Los Angeles City Council, Journal/Council Proceedings
Wednesday, October 6, 2010
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: Alarcón, Huizar, Krekorian, LaBonge, Parks, Perry, Reyes, Wesson, Zine and President Garcetti (10); Absent: Cárdenas, Hahn, Koretz, Rosendahl and Smith (5)

APPROVAL OF THE RECORD OF PROCEEDINGS OF THE COUNCIL MEETING OF OCTOBER 1, 2010

COMMEMORATORY RESOLUTIONS AND INTRODUCTIONS - SEE PAGE 29

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

ROLL CALL NUMBER (#) - INDICATES THE ORDER IN WHICH THE ITEMS WERE ACTED UPON DURING THE COUNCIL MEETING

Items Noticed for Public Hearing - Items 1-11

Roll Call #2 - Adopted to Receive and File, Unanimous Vote (12); Absent: Cárdenas, Koretz and Smith (3)
(Item Nos. 1-2)

ITEM NO. (1) - RECEIVED AND FILED, INASMUCH AS LIEN HAS BEEN PAID

10-0402 CD 15
HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings of the lot at 2070 East 110th Street.
(Lien: $3,320.56)

ITEM NO. (2) - RECEIVED AND FILED, INASMUCH AS LIEN HAS BEEN PAID

10-0403 CD 15
HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings, cleaning and fencing of the lot at 2054 East 110th Street.
(Lien: $5,917.51)
Roll Call #1 - Adopted, Ayes (12); Absent: Cárdenas, Koretz and Smith (3)
(Item Nos. 3-4)

ITEM NO. (3) - PUBLIC HEARING CLOSED - LIEN CONFIRMED

10-0404
CD 10
HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the cost of barricading of all openings, and cleaning of the lot at 1026 South Orange Drive aka 1028 South Orange Drive. (Lien: $10,407.80)

ITEM NO. (4) - PUBLIC HEARING CLOSED - LIEN CONFIRMED

10-0438
CD 15
HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings, cleaning and fencing of the lot at 1954 East 110th Street AKA 1950 East 110th Street. (Lien: $5,271.92)

Roll Call #2 - Adopted to Receive and File, Unanimous Vote (12); Absent: Cárdenas, Koretz and Smith (3)
(Item Nos. 5-7)

ITEM NO. (5) - RECEIVED AND FILED, INASMUCH AS LIEN HAS BEEN PAID

10-0437
CD 9
HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings of the lot at 711 West 41st Street. (Lien: $2,732.02)

ITEM NO. (6) - RECEIVED AND FILED, INASMUCH AS LIEN HAS BEEN PAID

10-0436
CD 15
HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings, cleaning of the lot, and graffiti abatement at 657 West Athens Boulevard. (Lien: $6,957.05)

ITEM NO. (7) - RECEIVED AND FILED, INASMUCH AS LIEN HAS BEEN PAID

10-0435
CD 8
HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings, cleaning and fencing of the lot at 239 West 90th Street. (Lien: $3,296.98)
ITEM NO. (8) - PUBLIC HEARING CLOSED - LIEN CONFIRMED

Roll Call #1 - Adopted, Ayes (12); Absent: Cárdenas, Koretz and Smith (3)

10-0434 CD 8

HEARING APPEALS OR OBJECTIONS to Building and Safety Department report and confirmation of lien to cover the costs of barricading of all openings, cleaning and fencing of the lot at 241 West 90th Street AKA 239-241 1/2 West 90th Street. (Lien: $4,727.32)

ITEM NO. (9) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION - SEE FOLLOWING

Roll Call #3 - Adopted to Grant Application, Ayes (12); Absent: Cárdenas, Koretz and Smith (3)

10-2390 CD 8

HEARING COMMENTS relative to application for determination of “Public Convenience or Necessity” for alcohol sales for off-site consumption at CVS Pharmacy and retail drug store located at 3335 South Figueroa Street, Space No. 10, Los Angeles, 90007.

Application filed by: Dan Shultz, Milestone Management

TIME LIMIT FILE - OCTOBER 12, 2010
(LAST DAY FOR COUNCIL ACTION - OCTOBER 12, 2010)

(Findings and Council recommendations required relative to the above application)

ADOPTED

MOTION (PARKS - REYES)

Recommendations of Council action:

1. DETERMINE that the issuance of a liquor license at CVS Pharmacy located 3335 South Figueroa Street, Space No. 10, Los Angeles 90007, 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 off-site consumption at 3335 South Figueroa Street, Space No. 10, Los Angeles 90007.

3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as the required findings under Business and Professions Code Section 23958.4.

Applicant: Dan Shultz, Milestone Management
ITEM NO. (10) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION

HEARING COMMENTS relative to application for determination of “Public Convenience or Necessity” for alcohol sales for off-site consumption at CVS Pharmacy and retail drug store, located at 4742-56 North Laurel Canyon Boulevard.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at CVS Pharmacy and retail drug store located at 4742-56 North Lankershim Boulevard, North Hollywood, 91605, 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 off-site consumption at 4742-56 North Lankershim Boulevard.

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: Dan Shultz, Milestone Management

TIME LIMIT FILE - OCTOBER 12, 2010

(LAST DAY FOR COUNCIL ACTION - OCTOBER 12, 2010)

ITEM NO. (11) - PUBLIC HEARING CLOSED - MOTION ADOPTED TO GRANT APPLICATION

HEARING COMMENTS relative to application for determination of “Public Convenience or Necessity” for alcohol sales for off-site consumption at CVS Pharmacy and retail drug store, located at 303 South La Brea Avenue.

Recommendations for Council action:

1. DETERMINE that the issuance of a liquor license at CVS Pharmacy and retail drug store located at 303 South La Brea Avenue, Los Angeles, 90036, 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 off-site consumption at 303 South La Brea Avenue.
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: Roger Barbosa, Milestone Management

TIME LIMIT FILE - OCTOBER 12, 2010

(LAST DAY FOR COUNCIL ACTION - OCTOBER 12, 2010)

Items for Which Public Hearings Have Been Held - Items 12-29

ITEM NO. (12) - ADOPTED - SEE FOLLOWING

Roll Call #8 - Adopted, Ayes (12); Absent: Cárdenas, Koretz and Smith (3)

10-2270

COMMUNICATION FROM THE COUNCIL PRESIDENT relative to the reappointment of Ms. Bea Hsu to the Industrial Development Authority.

Recommendation for Council action:

RESOLVE that the Council President’s reappointment of Ms. Bea Hsu to the Industrial Development Authority is APPROVED and CONFIRMED. (Current commission gender composition:  M = 4; F = 2, Vacant = 1)

Ethics Commission Review:  Pending.

Community Impact Statement:  None submitted.

(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://cityclerk.lacity.org/lacityclerkconnect/index.cfm for background documents.)

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the reappointment of Ms. Bea Hsu to the Industrial Development Authority.

Recommendation for Council action:

RESOLVE that the Council President’s reappointment of Ms. Bea Hsu to the Industrial Development Authority is APPROVED and CONFIRMED. (Current commission gender composition:  M = 4; F = 2; Vacant = 1)
ITEM NO. (13) - ADOPTED - SEE FOLLOWING

10-2303

COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. JC Lacey to the Rent Adjustment Commission.

Recommendation for Council action:

RESOLVE that the Mayor’s appointment of Mr. JC Lacey to the Rent Adjustment Commission for the term ending May 20, 2014 is APPROVED and CONFIRMED. (Current commission gender composition:  M = 3; F = 4)

Ethics Commission Review: Pending.

Background Check Review: Pending.

Community Impact Statement: None submitted.

TIME LIMIT FILE - OCTOBER 7, 2010

(LAST DAY FOR COUNCIL ACTION - OCTOBER 6, 2010)

(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://cityclerk.lacity.org/lacityclerkconnect/index.cfm for background documents.)

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the appointment of Mr. JC Lacey to the Rent Adjustment Commission.

Recommendation for Council action:

RESOLVE that the Mayor’s appointment of Mr. JC Lacey to the Rent Adjustment Commission for the term ending May 20, 2014 is APPROVED and CONFIRMED. Mr. Lacey resides in Council District 14. (Current commission gender composition:  M = 3; F = 4)

Ethics Commission Review: Completed.

Background Check Review: Pending.
ITEM NO. (14) - ADOPTED - SEE FOLLOWING

COMMUNICATION FROM THE MAYOR relative to the appointment of Mr. Dwayne Gathers to the Community Redevelopment Agency Board of Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor’s appointment of Mr. Dwayne Gathers to the Community Redevelopment Agency Board of Commissioners for the term ending November 4, 2011 is APPROVED and CONFIRMED. (Current commission gender composition: \( M = 4; F = 3 \))

Ethics Commission Review: Pending.

Background Check Review: Pending.

Community Impact Statement: None submitted.

(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://cityclerk.lacity.org/lacityclerkconnect/index.cfm for background documents.)

ADOPTED

HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to the appointment of Mr. Dwayne Gathers to the Community Redevelopment Agency (CRA) Board of Commissioners.

Recommendation for Council action:

RESOLVE that the Mayor’s appointment of Mr. Dwayne Gathers to the CRA Board of Commissioners for the term ending November 4, 2011 is APPROVED and CONFIRMED. Mr. Gathers resides in Council District Four. (Current commission gender composition: \( M = 4; F = 3 \))

Ethics Commission Review: Completed.

Background Check Review: Pending.

Community Impact Statement: None submitted.
Roll Call #5 - Adopted, Ayes (12); Absent: Cárdenas, Koretz and Smith (3)
(Item Nos. 15-26)

ITEM NO. (15) - ADOPTED - TO THE MAYOR FORTHWITH - SEE FOLLOWING

COMMUNICATIONS FROM THE DEPARTMENT OF GENERAL SERVICES AND CITY ADMINISTRATIVE OFFICER and ORDINANCE FIRST CONSIDERATION relative to the proposed sale of surplus property to the Mountains Recreation and Conservation Authority of 77 parcels located within the Santa Monica Mountains Zone.

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

(Information Technology and Government Affairs Committee waived consideration of the above matter.)

(Click on the above hyperlink or go to http://cityclerk.lacity.org/lacityclerkconnect/index.cfm for background documents.)

ADOPTED

EXEMPTION, BUDGET AND FINANCE COMMITTEE REPORT and ORDINANCE relative to the proposed sale of surplus property to the Mountains Recreation and Conservation Authority of 77 parcels located within the Santa Monica Mountains Zone.

Recommendations for Council action, as initiated by Motion (Koretz - LaBonge), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. DETERMINE that the 77 parcels of City-owned properties located in various areas throughout Council District Five and situated along Beverly Glen Boulevard in an area known as Beverly Glen Canyon, are no longer required for City use and that the public interest is best served by the direct sale of the property to the Mountains Recreation and Conservation Authority.

2. FIND that the sale of real property to the Mountains Recreation and Conservation Authority is exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, section 1, (Class 12 - Surplus Government Property Sales).

3. PRESENT and ADOPT the accompanying ORDINANCE authorizing and providing for the sale of certain City-owned real properties which are no longer required for use by the City, and the public interest or necessity requires the transfer thereof, without the necessity of calling for bids, to the Mountains Recreation and Conservation Authority, for the sum of one million five hundred thousand dollars ($1,500,000).
4. **INSTRUCT** the Controller to appropriate $750,000 to the Santa Monica Conservancy Trust Fund 858/88, to a new account entitled “Proceeds Sale of Beverly Glen Surplus Property, Fiscal Year 2010-11” and $750,000 to the Reserve Fund.

5. **INSTRUCT** the Department of General Services to complete the transactions as outlined in the Ordinance, and process the necessary documentation to effectuate the sale.

**Fiscal Impact Statement:** The City Administrative Officer reports that the Proposed Sale is for the total purchase price of $1.5 million. Of this amount $750,000 will be deposited into the Reserve Fund and the remaining $750,000 will be deposited into the Santa Monica Mountains Conservancy Trust Fund. The proposed transaction is in compliance with the Financial Policies of the City.

**Community Impact Statement:** None submitted.

(Information Technology and Government Affairs Committee waived consideration of the above matter)

**ITEM NO. (16) - ADOPTED**

10-1475
CD 15

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, RESOLUTION and ORDINANCE FIRST CONSIDERATION relative to a General Plan Amendment and Zone and Height District Change for property at 319-27 and 407 North Harbor 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. 10-1475 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-2007-1514-MND] filed on March 14, 2008.

2. **ADOPT** the FINDINGS of the City Planning Commission (CPC) as the findings of the Council.

3. **ADOPT** the accompanying RESOLUTION as recommended by the Mayor, the Director of Planning and the CPC APPROVING the proposed General Plan Amendment to the San Pedro Community Plan from the Limited Manufacturing designation to the Community Commercial designation; and General Plan Amendment to the San Pedro Community Plan Map Footnote 3 to allow and include this location for Height District 2D with a height limitation of 69 feet and a 3:1 Floor Area Ratio for the development of two mixed use (commercial and residential) buildings for property at 319-27 and 407 North Harbor Boulevard. (The CPC also approved a Site Plan Review and Project Compliance.)
Applicant: 407 N. Harbor Blvd LLC, Ashai Construction and Development
(Representative: Fisher and Associates, Darryl Fisher and Sheila Gershon)
CPC-2007-1513-GPA-ZC-SPR-CDO

4. PRESENT and ADOPT the accompanying ORDINANCE, approved by the CPC, effecting a concurrent zone change from M1-1VL-CDO to [T][Q]C2-2D-CDO and Height District Change from 1XL to 2D for the development of two mixed use (commercial and residential) buildings for property at 319-27 and 407 North Harbor Boulevard, subject to Conditions of Approval.

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

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

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

8. 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.

9. 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 CPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - OCTOBER 24, 2010
(LAST DAY FOR COUNCIL ACTION - OCTOBER 22, 2010)

ITEM NO. (17) - ADOPTED

10-2284
CD 2

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, RESOLUTION and ORDINANCE FIRST CONSIDERATION relative to a General Plan Amendment and zone change for property at 5700-20 North Sepulveda Boulevard and 5703 Halbrent Avenue.
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. 10-2284 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-2007-5166-MND] filed on June 6, 2009.

2. ADOPT the FINDINGS of the City Planning Commission (CPC) as the Findings of the Council.

3. ADOPT the accompanying RESOLUTION as recommended by the Mayor, the Director of Planning and the CPC APPROVING the proposed General Plan Amendment to the Van Nuys-North Sherman Oaks Community Plan from the Medium Density Residential land use designation to the General Commercial land use designation only for the portion of the site fronting on Sepulveda Boulevard for the development of a mixed use project with 97 dwelling units, and 9,110 square feet of commercial/retail for property at 5700-20 North Sepulveda Boulevard and 5703 Halbrent Avenue.

Applicant: Bruce Arefi  
(Representative: Darryl Fisher and Associates)  
CPC-2008-1660-GPA-ZC-ZV-ZAA-SPR

4. PRESENT and ADOPT the accompanying ORDINANCE, approved by the CPC, effecting a concurrent zone change from R3-1 to (T)(Q)RAS4-1 only for the portion of the site fronting on Sepulveda Boulevard for property at 5700-20 North Sepulveda Boulevard and 5703 Halbrent Avenue, subject to Modified Conditions of Approval.

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

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

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

8. 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.

9. 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 CPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: None submitted.
ITEM NO. (18) - ADOPTED

10-2392
CD 1

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, RESOLUTION and ORDINANCE FIRST CONSIDERATION relative to a correction of land use designation and Zoning ordinance within the Northeast Community Plan area.

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

1. ADOPT the FINDINGS of the City Planning Commission and the Director of Planning as the Findings of the Council.

2. ADOPT the accompanying RESOLUTION, approved by the Mayor and Director of Planning, on behalf of the CPC, APPROVING the proposed Plan Amendment from Public Facilities to Heavy Industrial for the subject parcel which is privately owned and within the overall context of the CPC consideration of the Northeast Community Plan Revision.

3. PRESENT and ADOPT the accompanying ORDINANCE, approved by the Director of Planning, on behalf of the CPC, effecting the zone change correction from [Q]PF-1-CDO to M2-1-CDO and M3-1-CDO for the subject parcel.

  Applicant:  City of Los Angeles  
  CPC-22490, CPC-87-0242-CPR

(The Environmental Impact Report [EIR No. 90-0615 CPR] was certified by Council on June 15, 1999.)

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

Community Impact Statement: None submitted.

(URGENCY CLAUSE - 12 VOTES REQUIRED)

ITEM NO. (19) - ADOPTED

10-2406
CD 1

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, RESOLUTION and ORDINANCE FIRST CONSIDERATION relative to a General Plan Amendment and zone change for property at 2005 West Pico Boulevard and 1237, 1239, 1249, and 1253 Westlake Avenue.

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. 10-2406 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-2009-2588-MND] filed on February 5, 2010.

2. **ADOPT** the **FINDINGS** of the City Planning Commission (CPC) as the Findings of the Council.

3. **ADOPT** the accompanying **RESOLUTION** as recommended by the Mayor, the Director of Planning and the CPC APPROVING the proposed General Plan Amendment to the Periodic Plan Review to the Westlake Community Plan from Low Medium Density Residential land use designation to the Commercial Manufacturing land use designation for that portion of the site fronting on Westlake Avenue for property located at 2005 West Pico Boulevard and 1237, 1239, 1249, and 1253 Westlake Avenue.

   Applicant: Laborers Union 300, Sergio Rascon
   (Representative: Lee Ambers)

   CPC-2009-2587-GPA-ZC-CU

4. **PRESENT** and **ADOPT** the accompanying **ORDINANCE**, approved by the CPC, effecting a zone change from [Q]C2-1 to (T)(Q)CM-1 and from RD1.5-1-HPOZ to (T)(Q)CM-1-HPOZ for the construction of a new 30,300 square foot project comprised of offices and a multi-purpose/assembly building for property located at 2005 West Pico Boulevard and 1237, 1239, 1249, and 1253 Westlake Avenue, subject to Conditions of Approval.

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

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

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

8. **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.

9. **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 CPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

   **Community Impact Statement:** None submitted.
ITEM NO. (20) - ADOPTED

MITIGATED NEGATIVE DECLARATION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, RESOLUTION and ORDINANCE FIRST CONSIDERATION relative to a General Plan Amendment and zone change for property at 3501, 3505, and 3553 East Beswick 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 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. 10-2408 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-2009-2204-MND-REC2] filed on September 18, 2009.

2. ADOPT the FINDINGS of the City Planning Commission (CPC) as the Findings of the Council.

3. ADOPT the accompanying RESOLUTION as recommended by the Mayor, the Director of Planning and the CPC APPROVING the proposed General Plan Amendment to the Boyle Heights Community Plan from the Low Medium I Density Residential land use designation to Low Medium II Density Residential for the development of a low and very low income senior citizen apartment housing project with 33 dwelling units and 24 parking spaces for property at 3501, 3505, and 3553 East Beswick Street.

Applicant: Maria Cabildo, East Los Angeles Community Corporation
(Representative: Eric Lieberman, QES, Inc.) CPC-2009-2567-GPA-ZC-ZAA-ZAD-DB

4. PRESENT and ADOPT the accompanying ORDINANCE, approved by the CPC, effecting a concurrent zone change from R2-1 to (T)(Q)RD1.5-1, for property at 3501, 3505, and 3553 East Beswick Street.

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

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

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

9. 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 CPC reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - NOVEMBER 24, 2010
(LAST DAY FOR COUNCIL ACTION - NOVEMBER 24, 2010)

ITEM NO. (21) - ADOPTED

07-1342
AD HOC RIVER COMMITTEE REPORT relative to the Bureau of Engineering (BOE) and Community Redevelopment Agency (CRA) status reports on Los Angeles River-related projects.

Recommendation for Council action:

NOTE and FILE the BOE and CRA status reports dated September 8, 2010 and September 13, 2010 respectively, regarding updates on Los Angeles River-related projects, inasmuch as the reports are submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (22) - ADOPTED

07-1342-S3
AD HOC RIVER COMMITTEE REPORT relative to the Los Angeles River Projects 2010 third status report.

Recommendation for Council action:

NOTE and FILE the Los Angeles River Projects 2010 third status report from the City Administrative Officer dated September 8, 2010, inasmuch as the report is submitted for information only and no Council action is necessary.
ITEM NO. (23) - ADOPTED

07-1342-S6
AD HOC RIVER COMMITTEE REPORT relative to a Los Angeles River Revitalization Corporation report regarding a progress update and request for ongoing support from the City of Los Angeles.

Recommendation for Council action:

NOTE and FILE the Los Angeles River Revitalization Corporation report dated September 13, 2010 regarding a progress update and request for ongoing support from the City of Los Angeles, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.
Community Impact Statement: None submitted.

ITEM NO. (24) - ADOPTED

07-1342-S10
AD HOC RIVER COMMITTEE REPORT relative to a Planning Department report on the Cornfield/Arroyo Seco Specific Plan.

Recommendation for Council action:

NOTE and FILE the Planning Department report dated September 9, 2010 regarding the Cornfield/Arroyo Seco Specific Plan, inasmuch as the report is submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.
Community Impact Statement: None submitted.

ITEM NO. (25) - ADOPTED

10-0474
AD HOC RIVER COMMITTEE REPORT relative to the Los Angeles Department of Water and Power (LADWP) quarterly reports relative to work performed to maintain the LADWP rights-of-way along the Los Angeles River.

Recommendation for Council action:
NOTE and FILE the LADWP reports dated June 9, 2010 and August 27, 2010 respectively, regarding work performed to maintain the LADWP rights-of-way along the Los Angeles River, inasmuch as the reports are submitted for information only and no Council action is necessary.

Fiscal Impact Statement: Not applicable.
Community Impact Statement: None submitted.

ITEM NO. (26) - ADOPTED

10-1249
ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to the concerns noted by the Pershing Square Park Advisory Board and the efforts of the Department of Recreation and Parks in identifying an operator for the cafe at Pershing Square.

Recommendation for Council action, pursuant to Motion (Perry - LaBonge):

INSTRUCT the Department of Recreation and Parks (Department) to report within 45 days on the concerns noted by the Pershing Square Park Advisory Board, including the amount of revenues received, how the funds are used, the process to obtain vendor permits and vendor fees, the acceptance of donations for Pershing Square, the outreach by the Department for the various events held at the facility, and the current efforts made to identify an operator for the cafe at Pershing Square.

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

Roll Call #11 - Adopted, Ayes (10); Absent: Cárdenas, Koretz, Perry, Smith and Zine (5)
(Item Nos. 27-28)

ITEM NO. (27) - ADOPTED

09-0406-S14
BUDGET AND FINANCE COMMITTEE REPORT relative to the City Treasurer’s Investment and Cash Management Report for the month ending May 31, 2010.

Recommendation for Council action:

NOTE and FILE the City Treasurer’s Investment and Cash Management Report for the month ending May 31, 2010.

Fiscal Impact Statement: Not applicable.
Community Impact Statement: None submitted.
ITEM NO. (28) - ADOPTED

09-0406-S15

BUDGET AND FINANCE COMMITTEE REPORT relative to the City Treasurer’s Investment and Cash Management Report for the quarter and Fiscal Year (FY) ending June 30, 2010.

Recommendation for Council action:

NOTE and FILE the City Treasurer’s Investment and Cash Management Report for the quarter and FY ending June 30, 2010.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

ITEM NO. (29) - ADOPTED

Roll Call #12 - Adopted, Ayes (10); Absent: Cárdenas, Koretz, Perry, Smith and Zine (5)

10-0600-S41

BUDGET AND FINANCE COMMITTEE REPORT relative to the Preliminary Financial Report of the City’s financial operations for Fiscal Year (FY) 2009-10.

Recommendation for Council action:

APPROVE the Controller’s recommendations that the Mayor and Council:

a. Exercise extreme caution when making decisions involving the use of the Reserve Fund.

b. Review the $28 million in reappropriations to determine if all are necessary.

c. Instruct departments listed in Table III of the Controller’s report, attached to the Committee report, to the City Administrative Officer (CAO) and the Controller on plans to accelerate repayment of Reserve Fund advances for unfunded expenditures.

d. Instruct invoicing and paying departments involved in unfunded expenditures (Table III) to review their procedures to identify methods to improve their invoicing and paying processes.

e. Instruct departments listed in Table III-A to report to the Council on the need to expend over the amount budgeted or the amount of cash available in Special Revenue Funds.

f. Instruct departments to report to Mayor and Council on all prior year encumbrances with a valid business reason for each encumbered item in order to disencumber unwarranted items and increase reversions to the Reserve Fund.

Fiscal Impact Statement: None submitted by the Controller. Neither the CAO 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 30-39
(10 Votes Required for Consideration)

Roll Call #6 - Adopted, Ayes (12); Absent: Cárdenas, Koretz and Smith (3)
(Item Nos. 30-36)

ITEM NO. (30) - ADOPTED

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Eagle Rock Boulevard and Avenue 45 No. 1 (Re-ballot) 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 August 23, 2010.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of DECEMBER 15, 2010 as the hearing date for the maintenance of the Eagle Rock Boulevard and Avenue 45 No. 1 (Re-ballot) Lighting District, in accordance with Proposition 218, Articles XIIIC and XIIIID of the California Constitution and Government Code Section 53753.

Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, $1,616.81 will be collected annually starting with tax year 2010-11 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: December 8, 2010)

ITEM NO. (31) - ADOPTED

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Satsuma Avenue and Magnolia Boulevard No. 2 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 August 3, 2010.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of DECEMBER 15, 2010 as the hearing date for the maintenance of the Satsuma Avenue and Magnolia Boulevard No. 2 Lighting District, in accordance with Proposition 218, Articles XIIIC and XIIIID of the California Constitution and Government Code Section 53753.
Fiscal Impact Statement: The Bureau of Street Lighting reports that if adopted, $255.94 will be collected annually starting with tax year 2010-11 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: December 8, 2010)

ITEM NO. (32) - ADOPTED

10-0386 CD 4

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Killion Street and Lankershim Boulevard (Re-ballot) 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 August 23, 2010.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of DECEMBER 15, 2010 as the hearing date for the maintenance of the Killion Street and Lankershim Boulevard (Re-ballot) 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, $2,837.97 will be collected annually starting with tax year 2010-11 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: December 8, 2010)

ITEM NO. (33) - ADOPTED

10-1410 CD 11

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Mississippi Avenue and Sawtelle 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 August 4, 2010.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of DECEMBER 15, 2010 as the hearing date for the maintenance of the Mississippi Avenue and Sawtelle 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, $221.81 will be collected annually starting with tax year 2010-11 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: December 8, 2010)

ITEM NO. (34) - ADOPTED

10-1411 CD 11

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Washington Boulevard and Wilson Avenue 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 August 4, 2010.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of DECEMBER 15, 2010 as the hearing date for the maintenance of the Washington Boulevard and Wilson Avenue 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, $329.54 will be collected annually starting with tax year 2010-11 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: December 8, 2010)

ITEM NO. (35) - ADOPTED

10-1412 CD 11

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Sunset Boulevard and Amalfi Drive 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 August 2, 2010.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of DECEMBER 15, 2010 as the hearing date for the maintenance of the Sunset Boulevard and Amalfi Drive Lighting District, in accordance with Proposition 218, Articles XIIIC and XIIID of the California Constitution and Government Code Section 53753.
**ITEM NO. (36) - ADOPTED**

10-1413
CD 11

COMMUNICATION FROM THE BUREAU OF STREET LIGHTING and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to establishing a hearing date for the maintenance of the Chenault Street and Barrington Avenue 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 August 5, 2010.

2. PRESENT and ADOPT the accompanying ORDINANCE OF INTENTION setting the date of DECEMBER 15, 2010 as the hearing date for the maintenance of the Chenault Street and Barrington Avenue 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, $1,023.75 will be collected annually starting with tax year 2010-11 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: December 8, 2010)

**ITEM NO. (37) - ADOPTED**

**Roll Call #13 - Adopted, Ayes (10); Absent: Cárdenas, Koretz, Perry, Smith and Zine (5)**

10-2422
CD 8

CONSIDERATION OF MOTION (PARKS - PERRY) relative to the reinstatement of a portion of the Los Angeles Municipal Code (LAMC) Section 63.44 (B3) to prevent private, commercial activities from occurring on public park property that is reserved for recreational use.

Recommendations for Council action:

1. REINSTATE a portion of LAMC 63.44.B3 to prohibit the practice of conducting any trade, occupation, business or profession, except by contract with the Department of Recreation and Parks Board or their authorized representatives.
2. REQUEST the City Attorney to prepare and present an Ordinance to reinstate a portion of LAMC 63.44.B3 within 30 days.

Community Impact Statement: None submitted.

(Arts, Parks, Health and Aging Committee waived consideration of the above matter)

ITEM NO. (38) - ADOPTED

Roll Call #14 - Adopted, Ayes (10); Absent: Cárdenas, Koretz, Perry, Smith and Zine (5)

CONSIDERATION OF MOTION (PERRY - SMITH) relative to issuing a revocable permit associated with a vacation of Lower Grand Avenue and the Broad Museum project located at 221 South Grand Avenue and Community Redevelopment Agency of Los Angeles parking structure located at 620 West 2nd Street.

Recommendations for Council action:

1. DIRECT the Bureau of Engineering (BOE) to report with recommendations relative to issuing a revocable permit to close, gate, occupy, demolish, excavate, and start construction in the public right-of-way, associated with a vacation of Lower Grand Avenue and the Broad Museum project located at 221 South Grand Avenue and Community Redevelopment Agency of Los Angeles parking structure located at 620 West 2nd Street.

2. DIRECT the BOE to issue the revocable permit in order to commence a portion of the project’s construction on Lower Grand Avenue prior to completion of the street vacation on the condition that the developer appropriately guarantee, and post a bond in sufficient amounts to be determined by the City Engineer, to return and reconstruct the rights-of-way back to their present condition in the event that the developer does not complete the proposed development project and/or does not vacate Lower Grand Avenue.

Community Impact Statement: None submitted.

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

ITEM NO. (39) - NOTED AND FILED MOTION - ADOPTED AMENDING MOTION - SEE FOLLOWING

Roll Call #10 - Adopted to Note and File, Ayes (10); Absent: Cárdenas, Koretz, Perry, Smith and Zine (5)

NOTE AND FILE

CONTINUED CONSIDERATION OF MOTION (HUIZAR - PARKS) relative to improving security and safety at major events held at the Los Angeles Memorial Coliseum and Sports Arena.
Recommendations for Council action:

1. REQUEST that the President and General Manager and Chief Administrative Officer of the Coliseum Commission report to Council on the steps being taken to address the need for improved security, medical assistance, and crowd control at leased events held at the Coliseum and Sports Arena following the large number of individuals who required hospitalization, including one fatality, at a recent electronic music festival held at the Coliseum.

2. DIRECT the Los Angeles Fire Department to report to Council on how it determines what a safe figure is to allow at indoor and outdoor concerts and whether City law needs to be amended to limit the number of individuals who can attend these events.

3. DIRECT the Los Angeles Police Department to report to Council on current rules relative to security for these events and how they might be strengthened to ensure that drug use is not tolerated and no one under the minimum age is allowed into the host facility.

Community Impact Statement: None submitted.

(Public Safety Committee waived consideration of the above matter)

(Continued from Council meeting of October 1, 2010)

ADOPTED

AMENDING MOTION (HUIZAR - PARKS)

Recommendations for Council action:

INSTRUCT the Chief Legislative Analyst, City Administrative Officer and the Los Angeles Police Department to report back in 60 days on the Los Angeles Fire Department’s recommendations contained in its October 5, 2010 report, attached to the Council file regarding future events at the Los Angeles Memorial Coliseum and all other venues in the City promoting large scale events like the Electric Daisy Arts and Music Festival.

Closed Sessions - Items 40-42

ITEM NO. (40) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #16 - Adopted in Open Session, Ayes (10); Absent: Cárdenas, Koretz, Perry, Smith and Zine (5)

10-2393

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the cases entitled Jill P.E. v. City of Los Angeles, et al., Los Angeles Superior Court (LASC) Case No. LC 079281 and Anna M. v. City of Los Angeles, et al., LASC Case No. LC 081882. (This matter involves related personal injury incidents which occurred between 2002 and 2004.)

(Budget and Finance Committee considered the above matter in Closed Session on September 27, 2010.)
ADOPTED

MOTION (PARKS - REYES)

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

1. AUTHORIZE the City Attorney to expend $1,450,000 in settlement of the above entitled matters from City Attorney Fund 100, Department 59, Account No. 9770.

2. AUTHORIZE the City Attorney to draw demands as follows, although a court ordered compromise of minor’s claim will be held in the near future, and the final distribution amounts will be provided once a court order has been issued:
   a. $725,000 made payable to the Law Offices of Theodore A. Anderson and Leeza P.E.
   b. $725,000 made payable to Taylor & Ring LLP and Bonnie Manevich, guardian ad litem for Anna M.

3. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.

This matter was approved by the Budget and Finance Committee (Parks - Smith - Rosendahl - Huizar - Koretz “yes”) at its meeting on September 27, 2010, in Closed Session as permitted by Government Code Section 54956.9(a).

ITEM NO. (41) - MEETING HELD - CONTINUED TO OCTOBER 8, 2010

Roll Call #17 - Adopted to Continue, Unanimous Vote (10); Absent: Cárdenas, Koretz, Perry, Smith and Zine (5)

10-2437

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Michael Romero v. City of Los Angeles, Los Angeles Superior Court Case No. BC 402853. (This matter involves an auto vs. pedestrian incident on July 12, 2008.)

(Budget and Finance Committee considered the above matter in Closed Session on September 27, 2010.)
ITEM NO. (42) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION - SEE FOLLOWING

Roll Call #7 - Adopted in Open Session, Ayes (12); Absent: Cárdenas, Koretz and Smith (3)

The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a), to confer with its legal counsel relative to settlement in the case entitled Eva Lovi-Feldberg v. City of Los Angeles, Los Angeles Superior Court Case No. SC 104319. (This matter involves a trip and fall accident that occurred at 2180 Westwood Boulevard.)

(Budget and Finance Committee considered the above matter in Closed Session on September 27, 2010)

ADOPTED

MOTION (PARKS - REYES)

Recommendation for Council action:

REJECT the Plaintiff’s offer of settlement.

This matter was approved by the Budget and Finance Committee (Parks - Smith - Rosendahl - Huizar - Koretz “yes”) at its meeting on September 27, 2010, in Closed Session as permitted by Government Code Section 54956.9(a).

Item for Which Public Hearing Has Been Held - Item 43

ITEM NO. (43) - SUBSTITUTE MOTION ADOPTED, AS AMENDED, IN LIEU OF COMMITTEE REPORT - SEE FOLLOWING

Roll Call #15 - Substitute Motion adopted, as amended, Ayes (10); Absent: Cárdenas, Koretz, Perry, Smith and Zine (5)

RECEIVED AND FILED

CONTINUED CONSIDERATION OF HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE REPORT relative to recommendations for the 2010 Round Three Affordable Housing Trust Fund (AHTF) Notice of Funding Availability (NOFA) and report back regarding AHTF policies and activities.

Recommendations for Council action:

1. AUTHORIZE the General Manager, Los Angeles Housing Department (LAHD), or designee, to:

   a. Issue the 2010 Round Three NOFA for the AHTF with the recommended changes as described in the LAHD report dated September 16, 2010.
b. Seek proposals for the purchase of the following City-owned properties for the development of affordable multi-family housing:

1) 2516 Eastlake Avenue and 3211-13 1/2 Altura Walk
2) 819 West Fourth Street
3) 851 West 81st Street
4) 252 South Rampart Boulevard

c. Allocate $35 million in Neighborhood Stabilization Program Two funds for loans to eligible multi-family projects under the terms of the 2010 Round Three NOFA.

d. Prepare any necessary technical adjustment(s), consistent with Mayor and Council actions on this matter, subject to the approval of the City Administrative Officer (CAO).

2. DIRECT the Chief Legislative Analyst and the CAO to report back.

Fiscal Impact Statement: The LAHD reports that for 2010 Round Three, a total of $56.9 million is available in Community Development Block Grant, Los Angeles Department of Water and Power, US Department of Housing and Urban Development Home Investment Partnerships Program, Housing Opportunities for Person with AIDS, Energy Efficiency and Conservation Block Grant, Local Housing Trust Fund Program (LHTFP), McKinney Bond proceeds and Neighborhood Stabilization Program Two funds. $2,650,000 in General Funds were originally allocated in 2007 for the LHTFP. There are no additional impacts to the General Fund.

Community Impact Statement: None submitted.

ADOPTED, AS AMENDED

SUBSTITUTE MOTION (WESSON - PARKS)

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

1. APPROVE the Third Round of the 2010 Affordable Housing Trust Fund NOFA, attached to the Los Angeles Housing Department report dated September 16, 2010, attached to Council file.

2. AUTHORIZE the General Manager, LAHD, or designee, to:

   a. Issue the Round 3 NOFA, based on the availability of the fund sources identified in the Attachment and return for Council and Mayor approval of funding recommendations.

   b. Seek proposals for the purchase of the following City-owned properties for the development of affordable multi-family rental housing and return for Council and Mayor approval of funding recommendations:
1) 2516 Eastlake Avenue and 3211-3213 1/2 Altura Walk, Los Angeles, CA 90031
2) 819 West Fourth Street, San Pedro, CA 90731
3) 851 West 81st Street, Los Angeles, CA 90044
4) 252 South Rampart Boulevard, Los Angeles, CA 90057

c. Include as part of the report back on the Round 3 NOFA results, a Fund Management report for the New Generation Fund in conformance with the Council and Mayor approved report requirements. Additional information concerning this instruction is provided in the Findings Section of this report.

3. INSTRUCT the LAHD to not commit any Community Development Block Grant funds as part of the Round 3 NOFA until this request can be evaluated along with other City CDBG-related funding priorities.

4. AUTHORIZE the General Manager, LAHD, or designee, to:
   a. Allocate $35 million in Neighborhood Stabilization Program 2 (NSP-2) funds for loans to eligible multi-family projects under the terms of the Round 3 NOFA and amend Contract No. C-115683 with Restore Neighborhoods Los Angeles to reduce the compensation from the NSP-2 grant by $35 million, revising the award from this grant to $57.2 million, to make these funds available for the Round 3 NOFA.
   b. Prepare Controller instructions, and/or make any technical adjustments that may be required and are consistent with the actions taken on this item, subject to the approval of the CAO, and authorize the Controller to implement these instructions.

5. AUTHORIZE the Controller to issue Authorities for Expenditures (AFE) upon proper written demand from the General Manager, LAHD, or designee, for the purposes of paying off lenders with first Deed of Trust associated with the disposition of LAHD’s City-owned or controlled properties for the purposes of enforcing and protecting the City liens, covenants, and collateral prior to offering said properties for sale as NSP-2 eligible affordable housing. The funding for the AFE’s shall be derived from Fund No. 52J, NSP-2, Account No. F818.

ADOPTED

AMENDING MOTION (REYES - WESSON)

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

ADOPT the City Administrative Officer/Chief Legislative Analyst report dated October 5, 2010, and APPROVE the following new recommendations:
6. **INSTRUCT** the Los Angeles Housing Department (LAHD) to make its best efforts to allocate funds proportionally (one third each) to the following different types of housing projects: multi-family; single room occupancy; and senior, to ensure that various project types benefit from the resources. These funds can be used in conjunction with other programs without being considered a separate project, relative to the Energy and Efficiency Conservation Block Grant (EECBG) funds.

7. **INSTRUCT** the LAHD to limit the number of allocations for the overall NOFA program to any one owner/developer up to a maximum of three projects to ensure various owners/developers benefit from the funds available.

8. **AUTHORIZE** funding in NSP-2 map areas and any revised NSP-2 map areas that are subsequently approved by the Department of Housing and Urban Development, relative to the NSP-2 funds.

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

**10-0010-S38**

MOTION (ALARCON - HAHN) relative to an offer of reward for information leading to the identification, apprehension, and conviction of the person(s) responsible for the shooting at 14870 Polk Street in Sylmar on August 14, 2010.

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

**10-1526**

RESOLUTION (KREKORIAN - GARCETTI - ROSENDAHL) relative to declaring October 17, 2010 as AIDS Walk Los Angeles Day in the City of Los Angeles.

**COMMENDATORY RESOLUTIONS ADOPTED IN HONOR OF:**

**10-0004-S3**

Patricia Isasa

Fred Dewey

LaBonge - Rosendahl

Rosendahl - All Councilmembers
At the conclusion of this day's Council Session
ADJOURNING MOTIONS WERE ADOPTED in tribute to the memory of:

10-0003-S3  Ruth Birnberg Bercutt (Garcetti)
             Erna Wilcom (Hahn)
             Marion R. Deeb (LaBonge - All Councilmembers)
             Andy Stiers (LaBonge - Garcetti - All Councilmembers)
             Julie “Julia” Hemphill (Parks)
             Amanda Letty Fortier Smith (Parks)

Alarcón, Hahn, Huizar, Krekorian, LaBonge, Parks, Reyes, Rosendahl, Wesson and President Garcetti (10); Absent: Cárdenas, Koretz, Perry, Smith and Zine (5)

Whereupon the Council did adjourn.

ATTEST: June Lagmay, CITY CLERK

By

Council Clerk     PRESIDENT OF THE CITY COUNCIL