



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. **R19-0391**  
**NOV 22 2019**

**REPORT RE:**

**DRAFT ORDINANCE AMENDING DIVISIONS 4 AND 5 OF ARTICLE 9 OF  
CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO UPDATE ELECTRIC  
VEHICLE READY AND ELECTRIC VEHICLE CHARGING REQUIREMENTS THAT  
EXCEED CURRENT STATE STANDARDS**

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. 17-0309

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance. This draft ordinance amends Sections 99.04.106.4.2, 99.05.106.5.3.1, 99.05.106.5.3.2, and 99.05.106.5.3.3 of the Los Angeles Municipal Code (LAMC), adds Sections 99.04.106.4.3.1, 99.04.106.4.4, and 99.05.106.5.3.6 to the LAMC, and removes Table 99.05.106.5.3.3 of Section 99.05.106 from the LAMC.

These amendments, additions, and revisions update the City's Building Code to establish Electric Vehicle (EV) ready and EV charging requirements that exceed current State standards, acknowledge the importance of EV use in the City, and meet the minimum targets referenced in the Department of City Planning (DCP) report to City Council dated July 26, 2018.

Background and Summary of Ordinance Provisions

On March 22, 2017, a motion (Huizar – Koretz) was introduced instructing the CLA, with assistance from DCP, City Attorney, Department of Transportation, and other departments and outside experts as needed, to report on the City's current practices to address freeway pollution, including the Freeway Adjacent Advisory Notice, air filtration requirements and any other conditions imposed on development near freeways. The motion specified that the report should recommend updates or improvements to current requirements and other potential strategies to reduce freeway pollution and its public health impacts.

On June 20, 2017, the Planning and Land Use Management (PLUM) Committee considered the motion and amended it to make DCP the lead department in reporting back to Council on the matter. The June 20, 2017 report instructed DCP to report on the City's current practices to protect public health from air pollution from freeways, as well as: (a) identify baseline/existing conditions Citywide; (b) recommend improvements to current requirements which could minimize exposure to air pollution, including the education of participants in Community Plan updates and facilitation of air quality monitoring; and (c) report on the status of City programs to foster a transition to electric vehicles, with recommendations to expedite this transition and to encourage the benefits are shared with lower-income and high-pollution neighborhoods. The motion was also referred to the Health, Mental Health, and Education Committee, which waived consideration of the item on June 22, 2019. On June 28, 2017, City Council adopted the PLUM Committee report.

On April 12, 2018, DCP issued a report on freeway adjacency and air quality concerns identifying six items to be considered for additional implementation.

DCP issued a supplemental report on July 26, 2018, concerning freeway adjacency and air quality concerns. The report recommended Council direct DCP to: (a) Establish a freeway adjacent use package in the re:code LA; (b) Publish proposed revisions to ZI No. 2427; and (c) Report back on progress updating the Citywide Design Guidelines in regards to the goals contained in the July 26, 2018 DCP report. The report also recommended Council direct the Department of Building and Safety (DBS) to pursue an update to Subsections 99.04.106.4.2, 99.05.106.5.3.3 and Table 99.05.106.5.3.3 of Section 99.05.106, Article 9, Chapter IX of the LAMC that establishes an EV ready and EV charging requirement exceeding current State standards and recognizes the importance of EV in the City and addresses the minimum targets referenced in the July 26, 2018 DCP report.

On July 31, 2018, the PLUM Committee considered DCP's reports and instructed DCP and DBS to take certain actions to address issues caused by freeway-adjacent development. In pertinent part, the Committee instructed DBS, with the assistance of the City Attorney, to prepare and present an ordinance to update subsections of the Building Code to establish an EV ready and EV charging requirement that exceeds current State standards, recognizes the importance of EV in the City, and addresses the minimum targets referenced in the July 26, 2018 DCP report. City Council adopted PLUM Committee's recommendation on August 14, 2018.

Pursuant to these directives, this Office prepared the enclosed draft ordinance to update subsections of the Building Code to establish a EV ready and EV charging requirements that exceed current State standards, recognize the importance of EV in the City, and address the minimum targets referenced in the July 26, 2018 DCP report.

#### Charter Findings Not Required

The draft ordinance relates to regulations and activities within the authority of DBS, and is not a land use ordinance. For these reasons, the draft ordinance is not subject to approval by the City Planning Commission pursuant to Charter Section 558.

#### Health and Safety Findings

Pursuant to California 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 that 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 draft ordinance provides the express finding of reasonable necessity on the basis of local conditions.

#### CEQA Findings

DBS recommends that the City Council, based on the whole of the administrative record, determine that the enclosed draft ordinance amending Divisions 4 and 5 of Article 9 of Chapter IX of the Los Angeles Municipal Code is exempt from the California Environmental Quality Act (CEQA) under California Public Resources Code Sections 15301 (categorical exemption for existing facilities), 15303 (categorical exemption for

new construction or conversion of small structures), 15308 (categorical exemption for actions by agency for protection of the environment), and 15311 (categorical exemption for accessory structures), and that none of the exceptions under 15300.2 apply.

Reliance on these categorical exemptions is appropriate when substantial evidence in the record supports the use of the categorical exemptions and none of the exceptions in CEQA Guidelines Section 15300.2 apply.

If the City Council concurs, it should adopt these findings prior to or concurrent with its action on the ordinance.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to DBS 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 Deputy City Attorney K. Lucy Atwood at (213) 978-8248. She or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON  
Chief Assistant City Attorney

DM:KLA:lc  
Transmittal