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CITY ATTORNEY

REPORT NO. R 21 - 0209
JUN 21 2021

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 46.04 OF THE LOS ANGELES
MUNICIPAL CODE TO ESTABLISH A NEW FEE SCHEDULE FOR APPLICATIONS
FOR PERMITS TO REMOVE OR RELOCATE A PROTECTED TREE OR SHRUB**

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. 13-1339

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 46.04 of the Los Angeles Municipal Code (LAMC) to establish a new fee schedule for applications for permits to remove or relocate a protected tree or shrub.

Background and Summary of Ordinance Provisions

The proposed draft ordinance establishes a new fee schedule for permit applications for the removal or relocation of a protected tree or shrub. Pursuant to LAMC 46.02, a permit from the Board of Public Works is required for the removal or relocation of a protected tree or shrub. The proposed draft ordinance sets the permit application fee at \$805.99, in addition to an inspection fee based on the number of

protected trees and shrubs in the permit application. The City has conducted a fee study that supports the new fee schedule for the permit applications.

The permit application and inspection fees are part of the City Council approved budget for Fiscal Year 2021-2022.

CEQA Determination

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

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 Street Services 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

A handwritten signature in black ink, appearing to read "D. Michaelson", written over a horizontal line.

DAVID MICHAELSON
Chief Assistant City Attorney

DM:EJ:ev
Transmittal