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CITY ATTORNEY

REPORT NO. R 21 - 0277
SEP 17 2021

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 62.06(A)(1) OF THE LOS ANGELES
MUNICIPAL CODE TO CHANGE THE STREET DAMAGE RESTORATION
FEE METHODOLOGY FOR SMALL EXCAVATIONS AND SEWER LATERAL
REPAIR EXCAVATIONS**

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. 21-0301

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Section 62.06(A)(1) of the Los Angeles Municipal Code (LAMC) to change the Street Damage Restoration Fee (SDRF) calculation methodology for small excavations and sewer lateral repair excavations.

Background and Summary of Ordinance Provisions

Currently, the area of an excavation subject to the SDRF set forth in LAMC Section 62.06(A)(1) is calculated using the length and width of the excavation, then adding 5 feet to all sides of the excavation. The draft ordinance changes the methodology for calculating the area subject to the SDRF for a small excavation

(defined as 4 square feet or smaller) and for an excavation made for purpose of repairing a sewer lateral. Pursuant to the draft ordinance, the actual excavation area would be used to calculate the SDRF, without adding 5 feet to all sides, for either type of excavation.

CEQA Determination

Regarding a finding to satisfy the requirements of the California Environmental Quality Act (CEQA), we advise that prior to adoption of this draft ordinance, the City Council determine that it is not a CEQA project under State CEQA Guidelines Section 15378(b)(4) as it is the creation of a government funding mechanism which does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; and CEQA Guidelines Section 15061(b)(3) and City CEQA Guidelines Article II, Section 1 (General Exemption) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. If the City Council concurs, it should adopt this finding prior to or concurrent with taking action on the draft ordinance.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Public Works – Bureau of Engineering and the City Administrative Officer with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney Edward Jordan at (213) 978-8130. He or another 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 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:EJ:ev
Transmittal