Similarly, in his research on community policing in Seattle, Steve Herbert found that a small set of "regulars"—consisting of a handful of white, middle-aged property owners quite unlike their neighbors—dominated community police meetings.[12] A recent study by Amy Schwartz, Scott Susin, and Ioan Voicu, *Has Falling Crime Driven New York City's Real Estate Boom?*, demonstrates a link between crime and real estate *values* in New York City.[13] Though the authors suggest that the media portrayals were a bit exaggerated, they find that reduced crime in New York City positively affected real estate values.[14] Specifically, the authors found that "falling crime rates are responsible for six percentage points of the overall 17.5 percent increase in property values that New York City experienced from 1994 to 1998."[15] Other factors that contributed, they found, include education quality (3.8 percentage points) and subsidized housing investment (3.2 percentage points), with about 4.5 percentage points not well explained by their model.[16] The authors concluded that "the popular story touting the overwhelming importance of crime rates has some truth to it. Falling crime rates are responsible for about a third of the post-1994 boom in property values."[17]

But there is more to the correlation. As Schwartz, Susin, and Voicu suggest, "[t]he story is incomplete."[18] According to their research, the simple narrative—namely, that lower crime causes increased real estate values—"ignores the revitalization of New York City's poorer communities" as well as the important role

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[11] See Wesley Skogan, *On The Beat* 175–76 (Westview 1999) (reporting that beat meeting participants appeared to be fairly affluent, with more than 80% owning their homes).

[12] See Steve Herbert, *The Unbearable Lightness of Community: Police, Urban Residents, and the State-Society Relation* 4 (forthcoming Chicago 2006).

[13] Amy Schwartz, Scott Susin, and Ioan Voicu, *Has Falling Crime Driven New York City's Real Estate Boom?*, 14 J Housing Research 101, 102 (Fannie Mae 2003), available at <http://www.fanniemaefoundation.org/programs/jhr/pdf/jhr_1401_schwartz.pdf> (last visited Feb 22, 2005).

[14] Id at 102.

[15] Id.

[16] Id.

[17] Schwartz, Susin, and Voicu, 14 J Housing Research at 102 (cited in note 13).

[18] Id.

that "housing subsidies played in mitigating the earlier bust."[19] The focus on real estate *values* does not do justice to the processual dynamics of how a neighborhood is redeveloped, gentrified, or commercialized. It does not begin to scratch at the dynamic relationship between real estate *redevelopment* and crime. There are crucial intervening steps: significant investments by commercial and residential real estate developers, political initiatives by city planners, and competing efforts by not-for-profit homeless agencies to secure housing for their clients. The cover may well be crime and crime reduction. But under that cover, there is a tumultuous battle over real property, resulting in economic restructuring of these disorderly neighborhoods. In this more complete story, the most important players are high-end commercial and residential real estate developers, city urban planners, and non-profit housing advocates for the homeless. The police and their policing are ancillary.

For purposes of exploring this hypothesis, Los Angeles's Skid Row offers an ideal case study—an ongoing and uncontrolled experiment in an *extremely* disorderly downtown area.[20] The fact is, still today, L.A.'s Skid Row is *unreconstructed.* It is described, accurately, as a "wretched"[21] area where thousands of destitute, mentally ill, and drug-dependent human beings sleep on the sidewalks, pitch tents, make shelters and encampments out of discarded cardboard boxes, urinate and defecate in the street, engage in open sex, and wander about, trolling shopping carts overflowing with all their earthly possessions. Walking through L.A.'s Skid Row, winding around and between fifty tents and

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[19] Id.

[20] My initial interest in issues concerning Skid Row in Los Angeles began when I was contacted by Michael Katz, a partner at the law firm of Morrison & Foerster, in December 2003. Morrison & Foerster represented several homeless individuals who claimed to have been physically abused by the private security forces of the Business Improvement District ["BID"] associations in the Skid Row neighborhood, and had filed suit in the case of *Armando Cervantes, et al. v. International Services, Inc., et al,* No. BC220226 (Cal Super Ct March 27, 2002). Morrison & Foerster asked me whether I would be willing to testify as an expert rebuttal witness to George L. Kelling, who had been retained as an expert by the defendant BIDs to offer testimony on the broken-windows theory and the positive externalities of enforcing quality-of-life offenses. I agreed to testify as a rebuttal witness on the condition that my fee—pegged to George Kelling's $300 hourly fee—be donated to two not-for-profit institutions (one a non-profit law center, the other an educational institution, neither of which works in the area of homelessness or policing). The case settled pre-trial three months later and my involvement in the case ended. As a result, at my request, I was not compensated in any way by Morrison & Foerster and, thus, not compensated by Morrison & Foerster for any of this research.

[21] Carla Rivera, *Midnight Mission Growing Even as Downtown Gentrifies,* LA Times B1 (Dec 15, 2003).

box-homes on a *single* side of a *single* street, in the shadow of the nearby luxurious Downtown office buildings, is truly a surreal experience in modern America.[22] According to George Kelling, in a deposition in January 2004, the area looks like a "Third World country."[23] It has all the markers of what qualifies as "disorder" under the broken-windows theory: "aggressive panhandling, street prostitution, drunkenness and public drinking, menacing behavior, harassment, obstruction of streets and public spaces, vandalism and graffiti, public urination and defecation, unlicensed vending and peddling."[24] A private security guard for the local Business Improvement District ("BID"), Corporal Michael Jackson of International Services, Inc. ("ISI"), recounts: "We deal with encampments every day. . . . I've got about 50 encampments all on one street. And at 441 Towne, I have about 50 encampments as a group, from 35 encampments on one side across the street."[25]

According to most observers, L.A.'s Skid Row has not changed much over the past decade. It remains, today, in a condition far worse than the most disorderly neighborhoods of New York City in the early 1990s. But the complexion of L.A.'s Skid Row is beginning to change. A number of high-end renovated loft condominiums and rentals, as well as edgy hotel spaces, are beginning to appear on L.A.'s Skid Row. And significant luxury loft development is taking off in adjacent neighborhoods, such as the neighboring Garment District, in South Park, on Bunker Hill, and in Little Tokyo. In the process, a conflict is brewing between those high-end loft developers and the non-profit SRO-operators advocating for the homeless. The key battles taking place now, and I predict in the coming years—battles that will shape the future of L.A.'s Skid Row—are *not* between the LAPD and ag-

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[22] This is based on personal observation, but for additional verification, see Deposition of Michael Jackson, *Cervantes v International Services, Inc*, No BC220226, 65 (Cal Super Ct filed June 19, 2002) ("Jackson Deposition") ("Every day we deal with encampments. . . I've got about 50 encampments all on one street."). Jackson is a corporal for International Services, Inc. ("ISI"), the private security agency for the BID in the area.

[23] Deposition of George L. Kelling, *Cervantes v International Services, Inc*, No BC220226, 24 (Cal Super Ct filed Jan 9, 2004) ("Kelling Deposition").

[24] Kelling and Coles, *Fixing Broken Windows* at 15 (cited in note 8). The only missing element is "squeegeeing," but that does seem to be a distinctively New York thing.

[25] Jackson Deposition at 65 (cited in note 22).

gressive panhandlers, but between the loft developers and the non-profit SRO-operators.

For its part, the LAPD has engaged for many years in regular sweeps of L.A.'s Skid Row with no real effect. The larger Los Angeles area, as a whole, experienced remarkable drops in crime during the 1990s, despite the fact that the LAPD was embroiled in controversy and wracked with internal discord—from the Rodney King beating in 1991, through the Rampart scandal in 1998, to the federal consent decree in 2000.[26] Somewhat surprisingly, reported crime decreased significantly in most parts of L.A. and, depending on the time frame and crime category, L.A. crime rates witnessed even greater declines than New York City. Between 1991 and 1998, for example, Los Angeles experienced a slightly greater drop in its robbery rate (down 60.9 percent) as compared to New York City (down 60.1 percent).[27]

In the Skid Row and adjacent areas, however, crime has been more elusive: across most categories of reported UCR Part I crimes,[28] the Skid Row area did not experience this larger wave of decreasing crime.[29] In terms of robbery offenses, Skid Row and its vicinity was the *only* area of the eighteen police districts in L.A. to experience an increase in crime between 1997 and 2002.[30] Yet, despite the sticky crime problem in Downtown Los Angeles, Skid Row is experiencing high-end real estate development—which suggests, again, that crime and policing may not be the catalysts of urban renewal.

L.A.'s Skid Row is at the heart of an urban struggle that may reveal how America's disorderly urban neighborhoods experience change. It is a battle over land and lofts, and it covers everything from zoning to public toilets. In this sense, L.A.'s Skid Row affords a window to observe in slow motion—*in real time*—how an urban downtown area becomes gentrified. And in the process, how issues of homelessness intersect with urban renewal. I emphasize *in real time* because the changes are occur-

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[26] For an excellent overview of the chronology of the Rampart scandal, see *Rampart Scandal Timeline*, PBS Frontline, available at <http://www.pbs.org/wgbh/pages/frontline/shows/lapd/scandal/cron.html> (last visited Feb 22, 2005).

[27] Fox Butterfield, *Cities Reduce Crime and Conflict Without New York-Style Hardball*, NY Times A11 (Mar 4, 2000) (reporting statistics compiled by Alfred Blumstein).

[28] *Uniform Crime Report* Part I offenses include murder, rape, robbery, aggravated assault, burglary, theft, motor vehicle theft, and arson. See *Summary of the Uniform Crime Reporting (UCR) Program*, <http://www.fbi.gov/ucr/cius_03/pdf/03sec1.pdf>; <http://sbi2.jus.state.nc.us/crp/public/UCRProgram/text.htm> (last visited Fed 22, 2005).

[29] See Table 4.

[30] See Table 5.

ring as I write, and neither I nor anyone else knows how L.A.'s Skid Row will ultimately evolve, if at all. In this sense, I offer a preliminary snapshot in this article—a rich description of the present condition of L.A's Skid Row.

But I also highlight one salient fact, a fact somewhat buried in the debris and disorder of L.A.'s Skid Row, a curious artifact that may significantly influence the trajectory of the Row over the next decade. Somewhat surprisingly, amidst the rancor and acrimony in the battle between developers and homeless advocates, there is an odd and uncomfortable, a dark, perhaps even sardonic alignment of interests that may ultimately ease or facilitate the transition to gentrification of Skid Row. The advocates for the homeless and the non-profit SRO-operators, naturally, want to buy as much real estate on the Row as possible in order to increase the housing stock for low-income tenants and to maintain Skid Row *as Skid Row*. Oddly, the high-end real estate developers may share this desire to retain the *Skid Row flavor*. For it is precisely that Skid Row flavor that gives the neighborhood its edginess, that makes it feel like Manhattan—at least, like the old, 1970s, edgy, lower-Manhattan that attracted urban pioneers in the early days of Soho and TriBeCa, of the Lower East Side and the East Village. It is precisely that juxtaposition of high-end lofts and homeless beggars that gives L.A.'s Skid Row a trendy, urban, edgy, *noir* flavor that is so marketable. To be sure, if the developers succeed in gentrifying parts of Skid Row, at some point the neighborhood will go upscale mainstream, as most of those formerly-edgy neighborhoods did in New York City, especially Soho and TriBeCa. But the point is, right now, the two opposing forces—the real estate developers and the homeless advocates—may not be entirely in head-to-head conflict. The developers are potentially more accommodating of the homeless than the homeless advocates are of the developers. And that may end up promoting or easing the gentrification. What will happen in the next decade, though, is unpredictable.

In this article, I document the present. I make a record, with photographs, interviews, maps, and observations of L.A.'s Skid Row as it is today. Drawing on the tradition and methods of critical socio-legal studies,[31] I also explore the constitutive dimensions of deviance. I investigate the possible attraction that disorderliness and criminality may have to today's urban pioneers. I explore the idea that deviance and disorder may become, in some corners, a consumable good to urban dwellers.[32] And I do this by drawing on numerous hours of personal observation on the streets of L.A.'s Skid Row, on interviews of service providers, homeless persons, city officials, homeless advocates, real estate developers, and others connected to the situation on L.A.'s Skid Row, on media accounts, and on published data about crime and real estate in the area.

I explore what it is like to be on Skid Row—on the streets and in the lofts—to advocate for the homeless, as well as to redevelop the neighborhood. I listen carefully and reproduce here the voices of the chief protagonists in the real estate battles. I try to see Skid Row through their eyes, hearts, and minds, and to let them speak directly to you, the reader. I present them, warts and all. I also pore over crime, public health, urban planning, and real estate statistics. And I draw as well on a rich set of materials, documents, and reports produced in litigation over the private policing of Skid Row, including numerous depositions of police officers, private security guards, service providers, local merchants and property owners, experts, and other persons associated with L.A.'s Skid Row.

My project, very simply, is to unveil the deeper conflicts brewing under the surface of L.A.'s disorderly Skid Row, to explore the intriguing attraction to disorderliness, and to turn crime and deviance on its head. Downtown L.A. presents fertile ground to observe, document, probe, and analyze the transformation of a disorderly neighborhood. I represent in this article the "before," and let others gesture to an "after."

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[31] See Calvin Morrill, et al, *Seeing Crime and Punishment Through a Sociological Lens: Contributions, Practices, and the Future*, 2005 U Chi Legal F 289, 297–99 (Harcourt describing the plasticity of critical socio-legal research).

[32] In fascinating new work, my colleague, Lior Strahilevitz, is exploring the role of club goods in residential segregation. One reading of his work suggests that disorder and crime may serve as an exclusionary club good that keeps mainstream residents (the non-urban pioneers) out of the Skid Row area. See Lior Strahilevitz, *Exclusionary Amenities in Residential Communities* (forthcoming 2005).

I. WALKING THE STREETS OF L.A.'S SKID ROW

Alice Callahan is an old-time grassroots community organizer. A former nun, Callahan has been fighting full-time for the rights of the homeless on L.A.'s Skid Row since the early 1980s and part-time before that. Her base of operations: Las Familias, a day-care facility located on Skid Row that serves the children of immigrant sweatshop workers in the nearby Garment District. Alice Callahan is the founder and now a board member of the Skid Row Housing Trust, a not-for-profit housing organization that owns and operates a number of "hotels" on the Row—or what are more properly called single-room occupancy ("SRO") rental apartment buildings.

On a sharp, sunny day, temperatures in the mid-70s, Thursday, January 22, 2004, Alice guides me through Skid Row, pointing out the landmarks.[33] She draws my attention to her favorite hotels—those she helped renovate and refurbish for the poor. Alice is proud of her hotels, she tells me, they are clean, they are well-kept, they smell good, they look gentrified. "We fix up these buildings," Alice tells me. She asserts:

> The nicest parts of the Row are the buildings we fixed up. We planted trees. We stopped the [drug] activity from running in and out. It used to be when you had bad neighbors like this, you would just tear the buildings down. But all that did was exacerbate the homeless problem. So we are actually trying to solve the problem.[34]

We stop at the Produce Hotel on Seventh and Central—at the southeastern corner of Skid Row—owned and operated by Callahan's Skid Row Housing Trust ("the Trust"). Mike Alvidrez, the manager of all the Trust hotels, shows me around.[35] The building is a long, two-story building surrounded by palm trees. It looks like a motel, but without the doors on the outside. Inside, there are 95 units of housing. Mike walks me through the laundry room and hallways. They are all very clean and newly

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[33] Interview with Alice Callahan (cited in note 1).

[34] Id.

[35] Michael Alvidrez is the director of the management company that forms part of the Skid Row Housing Trust. See Deposition of Alice Callahan, *Cervantes v International Services, Inc*, No BC220226, 126 (Cal Super Ct filed Nov 18, 2003) ("Callahan Deposition").

painted. They smell of detergent. Mike takes me into Room 101, a vacant room. It's about eight-by-ten feet. It reminds me of a dorm room. Modern. Simple. There's a bed, a desk, a chair, a standing armoire—all in light wood, perhaps compound. The walls are white. The light streams in the window. There's not much to see, really. The bathroom is separate, down the hall. It's communal. A co-ed, one-user bathroom, with a shower and toilet. It, too, smells like cleaning product. Other than that, we walk through kitchens and communal areas, and back out to the palm trees.

Room 101 at the Produce Hotel rents out on a monthly basis for $56. That's the rate if you are on general relief, which comes to an income of about $223 per month. To get general relief, you have to work forty hours per month doing community service, unless you have a valid excuse. You can stay on general relief for nine months out of twelve. The rest of the time, you have to find another source of income. Some of the units are market rate—$298 per month. That's for people, for example, on Social Security disability.[36] Like Alice, Mike Alvidrez is proud of his hotel. It is clean, safe, and honest. There are no bad smells, so common in homeless missions and housing. No trash or litter. It is inviting. And that's what Alice wants: "What I want is for people to drive through Skid Row and see an area that looks gentrified, but is for the poor," she tells the *L.A. Business Journal*.[37]

Alice explains to me:

> Housing is the major issue on the Row, as opposed to the homeless. [Skid Row] is an endangered low income housing community. There is nobody in this city, or probably any city anywhere in the United States, who builds housing for a single adult whose total income is a general relief check for $223. Nobody builds housing for those people. So it's not that it's wonderful to keep everybody here on the Row. But nobody is building housing for them

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[36] Interview with Michael Alvidrez, Skid Row Housing Trust, in Los Angeles (Jan 22, 2004) (on file with author).

[37] John Brinsley, *Aiding Immigrants on Skid Row is Calling of Activist*, LA Bus J 42 (July 19, 1999).

> elsewhere. And it's not just the housing unit, but also having the services you need to make it possible to get by on $223 a month. Remember, once you have used up your unemployment, the next income available is $223. So where would any of us go to live with $223?
>
> When you think about it in the abstract, all Skid Row is, is the last place in the community that a person goes if you do not have family and you do not have money. That's where you find pretty cheap housing, free food, and free clothing. That is all that Skid Row is, wherever it is. So saving this housing is critical.
>
> All I can do is save the existing housing for the people who are there now. Saving housing, creating nice housing for people, that doesn't solve the drug problem, that doesn't solve the crime problem, doesn't solve the unemployment problem, but until people are living in places of dignity with safe, clean housing, they can't even begin to work on those other problems.[38]

The Skid Row Housing Trust now owns and operates about nineteen hotels, and they are all substantially similar. The Trust started operating around 1988, when Alice Callahan successfully lobbied City Hall to stop owners from demolishing their SROs and enlisted the Los Angeles Community Redevelopment Agency ("CRA") to fund, along with other public sources, the purchase and renovations of the SROs into low-income housing units.[39] Callahan founded the Trust at the time, and it purchased deteriorating SROs and renovated and converted them into subsidized low-income housing units. By 1999, the Trust had about fifteen hotels and managed real estate valued at about $88 million.[40] In late January 2004, at the time of my first observations, the Trust owned and managed about nineteen hotels for a total of about 1,100 low-income housing units on Skid Row.[41] Another

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[38] Interview with Alice Callahan (cited in note 1).

[39] Brinsley, *Aiding Immigrants on Skid Row is Calling of Activist*, LA Bus J at 3 (cited in note 37).

[40] Id.

[41] Danny King, *City Center Ruling Stalls Affordable Plan*, LA Bus J 3 (July 14, 2003).

not-for-profit agency, SRO Inc., owns and operates another twenty hotels.

All in all, there are approximately sixty-five SRO hotels on Skid Row, owned and operated by an assortment of different organizations. About 45 hotels, or almost 70 percent of the units, are run by not-for-profits—including the Trust, SRO Inc., and a few other non-profit organizations that have about three or four hotels. The rest are owned and operated by for-profit owners. These private hotels are congregated mostly on Main Street. Large, tall buildings, they make up about one third of the housing on Skid Row.[42] Most of the smaller non-profit SROs are distributed evenly throughout Skid Row and form a solid web of low-income housing.

The area is also home to many service providers, including homeless missions, treatment programs, and service centers. There's the Weingart Center, the Salvation Army, the Union Rescue Mission, the Los Angeles Mission, Midnight Mission, the Catholic Workers' Hospitality Kitchen—better known as the "Hippie Kitchen"—the Downtown Drop-In Center, and many other services. Tom Gilmore, a real estate developer, calls this "the only city-designated homeless service provider area in the nation. . . . [The City specifically put all the services here] with the notion that centralizing homeless services would somehow provide a more efficient system."[43] Between the SROs and the homeless services, the area is a densely-woven fabric of low-income housing and service providers. This is reflected in the following map of Skid Row, coded in black for SROs and grey for service providers for the poor and homeless.

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[42] See Interview with Alice Callahan (cited in note 1).

[43] Interview with Tom Gilmore (cited in note 2).


SKID ROW HOTELS
SKID ROW SERVICES
N
MAIN STREET
CENTRAL AVENUE
SAN PEDRO STREET
SOUTH BROADWAY
THIRD STREET
FOURTH STREET
LOS ANGELES

"Skid Row" refers specifically to this ten-by-five block area to the east of the downtown sky-scrapers, an area bordered by Main Street to the west, Seventh Street to the south, Alameda Street to the east, and Third Street to the north.[44] The term "Skid Row," though, is highly contested today.[45] Alice continues to use the street name "Skid Row" with a vengeance, but recognizes that,

> Everybody is trying to change the perception. I mean the battle between what you call it. We keep saying "Skid Row." They keep saying "Central City East." And then you got all of these other silliness, the "Toy District." You know everybody is naming things. It's all about real estate and perception. If they can just change the perception. . . .[46]

Alice guides me next to the Salvation Army on Fifth Street, a large imposing structure. The center offers a number of programs from alcohol and drug detox to reentry for men. Across the street are programs for women.[47] "Do you see the sprinklers?" Alice asks me. "What sprinklers?" I respond. "Look up, about eight feet. Those sprinkler heads. Right there. Do you see them?" The Salvation Army has installed sprinklers on the side of its building to clean the streets, with the curious result, of course, that the homeless no longer sleep on that sidewalk. The sprinklers go off at random times during the night.[48]

Alice warns me not to be duped by the missions and service providers. "The missions have to be seen *not* as Mother There-

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[44] Id.

[45] The term "Skid Row" apparently "comes from 19th-century logging jargon. Skid Road was the track logs were sent down. Later—before entering urban slang as any city section that draws the unemployed, the hobos and society's cast-offs—Skid Row meant the place unemployed loggers congregated." Arthur Jones, *Complex Reality at Street Level: Training Immigrants as Garment Workers*, Natl Catholic Reporter 12 (Oct 12, 2001).

[46] Interview with Alice Callahan (cited in note 1).

[47] See Deposition of Conrad Watson, *Cervantes v International Services, Inc*, No. BC220226, 19–21 (Cal Super Ct filed Nov 4, 2003) ("Watson Deposition").

[48] Apparently the sprinklers have been around for a while now. Mike Davis, author of *City of Quartz—Excavating the Future in Los Angeles* (Verso 1990), explains that "the aggressive deployment of outdoor sprinklers" is an invention tracing back to the mid-1980s. Mike Davis, *Essay: Afterword—A Logic Like Hell's: Being Homeless in Los Angeles*, 39 UCLA L Rev 325, 331 (1991). "Several years ago the city opened a Skid Row micropark," Davis explains. "To ensure that it could not be used for overnight camping, overhead sprinklers were programmed to drench unsuspecting sleepers at random times during the night. The system was immediately copied by local merchants to drive the homeless away from (public) storefront sidewalks." Id at 331.

sas," Alice emphasizes, "but as major multinational corporations."[49] She feels the same way about many of the providers:

> There's a Salvation Army over on Fifth Street which runs a detox program, people come from all over the county to that. They have sprinklers on the building, so if the homeless dare to sleep outside their building, they will sprinkle them. When the portable toilet was put out for the homeless, they objected and had it moved from their building. That's the Salvation Army.
>
> We have Union Rescue Mission, which built its multimillion dollar program, and they have these big rooms. . . with about 300 people, you go through a showering process, sort of like a George Orwellian kind of places back in London, in England. . . .
>
> No agency on the Row has gone from being a small, street level, work-with-the-people kind of place to being the same kind of place when they're big. . . . Now we have these huge missions, huge multinational corporations, even the smaller non-profits are all big multimillion dollar businesses now. . . . They don't have a sense of the neighborhood, they haven't been here that long—now they're just hiring directors. Directors come and go. They come for a couple years, they move on to something else. . . . They don't even know what's going on. They don't understand the issues.[50]

We pass next by the Weingart Center, at the corner of San Pedro and Sixth Street. The windows appear almost boarded up, the building is not inviting, but there are many destitute people waiting outside for treatment and programs. I next visit the Downtown Drop-In Center on San Julian Street. Operated by the Volunteers of America, the center offers showers, cots, laundry services, and classes for the homeless. I also explore the "Hippie Kitchen" run by the Catholic Workers—a group of about eight men and women who live off-site in a house together where they get room and board free and paid maybe about $5.00 a week. Catherine Morris tells me about their programs—the lunches they serve at the Hippie Kitchen, the meals they serve on the

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[49] Interview of Alice Callahan (cited in note 1).

[50] Id.

streets and at the AIDS clinic at the County Hospital, the medical programs they offer, the dentist check-ups, the needle exchange program, and the Mobile Eye Clinic.[51] Equally important are the carts they give out to the homeless, retro-fitted with pressed plastic that says "Los Angeles Catholic Worker" and armed with a sign: "These carts belong to L.A. Catholic Worker and are available for use by any homeless person." The idea is to try to prevent the Business Improvement District ("BID") security from confiscating the property of the homeless—an ongoing, pitched battle and the source of much litigation.[52]

Then off to the missions, large and small. First, the Union Rescue Mission. I walk into the men's side of the mission, through the large waiting room—partially filled by homeless men waiting for what, I am not sure—and into the hallways. The smell is overpowering: a rancid odor that feels like it is going to stick to my clothes. I try not to breathe, to make it out of there without inhaling. Out, finally, and past another mission, this one much smaller. The chaplain is at the door, welcoming passers-by. He invites me in. He's proud of his mission—of the prayer room that serves as a waiting area, and of the little make-shift chapel. There are lots of religious posters and signs on the walls—12-step program aphorisms, religious proverbs, a shepherd intended to comfort. All the activities here revolve around salvation.

As I walk through Skid Row, I notice the "bum-proof" bus stops. These are, as Mike Davis explains, the "Rapid Transit District's new barrel-shaped bus bench, which offers a minimal surface for uncomfortable sitting while making sleeping impossible."[53] At the corner stand three portable toilets. Apparently, the placement of the portable toilets was an eight-year saga. Former mayor Richard Riordan allocated twenty-six port-a-johns to Skid Row, but he insisted that they be lined up side-by-side. Alice Callahan disagreed, believing that it would be better to have them scattered throughout the Row. So each night, Callahan and others from the Catholic Workers would uproot the portable toilets and distribute them around the neighborhood. Each morning, the street sanitation department would put them back in a line.

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[51] Interview with Catherine Morris, in Los Angeles (Jan 22, 2004) (on file with author).

[52] The confiscation issue was at the heart of the *Cervantes* litigation. See Third Amended Complaint for Declaratory and Injunctive Relief and Damages, in *Cervantes v International Services, Inc*, No BC220226 at ¶123 (Cal Super Ct filed Mar 27, 2002).

[53] Davis, 39 UCLA L Rev at 331 (cited in note 48).

This went on for a long time, until the city finally gave in and allowed them to be distributed throughout Skid Row.[54] Alice explains this all to me, and then, with a sparkle in her eye and a sly smile, complains that the three portable toilets are too congregated.

I walk down another block and notice the BID private security forces. They wear red shirts, and, not surprisingly, are known in the neighborhood as the "Red Shirts." The color of their shirt tells them apart from private security in adjacent areas—and, at the same time, tells you what neighborhood you are in. The "Red Shirts" patrol Skid Row. The "Purple Shirts" patrol the Downtown Central Business district and the Historic Core area. And the "Yellow Shirts" patrol the Garment District, which is south of Seventh Street.[55]

The Red Shirts are equipped with batons and spray and handcuffs.[56] Some carry guns. The BIDs want the supervisors to carry guns at night for safety.[57] Some of the Red Shirts are on bicycles, others travel by foot, and still others work in patrol vehicles.[58]

I watch two Red Shirts on bikes as they follow—hovering closely—a homeless man transporting five carts of his property, mumbling to himself, swearing at them. He's taking all his property somewhere down the next street, one cart at a time, sweating profusely, talking loudly. I offer a greeting, and I get a rambling, offended—and offensive—tirade about the Red Shirts and carts and property and life and homelessness. The homeless man has no time for me. He has to move his five carts, serially. And the Red Shirts watch, like me, them making sure he keeps on moving, and doesn't stop to encamp.[59]

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[54] See Jones, Natl Catholic Reporter at 12 (cited in note 45).

[55] Deposition of Daniel Wayne Campbell, *Cervantes v International Services, Inc*, No BC220226, 36 (Superior Ct of Cal filed Nov 18, 2003) ("Campbell Deposition"). As Sergeant Campbell of the LAPD explains, the "yellow shirts" patrol the Fashion District, the "purple shirts" patrol the Historic District, and the "red shirts" patrol the CCEA District.

[56] Observations of January 22, 2004. See also Jackson Deposition at 16 (cited in note 22) (stating that Jackson, a corporal for ISI, carries baton and handcuffs).

[57] Deposition of Tracey Lovejoy, *Cervantes v International Services, Inc*, No BC220226, 34–35 (Cal Super Ct filed May 20, 2002) ("Lovejoy Deposition").

[58] See id (describing the "Red Shirts" as "broken down [into] two or three entities, one is bike, security control, and then they have a cleanup crew that basically goes out with the street cleaner [to] steam clean the sidewalks, and basically pick up trash and stuff on the city streets and sidewalk").

[59] I also stop by the Central City East Association ("CCEA") storage facility. The CCEA is the local BID. They have a new multi-purpose storage space that they created to deal with the homeless encampments in the area. They offer bins—large green garbage bins—for homeless people to use to marshall their property. In the far back of the facility,

As late afternoon rolls around, the conditions on Skid Row seem to deteriorate. More and more boxes, tents, and encampments pop up on the side of buildings. It's about 5:00 p.m. now. It's starting to get dark. I walk down San Julian, what some call the "epicenter" of Skid Row. There are congregations of destitute men, mostly African-American, sitting, lying, crouching, or standing along the sides of the streets. Some come toward me offering to sell drugs. Others, uncomfortable at my gaze, shuffle around, seeming to hide things. People are building their encampments for the night. Boxes, tents, tarps, rope, blankets—it is getting very busy. One encampment sets up next to the other. The Row is getting ready for another night.

The conditions on Skid Row are, as the *L.A. Times* tells us, "wretched."[60] San Pedro Street cuts through the core of the Row. On the street, the *Business Journal* reports:

> Dozens of men and a few women loiter along the sidewalks. A few lonely souls are sprawled across the pavement or curled up in doorways. Several sit on milk crates, in small groups or alone. Some stare blankly ahead. Others raise their voices in animated conversations with their buddies or with the voices inside their heads.[61]

As the *L.A. Times* reports, "Come nightfall, rows of makeshift cardboard shelters line the sidewalks on Sixth, San Julian and San Pedro streets."[62] On occasion, the homeless urinate and defecate in public view on the sidewalk.[63] During the day, they transport their worldly possessions in multiple shopping carts on the streets.[64]

The *L.A. Times* did a photo spread a few weeks before my arrival, on December 16, 2003. The Weingart Center also has a

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behind some wire fencing, is an LAPD quasi-secure storage facility for confiscated property. See also Deposition of Charlie Beck, *Cervantes v. International Services, Inc.*, No BC220226, 17 (Cal Super Ct filed Nov 24, 2003) ("Beck Deposition"). Sergeant Daniel Wayne Campbell of the LAPD Central Division, the unit that covers Skid Row, explains: "we're basically using it . . . any time that we arrest an individual with a bunch of property that was too big to be placed in a conventional property bag, [this] excess property would be tagged and stored at that location under our supervision." Campbell Deposition at 25 (cited in note 55).

[60] Rivera, *Midnight Mission Growing*, LA Times at B1 (cited in note 21).

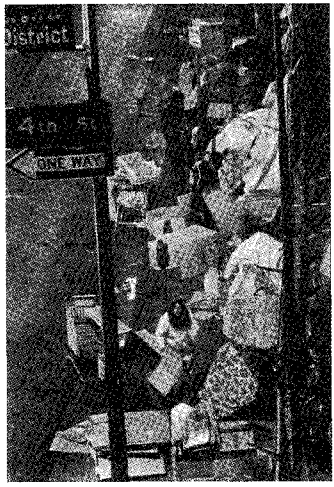
[61] Rick Henderson, *L.A.'s Lowest Rung*, LA Bus J 1 (Dec 13, 1999).

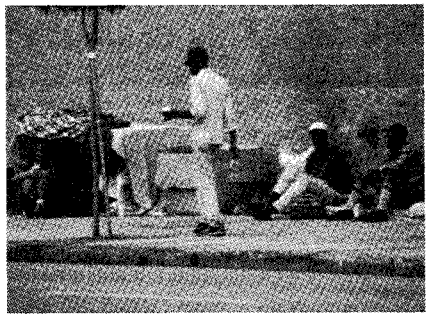
[62] Rivera, *Midnight Mission Growing*, LA Times at B1 (cited in note 21).

[63] Callahan Deposition at 59–60 (cited in note 35).

[64] Id at 66.

few pictures of the Row on its website.[65] These pictures accurately reflect what the Row looks like. The wall-to-wall encampments, the rows of homeless and destitute, the ill. "A woman in ragged clothes, pus and blood running from a burn on her leg, was lying on the sidewalk, mumbling incoherently."[66] A destitute man in a wheelchair, his head locked back, mouth gaping open, drooling, wheezing, with bloated ankles and fleshy, pussing wounds on the side of his legs. L.A.'s Skid Row is truly a shocking sight.





I drive through Skid Row later that evening. The streets are full, with easily forty or more encampments on the side of a single street. I drive again down the Row the next evening, January

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[65] *Photos of Skid Row*, Institute for the Study of Homelessness and Poverty at the Weingart Center Association, available at <http://www.weingart.org/center/about/skidrow.html> (last visited Feb 22, 2005).

[66] Bill Boyarsky, *Homeless: A Cause Liberal L.A. Runs From*, LA Times M3 (Mar 2, 2003).

23, 2004, and the streets are again lined with homeless people sleeping in tents, cardboard boxes, under tarps and between grocery carts. I return and make similar observations on the nights of September 9th, 10th, and 11th, 2004. The streets are just as full.

In the late evening of September 10, 2004, just before midnight, I walk through Skid Row with Tom Gilmore, the real estate developer, and Fabian Núñez, the speaker of the California assembly. Núñez, a resident of Gilmore's loft building nearby, joins us by coincidence. Again the streets are full, and drug crime is rampant and readily apparent. Here is a portion of the audio tape from that walk, just past midnight, the early morning of September 11, 2004:

Núñez: That young girl's got to be nineteen. . . .

Gilmore: Nineteen.

Harcourt: Where?

Núñez: In that pile of boxes over there. Making sure nobody. . .

Anonymous: How you gentlemen doing? Are you guys lost, bros?

Gilmore: No, no. (Laughs) We know where we're going. We're about as lost as you. . .

Anonymous: You know that's right. (Laughter)

Gilmore: Have a good night. That's the Union Rescue Mission right here. . . . [They put up about] 1,200 a night. Different people. They have programs. . .

Harcourt: So, this is Winston and what?

Gilmore: Winston and Wall. . .

Harcourt: Who are those two guys in front of us?

Gilmore: Buying, probably. Nice crack pipe there. This is one of the only places around that the dealers drive to the users, as opposed to the other way around. Most places, if you are a user, you drive and you find your

dealer and they make a sale. Here, dealers come in. Everybody comes to the dealer. They buy. The dealer drives out.

Harcourt: Now, we are basically surrounded here by people who are sleeping on the street.

Gilmore: Yep.

Núñez: Yep.

Gilmore: People who look like. . . they're at bottom tonight. . . .

Harcourt: That guy is buying, right? I mean, right there, right there.

Gilmore: Yeah. Yeah.

Harcourt: I mean, he just. . .

Gilmore: [muffled] This is dangerous. Get over here. Get close. Get over here. [muffled]

[muffled conversation]

Gilmore: You don't want to get caught in the middle of them. That's all.[67]

These observations of the Row are by no means unique. Bill Boyarsky, who teaches political science at the University of Southern California, recounts walking on San Julian up Fifth Street: "Crack was being sold in front of the Los Angeles Mission, kitty-corner from the Central Division police station. Dealers offered us heroin as we headed toward Main and Spring Street."[68] Donald Kanner, the owner of City Seafoods at 531 Towne Avenue—on the Row—describes how at "12 o'clock at night it looks like the 4th of July there are so many people, all you can see is their pipes lit up."[69] Joe Greco, the manager of a wholesale distributor on Skid Row, describes having eighty

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[67] Interview with Tom Gilmore (Sept 10, 2004) (cited in note 2).

[68] Boyarsky, *Homeless: A Cause Liberal L.A. Runs From*, LA Times at M3 (cited in note 66).

[69] Deposition of Donald M. Kanner in *Cervantes v International Services, Inc*, No BC220226, 19 (Cal Super Ct filed Nov 24, 2003) ("Kanner Deposition").

homeless people living behind his building, some carrying a mattress to have sex on.[70]

George Kelling describes Skid Row succinctly: "To put it in the broadest terms, it looked like a Third World country and I was stunned when I first saw it."[71] Kelling first toured the area with the new police commissioner, William Bratton, and the mayor, James Hahn, and was particularly struck by the open sexual activity, homeless encampments, trash and litter—including condoms, needles and syringes—the drug dealing, drug use, and apparent blocking of sidewalks. According to Kelling, Skid Row is to Los Angeles today what the subways and Grand Central Station were to New York in the late 1980s.[72] "It is," Kelling explains, "a terribly littered area ranging from drug paraphernalia to abandoned food and plates and garbage. Again, . . . I was struck by it looking like a Third World country [in terms of the] level of disorderly conditions and disorderly behavior and the extensity."[73]

There is, on Skid Row, according to the business leaders, "a pervasive sense of lawlessness" that manifests itself through "open sexual activities, trash, abandoned and unattended property, blocking the sidewalks, blocking access to commercial establishments, the inability to open gates because people were up against them, the frightening array of shoppers and users of the area."[74] There is also a significant amount of "physical disorder" as defined by the "broken windows" theory. A recent city redevelopment plan offers an interesting overview of the blighted conditions in the area.[75] The following statistics give an idea of Skid Row, though they cover a larger area that only captures the western half of the Row. According to the CRA, 539 of the 1,483 buildings (or 36 percent) are deteriorating structures that are either in dilapidated condition or require extensive to moderate rehabilitation; 1,273 of the 2,148 parcels in the area (or 59 per-

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[70] Deposition of Joe S. Greco in *Cervantes v International Services, Inc*, No. BC220226, 84, 9 (Cal Super Ct filed Nov 10, 2003) ("Greco Deposition").

[71] Kelling Deposition at 24 (cited in note 23).

[72] Id.

[73] Id at 51.

[74] Id at 41.

[75] David E. Janssen, *Preliminary Report—Redevelopment Agency of the City of Los Angeles City Center Redevelopment Project (First and Second Districts)*, in Letter from David E. Janssen to Supervisors Yaroslavsky, Molina, Burke, Knabe, and Antonovich (Apr 5, 2002) (on file with author).

cent) exhibit characteristics of physical blight and are classified as either deteriorated or deferred maintenance.[76]

Estimates of the number of homeless on the streets of Skid Row on any night vary considerably, but range in the several thousands—an astoundingly large number for a fifty-square-block area.[77] According to the Los Angeles Economic Roundtable, homeless persons in the county of Los Angeles make up a greater proportion of the overall population (0.30 percent) than for the United States in general (0.23 percent).[78] On a typical night in Los Angeles County, the Roundtable estimates that more than 78,000 persons are homeless.[79] Approximately 84 percent of those homeless—or 65,000 people—are in the central city area.[80] The fifty-square-block Skid Row area, it is estimated, is home to approximately 8,000 of those displaced persons.[81] The *L.A. Times* puts the number at about 5,000 people living on the streets of L.A.'s Skid Row: "In Los Angeles pup tents, blankets and cardboard boxes pack downtown sidewalks after dark. As many as 5,000 people live on the 50 square blocks that are just minutes from City Hall."[82] According to other reports, the fifty-square-block area has about 11,000 inhabitants, of which about 7,000 live in the sixty-five or so SRO hotels. That's where Alice Callahan puts her estimate, and it leaves about 4,000 people living on the street.[83] As such, Los Angeles probably has the largest Skid Row in the country.[84]

Many on Skid Row are addicted to drugs. This is clear just from walking the streets—day or night. Larry Adamson, the president of Midnight Mission, estimates that about 80 percent of the homeless in the area are addicted to drugs or alcohol:

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[76] Id.

[77] Carla Rivera, *Homeless Often Take A One-Way Street to Skid Row*, LA Times A1 (Nov 30, 2002).

[78] Patrick Burns, Daniel Fleming and Brent Haydamack, *Homeless in LA: Final Research Report for the 10-Year Plan to End Homelessness in Los Angeles County*, Economic Roundtable at 67 (Sept 2004), available at <ftp://ftp.economicrt.org/homeless_in_la/Homeless_in_LA-Final_Report.pdf> (last visited Feb 22, 2005).

[79] See id at 76.

[80] See id at 78.

[81] Rivera, *Midnight Mission Growing*, LA Times at B1 (cited in note 21) (noting that about 8,000 homeless people live in the central city area).

[82] Richard Winton and Kristina Sauerwein, *LAPD Tests New Policing Strategy; Chief Picks Three Areas as Proving Grounds for His 'Broken Windows' System to Fight Crime*, LA Times B1 (Feb 2, 2003).

[83] Interview with Alice Callahan (cited in note 1).

[84] See Jones, *Complex Reality at Street Level*, Natl Catholic Reporter at 12 (cited in note 45).

"About 80 percent of the people who come here have several kinds of drug and alcohol problems. (And) mental illness and drug abuse often overlap with each other."[85] Crack was the preferred drug in 1999, because it was the least expensive. According to Captain Stuart Maislin, then LAPD area commander for the Central Community police station on Skid Row, "Most of it on Skid Row is crack, some of it is heroin."[86] And the line between the homeless on the street and those living in the SROs, Alice Callahan explains, is a fine one. "They are often the same person," Alice states.

> The difference between them might be that a room is available or not available. . . . So the sidewalks are full of all kinds of guys. Full of guys who cannot get in [the SRO] because the housing has a waiting list. . . . They have no where to go. You'll have guys who could not care less about anything cause they are just too drugged out and can't get themselves together to go into a room. You have guys on the Row who are mentally ill and can't get themselves together to go into a room. You have guys who are dealing, like one of the guys here in the wheelchair, but he's also dying of diabetes and won't take care of himself. . . . He just doesn't have it in himself to get himself together to do anything about his life at this point. So it's a combination of the guys you have out here. . . . The same kind of people you are going to find in the hotels are the same people you will find outside.[87]

One consequence, research indicates, is that the Central City area suffers from higher mortality rates due to AIDS, suicide, homicide, and cirrhosis of the liver as compared to the county as a whole, and that there are higher reported rates for practically all infectious diseases there than in the general population.[88] "Compared to Los Angeles County as a whole, AIDS in the Central Health District is 2.9 times higher, hepatitis B is 2.4 times higher, syphilis is 3.5 times higher, and tuberculosis is 3.4

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[85] For a general discussion, see Henderson, *L.A.'s Lowest Rung*, LA Bus J at 1 (cited in note 61).

[86] Id.

[87] Interview of Alice Callahan (cited in note 1).

[88] Michael R. Cousineau, et al, *The Health and Mental Health Status & Access to Care for the Homeless Adults and Children in Central Los Angeles* 6 (USC 2003), available at <http://www.usc.edu/schools/medicine/departments/family_medicine/community health/pdfs/Weingart_final.qxd.pdf> (last visited Feb 22, 2005).

times higher."[89] The rate of drug-related deaths in the Central City is about 10 percent higher than the county as a whole, and medical providers estimate that "80 percent of their patients have substance abuse disorders or other health problems exacerbated by substance abuse."[90]

II. SPACIOUS SKID ROW LOFTS FOR SALE OR RENT

At the corner of Main and Fourth Street, spitting distance from the larger privately-owned SROs, stands the newly-renovated San Fernando Building. It's a beautiful eight-story turn-of-the-century building that has been refurbished with spacious loft apartments, 70 units in all including the penthouse. The façade is ornately decorated with painted friezes and molded cornices. The sunlit expansive lofts have high ceilings and a modern exposed-pipe look, original detail, and new ceramic. The renovated 1906 lobby bears a 22-foot ceiling and an elegant tile floor.[91]

On the ground floor, signaling the building's trendy style, is Pete's Café, an American-style eatery with tables on the sidewalk and a fancy bar on the inside. The outside patio sports elegant, Parisian-looking chairs, a red modern awning, and a well-trimmed row of potted plants. A Dean & Deluca-looking grocery store sits off to the side with fresh fruit in baskets facing the street. A private guard wearing a loud neon "security" jacket stands at the ready in front of the lofts.

Tom Gilmore is the real estate developer behind all this. He is, in the words of the *Los Angeles Magazine*, the "much-talked-about developer."[92] And, in all likelihood, he is the person most highly invested in gentrifying the core Skid Row area. Tom Gilmore is described as being "among a new wave of developers buying up architectural dinosaurs throughout the city core, intent on transforming it into a thriving urban center, complete with hot boutiques, cool nightclubs and young, creative professionals who

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[89] Id.

[90] Id at 7.

[91] To see a photo spread of the San Fernando building, lofts, and lobby, visit <http://www.laloft.com/lofts/san_fernando/index.php>.

[92] Jack Skelley, *Brokedown Palace—Renovation of the El Dorado Hotel*, LA Magazine 100 (Nov 1, 2000). See also Roseanne Dubin, *Reviving L.A.'s Historic Core* 92 (Urban Land 2000); *Los Angeles/Long Beach Metropolitan Area Market: Selected References*, MetroPacket No. 412, 213 (2001) (describing Tom Gilmore's central role in the development of the downtown Historic Core).

want nothing to do with the suburban landscape of Southern California."[93]

Tom sees himself a little differently, as an urban pioneer. On a late Friday night, September 10, 2004, sitting at the outside patio of Pete's Café, Tom tells me:

> Urban pioneers are a different kind of animal. They really are. They accept the state it is in, with the knowledge that that will change. . . . You have to be an urban animal [to appreciate this aesthetic]. . . . There is a raw beauty to even this. . . . Winston and Wall. That will turn into something someday. I look at cities like impressionist painters look at landscapes. It all gets a little fuzzy and then I can see what I need to see.[94]

Pete's Café is a happening place. The clientele is young, urban, edgy. They're wearing lots of black. Young professionals, mingling, networking, moving from table to table. And Tom seems to know everyone—or at least, he seems to be known by everyone. People stop by to say hello, chat, shake his hand, show off their dog, tell a joke. It's almost midnight. As I sit on the street patio interviewing him, tape recorder in hand, a young man butts into the conversation. It's Fabian Núñez, speaker of the California Assembly. "37 years old," Fabian Núñez tells me. "I'm the first person in the history of California to become speaker after their first year of being elected," he explains.[95] Fabian Núñez lives in one of Tom Gilmore's loft buildings on Skid Row. Fabian seems enamored by Tom. He calls him "the renaissance man."[96] Referring to the private SRO owners and what he refers to as the "28-day shuffle"—the practice of kicking renters out of the private SRO apartments after 28 days to avoid any rights attaching—Fabian Núñez is careful to distinguish, and protect his friend: "Tom could have done that, probably made a lot more money than [he's] making now."[97] The feelings are mutual. "He's the second most powerful man," Tom whispers to me, out of Fabian's earshot. "He's unbelievable. He's key to the future

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[93] Rose Apodoca Jones, *Downtown Happening; Los Angeles and the Apparel Industry*, WWD 14 (Aug 21, 2000).

[94] Interview with Tom Gilmore (cited in note 2).

[95] Id.

[96] Id.

[97] Id.

of certainly Los Angeles and maybe California. He's a really great guy."[98]

Tom has a good working relationship with people in power, including the former mayor, Richard Riordan, who put him on the city's Homeless Services Authority. He is, Tom tells me, a different kind of real estate developer, a developer who is trying to address the homelessness issues. He explains:

> Today I'm in probably one of the weirder positions of any developer in America in that before I became a developer I was a commissioner for the Los Angeles Homeless Services Authority, the joint city county authority that handles all the services for homeless providers throughout the county of L.A. I just resigned this past month after 6 years from the housing authority commission. So I come from a weird place which is that I'm actually interested in the issue of homelessness apart from my interest in development and how they coincide. Clearly there's been a place where they intersect. But I've really had a good worms-eye view of one of the most dysfunctional social environments in America, and I've also been in the forefront, oddly enough, of the development that now brings it to the fore in the conversations that Los Angeles is having now about homelessness, and development identification and the interaction.
>
> . . . I asked the mayor, then mayor Riordan, to be on the homeless service authority because I knew that there was an opening in it and I've always had a pretty active social conscience. As soon as I came Downtown, it became apparent pretty quickly that it is the huge festering sore in L.A. and amazingly enough the city has been able to ignore it for a long, long time. But I didn't see it as something that can be ignored and so I wanted to get involved with it. That and my whole development thing really were very independent at the time, because I hadn't begun doing any residential development at all.
>
> I don't believe it's solvable like a chronic illness is solvable ultimately. But I do think its something that we need to have an impact on. It's something that should be dealt with, treated, addressed without the notion that you can

[98] Interview with Tom Gilmore (cited in note 2).

> necessarily solve it. Certainly you have to deal with it head on.[99]

And Tom Gilmore embraces that challenge—the challenge of addressing the tough questions, of dealing with the hard issues—with gusto and enthusiasm. On our midnight walk through Skid Row, Tom tells me: "for me, I welcome [the challenge], oddly, in a weird way. Cause it's sort of like, people say, 'Oh, there's no great challenges anymore.' Oh really? (Laughing) Oh really? There are no great challenges anymore? (Laughing) Heh?"[100] I chalk it to him being originally from New York City. No, he interrupts. "Irish."[101]

Tom Gilmore has now redeveloped the San Fernando Building at the corner of Fourth and Main. This is the first major high-end loft space to be opened in the area, and the first to give the Row a new flavor of black-clothed, edgy, urban professionals. The media reports: "'This is really a city,' beamed developer Tom Gilmore to the several hundred downtown-based professionals, residents and local politicians gathered to celebrate the opening . . . of the San Fernando Building" in early August 2000.[102]

Tom is also renovating and leasing lofts across the street in what he calls the "Old Bank District." Gilmore bought the entire block of office buildings bordered by Fourth, Main, Fifth, and Spring Streets and is turning it into apartments.[103] The Los Angeles County Economic Development Corporation—whose mission is to "attract, retain and grow businesses and jobs in the regions of LA County, as well as to identify trends and effect positive change for the local economy"[104]—refers to the "Old Bank District" residential development as the "poster child" for the new "conversion of older office buildings into 'loft' style units, thanks to the City's Adaptive Reuse Ordinance."[105]

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[99] Id.

[100] Id.

[101] Id.

[102] Jones, *Downtown Happening*, WWD at 14 (cited in note 93).

[103] Skelley, *Brokedown Palace*, LA Magazine at 100 (cited in note 92).

[104] Jack Kyser, *2004 Economic Overview and Forecast, Downtown Los Angeles, Los Angeles County, CA* at cover page (Los Angeles County Economic Development Corporation 2004).

[105] Id at 12. According to Dubin, the adaptive use ordinance "deals directly with preserving the architectural integrity of historical buildings. The ordinance, which was passed in 1999, encourages developers to build residential units downtown by, among other things, making historic buildings exempt from California Environmental Quality Act planning department reviews and from Americans with Disabilities Act (ADA) re-

Tom is also a partner in the renovation of the El Dorado along with Cedd Moses and Marc Smith, "two veterans of L.A.'s nightlife scene."[106] The plan there is, for $25 million, to "turn the dusty, forgotten 1914 El Dorado into a chic hotel and restaurant complex in one of the most rundown parts of downtown."[107] According to reports in the *Los Angeles Magazine*:

> The El Dorado provided the opportunity for Gilmore, Smith and Moses to join forces. The trio will not only turn it into a bar and hotel complex, they will break through walls to Gilmore's other buildings on the block so that the spacious two-story entry hall and grand staircase will share ground-floor space with a row of bars and restaurants fronting the street.[108]

Tom emphasizes to me that he is *not* taking any housing away from the poor. He is adamant about that: "The problem with Alice Callahan," Tom tells me, "is that she's not interested in the reality anymore. . . . These are *empty* buildings. We have *never* taken one person out of one building ever in our lives, and yet we are constantly portrayed as gentrifiers, and somehow we are tossing out homeless. . . . *Never in our lives.*"[109]

I argue with Tom:

> Harcourt: But, I take it that [Alice Callahan] would say, it's not that you are taking someone out of their apartment, it's that by increasing property values you make it impossible for. . . .
>
> Gilmore: . . . It's absurd for her to make that case because . . . it means that every empty building should remain empty forever? That, frozen in time, we shall all remain. The key is that, when these buildings change, as they do, and we are part of that change, how do you do it? Do you do it in a responsible way?

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quirements above the first floor." Dubin, *Reviving L.A.'s Historic Core* at 92 (cited in note 92). The ordinance also relaxes fire and life-safety requirements, as well as several other city residential codes regarding parking, height and floor-area space requirements, and commercial corner development. Id.

[106] Skelley, *Brokedown Palace*, LA Magazine at 100 (cited in note 92).

[107] Id.

[108] Id.

[109] Interview with Tom Gilmore (cited in note 2).

> You know, does she recognize the fact that half the people who work for me in my company are all formerly homeless. That we train the homeless. That we brought jobs for the homeless. That we create housing for the homeless. That our next project is 20 percent low income affordable and 80 percent moderate income affordable.

Harcourt: Is that around here?

> Gilmore: Yeah. Half a block, right on Spring Street. But I mean, her—and I hate to sound cliché—her paradigm is dead. That paradigm is so over, where it's about super poor people and super rich people and there is nothing in between. And I am one of the strongest advocates in the state of California for housing. Mixed-income housing separates those who can't afford high-end housing, but live a life that is amendable to a neighborhood.[110]

The real solution, Tom argues, is mixed income housing,[111] because that's what will help those who are working, but have low incomes. "The working poor are the most extraordinarily important group of people," he maintains, "because they are either the foundation of the new community or they are the foundation of the soon-to-be-homeless and that's a group you have to deal with radically. But you can't all put them in a hole. Like the one in Chicago that got tore down. . . . It didn't work in New York in the projects. It didn't work in the Bronx. . . ."[112]

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[110] Id.

[111] Tom Gilmore explains how mixed-income housing is supposed to work:

> 80 percent of [the] units are market rate. Salt and peppered throughout your apartment complex, randomly almost but not, are 20 percent affordable apartments, same finishes, same look, same door, no brightly colored doors . . . [You get into affordable housing if you have] half of median income. So, for a family of four, an apartment should cost 1,200 dollars a month and you're going to pay half that, pay 600, that's not super low, super low is to some extent a different issue, it's really much more difficult to take off out of 100 percent affordable. But 50 percent of median income is not hard to include and that's the most important group of people who are borderline, who are not substance abusers, do not have mental illnesses, they are simply working poor.

Id.

[112] Id.

It's not clear, though, whether Skid Row is going to get mixed-income housing. High-end residential lofts for young professionals are cropping up all around Skid Row. Some are even showing up on the Row itself. Walter Beaumont, assistant project manager at the Community Redevelopment Agency ("CRA") reports that there is great demand for loft space in the Downtown area, due primarily to the changing demographics of the home-buying population.[113] Young professionals without children are much more open to living in an urban environment than families with children.[114]

And the demand is being met—at least on the high-end side. To the southwest, many of the garment factories are closing down.[115] The jobs are being exported, and the factories are being converted into residential loft space.[116] On the northeast, galleries and art spaces are popping up, bringing with them live-in artist studios.[117] New lofts are also coming on-line in the adjacent neighborhoods of Little Tokyo, Bunker Hill, and South Park. The Downtown area is literally blooming with residential developments.[118] And the marketing often draws on New York City appeal. The sales pitch frequently splices in a reference or two to New York. Take a look, for instance, at The Barry Lofts, on Fifth Street in the "Arts District" near Skid Row. The lofts are billed: "Los Angeles Lofts. . . New York style!"[119]

The Downtown Center Los Angeles BID published a list on the Internet of "Development Projects" in the greater Downtown Los Angeles area in September 2004.[120] The list included more than $5.3 billion in renovation and construction costs for commercial and residential properties.[121] The new and renovated residential loft space in the Downtown area is on or near Skid Row.[122] The list includes the following projects:

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[113] Interview with Walter Beaumont, Assistant Project Manager, City Center Redevelopment Project, in Los Angeles (Mar 12, 2004) (on file with author).

[114] See id. The people who are moving in "report that they work downtown, depend on city transportation to get around, enjoy the diversity of city life, and are looking for urban amenities." Dubin, *Reviving L.A.'s Historic Core* at 92 (cited in note 92).

[115] Interview with Walter Beaumont (cited in note 113).

[116] Id.

[117] Id.

[118] Id.

[119] Barry Lofts website at <http://barrylofts.com> (last visited Aug 31, 2005).

[120] Downtown Center Los Angeles BID, *Development Projects Greater Downtown Los Angeles*, available at <http://downtownla.com/frame.asp?mainPage=pdfs/econ_residential/DT_ProjectPipeline.pdf> (last visited Feb 22, 2005).

[121] See id.

[122] See id.

LIST OF LOFT DEVELOPMENTS IN GREATER DOWNTOWN LOS ANGELES MARCH 2003

Name	Address	Developer	No. of lofts
The Pegasus	612 S. Flower St.	Kor Realty Group	322
Orsini Apartments	Figueroa & Sunset	G.H. Palmer Assoc.	297
Bartlett Building	215 W. 7th	Mini LLC	139
South Park Lofts	816 S. Grand Ave	Martin Building Co.	56
1300 S. Figueroa	(same)	Tri Cal Construction	100
Higgins Building	108 W. 2nd Street	LADT LLC	143
Little Tokyo Lofts	420 S. San Pedro St.	Peterson & Tansey	161
Flower Street Lofts	1140 S. Flower St.	CIM Group	91
The Gas Company Lofts	810 S. Flower St.	CIM Group	251
The Coulter & Mandel Bldgs.	SWC Olive & 7th St.	Moussa & Mary Peykar	51
5th & Broadway	501 S. Broadway	Mini LLC	280
Orpheum Lofts	842 S. Broadway	Steve Needleman	37
Hope Street Lofts	SWC Hope St. & Olympic	Florence Enterprises LLC	30
The Piero	616 S. St. Paul Street	G.H. Palmer & Associates	225
Stock Exchange Building	618 S. Spring Street	Oxford Street Properties	2 floors
El Dorado Hotel	416 S. Spring St.	Gilmore Associates	66
Grand Promenade Apartment, Phase III – Parcel M2	NWC Grand Ave. & Gen. T. Kosciuszko Way	Community Redevelopment Agency	300-400
Grand Promenade Apartment, Phase II – Parcel L	SWC Grand Ave. & Gen. T. Kosciuskzko Way	Community Redevelopment Agency	300-400

Santa Fe Loft II	121 E. 6th St.	Kor Realty Group	98
The Sassony Building	626 S. Spring St.	Dromy Investment Corp.	Office building
The Market Lofts	Flower, 9th Street	CIM Group	500
The Yards	4th St. & Traction Ave.	Dynamic Builders	6-story
Main Mercantile Bldg.	620 S. Main Street	Igdaloff Trust (Harold Igdaloff) Oxford Street Properties	42
1st & Alameda	500 E. 1st St	Trammell Crow	800
Grand Avenue Lofts	NWC of 11th Street & Grand	CIM Group & The Lee Group	125
The Union	760 S. Hill Street	Heisman Properties	94
Irvine Byrne Building	249-259 S. Broadway	Oxford Street Properties	40
Mercantile Arcade Building	540 S. Broadway	Fifth Street Funding Inc.	143
Rowan Building Lofts	458 S. Spring St.	Gilmore Associates	209
Subway Terminal Bldg.	417 S. Hill St.	System Property Development Company Inc.	277
The Met Lofts	NEC 11th St. & Flower St.	Forest City Development	264
Security Building	510 S. Spring St.	Urban Pacific	153
Pacific Electronic Building	610 S. Main St.	ICO Investment Group, Inc.	314
Visconti	NEC of 3rd & Bixel St.	G.H. Palmer Associates	300
Victor Clothing Bldg. Lofts	242 S. Broadway	Clinton Financial Corp.	38
Santee Court	SEC Los Angeles St. & 7th Street	MJW Investments	Industrial buildings
Far East Café Bldg.	347-353 E. 1st Street	Little Tokyo Service Center Community Development Corp.	16
Library Court	630 W. 6th Street	Fidelity Investments	95
The National	SWC Grand Ave & 6th Street	Heisman Properties	94

The Douglas Building	257 S. Spring St.	Douglas Building LLC Pacific Enterprises (Downtown Properties Group)	50
Olympic Lofts	409 W. Olympic Blvd.	Michael & Gaz Gilardian	78

The Los Angeles County Economic Development Corporation ("LAEDC") reports that there is, as of February 2004, "substantial residential development" in the Downtown area, with "27 structures being converted and 7 new buildings under construction."[123] Many of those sites are outside Skid Row, though they are nearby it.[124] The forecasters note that there is a question as to how long this residential "boom," in their words, will last.[125] "The obvious market for Downtown residential is urban pioneers, young professionals, and empty-nesters," they observe.[126] "In addition, districts immediately adjacent to Downtown, such as Silver Lake, Echo Park, and Lincoln Heights have become 'hip.' So the Downtown housing boom could continue for some time."[127] On a less positive note, they add, "If there is any controversy in this trend, it is that most of the new housing is in market rate units. Community activists have pushed for more subsidized apartment units."[128]

About half a mile northwest of Skid Row are a number of new cultural institutions that are also affecting the character of the Downtown area.[129] These include the new Frank Gehry Disney Concert Hall, home to the Los Angeles Philharmonic, the new Roman Catholic Cathedral, and the Museum of Modern Art. This leads to a lot of optimism among some for the Downtown area as a whole. The County of Los Angeles suggests that:

> efforts to revitalize downtown Los Angeles are well underway, with a wide variety of projects currently scheduled including apartment, residential loft, hotel, restaurant, supermarket, retail, and office projects.[130] Down-

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[123] Kyser, *2004 Economic Overview and Forecast* at 12 (cited in note 104).

[124] Id at 14.

[125] Id at 12.

[126] Id at 13.

[127] Kyser, *2004 Economic Overview and Forecast* at 13 (cited in note 104).

[128] Id.

[129] Rivera, *Midnight Mission Growing*, LA Times at B1 (cited in note 21).

[130] David E. Janssen, *Statement of Objections to the Proposed City Center Redevelopment Project by the County of Los Angeles* (Apr 30, 2002), available at

> town Los Angeles currently has approximately 8,500 residential units. With new residential projects in the Historic Core and elsewhere, that number is expected to more than double to 19,000 residents by 2004.[131]

An article in the *Los Angeles Downtown News* in 2001 predicts a doubling of the residential market over a four-year period.[132] "Long-awaited amenities steadily began to follow," they write, "signaling a new life for the recovering metropolis."[133] Here is Roseanne Dubin, reporting for the *Urban Land*, as early as October 2000:

> According to the Downtown Center Business Improvement District (BID), it is estimated that by the year 2002, a staggering $3 billion-plus will have been invested in restoration projects in the city's historic core as well as in commercial building. With downtown Los Angeles now at the center of a massive rehabilitation endeavor, the question is whether Angelenos will be open to the idea of residing in a city known for dilapidated buildings and a 12-hour life cycle. City officials say "yes," and developers are banking on it.[134]

To be sure, given the blighted conditions on Skid Row and the larger surrounding area, real estate values remain slightly depressed. For instance, in 2002, office vacancy rates were at about 33.8 percent, in contrast to about 14.6 percent for the whole Downtown Los Angeles area.[135] Office lease rates stood at about $15.37 per square foot, lower than the average $23.99 per square foot for the Downtown area as a whole.[136] And the rents in the area (averaging at $1.75 per square foot) were apparently insufficient to provide a reasonable return (apparently about $3.00 per square foot would be required).[137] Nonetheless, indications are that the market is warming up. The average rents in the central city area actually increased almost 10 percent during

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<http://cao.co.la.ca.us/cao_reports_2002/cao_reports_05.02/05-01-02_statement_objection.pdf> (last visited Feb 22, 2005).

131 Id.

132 Id.

133 Id.

134 Dubin, *Reviving L.A.'s Historic Core* at 92 (cited in note 92).

135 Janssen, *Preliminary Report* at Attachment II (cited in note 75).

136 Id.

137 Id.

the period 2001-2003.[138] "The price of older downtown office buildings that can be converted to residential have increased to more than $50 a square foot from $25 a foot five years ago, according to Mark Weinstein, president of MJW Investment Inc., which is developing the $120 million Santee Court mixed-use project in the Fashion District."[139]

The city of Los Angeles did have plans to significantly invest in low-income subsidized housing in the area, but it is not clear whether those plans will materialize.[140] The CRA put together a $2.4 billion redevelopment project for the central city Downtown Los Angeles area known as the proposed City Center Redevelopment Project.[141] The proposed project area, which was approximately 879 acres in total, was bounded by Second Street to the north, San Pedro Street to the east, Figueroa Street to the west, and the Santa Monica Freeway to the south.[142] As such, it caught half of Skid Row in its ambit—the western portion, west of San Pedro Street, that includes the "Toy District."[143]

The redevelopment plan was ambitious. It included the acquisition and development of new commercial space, a convention center and industrial space (at a price tag of approximately $667 million), public infrastructure improvements, including the initiation of a historic trolley transit system (at about $260 million), the construction of cultural, educational and public art facilities (at about $98 million), as well as a significant infusion of resources for housing the poor, low- and moderate-income residents.[144] The housing allotment included $150 million for homelessness reduction and services, including the rehabilitation of 1,500 SRO units and the construction of mental health and homeless facilities, as well as $1.16 billion for the construction of new low- and moderate-income housing.[145]

The County of Los Angeles objected to the proposed City Center Redevelopment Project. They asserted that the project was an illegitimate way of trying to "obtain tax increment reve-

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[138] See King, *City Center Ruling*, LA Bus J at 3 (cited in note 41).

[139] Id.

[140] Janssen, *Preliminary Report* at Attachment II (cited in note 75).

[141] Daren Briscoe and Patrick McGreevy, *Los Angeles; Judge Deals Blow to Downtown Plan*, LA Times B3 (Jun 26, 2003) (noting that the plan "called for spending $2.4 billion over 30 years to assist developers in the construction of 12,900 units of housing . . . while also providing $150 million to help the homeless").

[142] Janssen, *Preliminary Report* at Attachment II (cited in note 75).

[143] Id.

[144] Id.

[145] See id at Attachment III.

nue to fund a public subsidy for the construction of the convention center hotel."[146] In other words, the county fought the project in order to keep the project from consuming tax revenues that would otherwise have gone to the county and its school districts.[147] The county maintained that "many urban theorists believe that master-planned, large-scale developments do not revitalize cities, and [that] alternative models have been more successful in revitalizing other cities."[148] A superior court judge ruled against the city and derailed the project in July 2003.[149] The CRA and city are appealing—primarily by challenging the findings concerning the blighted nature of the parking lots around the Staples Center.[150] However, their likelihood of success is uncertain.[151]

According to Tom Gilmore, though, the real problems of Skid Row involve *a lot more* than housing. They have to do with drug dependence, mental illness, physical battery, and they will not be resolved by building more SRO housing—especially if the housing is all clustered in one ghetto. Tom explains:

> Alice can't seem to differentiate between those people who are, for lack of a better word, "chronically homeless"—people who do have substance abuse issues, do have mental issue, who are battered wives, are a number of those things, who have problems and need assisted living, who need shelter *plus* care. That's a different animal, that's one step shy of hospitalization, and that's not what housing stock is all about.
>
> Housing stock is about creating the steps for affordable and moderate and market rate housing. . . . Special needs

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[146] Janssen, *Statement of Objections* at Executive Summary (cited in note 130).

[147] See King, *City Center Ruling*, LA Bus J at 3 (cited in note 41).

[148] Janssen, *Statement of Objections* at Executive Summary (cited in note 130).

[149] King, *City Center Ruling*, LA Bus J at 3 (cited in note 41).

[150] Interview with Walter Beaumont (cited in note 113).

[151] Id. The effect on the Skid Row Housing Trust seems to be unmistakable. The Trust had planned to build 700 to 900 low-income housing units over the next five years, using a portion of the funds to be invested in the City Center Redevelopment Project. But, because that project was derailed, the scope of the Trust's building plans will have to be scaled back by about two-thirds, according to James Bonar, the Trust's executive director. King, *City Center Ruling Stalls Affordable Plan*, LA Bus J at 3 (cited in note 41). Bonar states that "the CRA generally contributes between 20 and 30 percent of the $100,000-per-unit cost of the trust's projects." Id. While the demise of the redevelopment project thus significantly affects the non-profit development, in contrast the high-end loft developers are privately financed and their pursuits are not likely to be affected by the collapse of the CRA project. Id.

> housing, shelter *plus* care, all that, that's a different animal and that's something we would be in the same zone about [Alice and me]. The only place I would differ with her on that is centralizing it is horrible for everybody. It needs to be geographically dispersed.
>
> . . . Now, here's the question: If I build more housing, is that going to help that? This is not about housing. It is not about housing. It is about something way, way more complex. Problem is, who is going to be willing to deal with that level of complexity? Who?[152]

Who? Tom Gilmore, Tom tells me. He's the one having a positive impact on the Row. He's the one providing mixed-income housing. He's the one drawing attention to the plight of the homeless. He's the one bringing politicians and people with power—politicians such as Fabian Núñez—in *direct contact* with the problems of homelessness and disorder. He's the one coming up with solutions. Tom has a plan, he insists:

> [I]f there's a goal on my part, it is not to eliminate places like Union Rescue Mission, Weingart, Los Angeles Mission, Midnight Mission. But to focus on what is only half of what Giuliani and Bratton were doing. That is, to separate this notion of homelessness and criminality.
>
> The notion that . . . it is not criminal to be homeless is absolutely true. There is a parallel to it. . . . To a very large extent, many cities including New York, Philadelphia, Chicago and everything, would criminalize homelessness in an effort to stem criminal behavior amongst the homeless.
>
> And I think that fine line gets lost—that somehow criminal behavior is not okay whether it's in a homeless environment or in . . . a home "full" environment. . . . Homelessness in and of itself isn't a crime. There is crime in those areas, and it shouldn't get a de facto free ride in areas considered to be frequented by the homeless.[153]

But is crime really getting a free pass on L.A.'s Skid Row? What is the LAPD doing about disorder, drugs, and crime on the

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[152] Interview with Tom Gilmore (cited in note 2).

[153] Id.

Row? And how come the area is getting redeveloped if in fact street crime continues unabated? What *is* the relationship between the real estate development and crime?

III. THE LAPD AND CRIME TRENDS IN THE CENTRAL DISTRICT

L.A.'s Skid Row experiences a high rate of drug offending, and the area logs more drug sale arrests than most other areas in Los Angeles.[154] There are also high rates of disorderliness as specifically defined in the broken windows theory.[155] Public disorder offenses are rampant, in large part because so many people on the Row live *in public*. Public intoxication, public urination, public sex, public lewdness, loitering—these public crimes flourish on Skid Row, along with panhandling, encamping, and littering.[156] In terms of more serious UCR Part I crimes, it is difficult to get a reliable metric on Skid Row, particularly in comparison to adjacent or other areas of Los Angeles. The challenge stems primarily from the Row's low residential and geographic density as compared to its high spatial and commercial density. It is also difficult to assess the extent to which serious crimes are reported in the Skid Row area, particularly by homeless victims.

In terms of precinct comparisons, Skid Row is unique. It is a warehouse and light industrial district immediately adjacent to the busy Downtown skyscrapers. It has low residential density: once the warehouses and wholesale outlets close in the late afternoon, the area is effectively turned over to the destitute and homeless. At the same time, there is high spatial density. These are relatively large warehouses and businesses, without front or back yards. During the day, the area also experiences heavy population density, due to traffic from the adjacent financial downtown area, Chinatown, the Garment District, the Convention Center, and other highly populated day-time venues.

To the northwest, in the part of Skid Row that is being renamed the "Toy District," there are a lot of wholesale, Asian-import toy stores that sell retail as well, with a lot of beanie babies and other plastic toys in boxes on the sidewalk. Here, during the day, the sidewalks are cluttered with toys for sale and merchant goods. A few representative sidewalks look as follows:

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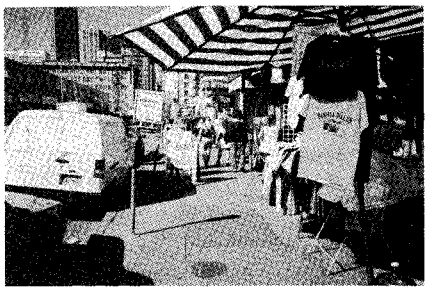
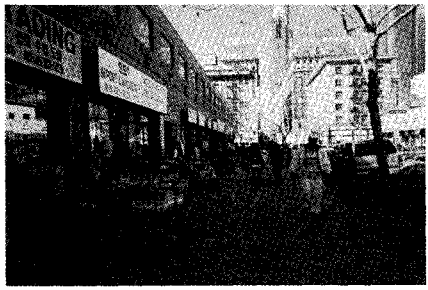
[154] Winton and Sauerwein, *LAPD Tests New Policing Strategy*, LA Times at B1 (cited in note 82).

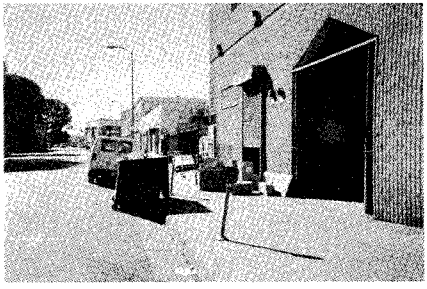
[155] Id.

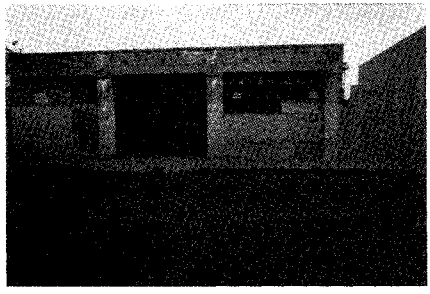
[156] Marla Dickerson, *Befouled Businesses Near LA's Skid Row Seek Relief in the Law*, LA Times B1 (May 30, 2000).



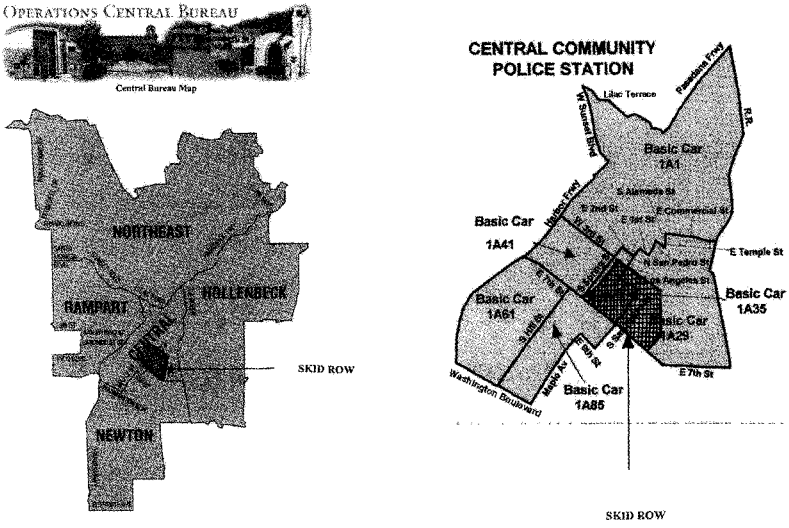


To the southeast, in the part of the Row being renamed the "Downtown Industrial District," there are warehouses and fish processing plants. Many of the warehouses are windowless. Others are abandoned. Boxes are strewn about. Here are a few representative sidewalks:





The geo- and demographic uniqueness of Skid Row is reflected in the LAPD's distribution of police resources—specifically, in the coverage of the police stations. Skid Row is covered by the Central Community Police Station, which is located in the heart of the neighborhood on Fifth Street and Maple, equidistant between San Pedro and Main Streets. Central Community police station serves not only Skid Row, but also the Downtown financial district, the Fashion District, Chinatown, Little Tokyo, the Convention Center, the Historic Core, and the emerging gallery district, and it is part of the Central Bureau, which also includes the Rampart, Hollenbeck, Northeast, and Newton Community Police Stations. A few maps put this all in perspective. The first map reflects the geography of the full Central Bureau, which includes the Central Community Police Station area at its center, and Skid Row (marked in crosshatch shading). The second map represents the Central Community Police Station coverage, which includes Skid Row (again marked with crosshatch shading).



As these maps illustrate, the Central Community Police Station covers more than just Skid Row. But Skid Row accounts for approximately a quarter of total UCR Part I offenses in the area covered by the Central Community Police Station. It accounts for approximately 30 percent of robberies and 42 percent of aggravated assaults. This is reflected in the following Table 1, which uses data from December 2003.

TABLE 1
Skid Row Reported Crime as a Proportion of Total Crime in Central Community Police Station Area (December 2003).

	Homicide	Rape	Robbery	Agg Assault	Burglary	B/T Auto	Pers Theft	Other Theft	Auto Theft	Total
Skid Row	1	0	17	32	7	12	6	22	7	105
Other	1	1	39	44	34	92	11	83	43	347
TOTAL	2	0	56	76	41	104	17	105	50	452
% Skid Row	50	0	30	42	17	12	35	21	14	23
% Other	50	100	70	58	83	88	65	79	86	77

Source: Part I Crimes by RD (28 Day Period) from 11/30/03 to 12/27/03
Aggravated Assaults exclude Domestic Violence (CC:223, 236)
The Report is Based on the Date of Occurrence of Crime
Skid Row = RD 135, 138, 144, 145, 146, 147, 148, 154, 155, 156, 157, 158, 164, 166
Exhibit to Kelling 2004.

Of critical importance is the fact that the area covered by the Central Community Police Station has the *lowest* population of any of the eighteen community police stations, the *lowest* street mileage of any station, and the *lowest* square mileage as well. These features are reflected in the following table listing the relevant statistics for the eighteen police station areas covered by the LAPD.

TABLE 2
Population and Size of Area Covered by LAPD Stations (2002)

COMMUNITY POLICE STATION	POPULATION	STREET MILES	SQUARE SQ. MI.
Central	42,978	139	4.89
Rampart	285,210	211	7.39
Hollenbeck	210,978	365	15.53
Northeast	265,675	636	29.25
Newton	152,372	247	9.79
Central Bureau	957,213	1,598	66.85
Southwest	175,816	301	12.37
Harbor	183,630	566	25.84
77th Street	187,536	298	11.31
Southeast	136,744	258	9.26
South Bureau	683,726	1,423	58.78
Hollywood	207,070	365	17.56
Wilshire	250,048	353	13.98
West L.A.	230,512	748	65.14
Pacific	214,886	544	25.62
West Bureau	902,516	2,010	122.3
Van Nuys	273,490	503	27.62
West Valley	316,468	905	54.51
N. Hollywood	234,420	511	24.84
N.Hollywood	234,420	511	24.84
Foothill	281,304	787	62.12
Devonshire	257,863	823	54.19
Valley Bureau	1,363,545	3,529	223.28
GRAND TOTAL	**3,907,000**	**8,560**	**471.21**

Source: LAPD 2002 Statistical Digest, page 1.2

Skid Row has the smallest residential population and geographic area, making inter-district comparisons inappropriate. It is, in this sense, extremely difficult to find a reliable metric to compare Skid Row—and the Central Community Police Station area more generally—to other areas of Los Angeles in terms of crime. The metric cannot be the residential population, nor geography—which show greatly disproportional crimes per capita or per mile—nor for that matter the number

of police officers assigned to the area, since that number is also metrically arbitrary insofar as it is determined by the police administration.

Nevertheless, a raw analysis of the reported crime figures for the Central Bureau, in comparison to the other police districts, reveals two important features.[157] First, in terms of raw numbers, the area covered by the Central Community Police Station has traditionally experienced roughly *average* levels of reported UCR Part I offenses as compared to other police stations. This is clear from Table 3 which records reported crimes for the year 2002 in the different districts.

TABLE 3
2002 Total Number of Offenses by Police Station

Police Station	Part I Offenses	Homicide	Rape	Agg Assault	Robberies	Burglary
Central	8046	17	53	1151	1213	742
Rampart	11019	46	100	2607	1492	1130
Hollenbeck	7411	49	28	1397	588	852
Northeast	9996	26	71	1466	704	1395
Newton	9717	49	58	1996	1172	1091
CENTRAL	46189	187	310	8617	5169	5210
Southwest	13699	52	92	2646	1442	1498
Harbor	8241	34	46	1530	584	1137
77th Street	11817	117	102	3425	1640	1420
Southeast	9389	65	93	2775	1269	1423
SOUTH	43146	268	333	10376	4935	5478
Hollywood	10933	24	87	1442	1116	1118
Wilshire	12970	31	99	2108	1437	1744
West L.A.	7112	12	40	652	431	1287
Pacific	10131	16	44	775	591	1365
WEST	41146	83	270	4977	3575	5514
Van Nuys	11648	11	62	1705	752	1656
West Valley	12312	20	56	1563	715	2046
No. Hollywood	11272	23	53	1456	682	1625
Foothill	9510	32	84	1907	637	1415
Devonshire	13118	23	50	1649	662	1886
VALLEY	57860	109	305	8280	3448	8628
CITY WIDE	188341	647	1218	32250	17127	24830

Source: LAPD 2002 Statistical Digest

[157] A more refined analysis using census tract/RD data is underway. But for present purposes, an overview of the reported crimes in the Central Community Police Station area gives an adequate background.

But second, and perhaps more importantly, the historical trend for the Skid Row area seems to be unique. Over the course of the past six years, the Central area has *not* seen the declines in crime experienced by other districts. Reported crime in the Central area has been sticky, despite the sharp declines in other districts. This is true for total UCR Part I offenses, but also true for individual reported crimes. In terms of robbery victimization, for instance, the Central area experienced an *increase* of 6 percent in reported robberies over the period 1997 to 2002, in contrast to a drop of 16 percent across the city overall, with some districts experiencing declines in reported robberies ranging from 26 to 34 percent.

The difference is quite remarkable: reported crimes have not gone down in the Skid Row and downtown areas. In some cases, they have even increased, despite measurable drops in other areas of Los Angeles. In fact, the contrast in general crime trends between Skid Row and the city of Los Angeles as a whole is striking. Across the city there have been substantial decreases in reported crime across the board for UCR Part I offenses from 1993 to 2002. Of particular note is the fact that UCR Part I crimes fell in each category during that ten-year period.

The contrast between trends in the Central area versus trends in the other police districts is reflected well in the following two tables:

TABLE 4
Longitudinal Crime Rates by Police Station:
Total Part I Offenses

Police Station	2002	2001	2000	1999	1998	1997	% change 1997 to 2002
Central	8046	8084	8154	7572	7636	8137	-1%
Rampart	11019	11893	10917	9677	10050	11622	-5%
Hollenbeck	7411	7098	7004	6828	7348	8178	-9%
Northeast	9996	9767	9486	8487	9087	10354	-3%
Newton	9717	9643	9152	8257	8885	9756	0%
CENTRAL	46189	46485	44713	40821	43006	48047	-4%
Southwest	13699	12466	11737	11255	11017	12874	6%
Harbor	8241	8241	8197	7149	7917	9442	-13%
77th Street	11817	11217	10740	10162	11032	11564	2%
Southeast	9389	8966	8983	8745	9031	10245	-8%
SOUTH	43146	40890	39657	37311	38997	44125	-2%
Hollywood	10933	10713	9669	9100	10567	12351	-11%
Wilshire	12970	13107	12510	12453	13619	16347	-21%
West L.A.	7112	7614	7526	6731	8366	9664	-26%
Pacific	10131	10607	11308	10996	13301	14531	-30%
WEST	41146	42041	41013	39280	45853	52893	-22%
Van Nuys	11648	11665	11013	10224	10910	14039	-17%
West Valley	12312	12545	11936	10879	12233	13484	-9%
No. Hollywood	11272	11335	10265	9335	10548	11926	-5%
Foothill	9510	9526	8641	7803	9655	10604	-10%
Devonshire	13118	12582	12245	11434	12136	11139	18%
VALLEY	57860	57653	54100	49675	55482	61192	-5%
CITY WIDE	188341	187069	179483	167087	183338	206257	-9%

Source: LAPD Statistical Digests

TABLE 5
Longitudinal Crime Rates by Police Station:
Total Robbery Offenses

Police Station	2002	2001	2000	1999	1998	1997	% change 1997 to 2002
Central	1213	1038	859	926	1014	1141	6%
Rampart	1492	1639	1379	1259	1300	1690	-12%
Hollenbeck	588	597	627	550	675	795	-26%
Northeast	704	764	743	572	685	919	-23%
Newton	1172	1171	1143	964	1017	1430	-18%
CENTRAL	5169	5209	4751	4271	4691	5975	-13%
Southwest	1442	1298	1210	1092	1180	1640	-12%
Harbor	584	547	490	515	519	696	-16%
77th Street	1640	1459	1395	1308	1346	1656	-1%
Southeast	1269	1186	1190	1009	1079	1461	-13%
SOUTH	4935	4490	4285	3924	4124	5453	-9%
Hollywood	1116	1118	1012	828	967	1416	-21%
Wilshire	1437	1380	1211	1231	1340	2016	-29%
West L.A.	431	444	405	384	441	651	-34%
Pacific	591	543	603	579	656	838	-29%
WEST	3575	3485	3231	3022	3404	4921	-27%
Van Nuys	752	742	626	609	748	935	-20%
West Valley	715	801	642	570	665	792	-10%
No. Hollywood	682	791	639	576	648	796	-14%
Foothill	637	712	575	548	612	694	-8%
Devonshire	662	819	730	665	731	763	-13%
VALLEY	3448	3865	3212	2968	3404	3980	-13%
CITY WIDE	17127	17049	15479	14185	15623	20329	-16%

Source: LAPD Statistical Digests

These tables reflect that reported crime—especially robbery—has remained a significant problem in the Central area.

As for policing, the LAPD Central Community station has engaged in quality-of-life enforcement and regular street sweeps of Skid Row for many years now, well before William Bratton assumed responsibility as police chief in October 2002.[158] Two massive sweeps, for instance, had been planned well in advance and were implemented in November and De-

[158] Megan Garvey and Richard Winton, *Bratton Touts a Year of Progress at the LAPD*, LA Times A1 (Oct 28, 2003) (noting that Bratton joined in 'sweeps' of parolees and homeless people after identifying Skid Row, MacArthur Park, and Hollywood as targets for his belief that attention to minor crimes lead to less major crime).

cember 2002.[159] In both, joint tactical teams of federal, state, and county officers, as well as probation and parole supervisors, went through the Skid Row hotels checking up on parolees in what resembled a Boston-style "Operation Night Light" intervention.[160]

According to the *L.A. Times*, an analysis of the resulting 185 arrests showed that "parole violators made up most of the arrests, a majority of which were of people who had been convicted of drug offenses. In addition to the 185 arrested, 100 people were issued citations, mostly for minor infractions."[161]

But even putting aside these massive sweeps, the LAPD performed order-maintenance policing regularly and routinely. Captain Charlie Beck, who's been with the LAPD for 27 years and, up until June 2003, was assigned to Central, reports that on a daily basis the sanitation department would clean streets in Skid Row accompanied by two or three police officers who, together, would attempt to clear the streets of property, tents, and encampments.[162] The police routinely enforce jaywalking and other kinds of quality-of-life offenses. As Sergeant Campbell of the LAPD explains, the police regularly get called out on "illegal encampments; sleeping in doorways of businesses; campfire lighting; loitering; lying, sleeping on the sidewalks in front of businesses; blocking pedestrians' walkway; . . . taking clothes off, bathing, dressing in the streets, panhandling, begging from customers coming in and out of businesses . . . [or] [e]ntering businesses and becoming a disturbance."[163] Alice

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[159] Deposition of Robert Erlenbusch in *Cervantes v International Services, Inc*, No BC220226, 138 (Cal Super Ct filed Jan 20, 2004) ("Erlenbusch Deposition"). See also Winton and Sauerwein, *LAPD Tests New Policing Strategy*, LA Times at 1 (cited in note 82). Robert Erlenbusch, the executive director for the Los Angeles Coalition to End Hunger and Homelessness, recounts how one of his staff members, who lived in an SRO, was caught in one of these massive sweeps and how traumatic the experience was for him. See Erlenbusch Deposition at 162.

[160] See Indira A.R. Lakshamanan, *Team Effort Slows Tide of Youth Violence in City*, Boston Globe A1 (July 22, 1996). "Operation Night Light" in Boston put probation officers on the streets with police officers. Before Operation Night Light, probation officers and police officers did not communicate with each other even though a large portion of the offenders that they each came into contact with were the same people. Like Operation Cease Fire, Operation Night Light was an innovative program that relied on joint enforcement using parole and probation at its core. Consider David M. Kennedy, *Juvenile Gun Violence and Gun Markets in Boston*, NIJ Research Preview (Mar 1997), available at <http://www.ncjrs.org/pdffiles/fs000160.pdf> (last visited Feb 22, 2005).

[161] Winton and Sauerwein, *LAPD Tests New Policing Strategy*, LA Times at B1 (cited in note 82).

[162] Beck Deposition at 21–26 (cited in note 59).

[163] Campbell Deposition at 32 (cited in note 55). Alice Callahan describes what happens when the police give tickets for these quality-of-life offense: "Every kind of quality-

Callahan reports:

> There have been weekends and periods of time when the [police would arrest everyone on the street]. . . . You have some officers who do nothing else but go out and harass people. Maybe because they enjoy it, I don't know. We have one police lieutenant who would drive routinely down San Julian a block away, early in the morning, would put his speaker on and say "Who wants to go to jail today?" Just perverse sort of stuff.[164]

In addition to the LAPD, the Red Shirts engage in constant quality-of-life policing.[165] As Captain Beck explains, the Red Shirts "enforce the law and make citizen arrests."[166] "They call the police officers any time they see any illegal activity," Sergeant Campbell adds; "I do know they have made citizen's arrests just by overhearing officers talk."[167] Callahan recounts:

> The Red Shirts will stand with a group of guys drinking, and they will call and call and call until a policeman comes. You will hear them over the scanner. "We have a health and safety problem over here. In front of this business, and the owner wants it gone." They will go to an encampment where people are sitting and they will stand there and say "We're going to call the police, you're sitting on the sidewalk." So the Shirts have managed to make it much, much more difficult for people.[168]

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of-life issue you get a ticket, and then you go to community court which is then going to sentence you to a program. You can choose now to go into a program instead of going to jail." Interview with Alice Callahan (cited in note 1). These low level offenses serve as a mechanism for control, and, as Callahan explains, "the problem, of course is, nobody stays with a program they didn't choose to go to. But once they agree to that and they leave, which they almost always do, and they violate it, now they're wanted for violating the conditions of their parole or probation or whatever it was." Id.

[164] Interview with Alice Callahan (cited in note 1).

[165] An interesting question concerns the role and contribution of BIDs to crime rates. Leah Brooks, a Ph.D. student at UCLA, is conducting interesting research on the impact of BIDs on crime. In her research, Brooks preliminarily finds that, across all her estimations, "BIDs are associated with large declines of at least 5 to 9 percent in total crime, where the bulk of this decline is attributable to decreases in serious crime." Leah Brooks, *Volunteering to Be Taxed: Business Improvement Districts and the Extra-Governmental Provision of Public Safety* 4 (working paper, Nov 5, 2004).

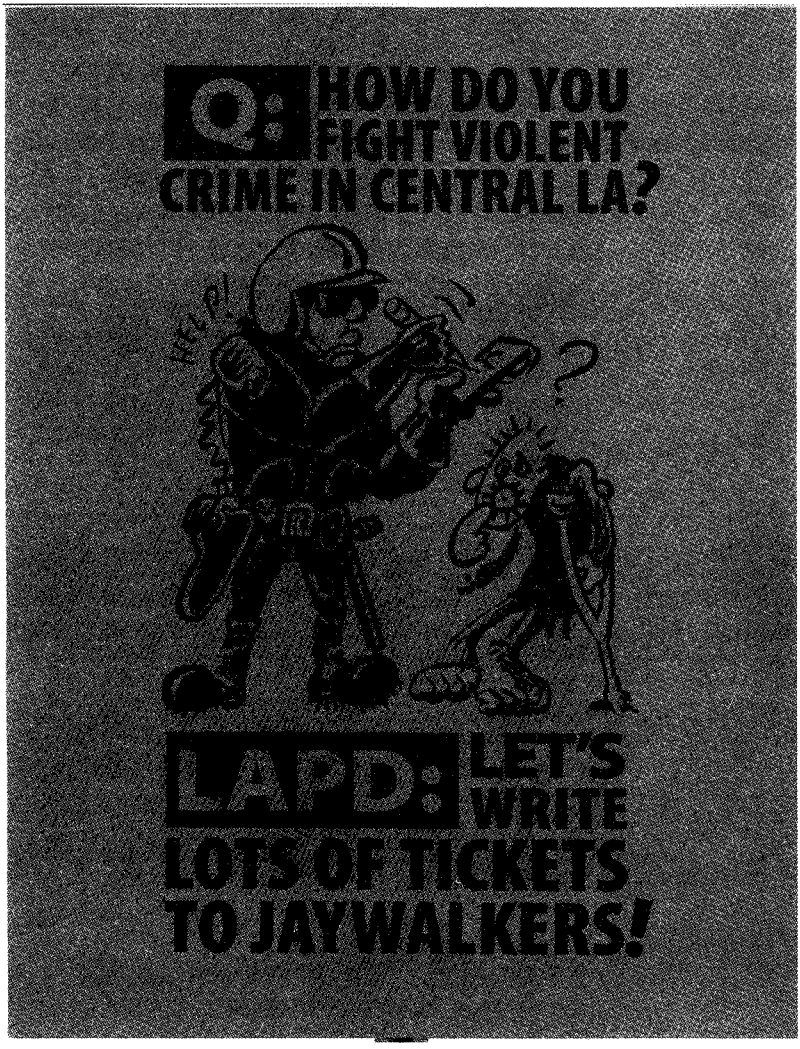
[166] Beck Deposition at 53 (cited in note 59).

[167] Campbell Deposition at 19 (cited in note 55). According to Campbell: "There have been [Red Shirt] security guards going through the big eight-hour training who possess the guard card, they can . . . place people under citizen's arrest." Id at 28.

[168] Interview with Alice Callahan (cited in note 1).

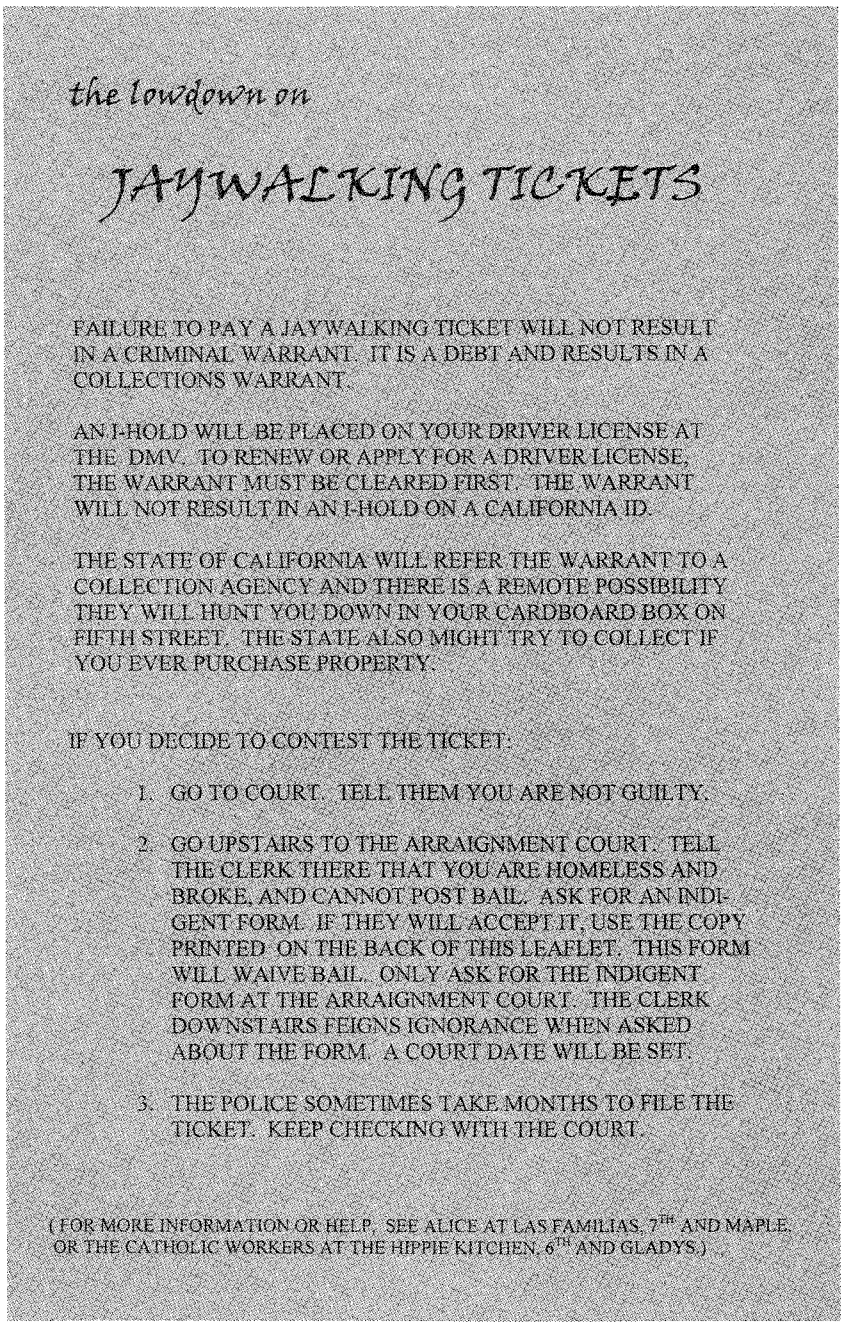
According to Walter Beaumont of the CRA, the Red Shirts provide "constant surveillance" of a relatively small area, a type of community policing that allows them to get to know the local property owners.[169] Some businesses also hire, as extra precaution, their own private security.[170]

Alice Callahan strikes back, handing out leaflets, flyers, and a "Survival Manual." Here's a leaflet or two, and a few pages from the manual:



[169] Interview with Walter Beaumont (Mar 12, 2004) (cited in note 113).

[170] See Deposition of Daniel Gomez, *Cervantes v International Services, Inc*, No BC220226, 42 (Cal Super Ct filed Nov 21, 2003) ("Gomez Deposition").



the lowdown on

JAYWALKING TICKETS

FAILURE TO PAY A JAYWALKING TICKET WILL NOT RESULT IN A CRIMINAL WARRANT. IT IS A DEBT AND RESULTS IN A COLLECTIONS WARRANT.

AN I-HOLD WILL BE PLACED ON YOUR DRIVER LICENSE AT THE DMV. TO RENEW OR APPLY FOR A DRIVER LICENSE, THE WARRANT MUST BE CLEARED FIRST. THE WARRANT WILL NOT RESULT IN AN I-HOLD ON A CALIFORNIA ID.

THE STATE OF CALIFORNIA WILL REFER THE WARRANT TO A COLLECTION AGENCY AND THERE IS A REMOTE POSSIBILITY THEY WILL HUNT YOU DOWN IN YOUR CARDBOARD BOX ON FIFTH STREET. THE STATE ALSO MIGHT TRY TO COLLECT IF YOU EVER PURCHASE PROPERTY.

IF YOU DECIDE TO CONTEST THE TICKET:

1. GO TO COURT. TELL THEM YOU ARE NOT GUILTY.

2. GO UPSTAIRS TO THE ARRAIGNMENT COURT. TELL THE CLERK THERE THAT YOU ARE HOMELESS AND BROKE, AND CANNOT POST BAIL. ASK FOR AN INDIGENT FORM. IF THEY WILL ACCEPT IT, USE THE COPY PRINTED ON THE BACK OF THIS LEAFLET. THIS FORM WILL WAIVE BAIL. ONLY ASK FOR THE INDIGENT FORM AT THE ARRAIGNMENT COURT. THE CLERK DOWNSTAIRS FEIGNS IGNORANCE WHEN ASKED ABOUT THE FORM. A COURT DATE WILL BE SET.

3. THE POLICE SOMETIMES TAKE MONTHS TO FILE THE TICKET. KEEP CHECKING WITH THE COURT.

(FOR MORE INFORMATION OR HELP, SEE ALICE AT LAS FAMILIAS, 7TH AND MAPLE, OR THE CATHOLIC WORKERS AT THE HIPPIE KITCHEN, 6TH AND GLADYS.)

STREET SURVIVAL MANUAL

SKID ROW *is a heap of private troubles become public issue. City Hall is devising plans to move you off city sidewalks. "Criminals" will be warehoused in jails, mentally ill in psychiatric hospitals, elderly in rest homes, addicted in (non)existent programs. An institution for everyone.*

Living outside is unacceptable to you, the homeless. This is reason enough to solve the "homeless problem." However, until and unless real and acceptable alternatives exist, police should not be sent to move or arrest you. City sidewalks are the housing of last resort.

One side of this manual describes your rights if harassed by police, the other if by Red, Green, Yellow or Purple Shirts.

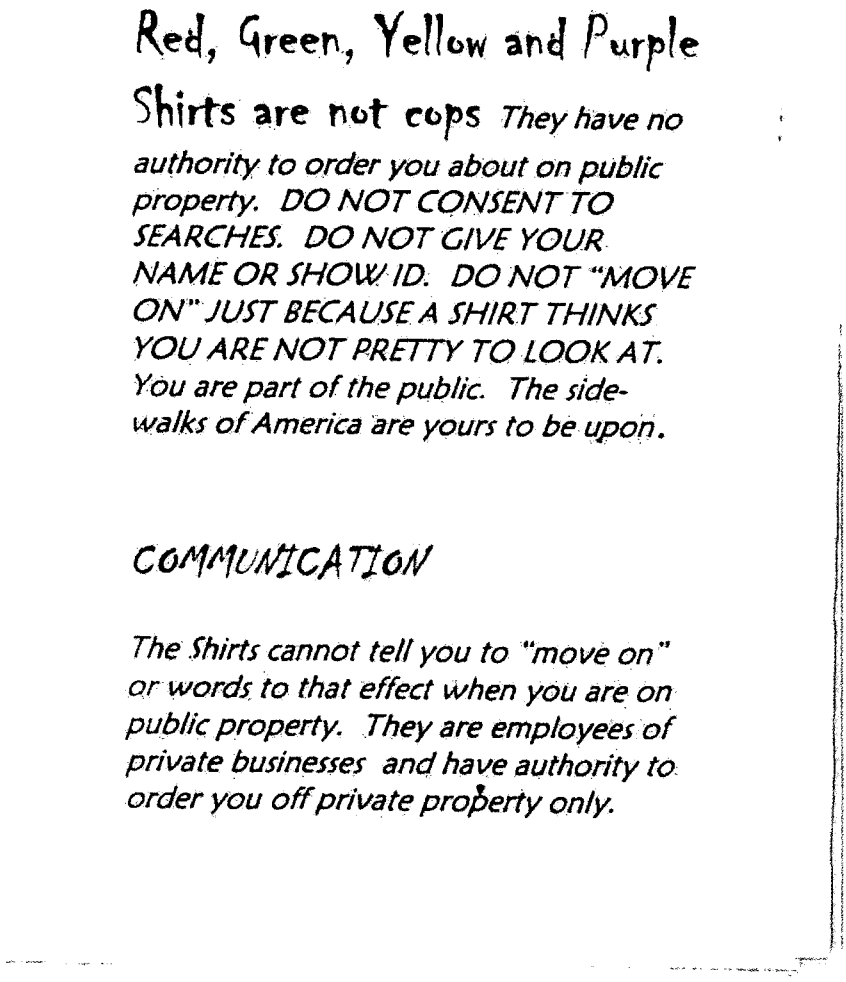
DEFEND YOURSELF

Keep pencil and paper handy. Document details including time, date, and location of any incident with police. Ask lots of questions! You have a right to know why you are being stopped or searched. Ask if you are free to go. If you are not being detained, you have the right to walk away without showing ID.

Get the names of Shirts who steal your stuff. They have no more right to your shopping cart or milk crate than they say you do. Even better, get a "legal" shopping cart from the Hippie Kitchen.

If street maintenance takes your property, they need to store it for 90 days. Tell them you want to claim your possessions. If they have taken it far away, they should offer you a lift to the storage spot.

If you experience problems or have questions, see Alice at Las Familias del Pueblo, (7th and Maple) or the Catholic Workers at the Hippie Kitchen (6h and Gladys). Call (213)614-1745.



At times, the LAPD act as a buffer between the homeless and the Red Shirts. According to some on the Row, LAPD officers have intervened on their behalf when they were being manhandled by the BID security guards.[171] Most of the time,

[171] See Third Amended Complaint for Declaratory and Injunctive Relief and Damages in *Cervantes v International Services, Inc*, No BC220226 at ¶¶ 12–18 (cited in note 52). According to Armando Cervantes, for example, he was yelled at, manhandled, forcibly

though, the police are busy arresting people. As Callahan explains:

> [They arrest] people for sitting, sleeping and lying on the public sidewalk. They'll go at night wake people and arrest them routinely. . . . They do it selectively either depending on how many people they have or how much they are pressing. I have no idea what accounts for the spots and the days they do it. I think for instance the owner of the building next door to us does not let people sleep in front of there. So I give permission for people to sleep and it's actually a part of the sidewalk recessed into our door. I routinely get police showing up—as many as three or four police showing up—telling people that it's illegal, they can't be there. I have to go out and go through the whole thing again.[172]

"Sweeps here are extremely effective," Tom Gilmore adds, "because everyone there has a warrant out for them. Everyone. Everyone. You can literally make a sweep and say, 'Can I see some ID?' and they are going to jail."[173]

William Bratton originally came to Los Angeles on a platform that promised *more* broken-windows policing and greater attention to quality-of-life. According to the *New York Times*, "Mr. Bratton said his first priority after being sworn in on Oct. 28 [2002] would be ending the smile-and-wave approach to crime fighting. He said he wanted policing based on the so-called broken-windows theory."[174] In October 2002, after being selected by Mayor James Hahn to head the LAPD, Bratton told the press that "he will make graffiti a top priority for all officers."[175] He also identified Skid Row as one of three areas in L.A. where he would target and test broken-windows polic-

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searched, handcuffed, and detained in a private security force squad car for 25 minutes by several "red shirts" and his property (namely his medication for a broken leg and leg surgery) were taken from him before the LAPD intervened on his behalf and secured his release. Id.

[172] Interview with Alice Callahan (cited in note 1).

[173] Interview with Tom Gilmore (cited in note 2).

[174] Charlie LeDuff, *Los Angeles Police Chief Faces a Huge Challenge*, NY Times A22 (Oct 24, 2002). As LeDuff explains, the broken-windows theory "holds that small quality-of-life crimes eventually encourage greater lawlessness. If graffiti and broken windows are tolerated, for instance, eventually prostitution and drug dealing and companion violence will find their ways to the street corners." Id. Consider Harcourt, *Illusion of Order* 23–27 (cited in note 8).

[175] Tina Daunt and Megan Garvey, *Bratton Lays Out Ambitious Set of Goals for LAPD*, LA Times A1 (Oct 4, 2002).

ing, with a special emphasis on graffiti.[176] The media reports: "Far from trivial, Bratton said, fighting graffiti is the key to reducing crime overall and solving more serious offenses—from drug dealing to murder."[177] The *L.A. Times* continues:

> One of his first orders of business will be tackling the city's graffiti problem, which falls under the category of "quality of life" enforcement that was his trademark as head of New York's transit authority and as police commissioner.
>
> "I was amazed to find that of 9,000 persons in the Police Department, not a single one is focused on graffiti," Bratton said. "As a result you look like the graffiti capital of the world. . . . I'd like to see more focus on that issue because it reflects community pride. It reflects a sense of caring."[178]

To be sure, budget and resource constraints in L.A. have hampered Bratton's plans. Six months after taking office, in April 2003, Bratton disbanded the eleven-member undercover LAPD transit police anti-graffiti unit—the Graffiti Habitual Offenders Suppression Team ("GHOST")—despite its enforcement successes. The unit apparently had made over 500 graffiti-related arrests in the previous year.[179] Moreover, again due to budget constraints, the county sheriff, Lee Baca, had been releasing misdemeanor convicts early—many after serving no time at all—thereby undermining the broken-windows strategy.[180] Bill Bratton himself has retreated from his earlier posi-

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[176] David Rosenzweig and Eric Malnic, *California; Police Sweeps of Skid Row Are Curbed*, LA Times B1 (Apr 3, 2003). See also Eric Malnic, *Los Angeles; Police Continue Homeless Sweeps on Skid Row Despite ACLU Suit*, LA Times B3 (Feb 21, 2003).

[177] Megan Garvey, *Bratton is Planning a Clean Start; The police chief, who will be sworn in today, sees fighting graffiti as key to reducing crime*, LA Times A1 (Oct 25, 2002).

[178] Daunt and Garvey, *Bratton Lays Out Ambitious Set of Goals for LAPD*, LA Times at A1 (cited in note 175). Despite the lack of resources, the LAPD has taken broken-windows policing to new heights. Freelance writer Jack Miles reports in the *LA Times* that, on his last trip to jury duty, he was questioned as a potential juror to serve on a prosecution against "a Latino kid whose offense was selling cigarettes on a street corner without the proper tax stamp on the packages and without a vendor's license." Jack Miles, *Court's No Place for Pettiness*, LA Times M5 (Dec 5, 2004).

[179] Caitlin Liu, *LAPD to Disband Anti-Graffiti and Pickpocket Units; Despite their success, the undercover transit officers will be assigned to regular patrol*, LA Times B5 (Apr 30, 2003).

[180] 2003 saw an unprecedented level of early releases. Jean Guccione, Richard Winton, and Sue Fox, *Baca: More Cuts Mean More Will Go Free*, LA Times B3 (Mar 26,

tion on broken windows enforcement, reportedly saying that he "didn't have the resources to other than symbolically speak to broken windows."[181]

But the fact is, there was regular, routine, and constant order-maintenance policing on Skid Row *before* Bratton arrived—by the LAPD *and* by the Red Shirts—and none of that has really changed. There is, at the very least, the same level of broken-windows enforcement that existed before Bratton's selection.[182] And yet, none of this broken windows policing has cleaned the streets, nor created order on L.A.'s Skid Row. The pictures tell a million words: quality-of-life policing has had little effect on disorder, and, if the raw statistical numbers are correct, little effect on serious crime.[183] The interviews, conversations, and depositions of those familiar with L.A.'s Skid Row are also telling. As Sergeant Campbell explains, "The area in which [the Red Shirts] patrol is still one of our hottest areas as far as violent crime, street crimes, and property crimes."[184] If anything, it seems that Skid Row is becoming a regional drug market: "a magnet for addicts from throughout the city, attracted by the availability of low-priced drugs."[185] And that, apparently, "has created a new kind of Skid Row drug dealer:

2004); Jean Guccione, Richard Winton, and Anna Gorman, *Jail Inmates Freed Early to Save Money; L.A. County sheriff says he's trying to avoid cuts to street patrols. Judges, prosecutors frustrated*, LA Times A1 (Mar 25, 2004).

[181] Statement of William Bratton, reported in Richard Winton and Andrew Blankstein, *The State; Bratton's Biggest Goal Still Elusive; Despite making good on many pledges, L.A.'s police chief has not won funds for more officers*, LA Times A1 (Nov 30, 2004).

[182] I ask Alice Callahan, "Has anything changed since Bratton became chief?" She tells me that the policing has not changed, but her relationship with the police has:

> At this point, there is not a friendly word placed between the police and us anymore. . . . I'm beyond being friendly anymore. We have never in our twenty-some years of being here, deteriorated to this position where there is not a nice word left—where we are in a full-scale open war with the police. . . .
>
> We do leaflets now that say look out for the police. When the police go by, I have to warn the children to be careful of the police. . . .
>
> So we are just going to fight a guerrilla warfare down here because there is nothing else to do. . . . I have been on the Row full time since the 80s, 1981, and part time before that. And the Catholic Workers have been around since the early 70s. And it's never deteriorated to this.

Interview with Alice Callahan (cited in note 1).

[183] See Tables 4 and 5.

[184] Campbell Deposition at 27 (cited in note 55).

[185] Boyarsky, *Homeless: A Cause Liberal L.A. Runs From*, LA Times at M3 (cited in note 66).

gang members from South Los Angeles and Rampart who commute to Skid Row for the drug trade and return home at night."[186]

IV. THE REAL ESTATE BATTLE OVER SKID ROW

What seems to be driving urban renewal on L.A.'s Skid Row, then, is *not* order-maintenance, street sweeps, broken-windows policing, or positive crime trends, but *instead* real estate redevelopment. And on these fronts, the SRO advocates and the loft developers are in pitched battle. "The whole battle going on in [Skid] Row," Alice Callahan confides to me, "as any great big battle is ever about, is about real estate. That's all it's about. It's about real estate. So these battles about the sidewalk, and who controls, and who's on the sidewalk, putting bathrooms out—all we're talking about is real estate: Who is going to win the real estate?"[187]

Alice Callahan views the San Fernando Building as the beachhead. It is what's attracting these "young, urban professionals seeking a New York-style, edgy feel."[188] It is what's "bringing people right onto the Row who will be afraid of the poor and who will harass them out of the neighborhood."[189] Callahan has dissected Gilmore's strategy and understands it well:

> The redevelopment agency for decades since the 1970s has tried to revitalize the Old Historic core on Spring Street, Broadway, and Main Street. And they failed. [Gilmore's] conclusion was, they failed because the redevelopment agency did isolated projects. So, by itself, you just go in and do one project, people feel isolated and it fails. So he would come in and do whole blocks. And he would provide the infrastructure necessary for people to feel happy and content. So he'd put restaurants and grocery stores, so people living in his lofts would have everything there—they'd have a whole new world created. And they could come and sort of have their Disneyland Manhattan experience. . . .

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[186] Id.

[187] Interview with Alice Callahan (cited in note 1).

[188] Conversation with Alice Callahan, Los Angeles (Jan 22, 2004).

[189] Skelley, *Brokedown Palace*, LA Magazine at 100 (quoting Alice Callahan) (cited in note 92).

> So he began buying buildings there, and began moving people in at Fourth and Main, and the first building that he bought—talk about irony of ironies—had been the City's Housing Department offices, and they had booked out. . . So they took one hotel that had housed homeless people, the Pacific Grand, converting that to a boutique hotel. . . . Then he bought the City Housing Department, bought the Old Bank building across the street, and there were days you'd go by and you'd think it was a movie lot because it was just a juxtaposition of that one little corner and everything else around it. It was just dramatic. And then they hired their security guards. . . And they'd put Pete's café and all this other stuff.[190]

Callahan is particularly troubled by these developments because so many of the housing units of Skid Row are on Main Street. If Main Street becomes unaffordable for low-income housing, then one-third of the Skid Row housing stock will disappear. "With Gilmore buying [on Fourth and Main], suddenly we can't buy [on Main Street], and yet more than one third of all the housing on Skid Row is [there]."[191]

Callahan, though, has her own strategy. Standing in front of the San Fernando Building, Callahan gestures to an SRO kitty-corner across the way. "We put that one there," Callahan explains to me, "to make sure the yuppies in their lofts don't get too comfortable. To make sure we keep Skid Row a neighborhood for the homeless, a place to fall back on when you are down-and-out. To make sure the neighborhood remains *Skid Row*."[192]

A strategist through and through, Callahan has her territory mapped out. She is fighting an urban campaign. She has secured her borders. She explains to me:

> Skid Row Housing Trust intentionally, when it was set up in the 80s, purchased hotels along the *border* of the Row. The idea was that if we could *protect our borders*, then it makes it less attractive to come in. The other group, SRO Inc., basically bought in a very small concentrated area of the Row. They were willing to say "Okay here is the Row, Fifth and San Julian." They did not mind if they shrunk

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[190] Interview with Alice Callahan (cited in note 1).

[191] Id.

[192] Conversation with Alice Callahan (cited in note 188).

> the Row down. They do own a few hotels outside the area. They are prepared to give up the Row. Again, their politics are different. The redevelopment agency people are on their board. They are a city group.[193]

Callahan's combat plan is to try to keep the young professionals out until she has secured enough property to make sure that Skid Row remains Skid Row. Callahan has her eyes on the large hotels. "That's why Main Street is so important," she explains, "because it has all these huge buildings. . . . If we could buy this one, the Cecil, almost six hundred rooms, on Seventh and Main, then we would be okay. . . . I feel if we can get the Rossmore, then no one else will want to do the Frontier."[194]

"If we can buy this one hotel I feel like we've check-mated this whole block," Callahan explains.[195] She continues:

> Because then, we own ten stories, and we move our most mentally ill people into it and now nobody wants the others. And that's the whole plan. And then again once we secure the housing on the Row—so the poor can live here forever—then the service is going to stay here, because that is what it is to service them. Then they can do anything they want. But you always have to secure the property.[196]

"The most important thing for us to do is to buy the housing on Skid Row," Callahan emphasizes. "I think it will take a decade or more because there is so much happening off the Row that is beginning. And my hope is that, by the time they run out of stuff [off of Skid Row but near by], we will own the buildings." When she will have all the property she needs, then there will be no problem gentrifying the area: "I don't care if they do that on Skid Row once we secure the housing. Then fine. Put all the wonderful building you want on Skid Row. It is only an issue before we secure the real estate. That is all it is."[197] She continues:

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[193] Interview with Alice Callahan (cited in note 1).

[194] Id.

[195] Id.

[196] Id.

[197] Interview with Alice Callahan (cited in note 1).

> We want every building on the Row. And then we want to put up some additional housing to house people. Every single affordable housing unit on Skid Row has a waiting list. Every single one of those 45 hotels owned by a non-profit has a waiting list. If we opened seven more hotels tomorrow, they would be filled. So we want to buy them all. We want the thousands of people who live on Main Street to stay on Main Street. *It's always about real estate.*[198]

The problem, for Callahan, is that increasing real estate prices make it harder for her non-profit to buy housing and preserve low-income residential space.[199] Callahan explains:

> That's where the problem comes with Gilmore. . . . Gilmore will say, "Well, I did not purchase any housing, I converted an office building." That is true, but what happened [when Tom Gilmore began purchasing buildings at the corner of Fourth and Main] was, he then began land speculation all the way down Seventh Street. So you would have groups from as far away as Chicago, who would now suddenly, they would not care what the property was, they were just trading paper. And the private developers can put a lot of cash down. The non-profits were dependent on public money, so it takes a while to put the deal together. So suddenly, we were not the attractive buyers.
>
> So when we tried to buy the Rosslyn a couple of years ago, we could not buy it because we were competing with a group from Chicago and some other groups. That's one of the big one's at the corner of Fifth and Main.
>
> And my theory is, if we can get the Rosslyn, we win. Because who wants to buy the huge one across the street if we are filling the one at the corner with ten floors of mentally ill, the poor, and the Row? So it is still my number one project to get the Rosslyn. 'Cause it's the one way I know of winning.[200]

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[198] Id.
[199] Id.
[200] Id.

Tom Gilmore is no less strategic, and, truth be told, there is no love lost between him and Callahan. Gilmore views Callahan as a dinosaur. He does not mince his words either:

Gilmore: She's an ideologue . . . I represent change [to her]. . . . "They were here first. This environment is not good, but it is at least their environment and they shouldn't be pushed out by gentrifiying developers. . . ."

[To Callahan,] no good can ever come of change. . . . Her world is black and white. Her world is . . . it's a cartoon world, you know.

. . .

What drives me crazy here is that Alice Callahan's been here for, I don't know, twenty years—by the way living in Brentwood. . . .

Harcourt: I don't know where that is, what is that?

Gilmore: It's the nice part of town.

Harcourt: It's the nice part of town, OK.

Gilmore: And we've been here four years, and I submit that we have made more of a difference in four years, then she has made in fifteen. And not because we gentrified and made the streets clean by getting out a broom, but because we provided an alternative to homelessness for a very large group of people, who are now working and living in real homes, and we focused the attention of Los Angeles on a problem they have been able to ignore for been able to ignore for the last fifteen to twenty years. L.A. has been able to ignore its homeless problem because no one gave a shit. Now, every one of these people that's walking here wasn't walking here three years ago, and they are all going, "so

> what's with the homeless problem?" and so it's front and center now.[201]

Gilmore's strategy is equally simple: buy more property in close proximity and convert it. Gilmore is now hard at work on converting Saint Vibiana's Cathedral, the former seat of the Archdiocese of Los Angeles, a block away from the San Fernando. Gilmore explains on his web site: the Cathedral "is currently under a long-term development plan with future uses including performance spaces, a restaurant, a branch library for Little Tokyo and housing. Built in 1876, the cathedral held 1000 people, which at that time was a tenth of the population of Los Angeles."[202] Gilmore is also busy at work on the El Dorado Hotel and the Rowan Building, both part of the Old Bank District Project.[203]

These real estate wars over Skid Row, though, are not entirely new. There is a long and venerable history of such wrangling. The area known today as Skid Row has historically engendered a lot of controversy.[204] The hotels have been around since the early 1900s, but since at least the mid-twentieth century, there have been recurring urban plans to redevelop and reorganize the Row. In the period 1961–1964, the Community Redevelopment Agency and the Businessmen's Association (a Downtown group) jointly implemented the "Centropolis" master plan, which was intended to shield the Downtown areas from the presence of homelessness by constructing a "buffer zone" along Main Street and Los Angeles Street which was made up of light industrial buildings and parking lots.[205] During 1973–1974, the city and businesses tailored a new plan, the "Silverbrook" plan.[206] Under

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[201] Interview with Tom Gilmore (cited in note 2).

[202] Gilmore advertises this information on the Gilmore Associates website at <http://www.laloft.com/about_us/projects/index.php?project=st_vibianas> (last visited Feb 22, 2005).

[203] See <http://www.laloft.com/about_us/projects/index.php> (last visited Feb 22, 2005).

[204] Donald R. Spivack, *CRA's Role in the History and Development of Skid Row Los Angeles*, 1 History of Skid Row Series 7 (Community Redevelopment Agency 1998), available at <http://www.weingart.org/institute/research/colloquia/pdf/HistoryofSkidRow.pdf> (last visited Feb 22, 2005) (noting that litigation delayed the start of the 1975 redevelopment plan based on a 'policy of containment' and the substantial objections from local property owners over efforts to expand the number of residential units). See also Dickerson, *Befouled Businesses*, LA Times at B1 (cited in note 156) (describing the "decade old battle over portable toilets").

[205] Davis, 39 UCLA L Rev at 327 (cited in note 48).

[206] Id.

that plan, Skid Row would be eliminated "in order to free 'Central City East' for redevelopment as a 'joint university communications center and extension school.'"[207] The process of eliminating Skid Row of its homeless is referred to under this plan as "deinstitutionalization."[208] But there were other forces operating, in particular the pressure from residents in other adjacent and more affluent areas.

During the late 1970s, there was a concerted effort to save the low-income housing on Skid Row while encouraging light industry.[209] This was a period of zoning.[210] San Pedro Street, a larger thoroughfare, cuts through Skid Row in a north-south direction. East of San Pedro was zoned light industrial. West of San Pedro was mixed-use zoning. These zoning decisions, Callahan suggests, were critical, but uncontested, and will significantly impact the future of Skid Row.[211] A redevelopment agency in the 1980s was set up and created SRO Inc., a quasi-public agency, to purchase houses on Skid Row.[212]

While many homeless advocates continued to champion relocation, others wanted the homeless to stay in this one place. The City Council, at least through the early 1990s, opted for the latter: "To prevent this exodus, the [L.A. City] Council majority has postponed 'deinstitutionalization' in favor of 'containment' (the policy's official title) implemented by the redevelopment agency and the LAPD."[213] This is how author Mike Davis describes the policy of containment:

> "Containment," with its ominous Cold War resonance, is a deliberately janus-faced strategy. On the one hand, it is described by the redevelopment agency as a systematic effort to preserve and upgrade the stock of single-resident occupied (SRO) housing units in Skid Row, with the aim of humanizing, within the scarce means possessed by the city, the condition of the downtown homeless. On the other hand, as pursued by the LAPD, it is a relentless pressure to keep an overcrowded indigent population from

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[207] Id.

[208] Id.

[209] Spivack, *CRA's Role in the History and Development of Skid Row* at 6–7 (cited in note 204).

[210] See Interview with Alice Callahan (cited in note 1).

[211] Id.

[212] See Interview with Alice Callahan (cited in note 1); Conversation with Alice Callahan (cited in note 188).

[213] Davis, 39 UCLA L Rev at 328 (cited in note 48).

> spilling over into downtown's tonier precincts, or from establishing semi-permanent encampments on adjacent open spaces. But the contradiction between the two policies is only apparent. In fact, both the CRA, by concentrating the SROs into one circumscribed core, and the LAPD, by restricting the mobility of downtown street people, have collaborated in the construction of a giant outdoor poor house.[214]

Tom Gilmore agrees. He explains: "The reason it all happened down here is that there was no 'NIMBY-ism' (not-in-my-back-yard). It's because there was nobody here – there was nobody in the field," Gilmore explains.[215] "At the maximum level of decay they went 'Hey, nobody will notice the homeless down here. We'll put them in the hole.'"[216]

Callahan has a different take. To Callahan, Skid Row was not "created" and there was no effort at "containment." On the contrary, in her view, Skid Row is just where the single-occupancy housing is:

> Rows across the country exist for a very simple reason—it's where the housing is, and the missions come in to serve. So these were the rail yards, all along Alameda and Central. . . . A lot of single guys came to work on the railroads, to work on loading and unloading. So you had a lot of hotels that were single rooms. Then on Main Street you had the really fancy hotels. . . And like all cities, as they grow, it then just began to grow in the other direction. As L.A. grew west then this area began to be inhabited by the poor. By the 20s, the poor were here and not leaving.

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[214] Id.

[215] Interview with Tom Gilmore (cited in note 2).

[216] Id. Not that Gilmore approves of the idea. In fact, he is repulsed, he tells me:

> [This urban strategy] accepts the proposition that those homeless or those in need of a home are inherently okay in an environment that nobody else is okay in, that which is a fundamental flaw in the whole economy. [The fact is,] they are willing to sleep on the street like kids in Africa are willing to have flies all over their face. I'm not sure at a certain point that it's a cognizant decision. I think that at a certain point it's the last step. Part of the thing that very few people realize here is that to a very large extent, this is not only an extraordinary homeless population that we have here. This is a constantly replenished homeless population because of the other unbelievable pieces of this system that they put together which is that everyone who is arrested in the county of Los Angeles ends up four blocks from here.

Id.

> So it's because the housing is here. Nobody built new housing for them. . . . And so then the missions came in to begin serving people who were living here, and who needed those services. . . . I mean the Row was where it was because that's where the largest amount of single occupancy hotels were.
>
> Nobody creates a skid. Skid Row is created on its own, and that's why in every city, find the bus station, and you'll find your Skid Row. That's where every Skid Row is. It's always the part of downtown where the stage coach used to come in. It's always the downtown, and then everybody flees, and the housing for the single occupancy stays where it is, and a different tenant moves in.[217]

In this sense, Callahan believes, there was no "containment" effort. There was no conspiracy. It was something completely different:

> No. There was a thing, and it's always mischaracterized completely. In the 70s, there was a group set up to look at the Row. It was the redevelopment agency at that point, the Catholic workers, and a hand full of people in the 70s who got together and looked at it. It was an effort to protect the housing. Not an effort to contain. It didn't come from the outside, as people are saying. . . .
>
> The idea for containment was not a negative one done by businesses. It was an idea to try to protect the housing, and it was the understanding that everybody downtown was going to lose their housing, sort of like Bunker Hill. It was to protect the neighborhood. So it wasn't a negative thing; it was actually an enlightened plan. It was the community redevelopment agency beginning in the 60s through the 70s and just into the mid 80s had a great group of really enlightened planners, and their whole effort was to save the housing.
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> They wanted to create what they call buffer zones around the Row so that we didn't get industries on the borders of the Row that would threaten. . . . It was to save the housing for the thousands of people. And the premise was that

[217] Interview with Alice Callahan (cited in note 1).

> unless you solve the Skid Row housing problem, you couldn't solve any issue downtown and you couldn't solve the Skid Row problem unless you housed people in housing of dignity. It was the redevelopment agency that thought up the plan to purchase and rehabilitate and manage the housing on the Row.
>
> All we are doing is we are the last remaining believers in the redevelopment agency plan from the 70s and 80s. We have no other agenda but that plan. It was [a] great plan, it was unlike other cities.[218]

Again, not everyone agrees. To Gilmore, the idea of centralizing the homeless into one area and clustering all the services there is just a "bad idea."[219] Fortunately, he argues, the times are changing:

> L.A. is really the victim of some really bad 60s and 70s logic that found its home in L.A., and I'm a product of that 60s and 70s logic too, but there is a new political and social dynamic occurring in this regeneration of downtown Los Angeles. . . . It's highly responsive, certainly receptive to different notions of how to deal with homeless issues, how to deal with law and order issues, how to deal with social equity issues, and how to do mixed income, development housing, you know, all this kind of stuff, and that is extraordinarily appealing. It doesn't make any of the problems easier, but it's really interesting that you can end up in a conversation with the Speaker of the House, the Senator, the Mayor's office all here on this corner that used to be the worst corner in Los Angeles.[220]

What is clear from the history, though, is that there are a lot of moving pieces and different coalitions involved in the evolution of L.A.'s Skid Row. The question now is: How do the different participants position themselves today? Here matters get murky and complicated. The merchants in the Skid Row area are happy to see homeless services moving away—even if not completely away, at least further away. Regarding the possible relocation of one large mission into the center of the Row, the *LA*

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[218] Id.

[219] Interview with Tom Gilmore (cited in note 2).

[220] Id.

Times reports, "some toy district business owners near the current mission said they are happy to see it go. They say it has hurt business, and they would like to see old property be developed commercially."[221] Tracey Lovejoy, who runs the business improvement association, the CCEA, in the Toy and Industrial areas, states that "Business has always been the predominant usage in that area. In reality, we're getting to the point where the real estate costs are so high that it's probably the last time we'll see a big development devoted to social services. In 50 years, who knows what this community will look like?"[222]

The service providers harbor divergent views on how Skid Row should be developed. The Los Angeles Homeless Services Authority ("LAHSA"), a city and county agency that distributes federal and local funds, has "put a hold on awarding new grants to social service projects downtown to discourage further concentration of such programs."[223] They tend to want to reorient the homeless out toward more distant county shelters, and are offering to bus the homeless out of Skid Row. At the same time, the LAHSA tends to see a bright side to downtown development. Gentrification may have a "positive effect because policymakers can no longer ignore conditions if more affluent people complain."[224]

One of the largest missions, the ninety-year-old Midnight Mission, is planning a major expansion of its operations.[225] Previously located at the corner of Fourth and Los Angeles Streets, the Mission is building a new, larger facility located a few blocks away.[226] The facility will be located at the corner of Sixth and San Pedro Streets. It will move closer to the warehouse heart of Skid Row, and out of the Toy District in the northwest fringe. Its neighbors will include the Union Rescue Mission, the Weingart Center, and the Downtown Drop-In

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[221] Rivera, *Midnight Mission Growing Even as Downtown Gentrifies*, LA Times at B1 (cited in note 21).

[222] Comments of Tracey Lovejoy reported in Rivera, *Midnight Mission Growing Even as Downtown Gentrifies*, LA Times at B1 (cited in note 21).

[223] Rivera, *Midnight Mission Growing Even as Downtown Gentrifies*, LA Times at B1 (cited in note 21).

[224] Id. Of course, the service providers are also human, and they have their own feelings about the homeless and the homeless situation. Conrad Watson, for instance, Executive Director of the Salvation Army's Harbor Light Center on Skid Row and himself a former homeless person, describes the homeless in the areas as "more of a nuisance than a threat." Watson Deposition at 59 (cited in note 47).

[225] *New Building Project*, Midnight Mission website, available at <http://www.midnightmission.org/default.asp?pg=nbp> (last visited Feb 22, 2005).

[226] Id.

Center. The cost of the new facility is $17 million and it is funded entirely by private funds.[227] It will increase the number of homeless beds from 160 to almost 300. It will also include 128,000 square feet of office, parking, and storage space, a larger dining area serving 450 people up from 128, a library, gym, and a large bank of restrooms.[228] The facility will displace a light industrial plant that housed a perfume and make-up distribution center.[229]

The *L.A. Times* raised the question on everyone's mind in its article: *Midnight Mission Growing Even as Downtown Gentrifies; Construction of a facility for the homeless raises questions about how the indigent will coexist with new loft dwellers.*[230] According to the *Times*, the new facility "may be one of the last major expansions of social services in the downtown area because of rising real estate prices and a new determination by city officials to disperse such homeless programs throughout the county."[231] In the meantime, though, the question is, how *will* the homeless and the young urban professionals share this space—a space that, as the *Times* suggests, is being "invigorated by new cultural institutions and burgeoning numbers of high-end loft dwellers."[232]

The Midnight Mission plans will deal with the demographic changes, in part, through the design of the space itself. The Mission will build a large inner courtyard in order to accommodate the homeless, get them off the street, and keep the neighborhood more orderly in appearance. The enclosed inner courtyard is designed so that "long lines of homeless people don't have to wait outside for food and services."[233] In addition, there will be lots of private security, including twenty-four hour uniformed security guards. All this is intended to improve neighborhood aesthetics. According to Midnight Mission President Larry Adamson, "I think we're going to improve the neighborhood, especially compared to what is there now. If we can get people off the streets, I don't see how

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[227] Rivera, *Midnight Mission Growing Even as Downtown Gentrifies*, LA Times at B1 (cited in note 21).

[228] Id.

[229] Id.

[230] Id.

[231] Rivera, *Midnight Mission Growing Even as Downtown Gentrifies*, LA Times at B1 (cited in note 21).

[232] Id.

[233] Id.

that's going to make things worse."[234]

City Hall, for its part, has supported the provision of funding for Skid Row low-income housing. At the same time, they also support the developers. So, for instance, they are supporting Tom Gilmore's plan to develop the Old Bank District by means of a tax credit and more favorable building codes.[235] In 1999, Los Angeles passed an adaptive use ordinance to encourage precisely this type of redevelopment. The city ordinance relaxes environmental quality, disability, fire and safety, parking, height and floor space, and commercial corner development regulations[236]—all on top of state and federal tax credits.[237] In January 2000, City Hall designated the Fashion District, neighboring south of Skid Row, as part of a nineteen-square mile "Empowerment Zone" because of the poverty levels, as an area intended to attract new businesses. The benefits of locating in the Empowerment Zone include tax benefits—a cap on city taxes for established businesses and exemption from business taxes for start-ups—as well as access to low interest loans, wage credits, and various subsidies for city services."[238]

The U.S. Department of Housing and Urban Development ("HUD") is also a player in these controversies, but it is not always clear whose side it ends up helping. The problem is, at least according to the homeless activists, that the federal housing codes are too demanding and too expensive.[239] HUD-sponsored renovations of SROs cost on average between

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[234] Id.

[235] Skelley, *Brokedown Palace*, LA Magazine at 100 (cited in note 92).

[236] See generally Dubin, *Reviving L.A.'s Historic Core* at 92–93 (cited in note 92).

[237] As Dubin notes:

> Aside from ordinance relaxation, developers are taking advantage of state and federal tax credits to pay for rehabilitation costs. The federal historic tax credit program provides 20 percent of both hard and soft construction costs in the form of tax credits, which are claimed the year a building is put back into service; the Mils Act, administered by the city's Cultural Heritage Commission, provides property tax relief in exchange for continued preservation efforts; and façade easements offer tax deductions for the donation of parts of a historic building. Also available are property tax abatements and U.S. Department of Housing and Urban Development (HUD) loans.

Id.

[238] Jones, *Downtown Happening*, WWD at 14 (cited in note 93).

[239] Gregg Easterbrook, *Examining a Media Myth: The New 'Poor' and Housing*, 252 Atlantic 10, 20 (1983). Notably, this Article does not account for the inflation in renovation costs between the time Easterbrook wrote his piece and today.

$50,000 and $100,000 per unit and generally result in lower numbers of units per SRO.[240] In contrast, private renovations cost around $10,000 per unit.[241] The difference has to do with the fact that HUD regulations require that renovated units have their own bathroom and kitchen, and that all work be done at top union wages.[242] In contrast, private renovations usually result in single-room occupancy efficiencies, with shared toilet and kitchen facilities, and are usually constructed at below union wages.[243] So, for instance, according to the *Atlantic*:

> HUD recently underwrote the renovation of an SRO in San Francisco, the Padre Hotel, at a cost of $80,000 per unit. In the process of meeting HUD codes, the number of units in the building was reduced from a hundred to forty-one, diminishing the poverty-level housing stock by fifty-nine in the act of preserving it. Another SRO hotel, the Aarti, in the same neighborhood of San Francisco, was improved without federal funds. The Aarti's renovation cost per unit is estimated to total only $8,000, and the total number of dwellings in the building will decline by only eight, from fifty to forty-two"[244]

Advocates for the homeless—other than Alice Callahan—are often ambivalent. They are caught in the middle of the redevelopment, and, at times, divided. Some, or even maybe "most" of the social service providers, as the *Los Angeles Magazine* seems to suggest, "welcome the jobs the [renovated El Dorado] hotel and restaurants will bring."[245] These service providers often themselves hire the homeless—as do local businesses and even the BIDS.[246]

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[240] Id.

[241] Id.

[242] Id.

[243] Easterbrook, *Examining a Media Myth*, 252 Atlantic at 20 (cited in note 239).

[244] Id.

[245] Skelley, *Brokedown Palace*, LA Magazine at 100 (cited in note 92).

[246] Many local merchants hire homeless to off-load trucks or perform other low-sill jobs. See Deposition of Thomas Bell, *Cervantes v International Services, Inc*, No. BC220226, 80 (Cal Super Ct filed May 1, 2002) ("Bell Deposition"). In fact, the CCEA itself contracts out its clean team personnel from Chrysalis, which hires formerly homeless persons. See Deposition of Perry L. W. Nichols, *Cervantes v International Services, Inc*, No. BC220226, 43–44, 141 (Cal Super Ct Super filed Nov 10, 2003) ("Nichols Deposition") (reporting at 141 that "most of the people that are employed from Chrysalis, 99.9 have been homeless"); Deposition of Russell E. Strong, *Cervantes v International Services, Inc*, No. BC220226, 11 (Cal Super Ct Mar 25, 2003) ("Strong Deposition").

What then is the future of L.A.'s Skid Row? The answer is hard to know. This is, as I have emphasized from the start, an experiment *in real time*. Nevertheless, I ask Tom Gilmore first:

Gilmore: I think it's hard to predict 20 years out even here, but I think the institutions of Union Rescue Mission, the Los Angeles Mission, Weingart, and Midnight will be there for twenty to forty years and I think that any rational long term plan must include them as participants in that plan. The heads of all those institutions are actually very good partners in trying to find a street life that is acceptable to the broadest level of the community. The problem is—and that's why I really do think we should walk over there tonight—the idea that that street life is acceptable is absurd to anybody, and yet, unless we find a way to bring an economic reality over there that says we are all living side by side and we all have a standard that's this high, unless we do that, they will always get the short end of the stick, and the answer scarily enough for the far right and the very far left is that it's okay over there like that, that somehow that's a scenario that is reasonable when in fact, I think it's unjustifiable.

Harcourt: But so, what do we do? I mean, do we just build more affordable housing, because that's not affordable housing right there.

Gilmore: No, because if we're walking over there, seven out of ten, eight out of ten of the people we will walk past, you can put them in a home tomorrow and they aren't going to stay there. They have an issue. They have a substance abuse issue. 90 percent of them, a lot of them, scarily enough, just got released from twin towers jail tonight or yesterday, so housing's not the answer, but housing is one of the answers. Housing is part one, I go

> off, way off, on a limb, decriminalization of drugs is step two, and treatment instead of jail is step three.

As for Alice Callahan, she too is optimistic about the future. She sees the silver lining:

> Here's the good news. The immediate impact of [Gilmore buying on Fourth and Main] was to make it impossible for us to buy housing on Main Street. That's a huge impact. But again, taking the long view of everything, what happened is [Gilmore] did spark it. But the critics are right, he won't make it probably, but lots of people will.
>
> What we have seen, in the last couple of years, is thousands of more units coming on line, of lofts for people who want their Manhattan experience, in the Downtown area, but *not* on Skid Row. And they are all outside of Skid Row. In the garment District, in South Park, on Bunker Hill, in Little Tokyo.
>
> So people who might look at something [here in Skid Row] have to say to themselves: "So why do I spend all that money to be here? I even have more of a Manhattan experience if I go over here to the Garment District, *and* I feel safe at night. Or if I go over here to the Artist Area."
>
> So now, suddenly people can have their wonderful Manhattan experience and live Downtown, and do it safely and do it in a place where they do not have to step over the homeless. So my hope is, and I think it will be true, is that indeed Gilmore will fail. He will have sparked something, but he will not be the benefactor of it.[247]

CONCLUSION: RETHINKING DEVIANCE AND DISORDER

I personally would not venture a guess as to the future of L.A.'s Skid Row, nor take sides in these ongoing real estate battles. But I confess, as I step back from all I've seen, heard, read, and experienced, I have this nagging sense that the developers and the SRO advocates, curiously, may have something in common. Oddly enough, their interests may be aligned in one crucial

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[247] Interview of Alice Callahan (cited in note 1).

respect: the high-end loft developers may not really want to get rid of the "Skid Row flavor" of Skid Row. It is not at all clear to me that they want to eliminate all the homelessness or the missions. That, after all, is precisely what gives the neighborhood its edge. It is what makes Downtown L.A. feel like the lower-Manhattan of the early Soho, TriBeCa, and East Village. It is what makes a young professional feel like an urban pioneer.

Listen closely to Cedd Moses—recall, he is renovating the El Dorado. Redevelopment should gentrify the neighborhood, "but not completely," Moses says. "Retaining an inclusive mix of people will help make the area more cosmopolitan, more creative."[248] Somehow, this mix will preserve "the neighborhood's edgy vibe."[249]

Listen closely to Tom Gilmore:

> I actually believe that on some level the existence of poor and potentially homeless people or borderline people is not antithetical to a healthy urban environment. It's really more the stuff that you are seeing on the surface, which is people living in boxes, people who are, to a very large extent, involved in some level of substance abuse, mental illness.[250]

Listen closely to the media accounts: these developers envision "a harmonious mixing of black-clothed bohos and techie business types with the current populace, which includes Latin American merchants, street people, location film crews and artists living in lofts near the Los Angeles River."[251]

It almost sounds as if the developers may have an interest in keeping Skid Row *noir*, edgy, frontier-like, in order to attract the young urban pioneers: that "different kind of animal," as Gilmore likes saying.[252] This is precisely what drives Alice Callahan mad:

> He actually will tell you that. He will say "I don't have a problem with the homeless. I am for them. I support service agencies on the Row. I do that."
>
> . . . I mean, for him to come into an area as if this were benign, to buy on the Row, and say "Well, I just bought a

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[248] Skelley, *Brokedown Palace*, LA Magazine at 100 (cited in note 92).

[249] Id.

[250] Interview with Tom Gilmore (cited in note 2).

[251] Skelley, *Brokedown Palace*, LA Magazine at 100 (cited in note 92).

[252] Interview with Tom Gilmore (cited in note 2).

> building that was not housing anyone," knowing that he has impacted the housing for thousands of the poorest for whom there is no replacement housing and there never will be, for whom probably they will lose their housing on the Row, is unconscionable. He is either incredibly stupid or he is incredibly amoral. He doesn't care. He is making his profit, he is pocketing his money. So I don't have any patience.[253]

Tom Gilmore sees this tension, but seizes on it in order to project his unique identity as developer *and* concerned citizen. Is Gilmore genuine? Or is it a cover—the Trojan horse that will get him and other high-end loft developers into Skid Row? Could these real estate developers see a silver lining to the homeless problems on L.A.'s Skid Row? My curiosity and interest, to be honest, is not to probe the actual intentions, desires, or morality of the developers, but instead to highlight this curious and uncomfortable alignment of interests.

I had thought, at first blush, that the interests of the developers would be diametrically opposed to the interests of the homeless advocates and non-profit SRO-operators. But the reality, I now believe, is far more complex. It is likely that any future inroads into the gentrification of L.A.'s Skid Row may depend precisely on this uncomfortable alliance.

The homeless and the edgy, *noir*, urban pioneers—these do make strange bedfellows. To be sure, if the developers succeed, the urban pioneers will most likely be displaced some day in the near future by more conventional loft-dwellers, and L.A.'s Skid Row will become mainstream high-end, like so much of the formerly-edgy lower Manhattan. Whether they succeed, however, may turn on this uncomfortable alignment.

This all raises a lot more questions than it answers. Could it be that disorder and deviance serve as a marketing device for a bohemian, Skid Row, real estate niche? Is crime and homelessness something that renters or loft owners may consume? Is it possible that Skid Row might be worth less to some urban pioneers if the disorderliness disappears? Could it be that these young urban pioneers would *prefer* to maintain the Skid Row flavor, not only to keep the cost-of-living down, but because it tastes good?

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[253] Interview with Alice Callahan (cited in note 1).

It would be important, in order to test this hypothesis, to compare the rent or price of lofts on Skid Row to that of lofts in the immediate vicinity. To be sure, as noted earlier, the real estate values are lower on Skid Row than in the larger Downtown business area. But is there a difference between a loft on Skid Row and a loft three blocks away in the Arts District? Some preliminary data suggests that the rents may not be that different:[254]

Building	Location	Avg. Unit SF	Avg. Rental	Avg Rental/SF
On Skid Row:				
Gilmore's Hellman Building	Main and Fourth	1,495	$2,023	$1.35
Gilmore's San Fernando	Main and Fourth	1,010	$1,545	$1.53
Off Skid Row:				
Gilmore's Continental Building	Spring and Fourth	1,452	$1,748	$1.20
The Orpheum Lofts	Broadway and Eighth	1,540	$1,965	$1.28
Grand Central Square 2BR Apartments	Broadway and Third	900	$1,425	$1.58
Spring Tower Lofts	Spring and Sixth	n/a	$1,700	n/a

But more systematic data would be needed here. And many other questions, of course, arise. Does redevelopment shift patterns of criminal offending, displacing the street disorderliness with other forms of deviance? Does redevelopment bring the police into the neighborhood in a more conspicuous manner, in order to protect the young professionals? How does the political economy of real estate redevelopment intersect with policing and crime?

Los Angeles' Skid Row is an evolving experiment on disorder in urban neighborhoods. The story unfolds under our eyes: a story in which the police seem to play a backseat role to high-end real estate developers, SRO advocates, and city planning. Perhaps one of the most intriguing aspects in the plot is the symbiotic relationship between urban downtown chic and the destitute: the idea that a New York-style, edgy feeling in downtown Los Angeles may require a bit of well-managed homelessness.

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[254] The data here is collected from the website of the Downtown Center Business Improvement District, Listing of Downtown Residential Properties, available at <http://downtownla.com/living_here.asp> (last visited Feb 22, 2005).