Los Angeles City Council, Journal/Council Proceedings
Wednesday, January 30, 2013
John Ferraro Council Chamber, Room 340, City Hall - 10 am

(For further details see Official Council Files)

(For communications referred by the President see Referral Memorandum)

ROLL CALL - Members present: Buscaino, Englander, Garcetti, Huizar, Krekorian, LaBonge, Parks, Rosendahl, Zine and President Wesson (10); Absent: Alarcón, Koretz, Perry, Reyes (4); Vacant: Council District Six


COMMENDATORY RESOLUTIONS AND INTRODUCTIONS - NONE

PUBLIC TESTIMONY ON NON-AGENDA ITEMS AT THE CALL OF THE CHAIR - An opportunity for public testimony was provided.

Items Noticed for Public Hearing - Items 1-10

ITEM NO. (1) - SEE BELOW

12-1457 et al.

HEARING PROTESTS, APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien for nuisance abatement costs and/or non-compliance of code violations/Annual Inspection costs, pursuant to Los Angeles Municipal Code (LAMC) and/or Los Angeles Administrative Code (LAAC).

Recommendation for Council action:

HEAR PROTESTS, APPEALS OR OBJECTIONS relative to proposed lien for nuisance abatement costs and/or non-compliance of code violations/Annual Inspection costs, pursuant to LAMC and/or LAAC and CONFIRM said lien for the following properties:

CONTINUED TO FEBRUARY 27, 2013

Adopted to Continue, Unanimous Vote (11); Absent: KORETZ, PERRY, REYES (3)

12-1457 CD 14

a. 2802 East Cesar E. Chavez Avenue. (Lien: $4,152.11)
CONTINUED TO FEBRUARY 5, 2013

Adopted to Continue, Unanimous Vote (10); Absent: GARCETTI, PERRY, REYES, PRESIDENT WESSON (4)

12-1458 CD 10
   b. 2515 South Third Avenue. (Lien: $2,347.70)

PUBLIC HEARINGS CLOSED - LIENS CONFIRMED

Adopted, Ayes (11); Absent: KORETZ, PERRY, REYES (3)
(Item Nos. 1c-1g)

12-1459 CD 2
   c. 13038 West Aetna Street. (Lien: $3,011.63)

12-1460 CD 6
   d. 14555 West Vanowen Street. (Lien: $1,785.97)

12-1461 CD 13
   e. 2811 West Beverly Boulevard. (Lien: $8,360.39)

12-1462 CD 12
   f. 18633 West Parthenia Street, Unit A. (Lien: $4,091.15)

12-1463 CD 8
   g. 7501 South Western Avenue. (Lien: $2,114.75)

CONTINUED TO FEBRUARY 5, 2013

Adopted to Continue, Unanimous Vote (10); Absent: GARCETTI, PERRY, REYES, PRESIDENT WESSON (4)

12-1464 CD 5
   h. 6738 West Colgate Avenue. (Lien: $1,736.37)

RECEIVED AND FILED - INASMUCH AS LIEN HAS BEEN PAID

Adopted to Receive and File, Unanimous Vote (11); Absent: KORETZ, PERRY, REYES (3)

12-1465 CD 2
i. 13109 West Sherman Way. (Lien: $5,839.20)

PUBLIC HEARING CLOSED - LIEN CONFIRMED

Adopted, Ayes (11); Absent: KORETZ, PERRY, REYES (3)

12-1466
CD 9

j. 7815 South Main Street (aka 7817 South Main Street). (Lien: $1,774.44)

RECEIVED AND FILED - INASMUCH AS LIEN HAS BEEN PAID

Adopted to Receive and File, Unanimous Vote (11); Absent: KORETZ, PERRY, REYES (3)

11-0816
CD 7

k. 11041 North De Garmo Avenue. (Lien: $785.50)

CONTINUED TO FEBRUARY 5, 2013

Adopted to Continue, Unanimous Vote (10); Absent: GARCETTI, PERRY, REYES, PRESIDENT WESSON (4)

12-1377
CD 2

l. 6509 North Alcove Avenue. (Lien: $7,199.73)

PUBLIC HEARINGS CLOSED - LIENS CONFIRMED

Adopted, Ayes (11); Absent: KORETZ, PERRY, REYES (3)
(Item Nos. 1m-1s)

12-1383
CD 13

m. 110 South Virgil Avenue (aka 110-112 South Virgil Avenue). (Lien: $8,180.73)

12-1384
CD 14

n. 4918 North La Roda Avenue. (Lien: $2,828.92)

12-1375
CD 10

o. 1740 South Highland Avenue. (Lien: $3,512.05)

12-1376
CD 5

p. 18054 West Valley Vista Boulevard. (Lien: $3,139.45)
12-1380
CD 7
q. 12744 West Foothill Boulevard. (Lien: $9,547.97)
12-1381
CD 9
r. 926 East 89th Street. (Lien: $12,944.68)
12-1382
CD 15
s. 2014 East 111th Street. (Lien: $10,320.44)

ITEM NO. (2) - SEE BELOW

13-0074
et al.

HEARING PROTESTS relative to Office of Finance reports requesting approval to record liens against taxpayers for unpaid taxes.

Recommendation for Council action:

APPROVE and AUTHORIZE the Office of Finance to record a lien for unpaid taxes in the amounts stated below, pursuant to Los Angeles Municipal Code Section 21.15(o) for the following:

RECEIVED AND FILED - INASMUCH AS TAYPAYER WAS GRANTED AN ADMINISTRATIVE HEARING

Adopted to Receive and File, Unanimous Vote (11); Absent: KORETZ, PERRY, REYES (3) (Item Nos. 2a-2b)

13-0074
a. Airport Valet of LAX Inc. (Lien: $25,085.23)
13-0074-S1
b. Airport Valet of LAX Inc. (Lien: $449,231.95)

ITEM NO. (3) - ADOPTED

Adopted, Ayes (12); Absent: PERRY, REYES (2)

12-1698
CD 14
CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Cesar E. Chavez Avenue and Vignes Street Lighting District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DENY the protests and confirm the assessments.
2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held January 9, 2013)

Adopted to Continue, Unanimous Vote (12); Absent: PERRY, REYES (2)
(Item Nos. 4-7)

ITEM NO. (4) - CONTINUED TO JULY 30, 2013

12-1703
CD 6

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Redbank Street and Webb Avenue Lighting District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DENY the protests and confirm the assessments.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held January 9, 2013)

ITEM NO. (5) - CONTINUED TO JULY 30, 2013

12-1704
CD 6

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Rincon Avenue and Pendleton Street Lighting District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DENY the protests and confirm the assessments.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held January 9, 2013)
ITEM NO. (6) - CONTINUED TO JULY 30, 2013

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Neenach Street and Amboy Avenue Lighting District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DENY the protests and confirm the assessments.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held January 9, 2013)

ITEM NO. (7) - CONTINUED TO JULY 30, 2013

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of the Rialto Street and Amboy Avenue Lighting District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DENY the protests and confirm the assessments.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held January 9, 2013)

Adopted, Ayes (12); Absent: PERRY, REYES (2)
(Item Nos. 8-9)

ITEM NO. (8) - ADOPTED

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of Exposition and Sawtelle Boulevards Lighting District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:
1. DENY the protests and confirm the assessments.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held January 9, 2013)

ITEM NO. (9) - ADOPTED

CONTINUED CONSIDERATION OF HEARING PROTESTS and ORDINANCE FIRST CONSIDERATION relative to the improvement and maintenance of Kelowna Street and Laurel Canyon Boulevard Lighting District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DENY the protests and confirm the assessments.

2. PRESENT and ADOPT the accompanying ORDINANCE levying the assessments and ordering the maintenance of the above lighting district, in accordance with Sections 6.95-6.127 of the Los Angeles Administrative Code and Government Code Section 53753 (Proposition 218).

(Public Hearing held January 9, 2013)

ITEM NO. (10) - CONTINUED TO FEBRUARY 6, 2013

Adopted to Continue, Unanimous Vote (11); Absent: KORETZ, PERRY, REYES (3)

HEARING COMMENTS relative to application for determination of “Public Convenience or Necessity” for the sale of alcoholic beverages for on-site consumption at YD Music Store.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at YD Music Store karaoke music studio located at 3607 West Sixth Street, Los Angeles, 90020, will serve the “Public Convenience or Necessity” and will not tend to create a law enforcement problem.

2. GRANT the Application for Determination of “Public Convenience or Necessity” for the sale of alcoholic beverages for on-site consumption at 3607 West Sixth Street.

3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control (ABC) as the required findings under Business and Professions Code Section 23958.4.
Applicant: Hyung IL and Judy Cho (Dante Charleston, Representative)

TIME LIMIT FILE - APRIL 4, 2013
(LAST DAY FOR COUNCIL ACTION - APRIL 3, 2013)

Items for Which Public Hearings Have Been Held - Items 11-24

ITEM NO. (11) - CONTINUED TO FEBRUARY 6, 2013

Adopted to Continue, Unanimous Vote (11); Absent: KORETZ, PERRY, REYES (3)

12-1765
CD 3

CONTINUED CONSIDERATION OF MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to a zone change at 18837 West Topham Street.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council File No. 12-1765 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV-2012-882-MND] filed on July 12, 2012.

2. ADOPT the FINDINGS of the South Valley Area Planning Commission (SVAPC) as the Findings of the Council.

3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the SVAPC, effecting a zone change from RA-1-K to (T)(Q)RD3-1-K for the demolition of a single family dwelling and subsequent construction of four new single family dwellings each two stories in height on an approximately 12,737 square foot lot for property at 18837 West Topham Street, subject to Conditions of Approval.

Applicant: FM Construction and Engineering
Representative: Leonard Yaghoobi

4. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Council file.

5. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.
6. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

7. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

Fiscal Impact Statement: The SVAPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - FEBRUARY 6, 2013
(LAST DAY FOR COUNCIL ACTION - FEBRUARY 6, 2013)
(Continued from Council meeting of January 22, 2013)

ITEM NO. (12) - ADOPTED

Adopted, Ayes (12); Absent: PERRY, REYES (2)

12-1905
CD 2

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, RESOLUTION and ORDINANCES FIRST CONSIDERATION relative to a General Plan amendment, zone change, and building line removal for properties at 13439 (13437-13443) West Burbank Boulevard.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Mitigated Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 12-1905 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Mitigated Negative Declaration [ENV-2012-1224-MND] filed on July 20, 2012.

2. ADOPT the FINDINGS of the Los Angeles City Planning Commission (LACPC) as the Findings of the Council.
3. ADOPT the accompanying RESOLUTION as recommended by the Mayor, the Director of Planning and the LACPC APPROVING the proposed General Plan amendment to the Van Nuys - North Sherman Oaks Community Plan from Low Residential to Medium Residential land use designation for the construction of a two-story, 35-foot high, 22-unit apartment building over one level of on-grade parking on a 20,250 square-foot parcel, located at 13439 (13437-13443) West Burbank Boulevard.

Applicant: Altimus Properties, LLC
Representative: Jerome Buckmelter
Case No. CPC-2012-1225-GPA-ZC-BL

4. PRESENT and ADOPT the accompanying ORDINANCE, approved by the LACPC, effecting a zone change from [Q]R3-1 (multiple dwelling zone) and R1-1 (one-family dwelling zone) to (T)(Q)R3-1 for property located at 13439 (13437-13443) West Burbank Boulevard, subject to Conditions of Approval.

5. PRESENT and ADOPT the accompanying ORDINANCE, approved by the LACPC, effecting the removal a building line on the north side of Burbank Boulevard between Sunnyslope Avenue and Greenbush Avenue established by Ordinance No. 98921 for property located at 13439 (13437-13443) West Burbank Boulevard.

6. REMOVE (T) Tentative classification as described in detail on the sheet(s) attached to the Council file.

7. INSTRUCT the Planning Department to update the General Plan and appropriate maps pursuant to this action.

8. ADVISE the applicant of "Q" Qualified classification time limit as described in the Committee report.

9. ADVISE the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

10. ADVISE the applicant that, pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

Fiscal Impact Statement: The LACPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - FEBRUARY 21, 2013
(LAST DAY FOR COUNCIL ACTION - FEBRUARY 20, 2013)
NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT AND PUBLIC SAFETY COMMITTEES’ REPORTS, and ORDINANCE FIRST CONSIDERATION relative to amending Los Angeles Municipal Code (LAMC) Sections 12.03, 12.21, 12.22, 12.24 and 14.00 regulating State licensed community care and residential care facilities; defining single housekeeping unit; and amending definitions for boarding and rooming house and family.

A. PLANNING AND LAND USE MANAGEMENT COMMITTEE

SUBMITS WITHOUT RECOMMENDATION, the recommendations of the City Attorney dated September 13, 2011:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act (CEQA); that the Negative Declaration reflects the independent judgment of the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 11-0262 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Negative Declaration [ENV 2009-801-ND] filed on March 13, 2009.

2. FIND, pursuant to Charter Section 558(b)(3)(C), the Ordinance is consistent with what City Council intended when it requested preparation of an Ordinance.

3. FIND, pursuant to Charter Sections 556 and 558(b)(2), that the Ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan and that the adoption of the proposed Ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice.

4. PRESENT and ADOPT the accompanying ORDINANCE amending LAMC Sections 12.03, 12.21, 12.22, 12.24 and 14.00 regulating State licensed community care and residential care facilities; defining single housekeeping unit; and amending definitions for boarding and rooming house and family.

5. INSTRUCT the Department of City Planning staff to file a Notice of Determination in accordance with Section 15075 of the State California CEQA Guidelines.

The City Council may recess into Closed Session pursuant to Government Code Section 54956.9(b)(3)(C) to allow the Council to confer with its legal counsel on the above matter.

B. PUBLIC SAFETY COMMITTEE REPORT

Recommendations for Council action:
1. REQUEST that the City Attorney prepare an ordinance to amend Los Angeles Municipal Code (LAMC) Sections 12.03, 12.21, 12.22, 12.24, and 14.00 consistent with the California Community Care Facilities Act substantially as presented in Ordinance dated September 13, 2011 (attached to the Council file), as amended to:

a. Incorporate a severability clause so as if a suit challenge is made against a part of the proposed ordinance, the remainder of the ordinance would remain in effect.

b. Modify the definition of 'parolee-probationer home' to reflect a multi-unit residential structure, where one or more units has three or more parolee-probationers.

c. Remove, relative to the definition of single housekeeping unit, portion of definition language pertaining to "one lease;” and, with regard to definition of boarding house, to allow up to three leases before being classified as a boarding house.

2. REQUEST that the Planning Department and the Board of Police Commissioners, in consultation with the City Attorney, report back with recommendations for an exemption permit process for operators of shelters for victims of domestic violence.

3. REQUEST that the Los Angeles Police Department and Planning Department, the Department of Building and Safety, and the City Attorney report to the Planning and Land Use Management Committee in one year to conduct a public hearing with a thorough evaluation of the proposed Community Care Facilities Ordinance, its impact, and whether any amendments are needed to mitigate any unintended consequences or to strengthen aspects needing improvement.

Fiscal Impact Statement: None submitted. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes
Against Proposal: Greater Griffith Park Neighborhood Council
Venice Neighborhood Council
Southwest Area Neighborhood Council
Glassell Park Neighborhood Council
North Hills West Neighborhood Council
Central Hollywood Neighborhood Council
Historic Highland Park Neighborhood Council
Hollywood Studio District Neighborhood Council

For Proposal: Studio City Neighborhood Council
Westwood Neighborhood Council
Granada Hills South Neighborhood Council
North Hills West Neighborhood Council

Comments: Mar Vista Neighborhood Council
ADOPTED

MOTION (LABONGE - BUSCAINO)

Recommendations for Council action:

1. CREATE the Community Care Facilities Working Group as follows:
   a. Councilmember Mitchell Englander, Public Safety Committee Chair - Chair.
   c. Committee Chair.
   d. Councilmember Ed Reyes, Planning and Land Use Management Committee Chair.
   e. City Attorney representative.
   f. Chief Legislative Analyst representative.
   g. Department of City Planning representative.
   h. Los Angeles Department of Building and Safety representative.
   i. Los Angeles Housing Department representative.

2. REFER this matter to the Community Care Facilities Working Group.

3. INSTRUCT the Community Care Facilities Working Group to review this matter and report back with recommendations in 90 days.

REFERRED TO WORKING GROUP

AMENDING MOTION (ENGLANDER - LABONGE)

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the attached ORDINANCE in lieu of the ordinance attached to the Council file, which contains technical corrections proposed by the Planning Department in its response to the Rule 38 letter, as detailed below:

The addition of a phrase, “common areas, including” to the third line of the definition of single housekeeping unit.

Replacement of the last sentence of the definition of boarding or rooming house with the following sentence. “A bedroom shall be considered the same as a guest room for density and parking requirements.”

REFERRED TO WORKING GROUP

MOTION (ALARCON - ROSENDAHL)

Recommendations for Council action:

1. ESTABLISH a two-year Enhanced Nuisance Abatement Program targeting problem locations with dedicated city staff to exclusively handle nuisances in residential properties. The program shall include an interagency "Fast Track Residential Nuisance
Abatement Task Force” and protocols for prompt and effective resolution of complaints including: 1) an online and phone line complaint systems to take complaints from the public; 2) accept residential nuisance complaints from other City agencies and City Council offices; 3) vet complaints for possible nuisance before referring them to other City agencies; 4) contact the complainant within 48 hours of receiving the complaint to confirm receipt of complaint; 5) have an investigator visit the site to conduct investigation within 7 days of receiving complaint; and 6) provide written assessment to complainant and property owner within 28 days of receiving complaint.

2. INSTRUCT the Community Development Department, in consultation with the City Administrative Officer, to identify funding including matching funds from outside sources, for the above program, and to report with recommendations to the Housing, Community and Economic Development Committee.

3. PRESENT and ADOPT the attached ORDINANCE in lieu of the proposed Ordinance attached to the council file, including the following provisions:

a. DELETE the following definitions:
   a. definition of "Parolee - Probationer Home"
   b. definition of "Single Housekeeping Unit"
   c. definition of "Boarding or Rooming House"
   d. definition of "Family"

b. DELETE the prohibition on a one family dwelling located on a lot zoned RD being used as a boarding or rooming house.

c. DELETE the conditional use permit requirement for a Parolee- Probationer Home in all zones except the RW2 and more restrictive zones.

d. ADD the following new sections imposing the following requirements:

   i. The City's zoning authorities shall prioritize enforcement resources on buildings with the most severe and long-standing nuisance problems and on landlords who own multiple non-compliant buildings and/or who have repeatedly failed in the past to comply with the administrative nuisance abatement procedures.

   ii. For nuisances in or on residential properties, the compliance period shall be 90 days unless the Director determines that there are extreme circumstances that make compliance within 90 days impossible.

   iii. In addition, a violation or failure to comply shall result in the residential property being deemed and declared substandard under California Health and Safety Code Section 17920.3 because conditions exist to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants of the dwelling as specified in California Civil Code Section 1942.4.
e. AMEND the Municipal Code to add the following sub-subsections:

i. A property that has a nuisance that is the subject of enforcement under this section shall not be eligible for ongoing or subsequent City subsidy, grant, funding, entitlement or benefit to a landlord until the nuisance is abated. Ongoing funding shall be suspended at the point that a compliance hearing has been held and the nuisance was determined to still exist. Funding shall not be reinstated until the nuisance is abated.

ii. Contingent upon funding, the Department shall dedicate one zoning administrator and sufficient supporting staff to exclusively handling nuisances in residential properties.

iii. The Department shall establish and lead a "Fast Track Residential Nuisance Abatement Task Force comprised of the zoning administrator in charge of residential nuisances, and representatives of the Los Angeles Police Department, the Department of Building & Safety, the Housing Department, the County Department of Mental Health, the Los Angeles Homeless Services Authority and the City Attorney. The members of the Task Force shall work together to promptly and efficiently resolve residential nuisances and nuisance-related problems. The Department shall lead and facilitate the Task Force by holding regular Task Force meetings, coordinating enforcement among Task Force members and providing regular reports on the status of nuisance investigations and hearings. Task Force members will ensure that their agencies are providing resources as necessary to resolve nuisances and nuisance-related problems.

iv. For residential nuisances, the Department shall establish protocols for prompt and effective resolution of complaints including: 1) develop online and phone line complaint systems to take complaints from the public; 2) accept residential nuisance complaints from other City agencies and City Council offices; 3) vet complaints for possible nuisance before referring them to other City agencies; 4) contact the complainant within 48 hours of receiving the complaint to confirm receipt of complaint; 5) have a Department investigator visit site to conduct investigation within 7 days of receiving complaint, 6) provide written assessment to complainant and property owner within 28 days of receiving complaint; and 7) evaluate Department staff based on benchmarks on timing, communication and outcomes of complaints.

f. ADD the following new section relative to unlicensed community care facilities:

Unlicensed Community Care Facility: A facility is an unlicensed community care facility, residential care facilities for the elderly, residential care facilities for the chronically ill or child care center or family child care home if it is maintained and operated to provide nonmedical care, is not exempt from licensure and the facility is providing care or supervision, is held out as providing care or supervision, or represents that it is providing care or supervision, as defined in the California Code of Regulations, Sections 80001 Community care facility, 87801 residential care facility for the chronically ill, or Section 102352 family child care home.
The Department of Building and Safety shall investigate and inspect facilities suspected of being unlicensed community care facilities.

Where the Department of Building and Safety finds evidence that a facility is an "unlicensed community care facility" as defined in this section, the Department shall file a complaint with the appropriate licensing agency under the State Department of Social Services including: 1) For Children's Residential Facilities such as group homes and family homes, the Department shall contact the Children's Residential Program Office for Los Angeles County; 2) for Residential Care Facilities for the Elderly, the Department shall contact the Senior Care Program Office for Los Angeles County; 3) for Adult Residential Facilities, Adult Day Programs, and Social Rehabilitation Facilities, the Department shall contact the Adult Care Program Office for Los Angeles County; 4) for Family Child Care Homes that provide day care in private homes, the Department shall contact the Child Care Program Office for Los Angeles County; 5) for Health Care Facilities such as General Acute Care Hospitals, Acute Psychiatric Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities, Chemical Dependency Recovery Hospitals and Correctional Treatment Centers, the Department shall contact the California Department of Public Health's Licensing and Certification Division.

According to State Law and State Department of Social Services procedures, the licensing agency will make an unannounced visit to the facility within 10 days of receipt of the complaint. The licensing agency is required to report the results of the investigation and the Department of Building and Safety shall continue to monitor the investigation to ensure any problems are resolved.

For "unlicensed community care facilities" in single family homes, the Department of Building and Safety shall conduct a thorough code enforcement inspection of the facility including citing for substandard conditions, untenable conditions, illegal construction and overcrowding. The Department of Building and Safety shall conduct follow up to ensure repairs are made and to recover fees and costs as provided under State and local law.

The Department of Building and Safety shall report any suspicion of physical or sexual abuse in unlicensed facilities to the Los Angeles Police Department. In addition, the Department may report to the County Adult Protective Services agency and/or the Long-Term Ombudsman program.

Severability. If any part, section, subsection, subdivision, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of this ordinance.
ITEM NO. (14) - ADOPTED

Adopted, Ayes (11); Absent: KORETZ, PERRY, REYES (3)

11-1331
ORDINANCE SECOND CONSIDERATION amending Los Angeles Municipal Code Section 12.21 to specify the alternative paving materials to be used for driveways and parking lots.

(Communication from the City Attorney adopted January 23, 2013)

ITEM NO. (15) - REFERRED BACK TO HOUSING COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

Adopted to Refer, Unanimous Vote (11); Absent: KORETZ, PERRY, REYES (3)

12-1334
CONTINUED CONSIDERATION OF MOTION (CARDENAS - HUIZAR); and Los Angeles Housing Department, Community Development Department, and Chief Legislative Analyst to report; relative to updating the tax-exempt financing policies and existing Joint Powers Agreements, and streamlining the Tax Equity and Fiscal Responsibility Act of 1982 hearing process.

(Housing, Community and Economic Development Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

(Click on the above hyperlink or go to http://lacouncilfile.com for background documents.

(Continued from Council meeting of December 12, 2012)

Adopted, Ayes (11); Absent: KORETZ, PERRY, REYES (3)

(Item Nos. 16-24)

ITEM NO. (16) - ADOPTED

12-1742
INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles World Airports (LAWA), Accounting Main Office, for the period of January 1, 1981 through December 31, 1996.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LAW, Accounting Main Office, for the period of January 1, 1981 through December 31, 1996.

Fiscal Impact Statement: The City Clerk reports that the retention of 82 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of $12.79 per month, or $153.48 per year.
ITEM NO. (17) - ADOPTED

12-1743
INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles World Airports (LAWA), Accounting Main Office, for the period of January 1, 1969 through December 31, 2002.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LAW, Accounting Main Office, for the period of January 1, 1969 through December 31, 2002.

Fiscal Impact Statement: The City Clerk reports that the retention of 93 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of $14.51 per month, or $174.12 per year.

[These records will be retained for a period of 60 days after the City Council’s action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 473-8449 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

Community Impact Statement: None submitted.

ITEM NO. (18) - ADOPTED

12-1745
INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles World Airports (LAWA), Accounting Payroll, for the period of January 1, 1982 through December 31, 1999.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LAW, Accounting Payroll, for the period of January 1, 1982 through December 31, 1999.

Fiscal Impact Statement: The City Clerk reports that the retention of 186 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of $29.02 per month, or $348.24 per year.

[These records will be retained for a period of 60 days after the City Council’s action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 473-8449 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]
ITEM NO. (19) - ADOPTED

12-1746
INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles World Airports (LAWA), Accounting Payroll, for the period of January 1, 1976 through December 31, 2005.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LAWA, Accounting Payroll, for the period of January 1, 1976 through December 31, 2005.

Fiscal Impact Statement: The City Clerk reports that the retention of 251 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of $39.16 per month, or $469.92 per year.

[These records will be retained for a period of 60 days after the City Council’s action to authorize their destruction to allow for public inspection.  Contact the Records Management Division at (213) 473-8449 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

Community Impact Statement: None submitted.

ITEM NO. (20) - ADOPTED

12-1747
INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles World Airports (LAWA), Accounting Payroll, for the period of January 1, 1979 through December 31, 2000.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LAWA, Accounting Payroll, for the period of January 1, 1979 through December 31, 2000.

Fiscal Impact Statement: The City Clerk reports that the retention of 1,028 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of $160.37 per month, or $1,924.44 per year.

[These records will be retained for a period of 60 days after the City Council’s action to authorize their destruction to allow for public inspection.  Contact the Records Management Division at (213) 473-8449 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]
[These records will be retained for a period of 60 days after the City Council’s action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 473-8449 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

Community Impact Statement: None submitted.

ITEM NO. (21) - ADOPTED

12-1748

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles World Airports (LAWA), Accounting Revenue, for the period of January 1, 1966 through December 31, 1994.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LAW, Accounting Revenue, for the period of January 1, 1966 through December 31, 1994.

Fiscal Impact Statement: The City Clerk reports that the retention of 438 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of $68.33 per month, or $819.96 per year.

[These records will be retained for a period of 60 days after the City Council’s action to authorize their destruction to allow for public inspection. Contact the Records Management Division at (213) 473-8449 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

Community Impact Statement: None submitted.

ITEM NO. (22) - ADOPTED

12-1749

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles World Airports (LAWA), Airport Police/Badging Unit, for the period of January 1, 1978 through December 31, 1999.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LAW, Airport Police/Badging Unit, for the period of January 1, 1978 through December 31, 1999.

Fiscal Impact Statement: The City Clerk reports that the retention of 302 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of $47.11 per month, or $565.34 per year.
ITEM NO. (23) - ADOPTED

12-1750

INFORMATION TECHNOLOGY AND GENERAL SERVICES COMMITTEE REPORT and RESOLUTION relative to authorization to destroy certain obsolete records from the Los Angeles World Airports (LAWA), Airport Police/Badging Unit, for the period of January 1, 1978 through December 31, 1990.

Recommendation for Council action:

ADOPT the accompanying RESOLUTION to authorize the destruction of certain obsolete records from the LAWAL Airport Police/Badging Unit, for the period of January 1, 1978 through December 31, 1990.

Fiscal Impact Statement:  The City Clerk reports that the retention of 55 records boxes beyond the required retention time period, based on industry commercial standard rates, will continue to cost the City the equivalent of a minimum of $8.58 per month, or $102.96 per year.

[These records will be retained for a period of 60 days after the City Council’s action to authorize their destruction to allow for public inspection.  Contact the Records Management Division at (213) 473-8449 or via email at Todd.Gaydowski@lacity.org to arrange for inspection of records.]

Community Impact Statement:  None submitted.

ITEM NO. (24) - ADOPTED - FORTHWITH

12-1933  
CD 4

TRANSPORTATION COMMITTEE REPORT relative to the feasibility of adding a "right turn only" lane at Grove Drive and Third Street for west bound travel on Third Street.

Recommendation for Council action, as initiated by Motion (LaBonge - Rosendahl):

DIRECT the Los Angeles Department of Transportation to report relative to the feasibility of adding a "right turn only" lane at Grove Drive and Third Street for west bound travel on Third Street in order to alleviate traffic congestion by increasing capacity of the roadway and realignment of the lanes.

Fiscal Impact Statement:  None submitted.  Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.
Items for Which Public Hearings Have Not Been Held - Items 25-38
(10 Votes Required for Consideration)

Adopted, Ayes (12); Absent: PERRY, REYES (2)
(Item Nos. 25-30)

ITEM NO. (25) - ADOPTED

13-0071
CD 10

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF
INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of
the Jefferson Boulevard and Fourth Street Lighting District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated January 14, 2013.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of
   APRIL 3, 2013 as the hearing date for the maintenance of the Jefferson Boulevard and Fourth
   Street Lighting District, in accordance with Proposition 218, Articles XIIIC and XIIID of the
   California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, $1,818.38 will be
collected annually starting with tax year 2012-13 that will go into a dedicated street lighting
maintenance assessment account for the use in the operation and maintenance of this street lighting
system.

(Board of Public Works Hearing Date: March 27, 2013)

ITEM NO. (26) - ADOPTED

13-0072
CD 12

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF
INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of
the De Soto Avenue and Rinaldi Street Lighting District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated January 14, 2013.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of
   APRIL 3, 2013 as the hearing date for the maintenance of the De Soto Avenue and Rinaldi Street
   Lighting District, in accordance with Proposition 218, Articles XIIIC and XIIID of the California
   Constitution and Government Code Section 53753.
Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, $8,294.88 will be collected annually starting with tax year 2012-13 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: March 27, 2013)

ITEM NO. (27) - ADOPTED

13-0073
CD 10

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Serrano Avenue and Olympic Boulevard Lighting District.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. ADOPT the report of the Director, Bureau of Street Lighting, dated January 14, 2013.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of APRIL 3, 2013 as the hearing date for the maintenance of the Serrano Avenue and Olympic Boulevard Lighting District, in accordance with Proposition 218, Articles XIIIC and XIIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, $460.98 will be collected annually starting with tax year 2012-13 that will go into a dedicated street lighting maintenance assessment account for the use in the operation and maintenance of this street lighting system.

(Board of Public Works Hearing Date: March 27, 2013)

ITEM NO. (28) - ADOPTED - TO THE MAYOR FORTHWITH

10-0084
CD 15

COMMUNICATION FROM THE CITY CLERK and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to the reconfirmation procedure for the Wilmington Commercial Merchant-Based Business Improvement District (BID).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION confirming the Wilmington Commercial BID Annual Report and levying an annual assessment for the Wilmington Commercial BID’s thirteenth operating year January 1, 2013 to December 31, 2013.
2. FIND that the assessments for the proposed business based District are not taxes and that the District qualifies for exemption from Proposition 26 under exemption 1 of Article XIII C §1(e)(1).

3. DIRECT the City Clerk to schedule, prepare, publish, and mail the public hearing notice, as required by the provisions of Section 36500 et seq. of the California Streets and Highways Code.

4. INSTRUCT the City Clerk, subject to approval by the City Attorney as to form and legality, to prepare an enabling ordinance levying the special assessment for the Wilmington Commercial BID's thirteenth operating period beginning January 1, 2013 to December 31, 2013.

5. AUTHORIZE the City Clerk, subject to City Attorney approval, to prepare, execute, and administer a contract between the City and the Wilmington Chamber of Commerce to administer the Wilmington Commercial BID, if the Ordinance reconfirming the BID is adopted.

6. APPOINT the Advisory Board, attached to the Council file.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (29) - ADOPTED - TO THE MAYOR FORTHWITH

10-1504
CD 4&13

COMMUNICATION FROM THE CITY CLERK and ORDINANCE OF INTENTION FIRST
CONSIDERATION relative to the reconfirmation procedure for the Los Feliz Village Merchant-Based
Business Improvement District (BID).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION confirming the Los Feliz Village BID Annual Report and levying an annual assessment for the Los Feliz Village BID's twelfth operating year January 1, 2013 to December 31, 2013.

2. FIND that the assessments imposed by the Los Feliz Village Business Improvement District for the 2013 fiscal year provide services that directly benefit each of the businesses which pay the assessments.

3. FIND that the services funded by the assessments are provided only to each of the assessed businesses within the boundaries of the District.

4. FIND that the assessment imposed does not exceed the reasonable cost of conferring the benefits.

5. FIND that the proposed improvements and activities are completely separate from the day to day operations of the City of Los Angeles.
6. FIND that the assessments for the proposed business based District are not taxes and that the District qualifies for exemption from Proposition 26 under exemption 1 of Article XIII C §1(e)(1).

7. FIND that the services to be provided by the Owners' Association are in the nature of professional, expert, technical or other special services, that the services are of a temporary and occasional character, and that the use of competitive bidding would be impractical, not advantageous, undesirable or where the common law otherwise excuses compliance with competitive bidding requirements.

8. DIRECT the City Clerk to schedule, prepare, publish, and mail the public hearing notice, as required by the provisions of Section 36500 et seq. of the California Streets and Highways Code.

9. INSTRUCT the City Clerk, subject to approval by the City Attorney as to form and legality, to prepare an enabling Ordinance levying the special assessment for the Los Feliz Village BID's twelfth operating period beginning January 1, 2013 to December 31, 2013.

10. APPROVE the Los Feliz Village Business Improvement Corporation, a California nonprofit mutual benefit corporation, to administer the proposed services of the Los Feliz Village Business Improvement District pursuant to Section 36500 et seq. of the California Streets and Highways Code and City regulations.

11. AUTHORIZE the City Clerk, subject to City Attorney approval, to prepare, execute, and administer a contract between the City and the Los Feliz Village Business Improvement Corporation to administer the Los Feliz Village BID, if the Ordinance reconfirming the BID is adopted.

12. APPOINT the Advisory Board, attached to the Council file.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (30) - ADOPTED - TO THE MAYOR FORTHWITH

10-1958
CD 14

COMMUNICATION FROM THE CITY CLERK and ORDINANCE OF INTENTION relative to the reconfirmation procedure for the Little Tokyo Merchant-Based Business Improvement District (BID).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION confirming the Little Tokyo BID Annual Report and levying an annual assessment for the Little Tokyo BID's ninth operating year, January 1, 2013 to December 31, 2013.
2. DIRECT the City Clerk to schedule, prepare, publish, and mail the public hearing notice, as required by the provisions of Section 36500 et seq. of the California Streets and Highways Code.

3. FIND that the assessments for the proposed business based District are not taxes and that the District qualifies for exemption from Proposition 26 under exemption 1 of Article XIII C §1(e)(1).

4. INSTRUCT the City Clerk, subject to approval by the City Attorney as to form and legality, to prepare an enabling Ordinance levying the special assessment for the Little Tokyo BID's tenth operating period beginning January 1, 2013 to December 31, 2013.

5. AUTHORIZE the City Clerk, subject to City Attorney approval, to prepare, execute, and administer a contract between the City and the Li'l Tokyo Businessmen's Association to administer the Little Tokyo BID, if the Ordinance reconfirming the BID is adopted.

6. APPOINT the Advisory Board, attached to the Council file.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

(Jobs and Business Development Committee waived consideration of the above matter)

ITEM NO. (31) - MOTION ADOPTED TO CREATE WORKING GROUP - SEE FOLLOWING

Adopted, to Create Working Group, Unanimous Vote (12); Absent: PERRY, REYES (2)

11-0262 NEGATIVE DECLARATION, COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to regulating State licensed community care and residential care facilities.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this project will not have a significant effect on the environment, pursuant to the City's Environmental Guidelines and is in compliance with the California Environmental Quality Act; that the Negative Declaration reflects the independent judgment of the City of Los Angeles; that the documents constituting the record of proceedings in this matter are located in Council file No. 11-0262 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and, ADOPT the Negative Declaration [ENV 2009-801-ND] filed on March 13, 2009.

2. FIND, pursuant to Charter Section 558(b)(3)(C), the Ordinance is consistent with what City Council intended when it requested preparation of an Ordinance.

3. FIND, pursuant to Charter Sections 556 and 558(b)(2), that the Ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan and that the adoption of the proposed Ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice.
4. PRESENT and ADOPT the accompanying ORDINANCE amending Sections 12.03, 12.21, 12.22, 12.24, and 14.00 of the Los Angeles Municipal Code regulating State licensed community care and residential care facilities; defining single housekeeping unit and parolee probationer home; and, amending definitions for boarding or rooming house and family.

Fiscal Impact Statement: None submitted. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes
Against Proposal: Greater Griffith Park Neighborhood Council
Venice Neighborhood Council
Southwest Area Neighborhood Council
Glassell Park Neighborhood Council
North Hills West Neighborhood Council
Central Hollywood Neighborhood Council
Historic Highland Park Neighborhood Council
Hollywood Studio District Neighborhood Council
Pacoima Neighborhood Council

For Proposal: Studio City Neighborhood Council
Westwood Neighborhood Council
Granada Hills South Neighborhood Council
North Hills West Neighborhood Council

Comments: Mar Vista Neighborhood Council

(Public Safety and Planning and Land Use Management Committees waived consideration of the above matter)

ADOPTED

MOTION (LABONGE - BUSCAINO)

Recommendations for Council action:

1. CREATE the Community Care Facilities Working Group as follows:
   a. Councilmember Mitchell Englander, Public Safety Committee Chair - Chair.
   b. Councilmember Richard Alarcón, Housing, Community and Economic Development Committee Chair.
   c. Committee Chair.
   d. Councilmember Ed Reyes, Planning and Land Use Management Committee Chair.
   e. City Attorney representative.
   f. Chief Legislative Analyst representative.
   g. Department of City Planning representative.
   h. Los Angeles Department of Building and Safety representative.
   i. Los Angeles Housing Department representative.
2. REFER this matter to the Community Care Facilities Working Group.

3. INSTRUCT the Community Care Facilities Working Group to review this matter and report back with recommendations in 90 days.

REFERRED TO WORKING GROUP

AMENDING MOTION (ENGLANDER - LABONGE)

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the attached ORDINANCE in lieu of the ordinance attached to the Council file, which contains technical corrections proposed by the Planning Department in its response to the Rule 38 letter, as detailed below:

The addition of a phrase, “common areas, including” to the third line of the definition of single housekeeping unit.

Replacement of the last sentence of the definition of boarding or rooming house with the following sentence. “A bedroom shall be considered the same as a guest room for density and parking requirements.”

REFERRED TO WORKING GROUP

MOTION (ALARCON - ROSENDAHL)

Recommendations for Council action:

1. ESTABLISH a two-year Enhanced Nuisance Abatement Program targeting problem locations with dedicated city staff to exclusively handle nuisances in residential properties. The program shall include an interagency "Fast Track Residential Nuisance Abatement Task Force“ and protocols for prompt and effective resolution of complaints including: 1) an online and phone line complaint systems to take complaints from the public; 2) accept residential nuisance complaints from other City agencies and City Council offices; 3) vet complaints for possible nuisance before referring them to other City agencies; 4) contact the complainant within 48 hours of receiving the complaint to confirm receipt of complaint; 5) have an investigator visit the site to conduct investigation within 7 days of receiving complaint; and 6) provide written assessment to complainant and property owner within 28 days of receiving complaint.

2. INSTRUCT the Community Development Department, in consultation with the City Administrative Officer, to identify funding including matching funds from outside sources, for the above program, and to report with recommendations to the Housing, Community and Economic Development Committee.

3. PRESENT and ADOPT the attached ORDINANCE in lieu of the proposed Ordinance attached to the council file, including the following provisions:
a. DELETE the following definitions:
   a. definition of "Parolee - Probationer Home"
   b. definition of "Single Housekeeping Unit"
   c. definition of "Boarding or Rooming House"
   d. definition of "Family"

b. DELETE the prohibition on a one family dwelling located on a lot zoned RD being used as a boarding or rooming house.

c. DELETE the conditional use permit requirement for a Parolee- Probationer Home in all zones except the RW2 and more restrictive zones.

d. ADD the following new sections imposing the following requirements:
   i. The City's zoning authorities shall prioritize enforcement resources on buildings with the most severe and long-standing nuisance problems and on landlords who own multiple non-compliant buildings and/or who have repeatedly failed in the past to comply with the administrative nuisance abatement procedures.
   ii. For nuisances in or on residential properties, the compliance period shall be 90 days unless the Director determines that there are extreme circumstances that make compliance within 90 days impossible.
   iii. In addition, a violation or failure to comply shall result in the residential property being deemed substandard under California Health and Safety Code Section 17920.3 because conditions exist to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants of the dwelling as specified in California Civil Code Section 1942.4.

e. AMEND the Municipal Code to add the following sub-subsections:
   i. A property that has a nuisance that is the subject of enforcement under this section shall not be eligible for ongoing or subsequent City subsidy, grant, funding, entitlement or benefit to a landlord until the nuisance is abated. Ongoing funding shall be suspended at the point that a compliance hearing has been held and the nuisance was determined to still exist. Funding shall not be reinstated until the nuisance is abated.
   ii. Contingent upon funding, the Department shall dedicate one zoning administrator and sufficient supporting staff to exclusively handling nuisances in residential properties.
   iii. The Department shall establish and lead a "Fast Track Residential Nuisance Abatement Task Force comprised of the zoning administrator in charge of residential nuisances, and representatives of the Los Angeles Police Department, the Department of Building & Safety, the Housing Department, the County Department of Mental Health, the Los Angeles Homeless Services Authority and the City Attorney. The members of the Task Force
shall work together to promptly and efficiently resolve residential nuisances and nuisance-related problems. The Department shall lead and facilitate the Task Force by holding regular Task Force meetings, coordinating enforcement among Task Force members and providing regular reports on the status of nuisance investigations and hearings. Task Force members will ensure that their agencies are providing resources as necessary to resolve nuisances and nuisance-related problems.

iv. For residential nuisances, the Department shall establish protocols for prompt and effective resolution of complaints including: 1) develop online and phone line complaint systems to take complaints from the public; 2) accept residential nuisance complaints from other City agencies and City Council offices; 3) vet complaints for possible nuisance before referring them to other City agencies; 4) contact the complainant within 48 hours of receiving the complaint to confirm receipt of complaint; 5) have a Department investigator visit site to conduct investigation within 7 days of receiving complaint, 6) provide written assessment to complainant and property owner within 28 days of receiving complaint; and 7) evaluate Department staff based on benchmarks on timing, communication and outcomes of complaints.

f. ADD the following new section relative to unlicensed community care facilities:

Unlicensed Community Care Facility: A facility is an unlicensed community care facility, residential care facilities for the elderly, residential care facilities for the chronically ill or child care center or family child care home if it is maintained and operated to provide nonmedical care, is not exempt from licensure and the facility is providing care or supervision, is held out as providing care or supervision, or represents that it is providing care or supervision, as defined in the California Code of Regulations, Sections 80001 Community care facility, 87801 residential care facility for the chronically ill, 87101 residential care facility for the elderly, or Section 102352 family child care home.

The Department of Building and Safety shall investigate and inspect facilities suspected of being unlicensed community care facilities.

Where the Department of Building and Safety finds evidence that a facility is an "unlicensed community care facility" as defined in this section, the Department shall file a complaint with the appropriate licensing agency under the State Department of Social Services including: 1) For Children's Residential Facilities such as group homes and family homes, the Department shall contact the Children's Residential Program Office for Los Angeles County; 2) for Residential Care Facilities for the Elderly, the Department shall contact the Senior Care Program Office for Los Angeles County; 3) for Adult Residential Facilities, Adult Day Programs, and Social Rehabilitation Facilities, the Department shall contact the Adult Care Program Office for Los Angeles County; 4) for Family Child Care Homes that provide day care in private homes, the Department shall contact the Child Care Program Office for Los Angeles County; 5) for Health Care Facilities such as General Acute Care Hospitals, Acute Psychiatric Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities, Chemical Dependency Recovery Hospitals
and Correctional Treatment Centers, the Department shall contact the California Department of Public Health’s Licensing and Certification Division.

According to State Law and State Department of Social Services procedures, the licensing agency will make an unannounced visit to the facility within 10 days of receipt of the complaint. The licensing agency is required to report the results of the investigation and the Department of Building and Safety shall continue to monitor the investigation to ensure any problems are resolved.

For "unlicensed community care facilities" in single family homes, the Department of Building and Safety shall conduct a thorough code enforcement inspection of the facility including citing for substandard conditions, untenable conditions, illegal construction and overcrowding. The Department of Building and Safety shall conduct follow up to ensure repairs are made and to recover fees and costs as provided under State and local law.

The Department of Building and Safety shall report any suspicion of physical or sexual abuse in unlicensed facilities to the Los Angeles Police Department. In addition, the Department may report to the County Adult Protective Services agency and/or the Long-Term Ombudsman program.

Severability. If any part, section, subsection, subdivision, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of this ordinance.

ITEM NO. (32) - ADOPTED

Adopted, Ayes (11); Absent: KORETZ, PERRY, REYES (3)
(Item Nos. 32a-32h, 33-35)

13-0005-S64 et al. RESOLUTIONS relative to removing various properties from the Rent Escrow Account Program.

Recommendation for Council action:

ADOPT the accompanying RESOLUTIONS removing the following properties from the Rent Escrow Account Program (REAP), inasmuch as the owner(s) have corrected the cited REAP violations and provided proof of compliance with the Los Angeles Housing Department (LAHD), Code Enforcement Unit, habitability citations, pursuant to Ordinance 173810, and ADOPT the Findings contained in the LAHD’s report of January 23, 2013:

13-0005-S64
CD 4

a. Property at 117 North Manhattan Place (Case No. 283941).
Assessor I.D. No. 5516-026-007
b. Property at 7053 South Trolleyway (Case No. 124530).
   Assessor I.D. No. 4116-033-053

      13-0005-S66
      CD 11

   c. Property at 7053 South Trolleyway (Case No. 261359).
      Assessor I.D. No. 4116-033-053

      13-0005-S67
      CD 13

   d. Property at 5700 West La Mirada Avenue (Case No. 374264).
      Assessor I.D. No. 5536-005-013

      13-0005-S68
      CD 14

   e. Property at 3469 East Opal Street (Case No. 374250).
      Assessor I.D. No. 5190-015-024

      13-0005-S69
      CD 15

   f. Property at 294 West 10th Street (Case No. 179477).
      Assessor I.D. No. 7455-024-024

      13-0005-S70
      CD 15

   g. Property at 294 West 10th Street (Case No. 244349).
      Assessor I.D. No. 7455-024-024

      13-0005-S71
      CD 15

   h. Property at 294 West 10th Street (Case No. 275619).
      Assessor I.D. No. 7455-024-024

ITEM NO. (33) - ADOPTED

               07-1863
               CD 2

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and
RESOLUTION TO VACATE relative to vacating the Fair Avenue Vacation District (VAC-E1401063).

Recommendations for Council action:

1. REAFFIRM the FINDINGS of October 12, 2007, that the vacation of the Fair Avenue Vacation
   District, pursuant to the City of Los Angeles Environmental Guidelines, is exempt from the
   California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City of Los
   Angeles Environmental Guidelines.
2. REAFFIRM the FINDINGS of October 12, 2007, that this vacation is in substantial conformance with the General Plan, pursuant to Section 556 of the Los Angeles City Charter.

3. ADOPT the accompanying RESOLUTION TO VACATE No. 12-1401063 for the vacation of the Fair Avenue Vacation District (VAC-E1401063).

4. INSTRUCT the City Clerk to transmit, following Council adoption, Resolution to Vacate No. 12-1401063 to the Land Development Group of the Bureau of Engineering for recordation of said Resolution with the Los Angeles County Recorder.

   Fiscal Impact Statement: None submitted by the City Engineer. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

   Community Impact Statement: None submitted.

ITEM NO. (34) - ADOPTED

08-3400
CD 9

FINAL ENVIRONMENTAL IMPACT REPORT, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION TO VACATE relative to vacating 58th Place from Main Street to approximately 392 feet westerly thereof (VAC-E1401123).

Recommendations for Council action:

1. REAFFIRM the FINDINGS of October 14, 2009, that the City Council has imposed all of the mitigation measures that are within the control of the City, as described in Final Environmental Impact Report (EIR-09-028 LAUSD; State Clearinghouse Number 2007031093), that are associated with the impacts of the street vacation of 58th Place from Main Street to approximately 392 feet westerly thereof and that other mitigation measures that are not within the authority of the City, have been or should be imposed as set forth in the findings of the Board of Education of the City of Los Angeles, dated January 8, 2008 and attached to the Council file.

2. REAFFIRM the FINDINGS of October 14, 2009, that this vacation is in substantial conformance with the General Plan, pursuant to Section 556 of the Los Angeles City Charter.

3. ADOPT the accompanying RESOLUTION TO VACATE No. 12-1401123 for the vacation of 58th Place from Main Street to approximately 392 feet westerly thereof (VAC-E1401123).

4. INSTRUCT the City Clerk to transmit, following Council adoption, Resolution to Vacate No. 12-1401123 to the Land Development Group of the Bureau of Engineering for recordation of said Resolution with the Los Angeles County Recorder.

   Fiscal Impact Statement: None submitted by the City Engineer. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

   Community Impact Statement: None submitted.
ITEM NO. (35) - ADOPTED

09-0029
CD 13

CATEGORICAL EXEMPTION, COMMUNICATION FROM THE CITY ENGINEER and RESOLUTION TO VACATE relative to vacating Colorado Boulevard between San Fernando Road West and the Golden State Freeway (VAC-E1401138).

Recommendations for Council action:

1. REAFFIRM the FINDINGS of September 11, 2009, that the vacation of Colorado Boulevard between San Fernando Road West and the Golden State Freeway, pursuant to the City of Los Angeles Environmental Guidelines, is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City of Los Angeles Environmental Guidelines.

2. REAFFIRM the FINDINGS of September 11, 2009, that this vacation is in substantial conformance with the General Plan, pursuant to Section 556 of the Los Angeles City Charter.

3. ADOPT the accompanying RESOLUTION TO VACATE No. 12-1401138 for the vacation of Colorado Boulevard between San Fernando Road West and the Golden State Freeway (VAC-E1401138).

4. INSTRUCT the City Clerk to transmit, following Council adoption, Resolution to Vacate No. 12-1401138 to the Land Development Group of the Bureau of Engineering for recordation of said Resolution with the Los Angeles County Recorder.

Fiscal Impact Statement: None submitted by the City Engineer. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

ITEM NO. (36) - SUBSTITUTE MOTION ADOPTED - IN LIEU OF ORIGINAL MOTION - SEE FOLLOWING

Substitute Motion adopted, Ayes (11); Absent: GARCETTI, PERRY, REYES (3)

13-0011-S3
CD 14

MOTION (HUIZAR - GARCETTI) relative to supporting the Parklet Program of Council District 14.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. TRANSFER/APPROPRIATE/ALLOCATE $4,900 in the Council District 14 portion of the Street Furniture Revenue Fund No. 43D/50 to the Board of Public Works Fund No. 100/74, Account No. 3040 (Contractual Services) to support the Parklet Program of Council District 14, as further described in the text of this Motion.

2. AUTHORIZE the Board of Public Works to make any technical corrections or clarifications as necessary to the above instructions in order to effectuate the intent of this Motion.
ADOPTED

SUBSTITUTE MOTION (HUIZAR - BUSCAINO)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. TRANSFER/APPROPRIATE/ALLOCATE $9,600 in the Council District 14 portion of the Street Furniture Revenue Fund No. 43D/50 to the Board of Public Works Fund No. 100/74, Account No. 3040 (Contractual Services) to support the Parklet Program of Council District 14, as further described in the text of this Motion.

2. AUTHORIZE that the Board of Public Works to make any technical corrections or clarification as necessary to the above instructions in order to effectuate the intent of this Motion.

Adopted, Ayes (11); Absent: KORETZ, PERRY, REYES (3)
(Item Nos. 37-38)

ITEM NO. (37) - ADOPTED

12-0010-S2
MOTION (BUSCAINO - KORETZ) relative to reinstating the reward offer in the death of Eva Tice for an additional six months.

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

REAFFIRM Council’s findings and REINSTATE the reward offer relative to the death of Eva Tice (Council action of March 5, 2012) for an additional period of six months from the publication of the offer of reward by the Office of the City Clerk and, further, that the sum of $50,000 shall be the aggregate maximum sum of any payment or payments of a City reward in this instance.

ITEM NO. (38) - ADOPTED

11-0271-S2
MOTION (GARCETTI - BUSCAINO) relative to declaring March 20, 2013 as “Auto Club Speedway Day in LA” on March 20, 2013 and installing street banners identifying the Auto Club Speedway Day in LA, and the Auto Club 400.

Recommendations for Council action:

1. APPROVE the street banner program identifying the Auto Club Speedway Day in LA and the Auto Club 400, as a City of Los Angeles Event Street Banner Program.

2. APPROVE the content of the street banner as attached to the Council file.

3. RESOLVE to DECLARE March 20, 2013 as Auto Club Speedway Day in LA.
ITEM NO. (39) - ADOPTED IN OPEN SESSION - SEE FOLLOWING

Adopted as Amended, Ayes (11); Absent: GARCETTI, PERRY, REYES (3)

12-1546

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Bieber v. City of Los Angeles, Los Angeles Superior Court Case No. SC104200. (This case arises from a landslide on the rear of the plaintiffs’ home.)

(Budget and Finance Committee considered the above matter in Closed Session on December 10, 2012)

(Continued from Council meeting of January 23, 2013)

ADOPTED

MOTION (KREKORIAN - PARKS)

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to execute a settlement agreement and all other documents necessary to implement the proposed settlement with the trustee for $900,000, and for the repair of the backyard of the property including the replacement of the fence.

2. AUTHORIZE and INSTRUCT the City Attorney, without further instructions, to draw the amount of $900,000 payable to “HSP 211, LLC” from the City Attorney Liability Claims Fund 100/59, Account No. 009770, payable in Fiscal Year 2012-13.

3. AUTHORIZE the City Attorney to execute the necessary documents to carry out the settlement in accordance with the above terms.

4. REQUEST the City Attorney and INSTRUCT the Department of Recreation and Parks to take all necessary steps to effectuate a reimbursement of the general fund for the cost of this settlement if there are surplus proceeds after the sale of the adjacent properties and the construction of the park.

MOTIONS PRESENTED PURSUANT TO RULE NO. 16 - TO BE PLACED ON THE NEXT AVAILABLE AGENDA

13-0118

MOTION (ZINE - ROENDAHL) relative to funding for a sidewalk repair project in Council District Three.
At the conclusion of this day's Council Session
ADJOURNING MOTIONS WERE ADOPTED in tribute to the memory of:

13-0003 - Edward Leon Jr.  Wesson - Buscaino - Rosendahl - All Councilmembers

Alarcón, Buscaino, Englander, Huizar, Koretz, Krekorian, LaBonge, Parks, Rosendahl, Zine and President Wesson (11); Absent: Garcetti, Perry, Reyes (3); Vacant: Council District Six

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk  PRESIDENT OF THE CITY COUNCIL