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CITY ATTORNEY

REPORT NO. **R17-0305**
AUG 25 2017

REPORT RE:

**DRAFT ORDINANCE AMENDING ARTICLES 1, 1.2, 3, 4, 5 AND 9 OF
CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO FIX TECHNICAL
AND REFERENCING ERRORS TO INCORPORATE BY REFERENCE CERTAIN
PORTIONS OF THE 2015 INTERNATIONAL BUILDING CODE AND THE 2016
EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, AND TO
MAKE LOCAL ADMINISTRATIVE, CLIMATIC, GEOLOGIC OR
TOPOGRAPHICAL CHANGES**

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. 13-1214

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance that would amend Articles 1, 1.2, 3, 4, 5 and 9 of Chapter IX of the Los Angeles Municipal Code (LAMC) to fix technical and referencing errors discovered after adoption of the tri-annual City building code update implemented by Ordinances No. 184691 and 184692; to incorporate by reference portions of the 2015 International Building Standards Code and 2016 California Building Standards Code that are necessary to preserve the health, safety and welfare of persons within the City; and to make reasonably necessary local administrative, climactic, geologic or topographical changes. The tri-annual City

building code update, implemented by Ordinances No. 184691 and 184692, already took effect as of January 1, 2017, as required by California State Law.

Background and Summary of Ordinance Provisions

On December 13, 2016, Council adopted Ordinances No. 184691 and 184692 to amend LAMC Chapter IX as a part of the tri-annual City building code update required by California State law.

On June 27, 2017, Council requested the City Attorney to prepare and present an ordinance to fix technical and referencing errors discovered after adoption of Ordinances No. 184691 and 184692, as outlined in a May 11, 2017, report to Council from the Los Angeles Department of Building and Safety (DBS).

This draft ordinance amends Articles 1, 1.2, 3, 4, 5 and 9 of Chapter IX of the LAMC to fix technical and referencing errors discovered after adoption of Ordinances No. 184691 and 184692; incorporates by reference portions of the 2015 International Building Standards Code and 2016 California Building Standards Code that are necessary to preserve the health, safety and welfare of persons within the City; makes reasonably necessary local administrative, climactic, geologic or topographical changes authorized by California Health and Safety Code Sections 17958.5 and 17958.7; and makes administrative changes to fee provisions without imposing new fees.

Charter Findings

The enclosed draft ordinance relates to regulations and activities already within the authority of DBS, does not enact a new fee, and is not a land use ordinance. For this reason, this draft ordinance is not subject to approval by the City Planning Commission pursuant to Charter Section 558.

Findings Required Under the Health and Safety Code

Pursuant to Health and Safety Code Sections 17958.5 and 17958.7 the City may make changes or modifications to the provisions of the California Building Standards Code and other regulations adopted pursuant to California Health and Safety Code Section 17922, when Council makes an express finding the changes are reasonably necessary because of local climatic, geological or topographical conditions. This express finding of reasonable necessity shall be available as a public record. The City complies with this requirement when DBS files with the California Building Standards Commission technical information related to the express finding together with the modification or change expressly marked and identified to which the finding and technical information refers. No modification is effective until the DBS technical information, along with the ordinance making the express finding and adopting the

modifications, have been filed with the California Building Standards Commission. The ordinance provides for the express finding of reasonable necessity.

CEQA Determination

The California Environmental Quality Act (CEQA) does not apply to continuing administrative activities or organizational activities of government that will not result in specific direct or indirect physical changes in the environment, or to the creation of government funding mechanisms or other governmental fiscal activities that do not commit to any specific project that may result in potentially significant environmental impacts. Public Resources Code Section 21065 and State CEQA Guideline Sections 15378(b)(2) and (b)(5). The draft ordinance makes various technical changes to the existing regulations in the form of local administrative, climactic, geologic or topographical changes. On that basis, the proposed ordinance is not subject to CEQA.

Council Rule 38 Referral

The draft ordinance was sent, pursuant to Council Rule 38, to DBS with a request that all comments, if any, be directed to the City Council at the time this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Donna Wong at (213) 978-8064. She or another member of this Office will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
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DM:DW:mgm
Transmittal