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CITY ATTORNEY

REPORT NO. R 18 - 0 0 2 4
JAN 2 6 2018

REPORT RE:

**REVISED DRAFT ORDINANCE AMENDING SECTION 22.171 OF THE
LOS ANGELES ADMINISTRATIVE CODE TO CLARIFY HISTORIC-CULTURAL
MONUMENT DESIGNATION CRITERIA, ENHANCE DUE PROCESS AND
NOTIFICATION PROCEDURES AFFECTING PROPERTY OWNERS, AND PROVIDE
FOR EXTENSIONS OF TIME LIMITS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 16-0126

Honorable Members:

On May 12, 2017, this Office transmitted a draft ordinance amending Section 22.171 of the Los Angeles Administrative Code (LAAC). (City Attorney Report No. R17-0153.) At its meeting on November 21, 2017, the Planning and Land Use Management Committee (PLUM) considered the draft ordinance as amended and requested that the City Attorney incorporate technical corrections, add language requiring the consent of the property owner for time limit extensions and require a ten-day notification time period upon the determination of the Cultural Heritage Commission (Commission) to take a proposed designation under consideration.

The revised draft ordinance incorporates the proposed amendments requested by the PLUM Committee as follows:

- LAAC 22.171.10(d). The revised draft ordinance makes a technical correction to this section by changing the plural "Notices" to the singular "Notice" in Paragraph 22.171.10.(d)(3). This section was also amended to replace the term "forthwith" at Paragraph 22.171.10(d)(3) with a ten-day time period in which to notify property owners of the Commission's action to take under consideration a proposed designation by application.
- LAAC 22.171.10(e). The revised draft ordinance makes a technical correction by adding the phrase "Director or" before the word "Commission" at the end of the second sentence in Paragraph 22.171.10(e). In addition, this same sentence was amended to include the consent of the property owner for a time limit extension on the Commission's time to act on an application. As amended, that sentence now reads: "The time limit to take a proposed designation under consideration may be extended by mutual consent of the applicant, property owner, and the Director or Commission."

CEQA Determination

The provisions of this revised draft ordinance do not constitute a "Project" under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines. Pursuant to CEQA Guidelines Section 15378(b)(5), a "Project" does not include "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment." The revised draft ordinance merely amends procedural aspects of the LAAC used in processing applications or initiations of Historic-Cultural Monuments intended to preserve and prevent the demolition of such monuments. It does not substantively change the criteria for monument designation. As such, there are no reasonably foreseeable direct or indirect physical changes on the environment caused by the draft ordinance.

If the City Council concurs, it should adopt this finding prior to or concurrent with its action on the ordinance.

Council Rule 38 Referral

A copy of the revised draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety and the Department of City Planning with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Oscar Medellin at (213) 978-8068. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:OM:amg
Transmittal