

August 22,2019

DIRECTORS MOTION:

MVCC Support of Los Angeles City Councilperson Mitch O'Farrell (CD13) proposed changes to Los Angeles Municipal Code (LAMC) Section 41.18 as defined in Los Angeles City Council File No. 19-0602-S1

MOTIONED BY:

Armond Seretti, Mar Vista Community Council Zone 4 Director and Homeless Issues Committee Chair

BACKGROUND:

- On July 30, 2019 Los Angeles City Councilperson Mitch O'Farrell submitted motion documents to the Los Angeles City Council stating the following, exactly:

"Motion – In September 2018, the United States, Ninth Circuit Court made a ruling in the Case Martin v. City of Boise. The case did not apply to the City of Los Angeles directly, however, as the Ninth Circuit Court presides over California, the City Attorney should be requested to provide an ordinance ensuring that the City's Municipal Code abides by the Court's ruling. I THEREFORE MOVE that the City Attorney be requested to draft an ordinance amending Los Angeles Municipal Code Section 41.18 to delete subsection (a), with the exception of the language making it unlawful to obstruct or interfere with the free passage of pedestrians in the public right of way, to delete subsections (b) and (c) and to amend subsection (d) to conform to the 9th Circuit decision in the Martin v. Boise case."

This motion was seconded by President Pro-Tempore and Councilperson for District 6 Nury Martinez and referred to the Los Angeles City Councils Homeless and Poverty Committee. A copy of the Councilpeople's motion is attached to this MVCC Directors motion for reference.

- On August 15, 2019 this motion was scheduled to be heard for committee meeting on August 21, 2019.
- On August 21,2019 this motion was heard by the Homeless and Poverty Committee and was subsequently unanimously adopted as amended. This matter has now been forwarded to the full Los Angeles City Council for consideration.

A copy of the Homeless and Poverty Committee Report, File No. 19-0602-S1 outlining the full recommended amendments of LAMC Section 41.18 to the City Attorney from the sponsoring Councilpeople is attached to this MVCC Motion for MVCC review.

IMPLICATIONS FOR MAR VISTA:

Should this motion pass through the Los Angeles City Council as amended and become law this would create legal and enforceable zones throughout our neighborhood where camping is not allowed. Perhaps most importantly is the inclusion of a 500ft restriction from daycare facilities, schools, and parks. This can/should eliminate the existing 405 encampment as well as the encampment at the post office. There is a licensed daycare facility within 500 ft of the entirety of the encampment at Venice/405 as well as a at least 3 licensed preschools within 500ft of the entirety of Mar Vista Post Office encampment.

The purpose of these changes is to make the LAMC "Ninth Circuit" compliant meaning these restrictions will not be enjoined from enforcement and LAPD will actually be able to meaningfully enforce the law. This is a reasonable restriction to a situation in desperate need of restriction that will grant relief to stakeholders in desperate need of relief.

MOTION:

Mar Vista Community Council shall formally support the full text of the Los Angeles City Councils Homeless and Poverty Committee Report recommendations as presented by Councilpeople O'Farrell and Martinez.

The Chair is to send a letter to both Los Angeles City Councilpeople Mike Bonin (CD11) and Paul Koretz (CD5) as well as to Los Angeles City Attorney Mike Feuer informing them of the MVCCs desire for them to fully support the changes to LAMC 41.18 as amended and approved by the Los Angeles City Councils Homeless and Poverty Committee.

Additionally, this motion is to be sent to the Westside Regional Alliance of Councils for further consideration. If adopted by WRAC, WRAC and all associated Neighborhood and Community Councils are to be requested to follow MVCC's lead in sending formal letters to their respective Councilpeople as well as the City Attorney requesting they support the revisions to LAMC 41.18 as amended by the Los Angeles City Councils Homeless and Poverty Committee.

HOMELESSNESS AND POVERTY COMMITTEE REPORT relative to a request for an Ordinance to amend Los Angeles Municipal Code (LAMC) Section 41.18 to conform to the 9th Circuit decision in the Martin v. Boise case.

Recommendation for Council action, as initiated by Motion (O'Farrell - Martinez):

REQUEST the City Attorney to draft an Ordinance, repealing the current version of LAMC Section 41.18 and replacing it with the language below:

(a) No person shall obstruct the public right of way in a manner that restricts ten feet of clearance from any operational and utilizable entrance, exit, driveway or loading dock.

(b) No person shall obstruct the public right of way in a manner that restricts passage as required by the Americans with Disabilities Act (ADA).

(c) No person shall obstruct the free passage of pedestrians in the public right-of-way by engaging in the following aggressive behavior:

(1) Approaching, following closely or speaking to a person in a manner that is intended to or is likely to cause a reasonable person to:

(i) Fear bodily harm to oneself or another, or damage to or loss of property.

(ii) Otherwise be intimidated into giving money or other thing of value.

(iii) Respond immediately with a violent reaction because of the inherent nature of the reasonably perceived harm.

(2) Intentionally touching or causing physical contact with another person without that person's consent.

(3) Intentionally blocking or interfering with the safe or free passage of a pedestrian, including unreasonably causing a pedestrian to take evasive action to avoid physical contact.

(d) No person shall sit, lie or sleep in or upon any street, sidewalk, or other public right-of-way as follows:

(1) At any time in a manner that restricts ten feet of clearance from any utilizable and operational entrance, exit, driveway or loading dock.

(2) At any time in a manner that restricts passage as required by the ADA.

(3) At any time:

(i) Within 500 feet of a park.

(ii) Within 500 feet of a school.

(iii) Within 500 feet of a daycare center.

(iv) In or upon any tunnel, bridge or pedestrian subway that is on a route designated by City Council resolution as a school route.

(v) Within 500 feet of a facility opened after January 1, 2018 to provide housing, shelter, supportive services, safe parking, or storage to homeless persons.

(vi) Bike and other recreational paths.

(vii) Public areas (non-sidewalk) posted with *No Trespass* signs for safety purposes.

(viii) Public areas posted with closing times for safety and maintenance purposes.

(ix) Crowded public sidewalk areas like those exempted in the Citywide vending ordinance and other large venue-adjacent areas.

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.

(Council may recess into closed session, pursuant to California Government Code Section 54956.9(d)(2) and (e)(1) to confer with legal counsel relative to significant exposure to one litigation case).

Summary:

At its regular meeting held on August 21, 2019, the Homelessness and Poverty Committee considered Motion (O'Farrell - Martinez) relative to a request for an Ordinance to amend LAMC Section 41.18 to conform to the 9th Circuit decision in the Martin v. Boise case. The Motion attached to the Council file, includes some details of the matter.

After consideration, and after providing an opportunity for public comment, the Committee approved the recommendation as reflected above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

HOMELESSNESS AND POVERTY COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
O'FARRELL:	YES
RODRIGUEZ:	ABSENT
BONIN:	ABSENT
HARRIS-DAWSON:	YES
RYU:	YES

EV
19-0602-S1_rpt_hp_8-21-19
hp_19-0602-S1_rpt_8-21-19

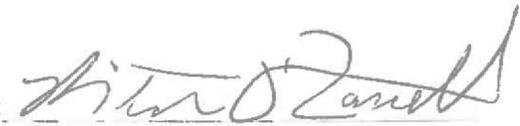
-NOT OFFICIAL UNTIL COUNCIL ACTS-

MOTION

In September 2018, the United States, Ninth Circuit Court made a ruling in the Case Martin v. City of Boise. The case did not apply to the City of Los Angeles directly, however, as the Ninth Circuit Court presides over California, the City Attorney should be requested to provide an ordinance ensuring that the City's Municipal Code abides by the Court's ruling.

I THEREFORE MOVE that the City Attorney be requested to draft an ordinance amending Los Angeles Municipal Code Section 41.18 to delete subsection (a), with the exception of the language making it unlawful to obstruct or interfere with the free passage of pedestrians in the public right of way, to delete subsections (b) and (c) and to amend subsection (d) to conform to the 9th Circuit decision in the Martin v. Boise case.

PRESENTED BY:



MITCH O'FARRELL
Councilmember, 13th District

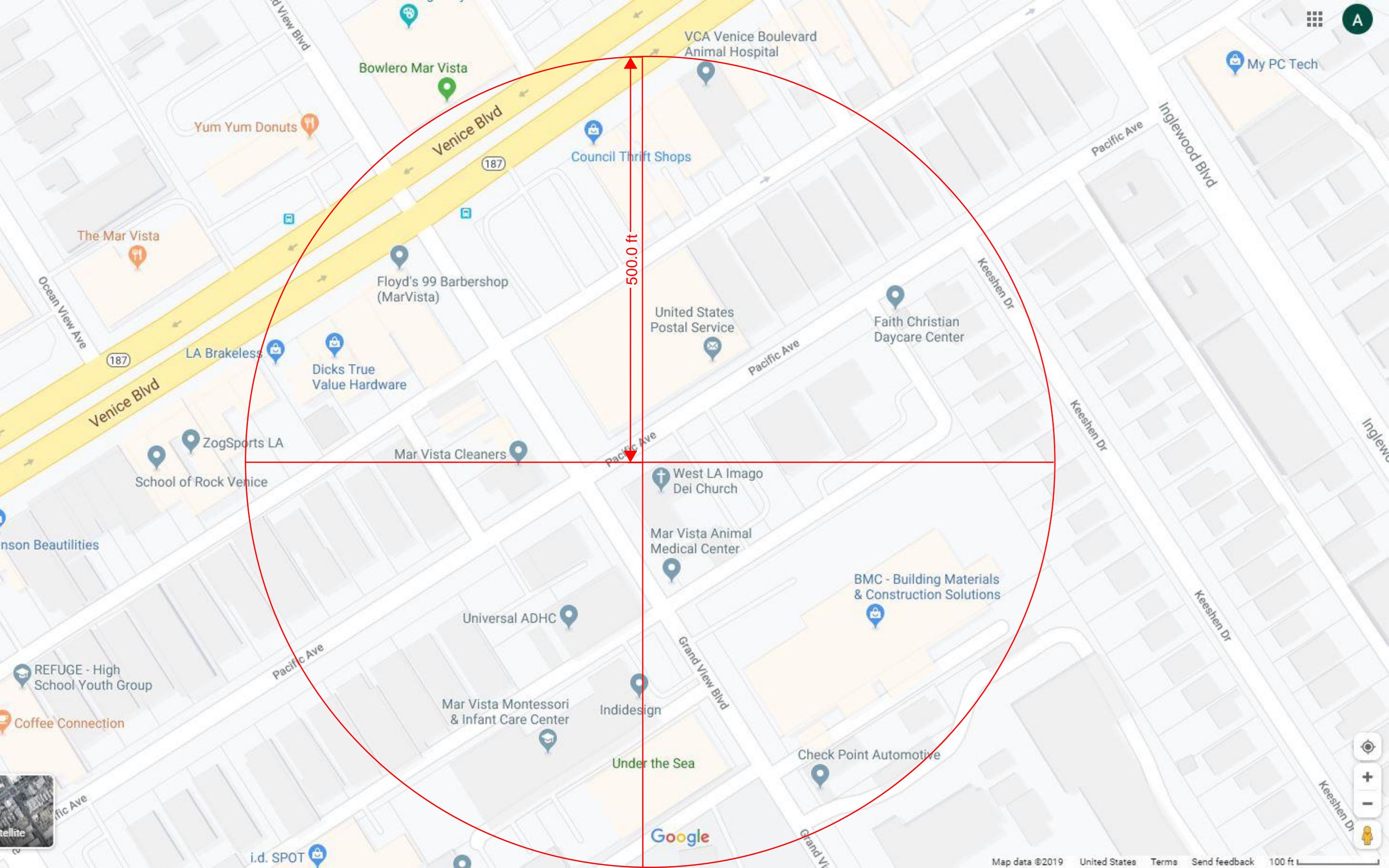
SECONDED BY:



JUL 30 2019



ORIGINAL



500.0 ft

Bowlero Mar Vista

VCA Venice Boulevard
Animal Hospital

Yum Yum Donuts

Venice Blvd

Council Thrift Shops

My PC Tech

The Mar Vista

Floyd's 99 Barbershop
(MarVista)

United States
Postal Service

Faith Christian
Daycare Center

Ocean View Ave

LA Brakeless

Dicks True
Value Hardware

Pacific Ave

Venice Blvd

ZogSports LA

Mar Vista Cleaners

Pacific Ave

Keeshen Dr

School of Rock Venice

West LA Imago
Dei Church

Keeshen Dr

nson Beautilities

Mar Vista Animal
Medical Center

BMC - Building Materials
& Construction Solutions

Keeshen Dr

REFUGE - High
School Youth Group

Universal ADHC

Grand View Blvd

Pacific Ave

Mar Vista Montessori
& Infant Care Center

Indidesign

Under the Sea

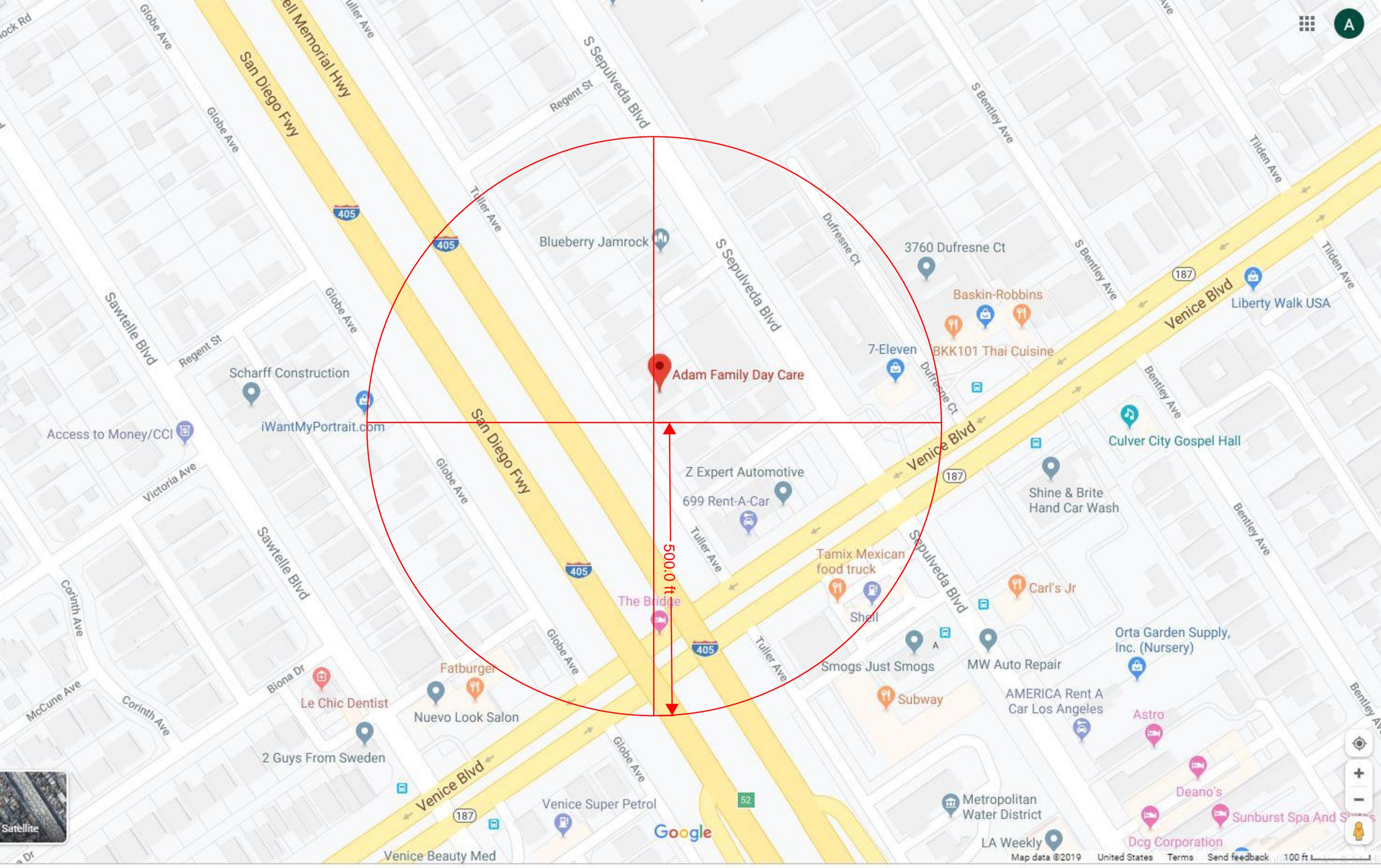
Check Point Automotive

Keeshen Dr

Coffee Connection

i.d. SPOT

Google



Adam Family Day Care

500.0 ft

Google