



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. **R 23 - 0227**
JUN 15 2023

REPORT RE:

**DRAFT ORDINANCE AMENDING ORDINANCE 187,712
TO EXTEND ITS OPERATIVE DATE TO JANUARY 22, 2024**

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

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. Pursuant to Council's motion, the draft ordinance amends Ordinance 187,712 to extend the operative date of that ordinance to January 22, 2024. The motion also requests, if possible, an urgency clause as authorized by Charter Section 253. Accordingly, we transmit herewith two substantively identical versions of the ordinance, one with the urgency clause and one without.

Background and Summary of Ordinance Provisions

On December 6, 2022, the City Council adopted Ordinance 187,712 (Council File 12-0460-S4), known as the Processes and Procedures Ordinance, which established Chapter 1A of the Los Angeles Municipal Code to comprehensively reorganize and update the administrative processes and procedures related to zoning and land use entitlements. Ordinance 187,712 is set to become operative on July 22, 2023.

Ordinance 187,712 includes provisions specific to development applications and approvals in the City's coastal zones. The City's authority to issue coastal development

permits was originally certified by the California Coastal Commission, as required by the California Coastal Act, in 1978. Under Public Resources Code Sections 30600(b) and 30620.5, the Coastal Commission must certify amendments to the City's coastal development permit program. On June 8, 2023, the Coastal Commission approved the provisions of Ordinance 187,712 that apply to the coastal zones of the City with amendments. Those amendments will be considered by the City Planning Commission (CPC) at the end of July; thereafter, the CPC will transmit the amendments with recommendations to the City Council for final approval.

On May 16, 2023, a motion (Park-McOsker-Harris-Dawson) was introduced requesting the City Attorney to prepare and present an ordinance to extend the operative date of Ordinance 187,712 to January 22, 2024, to give the CPC and City Council time to take action on the Coastal Commission's amendments and avoid any lapse in the application of City regulations and permit authority in the coastal zones. The motion also requested that an urgency ordinance be included in the amendment pursuant to Charter Section 253. On May 30, 2023, the City Council adopted the motion.

The draft ordinance transmitted by this Office extends the operative date of Ordinance 187,812 from July 22, 2023 to January 22, 2024, and includes an urgency clause so that, if adopted by the City Council and approved by the Mayor, it can become effective upon publication. Given the significant toll on public welfare and economic stability a lapse in land use regulations and permitting authority could have on those who live, work, and develop in the coastal areas, the utilization of an urgency clause pursuant to Charter Section 253 is legally appropriate. The draft ordinance is required for "the immediate preservation of the public peace, health or safety" insofar as adoption of this draft ordinance is intended ensure continuity of regulations and administrative processes applicable to development in the coastal areas, including, but not limited to, projects that provide housing, services, and infrastructure to coastal communities. The draft ordinance includes a statement describing the urgency as required by Charter Section 253. Urgency ordinances require a three-fourths vote of the City Council in order to pass.

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 that adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare, and good zoning practice.

California Environmental Quality Act (CEQA) Standard of Review

The City Council may find, based on the whole of the administrative record, that the draft ordinance is exempt from CEQA as it is not a project under CEQA pursuant to

California Public Resources Code (PRC) Section 15378(b)(5). In addition, the City Council may find that the draft ordinance is exempt from CEQA pursuant to PRC Section 15061(b)(3) and CEQA Guidelines, Section 15301(Class 8), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. If the City Council concurs with these actions, it should adopt these findings prior to or concurrent with its action on the ordinance.

Council Rule 38 Referral

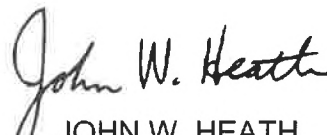
A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, the Department of Transportation, the Housing Department, the Department of Public Works, the Department of Recreation and Parks, the Los Angeles Fire Department, and the Los Angeles Police Department with a request that all comments, if any, be presented directly to the City Council or its Committee when this matter is considered.

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

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By


JOHN W. HEATH
Senior Assistant City Attorney

JWH:ASK:ev
Transmittal