



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 19 - 0 3 8 3
NOV 2 0 2019

REPORT RE:

DRAFT ORDINANCE AMENDING SUBSECTIONS 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 OF DIVISION 1, ARTICLE 1, CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO UPDATE REQUIREMENTS FOR CERTAIN DEMOLITION PERMITS

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. 18-0406

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 Subsections 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 of Division 1, Article 1, Chapter IX of the Los Angeles Municipal Code (LAMC) to change the notice requirements for demolition pre-inspection applications, for structures with building permits that are 45 years or older, and to reduce the required size for lettering on posted placards posted pursuant to these regulations.

Legislative Background

LAMC Subsections 91.106.4.5.1, et seq., establish a specific set of requirements and procedures to be followed by the Department of Building and Safety (Building and Safety) when it receives an application for demolition of a building that is 45 years or older. These requirements include sending notice of the demolition to interested

parties, posting a notice of demolition on the property to be demolished, and installing protection devices around the property.

On May 9, 2018, a motion (Blumenfield-Buscaino) was introduced directing Building and Safety, with the assistance of the City Attorney, to prepare a draft ordinance to amend LAMC Subsection 91.106.4.5.1 to change the notice requirements and to require that the letters on posted notices be 2½ inches rather than 3 inches high.

On October 2, 2018, the Planning and Land Use Management (PLUM) Committee considered the motion. The PLUM Committee recommended adoption of the motion and also asked for additional reporting from Building and Safety on related matters. On October 31, 2018, the City Council adopted the PLUM Committee's recommendation and requested that this Office transmit the draft ordinance.

Summary of Ordinance Provisions

The draft ordinance amends LAMC Subsection 91.106.4.5.1 to require that the letters on placards posted on properties where demolition will occur be 2½ inches rather than 3 inches high. The draft ordinance also requires that notice of a demolition pre-inspection application be given to abutting owners *and/or* occupants rather than to owners *and* occupants.

The draft ordinance amends LAMC Subsection 91.106.4.5.3 to clarify that the additional pre-inspection fees referred to in this section are "demolition" pre-inspection fees.

The draft ordinance also amends LAMC Subsection 91.106.4.5.4 to substitute the date "January 12, 2015" for the phrase "the effective date of the ordinance." It also amends LAMC Subsections 91.106.4.5.1 through 91.106.4.5.5 to make minor typographical corrections.

California Environmental Quality Act (CEQA) Standard of Review

The City Council may determine, based on the whole of the administrative record, that this proposed ordinance is not a "project" as defined by CEQA Guidelines Section 15378, and pursuant to CEQA Guidelines Section 15061(b)(3), and that the project is not subject to CEQA because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.

Council Rule 38 Referral

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

If you have any questions regarding this matter, please contact Deputy City Attorney Charles D. Sewell at (213) 978-8083. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:CDS:ev
Transmittal