



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 6 - 0 3 1 6
SEP 30 2016

REPORT RE:

**DRAFT ORDINANCE AMENDING 12.32 D(3) OF THE LOS ANGELES
MUNICIPAL CODE TO ALLOW THE CITY COUNCIL PRESIDENT OR
DESIGNEE TO CONSENT TO THE EXTENSION OF TIME RELATIVE TO
APPEALS OF LEGISLATIVE LAND USE ACTIONS**

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. 16-0297

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance that would amend Los Angeles Municipal Code (LAMC) Section 12.32 D(3) to allow the Council President, or the Council President's councilmember designee, to act on behalf of the City Council in consenting to time extensions for the consideration of appeals of legislative land use actions.

Background and Summary of Ordinance Provisions

On March 15, 2016, a motion was introduced (Wesson-Huizar) requesting the City Attorney to prepare an ordinance delegating the Council's authority under LAMC Section 12.32 D(3) to agree to an extension of the 75-day time limit on appeals to

legislative land use actions to the Council President or to the Council President's councilmember designee. On June 28, 2016, the Planning and Land Use Management (PLUM) Committee recommended adoption of the motion, and on August 2, 2016, the Council adopted the motion.

LAMC Section 12.32 D(3) requires the Council to make decisions on appeals of legislative land use actions within 75 days of the expiration of the appeal period set forth in LAMC Section 12.32 D(1). The 75-day time limit to act on an appeal can be extended by "mutual written consent of the applicant and the Council." LAMC Section 12.32 D(3). In order to consent to a time extension under this section, the City Council must entertain a motion to do so, and that motion must be agendized and acted upon in a manner consistent with the Brown Act and with the Council Rules. As stated in the Council's motion on this matter, if the Council is not in session and cannot convene, the 75-day time limit could expire, resulting in an automatic denial of an application for a legislative action or the disapproval of an initiated land use ordinance.

Under the proposed ordinance, the Council President or the President's councilmember designee may act on behalf of the City Council to agree to an extension of the 75-day time limit. This delegation of authority minimizes the consequences of a situation in which the Council cannot convene to act on a motion to extend the time limit before the time to act expires. The Council President or designee can act in the Council's stead and avoid the result of an automatic denial or disapproval of an application or ordinance.

CEQA Determination

If the City Council determines that the adoption of this ordinance does not constitute a "project," as defined by CEQA pursuant to CEQA Guidelines Section 15378(b)(5) (which states that 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"), then no CEQA findings are required.

Council Rule 38 Referral

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

If you have any questions regarding this matter, please contact Deputy City Attorney Adrienne Khorasane at (213) 978-8246. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM/ASK:mgm
Transmittal