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CITY ATTORNEY

REPORT NO. R 18 - 0 1 5 4
MAY 25 2018

REPORT RE:

**REVISED DRAFT ORDINANCE AMENDING SPECIFIED PORTIONS 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. 10-2335-S1

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed revised draft ordinance that would amend specified portions of Chapter IX of the Los Angeles Municipal Code (LAMC) to fix technical, consistency and referencing errors; 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.

Through a separate report, this Office also concurrently transmits a related ordinance with an urgency clause that would amend LAMC Table 9708.2.

Background and Summary of Ordinance Provisions

On January 10, 2018, Council requested the City Attorney to prepare and present an ordinance amending selected portions of Chapter IX of the LAMC as specified in a September 14, 2017, report to Council from the Los Angeles Department of Building and Safety (DBS).

This Office submitted a first draft ordinance, with its Report No. R18-0140, dated May 17, 2018, containing a selection of amendments that resulted from working closely with DBS as outlined in the referenced report (First Draft Ordinance).

On May 25, 2018, Council considered the First Draft Ordinance and requested the City Attorney to amend that draft to include additional amendments to Chapter IX of the LAMC as specified in a May 17, 2018, DBS report to Council. Among the additional amendments are administrative date amendments for the Existing Building Water and Efficiency Program in LAMC Table 9708.2 that require passage under an urgency clause due to notification timelines in LAMC Section 91.9708.4.

With the exception of the date amendments to LAMC Table 9708.2, the requested amendments do not require an urgency clause and are contained in the enclosed revised draft ordinance.

The revised draft ordinance amends selected portions of Chapter IX of the LAMC to fix technical and referencing errors; create terminology consistency; 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; make reasonably necessary local administrative, climactic, geologic or topographical changes authorized by California Health and Safety Code Sections 17958.5 and 17958.7; and make technical changes to fee provisions without imposing new fees. The revised draft ordinance includes the additional amendments requested by Council on May 25, 2018, with the exception of the amendments to LAMC Table 9708.2 that are presented concurrently through a separate report and draft ordinance.

Charter Findings

The revised 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, the revised 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 revised draft 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 revised draft ordinance makes various technical changes to the existing regulations in the form of referencing and stylistic corrections, and reasonably necessary local administrative, climactic, geologic or topographical changes. On that basis, the proposed ordinance is not subject to CEQA.

Council Rule 38 Referral

The revised 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.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM:DW:mgm
Transmittal