

TO: Venice Neighborhood Council
FR: Linda Lucks, Chair, OFW Committee
DA: 7.0.08
RE: Ocean Front Walk Committee Report

The City & Council continue meetings with the Federal court & plaintiffs lawyers on the lawsuits pending against LAMC 42.15 regulating vending on OFW. They meet again on Friday the 13th.

We probably won't know the outcome of that to the middle of the following week. If there is news prior to our board meeting, I will promptly convey it. Vendors, merchants, neighbors, performers & artists who are following the rules are **very concerned** about the changes in the ordinance & what is currently going on. At issue are the probable changes to two key aspects of the ordinance: noise and nominal use.

The OFW Committee has not officially met pending an outcome, but I am in close contact with the Council office as we move forward. Mike Bonin, Chief of Staff of Councilman Rosendahl continues to diligently meet with interested parties to be sure merchants, artists, performers and residents are kept up to date and he reports on those meetings to the judge.

City Councilman Rosendahl submitted proposed amendments to the ordinance to address the issues needing revision in a preemptive attempt get a new, constitutionally acceptable ordinance up before the mid August Council recess. In the meantime, the other areas of the ordinance are being enforced to some degree. Here is the language from the proposed ordinance. The council file information included:

File Number

07-2112

Last Changed Date

06/28/2007

Title

LOS ANGELES MUNICIPAL CODE **42.15**

Initiated by

Rosendahl Mover 2007 / LaBonge

Subject

Motion - WHEREAS, the City's ordinance that addresses vending and other activities on the Venice Beach Boardwalk, Los Angeles Municipal Code (LAMC) **42.15**, was legally challenged on Constitutional grounds in federal court; and WHEREAS, in order to better position the City in the litigation, two provisions of the ordinance should be repealed; and WHEREAS, the City has a strong and compelling interest in having a clear and enforceable ordinance that protects free expression, restricts commercial activity, and protects neighbors from excessive noise; THEREFORE MOVE that the City Council request that the City Attorney prepare an ordinance repealing certain portions of LAMC section **42.15(c)(2)** prohibiting the vending of items that are inherently communicative and have nominal utility apart from their communication, and certain portions of LAMC section

42.15(f) pertaining to the regulation of noise.

FURTHER MOVE that the City Council request the Department of Recreation and Parks, the Los Angeles Police Department and other relevant agencies to strictly enforce the remaining provisions of **42.15**.

FURTHER MOVE that City Council request the Los Angeles Police Department (LAPD), the Los Angeles Department of Building and Safety and other relevant agencies to enforce relevant LAMC noise ordinances on both the east and west side of the boardwalk.

FURTHER MOVE that the City Council direct the office of the Chief Legislative Analyst identify and request the assistance of the appropriate state and county agencies to address the problem of unpaid sales taxes by commercial vendors on the west side of the boardwalk Venice;

FURTHER MOVE that the City Council request the office of City Attorney work with Council District 11, Department of Recreation and Parks, and LAPD and report back in 21 days with a new and revised version of LAMC **42.15** that:

- a) creates additional or enhanced zones for street performers and free expressionists;
- b) provides additional, more stringent and more narrowly drawn restrictions on commercial vending;
- c) restores restrictions on noise in a constitutionally-complaint manner.

OLD COUNCIL FILE 04-1568

Date Received

06/27/2007

File History

6-27-07 - This day's Council session

6-27-07 - File to Council and Legislative Processing Clerk for placement on next available Council agenda

*Communication from the City Attorney R04-0348 relative to an ordinance amending Section **42.15** of the Los Angeles Municipal Code to require that public expression activities allowed by that section be exercised in designated spaces on the Venice Beach Boardwalk, and that the use of those designated spaces be regulated by a permit process.*

OLD COUNCIL FILE 99-0572

NEW COUNCIL FILE 07-2112

Good news: new flags to be installed this week at Windward and OFW!