



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 22 - 0 3 9 0
NOV 0 9 2022

REPORT RE:

**DRAFT ORDINANCE AMENDING CHAPTER 1 OF
THE LOS ANGELES MUNICIPAL CODE AND ESTABLISHING
CHAPTER 1A OF THE LOS ANGELES MUNICIPAL CODE**

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. 12-0460-S4

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Chapter 1 of the Los Angeles Municipal Code (LAMC) and establishes Chapter 1A of the LAMC to comprehensively reorganize the administrative processes and procedures related to zoning and land use entitlements.

Background

On August 24, 2016, the "Processes and Procedures Ordinance" was initiated by the Director of Planning as part of the "re:code LA" project (Council File No. 12-0460). This ordinance amends the LAMC to reorganize the administrative provisions for the review and approval of project entitlements, zoning requests, and legislative actions pertaining to land use and zoning. On October 11, 2018, the City Planning Commission

(CPC) voted to recommend adoption of the Planning Department's proposed ordinance. Then, on March 25, 2021, the CPC considered an updated version of the proposed ordinance developed by staff that incorporated the public's feedback, and voted to recommend the adoption of the updated proposed ordinance.

At its meeting on June 1, 2021, the Planning and Land Use Management (PLUM) Committee adopted the CPC's recommendations, including technical corrections provided by the Planning Department, and requested that the City Attorney prepare and present a draft ordinance approved as to form and legality.

Summary of Ordinance Provisions

The CPC's transmittal report to the City Council, dated April 6, 2021 (CPC Transmittal Report), includes the Planning Department's staff report, which provides an extensive and detailed description of the draft ordinance's provisions. Notably, the draft ordinance includes a provision that sets its operative date at six months from the date the ordinance becomes effective pursuant to Charter Section 252.

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 adoption of the draft ordinance will be in conformity with public necessity, convenience, general welfare, and good zoning practice. Charter Section 558(b)(3)(A) allows the City Council to adopt an ordinance conforming to the CPC's recommendation of approval of the ordinance, if the CPC recommends such approval. Similarly, Charter Section 556 requires the City Council to make findings showing that the action is in substantial conformance with the purposes, intent, and provisions of the General Plan. The City Council can either adopt the CPC's findings and recommendations as set forth in the CPC Transmittal Report to the City Council or make its own.

California Environmental Quality Act (CEQA) Standard of Review

The CPC recommends that the City Council finds, 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 CPC further recommends 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, 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 Khorasanee. 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  (Ska)
DAVID MICHAELSON
Chief Assistant City Attorney

DM:ASK:ev
Transmittal