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CITY ATTORNEY

REPORT NO. R 18 - 0093
APR 06 2018

REPORT RE:

**DRAFT ORDINANCE REPEALING ORDINANCE NO. 179,935
WHICH ESTABLISHED THE DOWNTOWN
SAN PEDRO COMMUNITY DESIGN OVERLAY DISTRICT**

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. 17-1044

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance. The purpose of the draft ordinance is to repeal Ordinance No. 179,935, adopted on May 27, 2008. That Ordinance established the San Pedro Community Design Overlay (CDO) District.

Background & Summary of Ordinance

On May 27, 2008, the City Council adopted an ordinance which established the Downtown San Pedro CDO District with corresponding design guidelines and development standards for properties along both sides of Pacific Avenue generally between 4th Street and 9th Street and extending east to Harbor Boulevard, and the western side of Harbor Boulevard from 7th Street to Swinford Street. The CDO includes guidelines for preserving and enhancing Downtown San Pedro's unique sense of place as a recognizable, vibrant and attractive commercial district.

On March 14, 2013, the City Planning Commission (CPC) requested that Department of City Planning staff incorporate the San Pedro CDO Guidelines into the proposed San Pedro Community Plan Implementation Overlay (CPIO) Ordinance being prepared as part of the San Pedro Community Plan update. Because the CDO standards would be implemented through the CPIO Ordinance, the CPC also recommended the San Pedro CDO District Ordinance be repealed. On September 11, 2017, the CPC transmitted this recommendation, along with the other recommendations related to the San Pedro Community Plan Update, to the City Council.

On September 26, 2017, the Planning and Land Use Management Committee (PLUM) adopted the CPC's recommendation and referred the matter to this Office for its review for form and legality.

The draft San Pedro CPIO Ordinance, submitted separately to the City Council, as part of Council Report No. 18-0079, incorporates the CDO design guidelines into the CPIO. This draft ordinance repeals the ordinance establishing the San Pedro CDO District, thus eliminating duplication.

Charter Findings Required

Charter Section 558(b)(3) requires the City Council to make the findings required in Subsection (b)(2) of the same section; namely, whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the City Council to adopt an ordinance conforming to the CPC's recommendation of approval of the ordinance, if the CPC recommends such approval. Similarly, Charter Section 556 requires the City Council to make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. The City Council can either adopt the CPC's findings and recommendations as set forth in the CPC's transmittal report dated September 11, 2017, or make its own.

CEQA Determination

If the City Council wishes to adopt the draft ordinance, it must first comply with California Environmental Quality Act (CEQA). The CPC recommends that the City Council find that the project was assessed in ENV-2009-1558-EIR, SCH No. 2008021004, certified by Council on October 4, 2017, and that the City Council find that pursuant to CEQA Guidelines Section 15162, based on the whole of the administrative record, that no subsequent EIR or negative declaration is required for approval of the project.

Council Rule 38 Referral

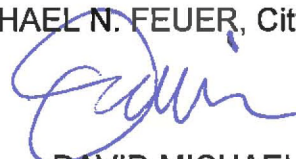
A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Parissh Knox at (213) 978-8191. 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:PAK:lc
Transmittal