



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 22 - 0 1 4 5
APR 29 2022

REPORT RE:

DRAFT ORDINANCE APPROVING AND AUTHORIZING THE LOS ANGELES DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES TO ENTER INTO AND RECORD TWELVE (12) ENVIRONMENTAL LAND USE COVENANTS OR DEED RESTRICTIONS IN FAVOR OF FEDERAL, STATE AND LOCAL AUTHORITIES

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. 22-0456

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 would approve Resolution No. 022 0155, dated April 12, 2022, authorizing the Los Angeles Department of Water and Power (LADWP) to execute up to 12 environmental covenants or deed restrictions with federal, state or local regulatory authorities to facilitate environmental remediation and contamination options as follows:

- a. Avenue 21 Property (140-154 Avenue 21, Los Angeles, CA 90031)
- b. Former Dave K Roberts Automotive (292 South Main Street, Bishop, CA 93514)
- c. Former Gravel Pit, Valley Generating Station (11801 Sheldon Street, Sun Valley, CA 91352)

- d. Former LLO Gas (1223 North Main Street, Bishop, CA 93515)
- e. Harbor North Yard (8627 Fir Avenue, Watts, CA 90002)
- f. Lincoln Heights Service Center (3101 Artesian Street, Los Angeles, CA 90031)
- g. Main Street Center (1630 North Main Street, Los Angeles, CA 90012)
- h. Palms Service Center (2311 South Fairfax Avenue, Los Angeles, CA 90016)
- i. Streetlight Headquarters (611 North Hoover Street, Los Angeles, CA 90004)
- j. Truesdale Center (11797 Truesdale Street, Sun Valley, CA 91352)
- k. Western District Yard (5898 Venice Boulevard, Los Angeles, CA 90019)
- l. Wilmington Gramercy Right-of-Way (Assessor's Parcel Numbers: 7339-009-901, 7339-009-909, 7339-009-272, 7339-008-913, 7339-008-911, 7339-007-901, 6121-002-901, 6121-003-902, 6121-004-901, and 6120-023-908)

The LADWP Board of Commissioners will be required to review and approve each environmental covenant or deed restriction prior to execution and recording. The LADWP shall submit a report to City Council on March 1st of each year to report back on the land use covenants or deed restrictions recorded.

Background

LADWP owns and operates facilities and properties throughout the City of Los Angeles, California and the Western and Southwestern states to provide reliable water and electricity to the City's residents and businesses. A number of these facilities have been impacted by historical hazardous materials business practices and are operating under regulatory oversight by environmental regulatory agencies. Land use covenants or deed restrictions limiting the use of property are commonly required by the regulatory agencies and will facilitate the planning, oversight, investigation, and/or remediation of a release or threatened release of any hazardous substances at or from the LADWP properties where existing standards of remediation may be infeasible.

Environmental covenants or deed restrictions would be utilized at these 12 properties to minimize the risk of human exposure to pollutants and hazards to the environment through land activity and use restrictions allowing LADWP to expedite site investigation and cleanup activities and avoid potential enforcement actions by the regulatory agencies. The land use restrictions would remain in perpetuity, allowing LADWP to maintain system reliability while conducting site remediation as directed by the regulatory agencies including, but not limited to, the California Department of Toxic

Substances Control, California Regional Water Quality Control Board, and the United States Environmental Protection Agency.

Approval of the ordinance would allow the Board of Water and Power Commissioners to review, approve and enter into the environmental covenants or deed restrictions on the 12 properties listed in the draft ordinance. On March 1st of each year, LADWP will report to the City Council on the environmental covenants and deed restrictions approved and entered into by the Board of Water and Power Commissioners.

Charter Requirements

This draft ordinance is transmitted for your approval pursuant to Charter Section 675, after approval by the Board of Water and Power Commissioners.

CEQA Findings

In accordance with the California Environmental Quality Act (CEQA), it has been determined that this action is exempt pursuant to CEQA Guidelines Section 15062(b)(3). The proposed action is to authorize the Board to approve and enter into land use covenants and/or deed restrictions. General Exemptions apply in situations where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Any action or activity that is planned as a result of the environmental covenants or deed restrictions will undergo its own independent CEQA review.

Recommendation

Based on the foregoing, it is requested that the City Council adopt the draft ordinance, which has been provided for your consideration and action. A copy of the Board of Water Commissioners' Resolution is included in the Council File.

Council Rule 38 Referral

Pursuant to Council Rule 38, the Board of Water and Power Commissioners recommends approval of the draft ordinance authorizing this transaction.

If you have any questions regarding this matter, please contact Assistant City Attorney Timothy J. Chung at (213) 367-4518. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By  For
DAVID MICHAELSON
Chief Assistant City Attorney

DM/TJC:ld
Transmittal