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CITY ATTORNEY

REPORT NO. **R 17 - 0153**
MAY 12 2017

REPORT RE:

**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:

As requested by the City Council, this Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance amending Section 22.171 of the Los Angeles Administrative Code (LAAC).

Background

On February 23, 2016, the Planning and Land Use Management (PLUM) Committee instructed the Department of City Planning (DCP), in consultation with the City Attorney, to prepare an ordinance amending Section 22.171 with the following changes:

- Make any technical corrections to Section 22.171.7, and update this section's language to be used as separate criteria for designation;

- Provide immediate notification to property owners when a Historic-Cultural Monument application has been deemed completed by DCP staff, concurrent with issuance of a temporary stay on demolition or substantial alteration; and
- Allow for an extension of up to 60 days to the time limits for the Cultural Heritage Commission and City Council consideration of a proposed Monument designation, with consent of the property owner.

On April 4, 2017, in response to the PLUM Committee's instructions, DCP presented a report and draft ordinance to the PLUM Committee. At this same meeting, the Committee considered an additional recommendation presented by Council District 5, proposing an amendment to the ordinance to allow the Cultural Heritage Commission or the Director of Planning to extend the time limit to take a proposed designation under consideration with the mutual consent of the applicant. The PLUM Committee requested the City Attorney's Office to prepare and transmit the ordinance and incorporate the amendments in the DCP report and recommendations by Council District 5.

This draft ordinance incorporates the PLUM Committee's requested amendments. Section 22.171.7 is amended by changing the heading from "Definition of Monument" to "Monument Designation Criteria" and enumerating the definition of a monument to include the criteria for a monument. The Notice provision of Section 22.171.10 is amended to specify that the owner of a property will be notified in writing after the Director's determination that an application is complete and when a temporary stay on demolition is initiated pursuant to Section 22.171.12. Additionally, Section 22.171.10 is amended to permit the Director or the Cultural Heritage Commission to extend the time allowed to take an application under consideration, and to permit an additional extension of time to act on a pending designation for both the Cultural Heritage Commission and the City Council.

CEQA Determination

The provisions of this 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 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 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) 978-8767. 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