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CITY ATTORNEY

REPORT NO. **R 17 - 0 3 0 1**
AUG 23 2017

REPORT RE:

**DRAFT ORDINANCE AMENDING SUBSECTIONS 91.106.4.5.1, 91.106.4.5.2
AND 91.106.4.5.4 OF SECTION 91.106, ARTICLE 1, CHAPTER IX OF THE
LOS ANGELES MUNICIPAL CODE TO INCREASE PUBLIC NOTIFICATION
PROCEDURES FOR THE DEMOLITION OF OLDER STRUCTURES**

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

Council File Nos. 13-1104 and 16-0988

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. This ordinance amends Subsections 91.106.4.5.1, 91.106.4.5.2 and 91.106.4.5.4 of Section 91.106, Article 1, Chapter IX of the Los Angeles Municipal Code (LAMC) to increase public notification procedures for the demolition of older structures.

Summary of Ordinance Provisions

On May 23, 2017, the City Council requested that the City Attorney, with the assistance of the Department of Building and Safety (Department), prepare and present an ordinance amending the public notification process for the demolition of older structures to enact necessary technical corrections and further enhance transparency and consistency for required postings.

The draft ordinance increases the existing notice requirements for the demolition of buildings more than 45 years old by expanding the list of persons entitled to notice, creating standards for onsite notification postings, and requiring the Department to verify that notice was completed prior to demolition.

Currently, LAMC Subsection 91.106.4.5.1 requires the Department to send written notice of demolition to abutting property owners and the corresponding Council District Office for the site. The draft ordinance amends this subsection to require that notice also be sent to abutting building occupants and the Certified Neighborhood Council Office representing the site.

Further amendments to LAMC Subsection 91.106.4.5.1 add new standards for the placement of public notice placards at the site of the proposed demolition. Placards must be placed at least 5 feet from the front property line, and must meet a number of technical specifications designed to increase the visibility of the notification, including a minimum physical size of the placard, the use of placards made of durable, weather-resistant materials, minimum font sizes, contrasted lettering and background colors, and required content copy.

Finally, LAMC Subsection 91.106.4.5.1 requires the Department to verify the placement of the placard and ensure that adequate protection devices are installed prior to the commencement of demolition.

Charter Findings

The draft ordinance strictly relates to the public notification process for demolition of 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.

Special Notice

We note that because this draft ordinance does not impose any new fees, nor alter the existing fee structure, special notice of its proposed adoption in accordance with the provisions of California Government Code Sections 66018 and 6062a is not necessary.

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 Section 21065 and State CEQA Guidelines Section 15378(b). This proposed ordinance merely clarifies an existing 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.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department 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 Oscar Medellin at (213) 978-8068. 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:OM:amg
Transmittal