



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 0 9 - 0 2 1 9

JUN 15 2009

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 47.76 OF THE LOS ANGELES
MUNICIPAL CODE TO ESTABLISH A FEE FOR APPEALING A DETERMINATION
REGARDING THE STATUS OF A UNIT IN A RESIDENTIAL HOTEL AS
RESIDENTIAL OR TRANSIENT**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Council File No. 08-0644

Honorable Members:

Pursuant to your request, this office has prepared and transmits a draft ordinance establishing a fee for appealing a determination regarding the status of a unit in a residential hotel as residential or transient. The enclosed draft ordinance is approved as to form and legality.

CEQA Findings

Regarding a finding pursuant to the California Environmental Quality Act (CEQA), the Los Angeles Housing Department has recommended that Council find that the adoption of this ordinance is exempt from the provisions of CEQA under Article 18, Section 15060 (c)(2) of the State CEQA Guidelines and Article II, Section 2(m) of the City CEQA Guidelines. If the City Council concurs, it should adopt this finding prior to or concurrent with its action on the ordinance.



Fee Adoption

We note that, because this ordinance would impose a new fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code sections 66018 and 6062a. Those sections of State law require that prior to adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten-day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Housing Department (LAHD). LAHD believes that the draft ordinance accurately reflects Council's request.

If you have any questions, please contact Deputy City Attorney Judith E. Reel at (213) 978-7965. She or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:JER:lee
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 47.76 of the Los Angeles Municipal Code to establish a fee for appealing a determination regarding the status of a unit in a residential hotel as residential or transient.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The first sentence of Subdivision (1) of Subsection C of Section 47.76 of the Los Angeles Municipal Code is amended to read:

(1) An appellant who files an appeal shall do so on a form prescribed by LAHD and shall pay an administrative fee in the amount of \$988.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By Judith E. Reel
JUDITH E. REEL
Deputy City Attorney

Date June 16, 2009

File No. 08-0644