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REPORT NO. R 17 - 0 0 3 8
FEB 0 8 2017

REPORT RE:

DRAFT ORDINANCE AMENDING SECTION 12.20.3 OF THE LOS ANGELES MUNICIPAL CODE TO CLARIFY REVIEW PROCEDURES, ADD FREQUENTLY USED DEFINITIONS, OUTLINE PROCEDURES AND FEES FOR TECHNICAL CORRECTIONS TO HISTORIC RESOURCES SURVEYS, AND PROVIDES GREATER ENFORCEMENT OF UNPERMITTED DEMOLITION

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. 16-1157
CPC No. 2016-1906-CA

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 12.20.3 of the Los Angeles Municipal Code (LAMC). The draft ordinance clarifies review procedures, adds frequently used definitions, outlines procedures and fees for technical corrections to historic resource surveys, and provides greater enforcement of unpermitted demolitions.

Background and Summary of Ordinance Provisions

On September 8, 2016, the City Planning Commission (CPC) initiated amendments to Section 12.20.3 of the LAMC, known as the Historic Preservation

Overlay Zone Ordinance. The CPC recommended that the City Council adopt the proposed amendments along with the Planning Department's report and findings.

On October 18, 2016, the Planning and Land Use Management (PLUM) Committee waived consideration of the item. Subsequently, on November 8, 2016, the City Council requested that the City Attorney's Office prepare and transmit the final ordinance.

The draft ordinance amends the Historic Preservation Overlay Zone (HPOZ) Ordinance to allow an HPOZ Board to serve multiple HPOZs; amends procedures for technical corrections of historic resources surveys; creates two threshold categories for conforming work, distinguishing the work as "Minor" and "Major"; amends regulations and adds definitions to the LAMC to address conforming work on non-contributing features; establishes enforcement procedures for demolition, as defined by the draft ordinance, performed without a permit; and exempts streets within an HPOZ's boundaries and streets sharing a boundary with an HPOZ from dedication requirements of LAMC Sections 12.37 A-C and 17.05.

Finally, the draft ordinance references certain fees, which have not been adopted by the City Council at this time. These fees will require proper notice and adoption by the City Council at a future date before they can become effective. Until these fees are passed, they cannot be collected in conjunction with any related application processed by the Department of City Planning.

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved the enclosed draft ordinance on behalf of the CPC. Should you adopt this draft ordinance, you may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in his transmittal to the City Council or by making your own findings.

CEQA Determination

The Planning Department is recommending the City Council to make a determination that this project is exempt from CEQA based upon the categorical exemptions set forth in State CEQA Guidelines, Article 19, Section 15308, Class 8 (Actions by Regulatory Agencies for Protection of the Environment) and Article 19, Section 15331, Class 31 (Historical Resource Restoration/Rehabilitation) for this project. Adoption of these categorical exemptions is appropriate when the Council, exercising its independent judgment, determines the project meets all of the requirements set forth in the above referenced section of the CEQA Guidelines and none of the exceptions to the use of a Categorical Exemption set forth in CEQA Guidelines, Section 15300.1 apply to this project, based upon substantial evidence contained in the entire administrative record.

Council Rule 38 Referral

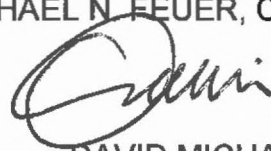
A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, the Housing and Community Investment Department and the Bureau of Engineering. We requested that these departments provide their comments directly to you.

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 any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:OM:amg
Transmittal