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CITY ATTORNEY

REPORT NO. R 22 - 0222
JUN 15 2022

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 62.118.2 OF THE LOS ANGELES
MUNICIPAL CODE TO AUTHORIZE THE USE OF THE SPECIAL ENGINEERING
FEE FOR CERTAIN REVOCABLE PERMIT APPLICATIONS, AND TO AUTHORIZE A
DEPARTMENT OF TRANSPORTATION APPLICATION REVIEW FEE FOR
REVOCABLE PERMIT APPLICATIONS FOR ROADWAY DINING AREAS**

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. 20-1074

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 62.118.2 of the Los Angeles Municipal Code (LAMC) to authorize the use of the existing Special Engineering Fee for simple revocable permit applications where only limited Bureau of Engineering resources are needed. The draft ordinance also authorizes a new Department of Transportation application review fee for revocable permit applications for roadway dining areas.

Background and Summary of Ordinance Provisions

The draft ordinance authorizes the Bureau of Engineering to use the existing Special Engineering Fee, in lieu of the standard flat fee for revocable permit applications under LAMC Section 62.118.2, when the Bureau anticipates that only minimal Bureau staff time (less than three hours) will be necessary to process the permit application. The Special Engineering Fee in LAMC Section 61.14 is an *existing* hourly fee for BOE permit processing services. Should additional processing time be needed for a revocable permit application, the draft ordinance authorizes the Bureau to charge its standard revocable permit application fee.

The draft ordinance also authorizes a *new* Department of Transportation application review fee for revocable permit applications to establish roadway dining areas. During the COVID-19 pandemic, the City established the L.A. Al Fresco Program to provide temporary use authorization for roadway dining areas. When the COVID-19 Safer at Home declarations expire, the temporary authorizations under the L.A. Al Fresco Program will expire. The continued use of the roadway for dining purposes will require a revocable permit under LAMC Section 62.118.2. The draft ordinance authorizes a Department of Transportation application review fee of \$1,200 for revocable permit applicants who had already received a temporary authorization under the L.A. Al Fresco Program. All other revocable permit applications for roadway dining will be subject to a \$1,500 application review fee. The City has conducted a fee study that supports the new Department of Transportation application review fee.

Fee Notice Requirement

We note that because this ordinance would effectuate increases in existing fees, 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 Department of Public Works – Bureau of Engineering, the Department of Transportation, 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. A 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

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Transmittal