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CITY ATTORNEY

REPORT NO. **R17-0104**
APR 07 2017

REPORT RE:

SECOND REVISED DRAFT ORDINANCE ADDING SUBDIVISION 10 TO SECTION 14.00 A OF ARTICLE 4 OF CHAPTER 1 OF THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH A PROCESS TO LEGALIZE UNPERMITTED DWELLING UNITS

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. 14-1150-S1

Honorable Members:

On October 4, 2016, this Office prepared and transmitted for your consideration, approved as to form and legality, a draft ordinance adding Subdivision 10 to Section 14.00.A of Article 4 of Chapter 1 of the Los Angeles Municipal Code (LAMC). (City Attorney Report R16-0318.)

On March 17, 2017, this Office transmitted a revised ordinance for your consideration. The revised ordinance clarified some issues as requested by the Department of Building and Safety and the Department of City Planning.

On March 29, 2017, the revised proposed ordinance came before City Council. The City Council voted to approve a motion to direct the City Attorney to prepare a revision. Specifically, the proposed ordinance requested by Council will amend Section 19.14 of Chapter 1 of the LAMC to allow the Housing and Community Investment Department to charge a fee to recoup its costs for its preparation and enforcement of

affordable housing covenants pursuant to the Unpermitted Dwelling Unit ordinance. The new fee is supported by the fee study previously used to support the November 29, 2016, amendment to Section 19.14.

New Fee Notice Required

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.

Charter Findings and California Environmental Quality Act Determination

The Charter Findings discussed in Report No. R16-0318 and the CEQA Determination discussed in Report No. 17-0086 support your consideration of the enclosed revised draft ordinance.

Council Rule 38 Referral

A copy of the revised draft ordinance was sent, pursuant to Council Rule 38, to the Housing and Community Investment Department, Department of Building and Safety, Department of Disability, Department of Water and Power, Los Angeles Fire Department and the Bureau of Engineering. We requested that these departments provide their comments directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Amy Brothers at (213) 978-8069. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

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Transmittal