



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 22 - 0012
JAN 14 2022

REPORT RE:

**REVISED 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:

This Office has prepared and now transmits for your consideration the enclosed revised draft ordinance, approved as to form and legality. Pursuant to your request, this Office previously transmitted a draft ordinance amending Section 62.06(A)(1) of the Los Angeles Municipal Code (LAMC) to change the Street Damage Restoration Fee calculation methodology for small excavations and sewer lateral repair excavations (R21-0301).

In the previously transmitted draft ordinance, "small excavations" were defined as being 4 square feet or smaller in area. Pursuant to Council Rule 38, a copy of the draft ordinance was sent to the Department of Public Works – Bureau of Engineering, with a request that all comments be presented when the draft ordinance is considered. Following its review of the draft ordinance, the Bureau of Engineering has requested

that the draft ordinance be revised to define small excavations as those where no side exceeds 4 feet in length to better reflect its original impetus for the ordinance. The enclosed revised draft ordinance includes this new definition, and has been reviewed and approved by the Bureau of Engineering.

CEQA Determination

Regarding a finding to satisfy the requirements of the California Environmental Quality Act (CEQA), we advise that prior to adoption of this revised 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 revised draft ordinance.

Council Rule 38 Referral

A copy of the revised 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