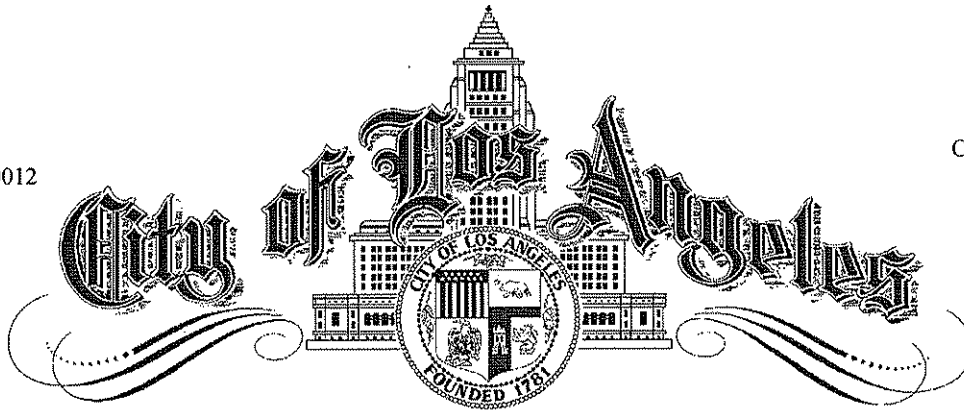


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 0 9 - 0 2 9 2

AUG 14 2009

REPORT RE:

**REVISED CEQA FINDING IN CONNECTION WITH BUDGET RELATED DRAFT
ORDINANCE AMENDING SUBSECTION (e) OF SECTION 62.104 OF THE
LOS ANGELES MUNICIPAL CODE TO REPEAL THE "EXCEPTION" THAT
ESTABLISHED CITY LIABILITY FOR REPAIR OF CURBS, DRIVEWAYS AND
SIDEWALKS DUE TO TREE ROOT DAMAGE**

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

Council File No. 05-1853

Honorable Members:

Pursuant to your request, this office prepared and transmitted (City Attorney Report No. R09-0270) for your consideration a draft ordinance, approved as to form and legality that would amend Subsection (e) of Section 62.104 of the Los Angeles Municipal Code (LAMC) to repeal the "EXCEPTION" within that section which established City liability for repair of curbs, driveways and sidewalks due to tree root damage. Upon further review of this matter, we recommend that, if you adopt the proposed ordinance, you first make a CEQA finding as follows rather than the finding contained in our prior report.

CEQA Exemption

This ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14, Chapter 3 California Code of Regulations Section 15301. Existing Facilities (which includes the repair of existing public structures or facilities involving negligible or no expansion of an existing use) and City CEQA Guidelines Article III 1.a.3 (repair, maintenance or minor alteration of

existing highways and streets, sidewalks, gutters...). If the Council chooses to adopt the ordinance, it should also find that it is exempt from the provisions of CEQA pursuant to the above cited sections.

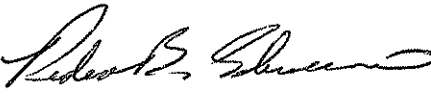
Council Rule 38

In accordance with the requirements of Council Rule 38, this office has forwarded the draft ordinance to affected city departments and requested them to address any comments that they may have directly to the City Council when you consider this matter.

If you have any questions regarding this matter, please contact Deputy City Attorney Keith W. Pritsker at (213) 978-8141. He or another member of the office will be available when you consider this matter in order to answer any questions you may have.

Sincerely,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:KWP:mg
Transmittal