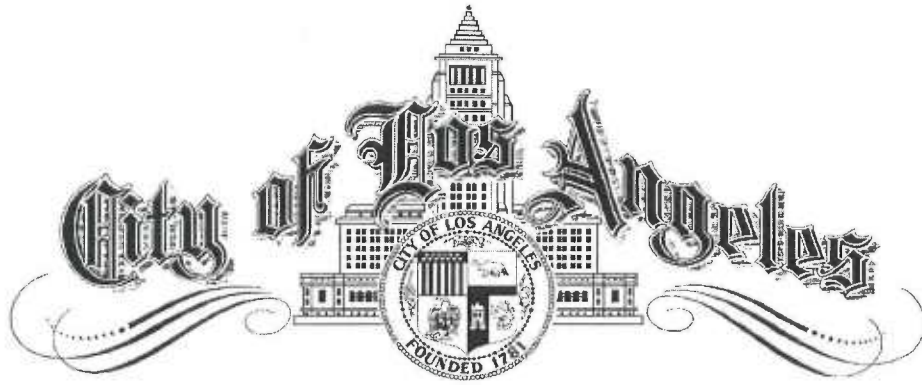




MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 4 - 0 3 7 5

OCT 1 5 2014

REPORT RE:

REVISED DRAFT ORDINANCE ADDING SECTIONS 91.106.4.5.1, 91.106.4.5.2, 91.106.4.5.3, 91.106.4.5.4 AND 91.106.4.5.5 TO ARTICLE 1 OF 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:

On October 7, 2014, you approved an amendment to a draft ordinance, dated October 1, 2014, that adds Sections 91.106.4.5.1, 91.106.4.5.2, 91.106.4.5.3, 91.106.4.5.4 and 91.106.4.5.5 to the Los Angeles Municipal Code (LAMC) to establish a public notification process for the demolition of older structures and to adopt a fee to cover administrative costs. In consultation with Council District Office 13, the approved amendment has been added to require the applicant of the demolition preinspection permit to post on-site notice of proposed demolition. We transmit herewith a revised draft ordinance, approved as to form and legality, incorporating this change.

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:mdc
Transmittal

ORDINANCE NO. _____

An ordinance adding Sections 91.106.4.5.1, 91.106.4.5.2, 91.106.4.5.3, 91.106.4.5.4 and 91.106.4.5.5 to Article 1 of Chapter IX of the Los Angeles Municipal Code to add a public notification process for the demolition of older structures and adopt a fee to cover administrative costs.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 91.106.4.5.1 is added to Article 1 of Chapter IX of the Los Angeles Municipal Code to read as follows:

91.106.4.5.1. Notification of Demolition. The Department shall not issue a building permit for demolition of a building or structure for which the original building permit was issued more than 45 years prior to the date of submittal of the application for demolition preinspection, or where information submitted with the application indicates that the building or structure is more than 45 years old based on the date the application is submitted, without having first done the following at least 30 days prior to issuance of the demolition of building or structure permit:

1. The Department shall send written notices of the demolition preinspection application by U.S. mail to the abutting property owners and the Council District Office of the site for which a demolition preinspection has been proposed for a building or structure.

2. The applicant shall post, in a conspicuous place near the entrance of the property where demolition will occur, a public notice of the application for demolition preinspection.

Sec. 2. A new Section 91.106.4.5.2 is added to the Los Angeles Municipal Code to read as follows:

91.106.4.5.2. The applicant seeking the permit shall provide the Department with the names and addresses of all persons entitled to receive notice pursuant to Section 91.106.4.5.1.

Sec. 3. A new Section 91.106.4.5.3 is added to the Los Angeles Municipal Code to read as follows:

91.106.4.5.3. The Department shall collect a fee in the amount of \$60.00 when an application for the demolition of a building or structure described in Section 91.106.4.5.1 is filed with the Department. This fee shall be charged in addition to applicable preinspection fees set forth at Section 91.107.3.2 of this Code.

Sec. 4. A new Section 91.106.4.5.4 is added to the Los Angeles Municipal Code to read as follows:

91.106.4.5.4. Sections 91.106.4.5.1, 91.106.4.5.2 and 91.106.4.5.3 shall not apply to a building or structure as described in 91.106.4.5.1 that is the subject of a pending zoning application for a specific plan filed prior to the effective date of this ordinance. In the event a specific plan for such property is not approved within 3 years from the effective date of this ordinance, such property shall be required to comply with the provisions of Sections 91.106.4.5.1, 91.106.4.5.2 and 91.106.4.5.3. Insofar as the provisions of Sections 91.106.4.5.1, 91.106.4.5.2 and 91.106.4.5.3 are different than or in conflict with the provisions of a specific plan, the provisions of the specific plan shall govern.

Sec. 5. A new Section 91.106.4.5.5 is added to the Los Angeles Municipal Code to read as follows:

91.106.4.5.5. Sections 91.106.4.5.1, 91.106.4.5.2 and 91.106.4.5.3 shall not apply to a building or structure as described in 91.106.4.5.1 that will be demolished as part of a project that was subject to California Environmental Quality Act review and for which the corresponding discretionary project approval was issued prior to submittal of the application for demolition preinspection.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____

Deputy

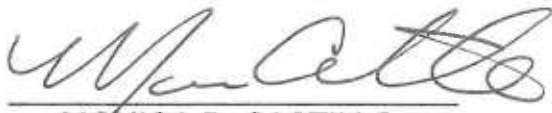
Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By



MONICA D. CASTILLO
Deputy City Attorney

Date 10-15-14

File No. CF 13-1104