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CITY ATTORNEY

REPORT NO. R 1 4 - 0 3 1 0
JUL 28 2014

REPORT RE:

**DRAFT ORDINANCE ADDING SECTIONS 91.106.4.5.1, 91.106.4.5.2 AND
91.106.4.5.3 TO ARTICLE 1, CHAPTER IX OF THE LOS ANGELES MUNICIPAL
CODE TO ADD A PUBLIC NOTIFICATION PROCESS FOR THE DEMOLITION OF
OLDER STRUCTURES AND TO ADOPT A FEE TO COVER
ADMINISTRATIVE COSTS**

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. 13-1104

Honorable Members:

This Office has prepared and now transmits for your consideration, the enclosed draft ordinance, approved as to form and legality. This draft ordinance adds Sections 91.106.4.5.1, 91.106.4.5.2 and 91.106.4.5.3 to the Los Angeles Municipal Code (LAMC) to add a public notification process for the demolition of older structures and to adopt a fee to cover administrative costs.

Summary of Ordinance Provisions

On May 13, 2014, in response to a motion introduced by Council Member O'Farrell on August 21, 2013, the Planning and Land Use Management (PLUM) Committee considered a report from the Los Angeles Department of Building and Safety, which provided options for a public notification process for the demolition of older structures and for an added fee to cover enforcement costs. The new fee shall be charged in addition to preinspection fees set forth in Section 91.107.3.2 of the LAMC. In May 2014, the PLUM Committee requested that the City Attorney prepare and

present an ordinance adding a public notification process for the demolition of older structures and adopting a fee to cover administrative costs. The Department of Building and Safety has completed the fee study in support of the new fee reflected in the accompanying draft ordinance.

Fiscal Impact Statement

A fee of \$60.00 is introduced to cover increased administrative costs for the demolition of older buildings, as directed by the City Council in its May 20, 2014, budget resolution and based on the Department of Building and Safety's fee study. The fee is in addition to preinspection fees set forth in Section 91.107.3.2 of the LAMC and will be used to fund the expansion of the City's demolition program. The fee reflected in the proposed draft ordinance should increase annual fee revenue by .08%, or \$95,000, if implemented for a full fiscal year. This change is not anticipated to have a significant impact on revenues, inasmuch as the anticipated increase in the revenue has already been projected in the FY 2014-2015 Budget.

CEQA Determination

The California Environmental Quality Act (CEQA) does not apply to continuing administrative activities or organizational activities of government that will not result in specific direct or indirect physical changes in the environment, or to the creation of government funding mechanisms or other governmental fiscal activities that do not commit to any specific project that may result in potentially significant environmental impacts. Pub. Res. Code § 21065 and State CEQA Guideline §15378(b). This proposed ordinance merely establishes a public notification process that alerts affected persons whenever an individual applies for a demolition permit to demolish an older structure under existing permit procedures. On that basis, the proposed ordinance is not subject to CEQA.

Charter Findings Not Required

The enclosed draft ordinance strictly relates to the introduction of a new demolition fee and a public notification process for older structures, and is not a land use ordinance. For this reason, this draft ordinance is not subject to approval by the City Planning Commission pursuant to Charter Section 558.

Fee Notice Requirement

We note that, because this ordinance would establish a new fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of state law require that prior to adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over

a ten-day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Council Rule 38 Referral

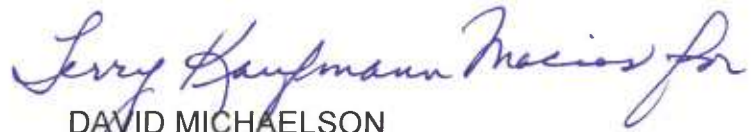
A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Monica Castillo at (213) 978-8228. 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/MDC:mgm
Transmittal