



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 17 - 0 2 3 2  
JUL 17 2017

**REPORT RE:**

**DRAFT ORDINANCE AMENDING SECTIONS 19.16 AND 98.0418 OF THE  
LOS ANGELES MUNICIPAL CODE RELATIVE TO AN INCREASE TO THE  
GENERAL PLAN MAINTENANCE SURCHARGE TO FUND AN EXPANSION OF THE  
DEPARTMENT OF CITY PLANNING'S COMMUNITY PLANNING PROGRAM**

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. 16-0422

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 ordinance would amend Sections 19.16 and 98.0418 of the Los Angeles Municipal Code (LAMC) to increase the existing general plan maintenance surcharge fee, in order to fund an expanded Community Plan Program that implements a six-year accelerated cycle for updating the City's Community Plans.

Background and Summary of Ordinance Provisions

The City Council previously approved Ordinance No. 182,310 adding a general plan maintenance surcharge on November 12, 2012. The general plan maintenance surcharge adds fees for any permit, plan check, license or application provided for in Chapter 1 of the LAMC, from an amount equal to the greater of 5 percent of the fee or \$1.00, except that any other surcharge shall be excluded from the computation of this surcharge.

This draft ordinance seeks to increase the general plan maintenance surcharge to an amount not to exceed the greater of 7 percent of the fee or \$1.00. Fifty percent of

the monies received from the surcharge shall be used for costs directly related to updating the City's 35 Community Plans, as part of the Department of City Planning's (DCP) expanding Community Planning Program.<sup>1</sup>

The increase in fees was preliminarily approved in the adopted budget for the Fiscal Year 2016-2017 budget.

#### Charter Findings Not Required

The enclosed draft ordinance strictly relates to an increase in an existing fee in the fee schedule and is not a land use ordinance. For this reason, this ordinance is not subject to approval by the City Planning Commission, pursuant to Charter Section 558.

#### Fee Notice Requirements

Prior to adopting a new fee or increasing an existing fee, the Council must conduct a public hearing concerning the matter, as required by Government Code Section 66016. Notice of the time and place of the meeting at which the hearing will be held, including a general description of the matter to be considered, must be published in accordance with Government Code Section 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 newspapers 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.

#### CEQA Determination

Regarding a determination pursuant to the California Environmental Quality Act (CEQA), you can find that adoption of this ordinance is exempt from the provisions of CEQA under Section 15061(b)(3) of the State CEQA Guidelines and Article II, Section 2(m) of the City's CEQA Guidelines, in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because the proposed ordinance merely increases the existing general plan maintenance surcharge fee from 5 percent to 7 percent. If you concur, you may comply with CEQA by making one or both of these determinations prior to, or concurrent with your action on the ordinance.

---

<sup>1</sup>The Office of the City Administrative Officer (CAO) analyzed the proposed General Plan Maintenance Surcharge Fee and submitted a report (CAO File No. 0220-04851-0012) that explains the methodology used to assess the cost analysis, specific to the General Plan Maintenance Surcharge Fee, that was performed as part of a comprehensive fee study.

Council Rule 38 Referral

A copy of the draft ordinances was sent, pursuant to Council Rule 38, to the Department of Building and Safety with a request that all comments be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Kimberly Huangfu at (213) 978-8257. 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

DM:KAH:gl  
Trasmittal