

J. MICHAEL CAREY
City Clerk

FRANK T. MARTINEZ
Executive Officer

When making inquiries
relative to this matter
refer to File No.

03-0926-S1

July 28, 2004

PLACE IN FILES
JUL 29 2004
DEPUTY

CITY OF LOS ANGELES
CALIFORNIA



JAMES K. HAHN
MAYOR

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

HELEN GINSBURG
Chief, Council and Public Services Division

City Administrative Officer
Attn: City Attorney Analyst
Liability Claims/Budget Group
Room 1260, CHE
City Attorney,
cc: Jennifer Krieger
cc: Business Office
cc: Budget & Finance Division
Board of Building & Safety Commissioners

Controller, Room 300
Accounting Division, F&A
Disbursement Division
Office of Finance
Treasurer
Councilmember Reyes
Councilmember Weiss
Community Redevelopment Agency
Department of Building & Safety

RE: SETTLEMENT OF CASE ENTITLED GEOFFREY PALMER, AN INDIVIDUAL; AND PALMER BOSTON STREET PROPERTIES II, A CALIFORNIA LIMITED PARTNERSHIP V. CITY OF LOS ANGELES; CITY OF LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY; COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES; PALMER BOSTON STREET PROPERTIES II, A CALIFORNIA LIMITED PARTNERSHIP V. CITY OF LOS ANGELES; CITY COUNCIL OF LOS ANGELES; CITY OF LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY; BOARD OF BUILDING AND SAFETY COMMISSIONERS; AND PALMER BOSTON STREET PROPERTIES II, A CALIFORNIA LIMITED PARTNERSHIP V. CITY OF LOS ANGELES; CITY OF LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY. CASE NOS. UNITED STATES DISTRICT COURT CASE CV-03-6402-SVW CX; LOS ANGELES SUPERIOR COURT CASE(LASC) BS088281; AND LASC CASE BC297138

At the meeting of the Council held July 14, 2004, the following action was taken:

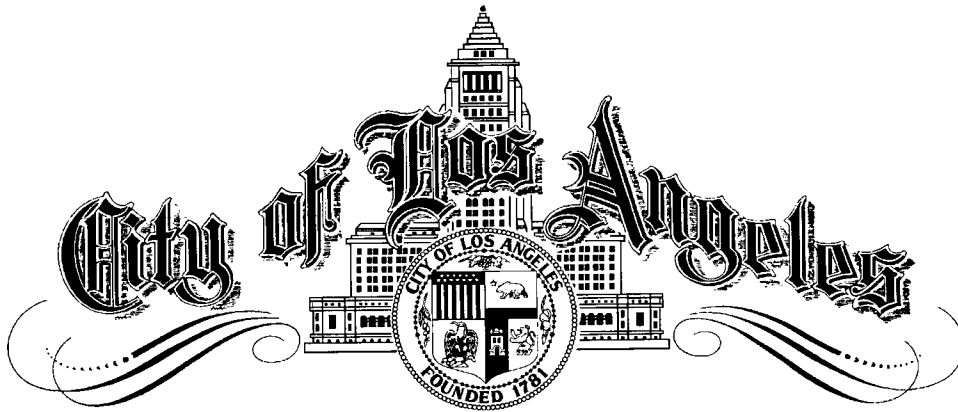
Attached motion (Reyes - Weiss) adopted in Open Session X
To the Mayor FORTHWITH..... X
Mayor concurred.....
Mayor failed to act by July 26, 2004 - APPROVED and
EFFECTIVE July 27, 2004, pursuant to Section 4.133
of the Los Angeles Administrative Code and Charter
Section 341 X

J. Michael Carey
City Clerk
vdw



Said file was presented to the Mayor on 7-16-04; the Mayor returned said File to the City Clerk on 7-27-04 without his signature or his objections in writing. Being more than ten days after the same was presented to the Mayor, said File shall become effective and be as valid as if the Mayor had approved and signed. (Sec. 341, City Charter and/or Section 4.133 of the LAAC)

CF# 03-0926-S1



CITY HALL
LOS ANGELES, CALIFORNIA 90012

JAMES K. HAHN
MAYOR

Date: July 27, 2004

To: City Clerk

From: 
Nathalie Rayes, Deputy Chief of Staff
Intergovernmental Relations

Re: C.F. 03-0926-S1

Settlement for the cases entitled Geoffrey Palmer, an individual; and Palmer Boston Street Properties II, a California Limited Partnership v. City of Los Angeles; City of Los Angeles Department of Building & Safety; Community Redevelopment Agency of the City of Los Angeles; Palmer Boston Street Properties II, a California Limited Partnership v. City of Los Angeles; City Council of Los Angeles; City of Los Angeles Department of Building & Safety; Board of Building & Safety Commissioners; and Palmer Boston Street Properties II, a California Limited Partnership v. City of Los Angeles; City of Los Angeles Department of Building & Safety. Case Nos. USDC CV-03-6402-SVW CX; Los Angeles Superior Court (LASC) BS088281; and LASC BC297138

BY _____
DEPUTY

CITY CLERK

2004 JUL 27 AM 11:06

RECEIVED
CITY CLERK'S OFFICE

MEMO TO FILE

C.F. 03-0926-S1 relative to the Council action of July 14, 2004 regarding the above-entitled matter, is herewith returned without Mayor's signature, with the understanding that this item will be considered deemed approved.

OFFICE OF THE MAYOR
Mayor's Time Stamp
RECEIVED
2004 JUL 16 AM 11:20
CITY OF LOS ANGELES

FORTHWITH

RECEIVED
CITY CLERK'S OFFICE
City Clerk's Time Stamp
2004 JUL 16 AM 11:04
CITY CLERK
BY _____ DEPUTY

SUBJECT TO MAYOR'S APPROVAL

COUNCIL FILE NO. 03-0926-S1

COUNCIL DISTRICT NO. _____

COUNCIL APPROVAL DATE July 14, 2004

RE: SETTLEMENT FOR THE CASES ENTITLED GEOFFREY PALMER, AN INDIVIDUAL; AND PALMER BOSTON STREET PROPERTIES II, A CALIFORNIA LIMITED PARTNERSHIP V. CITY OF LOS ANGELES; CITY OF LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY; COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES; PALMER BOSTON STREET PROPERTIES II, A CALIFORNIA LIMITED PARTNERSHIP V. CITY OF LOS ANGELES; CITY COUNCIL OF LOS ANGELES; CITY OF LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY; BOARD OF BUILDING AND SAFETY COMMISSIONERS; AND PALMER BOSTON STREET PROPERTIES II, A CALIFORNIA LIMITED PARTNERSHIP V. CITY OF LOS ANGELES; CITY OF LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY. CASE NOS. USDC CV-03-6402-SVW CX); LOS ANGELES SUPERIOR COURT (LASC) BS088281; AND LASC BC297138

LAST DAY FOR MAYOR TO ACT JUL 26 2004
(10 Day Charter requirement as per Charter Section 341)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY

APPROVED

*DISAPPROVED

*Transmit objections in writing
pursuant to Charter Section 341

DATE OF MAYOR APPROVAL OR DISAPPROVAL _____

MAYOR

JUL 28 2004

CF 03-0926-S1

July 14, 2004

MEMORANDUM TO FILE

The City Council held a Closed Session on Wednesday, July 14, 2004, pursuant to authority provided in California Government Code Section 54956.9(a), to confer with its legal counsel relative to cases entitled Geoffrey Palmer, an individual; and Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City of Los Angeles Department of Building and Safety; Community Redevelopment Agency of the City of Los Angeles; Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City Council of Los Angeles; City of Los Angeles Department of Building and Safety; Board of Building and Safety Commissioners; and Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City of Los Angeles Department of Building and Safety. United States District Court Case No. CV-03-6402-SVW RCx); Los Angeles Superior Court Case No. (LASC) BS088281; and LASC Court Case No. BC297138; Planning and Land Use Management and Housing, Community and Economic Development Committees waived consideration of the above matter.

The purpose of this memorandum is to note for the record that following discussion of the above matter in Closed Session, the City Council adopted the Motion (Reyes - Weiss) in Open Session and instructed the City Clerk to transmit the file forthwith.



MARIA KOSTRENCICH
Council Clerk

Attachment

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the recommendations of the City Attorney in the cases entitled Geoffrey Palmer, an individual; and Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City of Los Angeles Department of Building and Safety; Community Redevelopment Agency of the City of Los Angeles; Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City Council of Los Angeles; City of Los Angeles Department of Building and Safety; Board of Building and Safety Commissioners; and Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City of Los Angeles Department of Building and Safety. United States District Court Case No. CV-03-6402-SVW RCx); Los Angeles Superior Court Case No. (LASC) BS088281; and LASC Court Case No. BC297138, SUBJECT TO THE APPROVAL OF THE MAYOR:

AUTHORIZE the City Attorney to accept settlement in the above entitled cases, as proposed:

- a. Palmer will dismiss all the pending litigation with prejudice in exchange for the City adhering to its deadlines in the permit process, and removal of the application of the scorched earth ordinance to the Property.
- b. Palmer will pay \$200,000 to the City to be used in consultation with Council District One to mitigate the impacts of the project and for projects benefitting the community.
- c. Palmer will provide 100 spaces to the Los Angeles Unified School District for use by the Evans Learning Center. During the construction of Orsini IIA, Palmer will provide 60 spaces of interim off site parking within the immediate vicinity.
- d. Palmer will provide an open plaza area at the southeast corner of Figueroa Street and Cesar Chavez Avenue with a fountain. This fountain area will include a dedication designed in consultation with a local artist to commemorate the early settlers of Chinatown.
- e. Palmer will include a gateway concept in the bridge from Orsini I to Orsini IIA.
- f. Palmer agrees not to remove any affordable housing units in the development of Orsini II or Orsini III. In the event affordable housing units are removed, Palmer will replace them one for one in a location acceptable to Council District One.
- g. Palmer agrees to work with the Council Office, the Community Redevelopment Agency (CRA), the community and with the Chinatown Community Advisory Committee in the design of the streetscape for Orsini II and III.
- h. Palmer will implement and pay for a uniform streetscape along Cesar Chavez Avenue for Orsini II and III which will include street lighting, street trees, enhanced cross walks, the addition of street furniture (such as bus benches and trash cans) and other design elements.
- i. Palmer will defend and indemnify the City and the CRA for any and all actions of any kind related to the project.

PRESENTED BY _____

ED P. REYES
Councilmember, 1st District

SECONDED BY _____

JACK WEISS
Councilmember, 5th District

July 14, 2004

CF 03-0926-S1

Motion
ADOPTED

JUL 14 2004

in Open Session
LOS ANGELES CITY COUNCIL

TO THE MAYOR FORTHWITH

COUNCIL VOTE

Jul 14, 2004 11:27:11 AM, #12

ITEM NO. (30)

Voting on Item(s): 30

Roll Call

*CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
LABONGE	Yes
LUDLOW	Yes
MISCIKOWSKI	Yes
PARKS	Yes
PERRY	Yes
REYES	Yes
SMITH	Yes
VILLARAIGOSA	Yes
WEISS	Yes
ZINE	Yes
PADILLA	Yes

Present: 15, Yes: 15 No: 0

Closed Sessions - Items 29-30

ITEM NO. (29) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION

04-1108 - The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9 (a) to confer with its legal counsel relative to case entitled Kohanoff d.b.a. Kohanoff Arco v. City of Los Angeles, and the City Council of the City of Los Angeles, Los Angeles Superior Court Case No. BS086714.

(Planning and Land Use Management Committee considered this matter on June 23, 2004)

ITEM NO. (30) - MEETING HELD - MOTION ADOPTED IN OPEN SESSION

~~03-0926~~ S1 The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a) to confer with its legal counsel relative to cases entitled Geoffrey Palmer, an individual; and Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City of Los Angeles Department of Building and Safety; Community Redevelopment Agency of the City of Los Angeles; Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City Council of Los Angeles; City of Los Angeles Department of Building and Safety; Board of Building and Safety Commissioners; and Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City of Los Angeles Department of Building and Safety. Case Nos. USDC CV-03-6402-SVW Cx); Los Angeles Superior Court (LASC) BS088281; and LASC BC297138.

(Planning and Land Use Management and Housing, Community and Economic Development Committees waived consideration of the above matter)

Adjourning Motions

Council Adjournment

EXHAUSTION OF ADMINISTRATIVE REMEDIES - If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

CODE OF CIVIL PROCEDURE SECTION 1094.5 - If a Council action is subject to judicial challenge pursuant to Code of Civil Procedure Section 1094.5, be advised that the time to file a lawsuit challenging a final action by the City Council is limited by Code of Civil Procedure Section 1094.6 which provides that the lawsuit must be filed no later than the 90th day following the date on which the Council's action becomes final.

30

Please schedule for Closed Session for Wednesday, July 14, 2004

03-0926-S1 The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(a) to confer with its legal counsel relative to case entitled Geoffrey Palmer, an individual; and Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City of Los Angeles Department of Building and Safety; Community Redevelopment Agency of the City of Los Angeles; Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City Council of Los Angeles; City of Los Angeles Department of Building and Safety; Board of Building and Safety Commissioners; and Palmer Boston Street Properties II, a California limited partnership v. City of Los Angeles; City of Los Angeles Department of Building and Safety - Case Nos. USDC CV-03-6402-SVW Cx); Los Angeles Superior Court (LASC) BS088281; and LASC BC297138.

(Planning and Land Use Management and Housing, Community and Economic Development Committees waived consideration of the above matter)

BG
7/09/04
#030926.1blb



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 04-0299
JUL 09 2004

**REQUEST FOR CLOSED SESSION PURSUANT TO
GOVERNMENT CODE SECTION 54956.9 (a)**

REPORT RE:

**OFFER OF SETTLEMENT FROM GEOFFREY PALMER, AN INDIVIDUAL; AND PALMER
BOSTON STREET PROPERTIES II, A CALIFORNIA LIMITED PARTNERSHIP**

Geoffrey Palmer, an individual; and Palmer Boston Street Properties II, a California limited partnership vs. City of Los Angeles; City of Los Angeles Department of Building and Safety; Community Redevelopment Agency of the City of Los Angeles; Palmer Boston Street Properties II, a California limited partnership vs. City of Los Angeles; City Council of Los Angeles; City of Los Angeles Department of Building and Safety; Board of Building and Safety Commissioners; and Palmer Boston Street Properties II, a California limited partnership vs. City of Los Angeles; City of Los Angeles Department of Building and Safety
Case Nos. USDC CV-03-6402-SVW(RCx);
LASC BS088281; and LASC BC297138

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
Los Angeles, California 90012

Honorable Members:

This Office is recommending that discussions with, and advice from, legal counsel with respect to the recommendation for City Council action in *Geoffrey Palmer, an individual; and Palmer Boston Street Properties II, a California limited partnership vs. City of Los Angeles; City of Los Angeles Department of Building and Safety; Community Redevelopment Agency of the City of Los Angeles; Palmer Boston Street Properties II, a California limited partnership vs. City of Los Angeles; City Council of*

PLAN & LAND USE MGT.

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER
200 NORTH MAIN STREET • LOS ANGELES, CA 90012-4131 • 213.485.6370 • 213.847.8082 TDD

Housing, Community and Economic Development

JUL - 8 2004

Recyclable and made from recycled waste.



RECEIVED
CITY CLERK'S OFFICE

BY DATE

2004 JUL -9 AM 11:34

CITY CLERK

BY DEPUTY

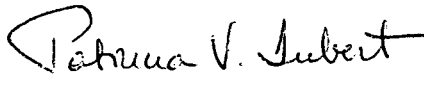
The Honorable Los Angeles City Council
of the City of Los Angeles
Page 2

Los Angeles; City of Los Angeles Department of Building and Safety; Board of Building and Safety Commissioners; and Palmer Boston Street Properties II, a California limited partnership vs. City of Los Angeles; City of Los Angeles Department of Building and Safety, be scheduled and held in closed session pursuant to California Government Code Section 54956.9(a).

Government Code Section 54956.9(a) requires you state publicly prior to the closed session, what subdivision of this section authorizes the closed meeting, and that the closed session is being held to confer or discuss with, or receive advice from, its legal counsel regarding pending litigation.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By 
PATRICIA V. TUBERT
Chief Assistant City Attorney

PVT/JLB:jw (#103055)