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JOHN WEIGHT
EXECUTIVE OFFICER

November 20, 2023

CF #

Honorable City Council
John Ferraro Council Chamber
Room 340, City Hall
City of Los Angeles

PROPOSED ORDINANCE AMENDING CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO CORRECT TECHNICAL AND CLERICAL ERRORS AND OMISSIONS DISCOVERED IN ORDINANCE NUMBER 187719.

A public hearing was held on August 22, 2023 by the Board of Building and Safety Commissioners (BBSC) to receive and consider public comments regarding the proposed ordinance amending Articles 1, 1.2, 1.5, 4 and 9 of Chapter IX of the Los Angeles Municipal Code (LAMC) to correct technical and clerical errors and omissions found in Ordinance 187719. There were no public comments at the hearing. The BBSC has recommended the proposed ordinance be adopted and referred the matter back to LADBS for further processing.

In addition to the proposed ordinance, the following items are included:

- a. Notice of Public Hearing to Building and Safety Commissioners regarding the proposed ordinance;
- b. Minutes of the public hearing.

After the completion of the public hearing, the BBSC has referred the proposed ordinance back to the Department for further processing.

I respectfully request this report be forwarded to the City Council for authority to City Attorney, in consultation with the Department of Building and Safety, to prepare the draft ordinance for adoption.

Please direct any questions regarding the proposed ordinance to Lawrence Brugger at (213) 482-6520. Should you need my assistance, please contact me at (213) 482-6800 (office).



Osama Younan, P.E.
General Manager
Superintendent of Building

Attachment

ORDINANCE NO. _____

An ordinance amending Articles 1, 1.2, 1.5, 4 and 9 of Chapter IX of the Los Angeles Municipal Code as a clean-up of Ordinance No. 187719 by making technical corrections and fixing clerical errors.

WHEREAS, Ordinance No. 187719 was approved by the Los Angeles City Council and became effective on January 1, 2023, (Council File No. 22-1226); and

WHEREAS, it has been learned that Ordinance No. 187719 contains technical and clerical errors and omissions that need to be corrected; and

WHEREAS, it has also been learned that certain provisions of Chapter IX of the Los Angeles Municipal Code make erroneous references to other provisions of the Los Angeles Municipal Code or other State of California Codes which references should be corrected;

WHEREAS, in support of the following further modifications and changes, the City Council hereby expressly finds that the following amendments and modifications to the California Building Standards Code are reasonably necessary due to local climatic, geological or topographical conditions.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section XX. Subsection 91.1206.6 of Section 91.1206, Division 12, Article 1 Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

91.1206.6. Relevant Standards. The current edition of the following standards is generally applicable for determining compliance with this section, and copies may be obtained from the ~~ASTM International~~American Society for Testing and Materials (ASTM) at 100 Barr Harbor Drive, West Conshohocken, PA, 19428-2959; ASTM C 634, Standard Terminology Relating to Building and Environmental Acoustics; ASTM E 90, Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements; ASTM E 336, Standard Test Method for Measurement of Airborne Sound Attenuation Between Rooms in Buildings; ASTM E 413, Classification for Rating Sound Insulation; ASTM E 492, Standard Test Method for Laboratory Measurement of Impact Sound Transmission Through Floor-Ceiling Assemblies Using the Tapping Machine; ASTM E 497, Standard Recommended Practice for Installation of Fixed Partitions of Light Frame Type for the Purpose of Conserving Their Sound Insulation Efficiency; ASTM E 597, Recommended Practice for

Determining a Single-Number Rating of Airborne Sound Isolation in Multi-unit Building Specifications; ASTM E 966, Standard Guide for Field Measurements of Airborne Sound Insulation of Building Facades and Facade Elements; ASTM E 989, Standard Classification for Determination of Impact Insulation Class (IIC); ASTM E 1007, Standard Test Method for Field Measurement of Tapping Machine Impact Sound Transmission Through Floor-Ceiling Assemblies and Associated Support Structures; and ASTM E 1014, Standard Guide for Measurement of Outdoor A-Weighted Sound Levels.

Section XX. The first paragraph of Section 91.1704, Division 17, Article 1 Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

SEC. 91.1704. SPECIAL INSPECTIONS.

Section 1704 of the CBC is adopted by reference, except that CBC Sections 1704.2, 1704.2.1, 1704.2.3, 1704.2.4, 1704.2.5, 1704.2.5.1, 1704.2.5.2, 1704.6, and 1704.6.1, ~~1704.7, 1704.8, and 1704.9~~ are not adopted; and, in lieu, LAMC Subsections 91.1704.1.1, 91.1704.1.2, 91.1704.1.3, 91.1704.1.4, 91.1704.1.5, 91.1704.1.6, 91.1704.1.7, 91.1704.2, 91.1704.2.1, 91.1704.2.1.1, 91.1704.2.1.2, 91.1704.2.1.3, 91.1704.2.3, 91.1704.2.4, 91.1704.2.5, 91.1704.2.5.1, ~~91.1704.2.5.2~~, 91.1704.6, and 91.1704.6.1 are added or amended to read as follows:

Section XX. The first paragraph of Section 91.1705, Division 17, Article 1, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

SEC. 91.1705. REQUIRED VERIFICATION AND INSPECTION.

Section 1705 of the CBC is adopted by reference, except CBC Sections 1705.3, 1705.3.2, 1705.6, 1705.7, 1705.8, 1705.12.1, 1705.12.1.1, 1705.13.1, 1705.13.4, 1705.16.2, and 1705.17 are not adopted; and, in lieu, LAMC Subsections 91.1705.1.2, 91.1705.1.3, 91.1705.1.4, 91.1705.1.5, 91.1705.1.6, 91.1705.1.7, 91.1705.1.8, 91.1705.1.9, 91.1705.1.10, 91.1705.1.11, 91.1705.1.12, 91.1705.1.13, 91.1705.1.13.1, 91.1705.2.4, 91.1705.3, 91.1705.3.1.1, 91.1705.3.2, 91.1705.6, 91.1705.6.2, 91.1705.7, 91.1705.8, 91.1705.13.1, 91.1705.13.1.1.1, 91.1705.14.1, 91.1705.18.2; and 91.1705.19 are added.

Section XX. Subsection 91.1705.1.13.1 of Section 91.1705, Division 17, Article 1, Chapter IX of the Los Angeles Municipal Code is hereby added to read as follows:

91.1705.1.13.1. The Department shall establish procedures, rules and regulations for the issuance of Welder's Certifications.

A fee of \$110 shall be paid on each application for certification or renewal. \$50 of the fee shall be paid prior to the Department's examination for a new certification and the remaining amount shall be paid after the examination. Certificates shall be issued for a period of three (3) years and may be renewed for an additional three (3) year period.

Section XX. The first sentence of Subsection 91.1705.3 of Section 91.1705, Division 17, Article 1, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

91.1705.3. Concrete Construction. Special inspections and tests of concrete construction shall be performed in accordance with this section and LAMCBC Table 1705.3.

Section XX. Section 91.1900, Division 19, Article 1, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

SEC. 91.1900. BASIC PROVISIONS.

Chapter 19 of the CBC is adopted by reference, except that CBC Sections 1905.1, 1905.1.7, and 1906.1 are not adopted; and, in lieu, LAMC Subsections 91.1905.1, 91.1905.1.7, 91.1905.1.9, 91.1905.1.10, 91.1905.1.11, 91.1905.1.12, 91.1906, and 91.1906.1 are added.

Section XX. Subsection 91.1905.1.10 of Section 91.1905, Division 19, Article 1, Chapter IX of the LAMC is hereby amended to read as follows:

91.1905.1.10. ACI 318, Section 18.7.5. Modify ACI 318, Section 18.7.5, by adding Section 18.7.5.9 to read as follows:

18.7.5.9 - At any section where the design strength, ϕP_n , of the column is less than the sum of the shears V_e computed in accordance with ACI 318 Sections 18.6.5.1 and 18.7.6.1.1 for all the beams framing into the column above the level under consideration, transverse reinforcement as specified in ACI 318 Section 18.7.5.1 through 18.7.5.3 shall be provided. For beams framing into opposite sides of the column, the moment components may be assumed to be of opposite sign. For determination of the design strength, ϕP_n , of the column, these moments may be assumed to result from the deformation of the frame in any one principal axis.

Section XX. Subsection 91.2304.9.1 of Section 91.2304, Division 23, Article 1, Chapter IX of the Los Angeles Municipal Code is hereby deleted:

~~**91.2304.9.1. General.** Section 2304.9.1 of the 2019 CBC is adopted by reference.~~

Section XX. Section 91.3112, Division 31, Article 1 Chapter IX of the Los Angeles Municipal Code is hereby deleted.

~~**SEC. 91.3112. PATIO COVERS.**~~

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~~**91.3112.1. General.** Section I101.1 of Appendix I of the CBC is adopted by reference.~~

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~~**91.3112.2. Definitions.** The following word and term shall, for the purposes of Division 31, Article 1, Chapter IX of the Los Angeles Municipal Code, have the meaning shown herein. (Amended by Ord. No. 184,692, Eff. 12/30/16.)~~

~~—**Patio Covers.** One-story structures not exceeding 12 feet (3657 mm) in height. Enclosure walls shall be permitted to be of any configuration, provided the open or glazed area of the longer wall and one additional wall is equal to at least 65% of the area below a minimum of 6 feet 8 inches (2013 mm) of each wall, measured from the floor.~~

~~**91.3112.3. Exterior Openings.** Section I101.3 of Appendix I of the CBC is adopted by reference.~~

~~**91.3112.4. Structural Provisions.** Section I101.4 of Appendix I of the CBC is adopted by reference.~~

Section XX. Section 91.3116, Division 31, Article 1, Chapter IX of the Los Angeles Municipal Code is hereby added to read as follows:

SEC. 91.3116. PATIO COVERS.

91.3116.1. General. Section I101 of Appendix I of the CBC is adopted by reference.

91.3116.2. Definitions. Section I102 of Appendix I of the CBC is adopted by reference.

91.3116.3. Exterior Walls and Openings.

91.3116.3.1. Enclosure walls. Section I103.1 of Appendix I of the CBC is adopted by reference.

91.3116.3.2. Light, ventilation and emergency egress. Section I103.2 of Appendix I of the CBC is adopted by reference.

91.3116.4. Height. Section I104 of Appendix I of the CBC is adopted by reference.

91.3116.5. Structural Provisions. Section I105 of Appendix I of the CBC is adopted by reference.

Section XX. Subsection 91.6205.1 of Section 91.6205, Division 62, Article 1, Chapter IX of the LAMC is hereby amended to read as follows:

91.6205.1. General Requirements. Signs shall be designed and constructed to comply with the provisions of this Code for use of materials, loads and stresses. Glass panels used in signs shall comply with the size, thickness and type of glass as shown in Table 4-A of Appendix H H115.1(1) of the CBC. The use, location, size, area and height of the

sign shall comply with the provisions of this Code and Chapter 1 of the LAMC, whichever is more restrictive. ~~Table 4-A of Appendix H of the CBC is adopted by reference.~~

Section XX. Subsection 91.7014.3 of Section 91.7014, Division 70, Article 12, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

91.7014.3. Flood and Mudflow Protection. Flood and mudflow protection shall be provided for all new buildings, additions to buildings and substantial improvements to buildings, which are located on sites determined by the Department to be subject to those conditions, in accordance with Ordinance No. ~~163,913~~ 186,952.

The recommendations for mudflow protection shall be contained in a site investigation report made by persons qualified and licensed in civil engineering, engineering geology and/or soils engineering to ascertain the location, magnitude and extent of potential mudflow hazards and to recommend measures for protection or the elimination of those hazards. The use of the minimum design parameters specified in this Code shall be justified in the report.

Minimum design parameters to be used for mud/debris flow control systems within and at the base of concentrated drainage areas are:

1. A channel flow capacity of 10 cubic feet per second (0.28 m³/s) per acre (ha) of tributary drainage area; or
2. A temporary storage capacity of 400 cubic yards (306 m³) per acre (ha) of tributary drainage area.

Section XX. Subsection 91.7104.3.5 of Section 91.7104, Division 71, Article 1, Chapter IX is hereby amended to read as follows:

91.7104.3.5. ~~Single Family Dwelling~~ Residential. ~~Single Family~~ Dwellings and Townhomes, and buildings accessory to ~~these structures~~ single family dwellings shall comply with all the Methane Mitigation requirements of LAMC Table 71, except that the following mitigation system may be substituted:

- A. Single Station Gas Detectors with battery back-up may be installed in lieu of Alarm System and Gas Detection System; or
- B. 6 mil thick ~~Visquene~~ durable polyethylene plastic sheeting may be used in lieu of Impervious Membrane, when the Site Design Levels are I or II; or
- C. Additional Vent Risers or Mechanical Ventilation may be omitted for buildings with width less than 50 feet and footprint less than 6,000 square feet in area; or

D. Vent Risers may be substituted in lieu of Mechanical Extraction System, provided the Vent Risers are designed at a rate twice that established by the Methane Mitigation Standards.

Section XX. Subsection 91.2.502.5 of Section 91.2.502, Division 5, Article 1.2, Chapter IX is hereby amended to read as follows:

91.2.502.5. Existing Structural Elements Carrying Lateral Load. Where the addition is structurally independent of the existing structure, existing lateral load-carrying structural elements shall be permitted to remain unaltered. Where the addition is not structurally independent of the existing structure, the existing structure and its addition acting together as a single structure shall be shown to meet the requirements of Sections 1609 and 1613 of the California Building Code using full seismic forces. For purposes of CEBC Section 502, compliance with ASCE 41, using a Tier 3 procedure and the two-level performance objective in CEBC Table ~~303.3.1~~304.3.1 for the applicable risk category, shall be deemed to meet the requirements of CBC Section 1613, with procedures established by the Department.

EXCEPTIONS:

1. Except for Unreinforced Masonry (URM) Buildings:

Any existing lateral load-carrying structural element whose demand-capacity ratio with the addition considered is no more than 10% greater than its demand-capacity ratio with the addition ignored shall be permitted to remain unaltered. For purposes of calculating demand-capacity ratios, the demand shall consider applicable load combinations with design lateral loads or forces in accordance with CBC Sections 1609 and 1613. For purposes of this exception, comparisons of demand-capacity ratios and calculations of design lateral loads, forces and capacities shall account for the cumulative effects of additions and alterations since original construction.

This exception shall not apply if the~~The additions do not~~ creates a structural irregularity as defined in ASCE 7 or makes an existing structural irregularity more severe.

2. Unreinforced Masonry (URM) Buildings:

Any existing lateral load-carrying structural element on an unreinforced masonry building whose demand-capacity ratio with the addition considered is less than 10% greater than its demand-capacity ratio with the addition ~~ignored, must~~ shall comply with CEBC Appendix Chapter A1. When the demand-capacity ratio with the addition considered is 10% or greater than its demand-capacity ratio with the addition ignored, the addition shall be designed in accordance with Division 16, Article 1, Chapter IX of the LAMC (Chapter 16 of the Building Code.)~~per CBC Division 16.~~

3. Buildings of Group R occupancy with not more than five dwelling or sleeping units used solely for residential purposes where the existing building and the addition together

comply with the conventional light-frame construction methods of the California Building Code or the provisions of the California Residential Code.

Section XX. Subsection 91.2.503.4 of Section 91.2.503, Division 5, Article 1.2 Chapter IX of the LAMC is hereby amended to read as follows:

91.2.503.4. Existing Structural Elements Carrying Lateral Load. Except as permitted by CEBC Section 503.13, where the alteration increases design lateral loads in accordance with CBC Section 1609 or 1613, or where the alteration results in a prohibited structural irregularity as defined in ASCE 7, or where the alteration decreases the capacity of any existing lateral load-carrying structural element, the structure of the altered building or structure shall be shown to meet the requirements of CBC Sections 1609 and 1613. Reduced seismic loads shall be permitted providing the reduced seismic load is not less than the original building permitted seismic loads. For purposes of CEBC Section 503, compliance with ASCE 41, using the performance objective in CEBC Table ~~303.3.1~~304.3.1 for the applicable risk category, shall be deemed to meet the requirements of CBC Section 1613, and using the performance objective in CEBC Table ~~303.3.2~~304.3.2 for the applicable risk category, shall be deemed to meet the requirements of reduced seismic loads, with procedures established by the Department.

EXCEPTIONS:

1. Except for Unreinforced Masonry Buildings (URM):

Any existing lateral load-carrying structural element whose demand-capacity ratio with the alteration considered is no more than 10% greater than its demand-capacity ratio with the alteration ignored shall be permitted to remain unaltered. For purposes of calculating demand-capacity ratios, the demand shall consider applicable load combinations with design lateral loads or forces in accordance with CBC Sections 1609 and 1613. Reduce seismic forces shall be permitted. For purposes of this exception, comparisons of demand-capacity ratios and calculations of design lateral loads, forces and capacities shall account for the cumulative effects of additions and alterations since original construction.

~~The~~This exception shall not apply if the alternation ~~do not~~creates structural irregularity as defined in ASCE 7 or makes s an existing structural irregularity more severe.

2. Unreinforced Masonry (URM) Buildings:

Any existing lateral load-carrying structural element on an URM building whose demand-capacity ratio with the ~~alteration~~addition considered is less than 10% greater than its demand-capacity ratio with the ~~addition~~alteration ignored, ~~must~~ shall comply with CEBC Appendix Chapter A1. When the demand-capacity ratio with the ~~addition~~alteration considered is 10% or greater than its demand-capacity ratio with the ~~addition~~alteration ignored, ~~the entire building~~ shall be designed in accordance with Division 16, Article 1,

Chapter IX of the LAMC (Chapter 16 of the Building Code.) per CBC Chapter 16. Reduced seismic loads shall be permitted.

A Structural analysis per CEBC Appendix Chapter A1 is required for any alterations to crosswalls or diaphragms.

3. Buildings in which the increase in the demand-capacity ratio is due entirely to the addition of roof-top-supported mechanical equipment individually having an operating weight less than 400 pounds (181.4 kg) and where the total additional weight of all rooftop equipment placed after initial construction of the building is less than 10 percent of the roof dead load. For purposes of this exception, roof shall mean the roof level above a particular story.

Section XX. Subsection 91.2.506.5.3 of Section 91.2.506, Division 5, Article 1.2, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

91.2.506.5.3. Seismic Loads (seismic force-resisting system). Where a change of occupancy results in a building being assigned to a higher risk category, or where the change is from a Group S or U occupancy to an occupancy other than Group S or Group U, the building shall satisfy the requirements of Section 1613 of the California Building Code for the new risk category using full seismic forces. For purposes of this Section, compliance with ASCE 41, using a Tier 3 procedure and the two-level performance objective in CEBC Table ~~303.3.1~~304.3.1 for the applicable risk category, shall be deemed to meet the requirements of CBC Section 1613, with procedures established by the Department.

EXCEPTIONS:

1. Where the area of the new occupancy is less than 10% of the building area, the occupancy is not changing from a Group S or Group U, and the new occupancy is not assigned to Risk Category IV, compliance with this Section is not required. The cumulative effect of occupancy changes over time shall be considered.

2. When a change of use results in a structure being reclassified from Risk Category I or II to Risk Category III and the structure is located where the seismic coefficient, SDS, is less than 0.33, compliance with the seismic requirements of CBC Sec. 1613 is not required.

3. Unreinforced masonry bearing wall buildings assigned to Risk Category III and to Seismic Design Category A or B shall be permitted to use Appendix Chapter A1 of this code.

4. Where the change is from a Group S or Group U occupancy and there is no change of risk category, use of reduced seismic forces shall be permitted.

For a change of occupancy of an existing commercial or industrial building to residential use, all existing buildings shall be analyzed for 75% of the design earthquake ground motion, as defined in CBC Section 1613, but in no event shall there be a reduction in the capacity of the seismic force resisting system where that system provides a greater level of protection than the minimum requirements established by this Code.

For an existing URM building, structural analysis per CBC Chapter 16 is required if the risk category is changed to III or IV. Structural analysis per CEBC Appendix A1 is required if the rating classification per LABC Division 88, Table 88-A is changed to I or II.

For URM buildings with an approved occupant load greater than 100, the occupant load may be increased by a maximum of 10% without changing the rating class or risk category.

The most restrictive requirement of CEBC Sections 502 (Addition), 503 (Alternation), 405 (Repair) and 506 (Change of Occupancy) shall apply.

Section XX. Section 91.5.100, Division 1, Article 1.5, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

SEC. 91.5.100. BASIC PROVISIONS.

The Los Angeles Residential Code adopts by reference portions of the California Residential Code (CRC). Chapter 1 ~~of the CRC is not adopted and in lieu thereof Division 1, Article 1, Chapter IX of the Los Angeles Municipal Code is hereby adopted by reference with the following amendments.~~ and Appendix AS of the CRC ~~is~~are not adopted. ~~Article 1, Division 1 of Chapter IX of the Los Angeles Municipal Code is adopted by reference with the following additions and amendments.~~

Section XX. Subsection 91.5.101.5 of Section 91.5.101, Division 1, Article 1.5, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

91.5.101.5. Work Not in Scope. The provisions of this Code shall not apply to any of the following:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11.148 m²), not located in Fire District No. 1 and does not contain any heating, plumbing or electrical installation, and is located as permitted by Chapter 1 of the LAMC.
2. Retaining walls which are not over 4 feet (1219 mm) in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or sloping earth, or impounding flammable liquids. This exemption shall not apply to retaining walls of any height built on slopes steeper than 1 vertical to 5 horizontal (20% slope).

3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of the height to diameter or width does not exceed 2 to 1.
4. Pergolas and lath houses, both of which shall be outside of any fire district, not over 400 square feet (37 m²) in area, and not supported by or attached to any portion of any building.
5. Isolated buildings not larger in area than 16 square feet (1.5 m²), including roof projections, and not more than 8 feet in height, if separated by a distance of 20 feet (6 m) or more.
6. Nothing in this Code shall apply to grading in an isolated, self-contained area if the Department finds that by reason of such isolation and self-containment no danger to private or public property can now or thereafter result from grading operations.
7. Tents accessory to a dwelling and not exceeding 450 square feet in area.
8. Boards and signs used exclusively to display official notices issued by any court or public officer in the performance of a public duty or by a private person in giving legal notice.
9. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Section XX. Subsection 91.5.313.2 of Section 91.5.313, Division 3, Article 1.5, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

91.5.313.2. One and Two-family Dwelling Automatic Fire Sprinkler Systems. Every newly constructed one or two-family dwelling must include an automatic residential fire sprinkler system. Where additions or alterations are made to an existing one or two-family dwelling, and the aggregate value of the additions and alterations within a one-year period equals or exceeds 50% of the replacement cost of the existing building, an automatic residential fire sprinkler system must be installed in the entire one or two-family dwelling.

An automatic residential fire sprinkler system is not required in an Accessory Dwelling Unit, provided that all of the following are met:

1. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
2. The existing primary residence does not have automatic fire sprinklers.
- ~~3. The detached accessory dwelling unit does not exceed 1,200 square feet in size.~~
- 4.3. The unit is on the same lot as the primary residence.

Section XX. Subsection 91.5.802.10.2 of Section 91.5.802, Division 8, Article 1.5, Chapter IX of the Los Angeles Municipal Code is hereby deleted.

~~**91.5.802.10.2. Design.** Wood trusses shall be designed in accordance with accepted engineering practice. The design and manufacture of metal-plate-connected wood~~

~~trusses shall comply with ANSI/TPI 1. The truss design drawings shall be prepared by a registered professional.~~

Section XX. Subsection 94.101.5.6(4) of Section 94.101, Division 1, Article 4, Chapter IX of the Los Angeles Municipal Code is amended to read as follows:

(4) Potable water piping with any of the following:

(a) Systems requiring a 2-inch (50.80 mm) or larger supply.

(b) Systems designed from the procedure in Section 610.5 of the California Plumbing Code.

(c) Systems utilizing cross-linked polyethylene tubing (PEX) requiring a 2-inch (50.80 mm) or larger supply or when required by the conditions of approval of the City of Los Angeles Mechanical Testing Laboratory Research Report.

(d) Systems utilizing CPVC piping requiring a 2-inch (50.88 mm) or larger supply or when required by the conditions of approval of the City of Los Angeles Mechanical Testing Laboratory Research Report.

Exception: Plan Check is not required for existing systems that are added to or altered, with branch lines that serve fewer than 20 fixture units and sized by Table 610.4.

Section XX. Section 94.1100.0, Division 11, Article 4, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

SEC. 94.1100.0. BASIC PROVISIONS.

Chapter 11 of the CPC is adopted by reference with the following exceptions: CPC Sections 1101.12.2.2, 1101.12.2.2.2, and 1101.14, ~~and 1101.16.2~~ are not adopted and, in lieu, LAMC Subsections 94.1101.12.2.2 and 94.1101.14 are added.

Section XX. Subsection 99.04.106.4.2.1 Item 2 of Section 99.04.106, Division 4, Article 9, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

2. EV Ready. Twenty-five percent of the total number of parking spaces, ~~but in no case less than one per multifamily dwelling unit,~~ shall be equipped with low power Level 2 EV charging receptacles. For multifamily dwelling parking facilities, no more than one receptacle is required per dwelling unit when more than one parking space is provided for use by a single dwelling unit. The number of EV Ready parking spaces may be counted toward the total number of EV Capable parking spaces required for the building per Los Angeles Municipal Code Subsection 99.04.106.4.2.1, Item 1.

EXCEPTION: Areas of parking facilities served by parking lifts.

Section XX. Subsection 99.04.106.4.2.2.1.1 of Section 99.04.106, Division 4, Article 9, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

99.04.106.4.2.2.1.1. Location. EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

EXCEPTION: Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with CBC Los Angeles Municipal Code Subsections ~~99.04.106.4.2.3.1.1~~ 4.106.4.2.2.1.1 and ~~99.04.106.4.2.3.1.2~~, 4.106.4.2.2.1.2, Item 3.

Section XX. Table A5-602 following Section 99.12.508, Division 12, Article 9, Chapter IX of the Los Angeles Municipal Code is hereby amended to read as follows:

**TABLE A5.602
CALGreen VERIFICATION GUIDELINES
MANDATORY MEASURES CHECKLIST**

Application: This checklist shall be used for nonresidential projects that meet one of the following: new construction, building additions of 1,000 square feet or greater, or building alterations with a permit valuation of \$200,000 or more pursuant to Section 301.3 AND do not trigger a Tier 1 or Tier 2 requirement:

Y = Yes (section has been selected and/or included)

N/A = Not Applicable (code section does not apply to the project—mainly used for additions and alterations)

O = Other (provide explanation)

[N] = New construction pursuant to Section 301.3

[A] = Additions and/or Alterations pursuant to Section 301.3

CHAPTER 5 DIVISIONS		SECTION TITLE	CODE SECTION	Y	N/A	O	PLAN SHEET, SPEC, OR ATTACH REFERENCE
DIVISION 5.1 Planning and Design	Mandatory	Storm water pollution prevention for projects that disturb less than 1 acre of land	5.106.1 through 5.106.2				
	Mandatory	Short-term bicycle parking (with exception)	5.106.4.1.1				
	Mandatory	Long-term bicycle parking	5.106.4.1.2 through 5.106.4.1.5				
	Mandatory	Electric vehicle (EV) charging [N] w/ exceptions	5.106.5.3				
	Mandatory	EV capable spaces [N]	5.106.5.3.1				
	Mandatory	Electric vehicle charging stations (EVCS)	5.106.5.3.2				
	Mandatory	Use of automatic load management systems (ALMS)	5.106.5.3.3				
	Mandatory	Accessible EVCS	5.106.5.3.4				
	Mandatory	Note for EVCS signs					
	Mandatory	Table 5.106.5.3.1 w/ footnotes	5.106.3.1 5.106.3.2 and 5.106.3.3				
	Mandatory	Electric vehicle (EV) charging: medium-duty and heavy-duty [N]	5.106.5.4				
	Mandatory	Electric vehicle charging readiness requirements for warehouses, grocery stores and retail stores with planned off-street loading spaces [N]	5.106.5.4.1				
	Mandatory	Table 5.106.5.4.1	5.106.5.4 and 5.106.5.4.1				
	Mandatory	Light pollution reduction [N] (with exceptions, notes and table)	5.106.8 through 5.106.8.2				
	Mandatory	Grading and paving (exception for additions and alterations not altering the drainage path)	5.106.10				
Mandatory	Hardscape alternatives [N]	5.106.11					
Mandatory	Cool roof for reduction of heat island effect.	5.106.13					
DIVISION 5.2 Energy Efficiency	Mandatory	Meet the minimum energy efficiency standard	5.201.1				
DIVISION 5.3 Water Efficiency and Conservation (continued)	Mandatory	Separate meters (new buildings or additions > 50,000 sf that consume more than 100 gal/day)	5.303.1.1				
	Mandatory	Separate meters (for tenants in new buildings or additions that consume more than 1,000 gal/day)	5.303.1.2				

Mandatory	Water Reduction.	5.303.2				
Mandatory	Water closets shall not exceed 1.28 gallons per flush (gpf)	5.303.3.1				

CHAPTER 5 DIVISIONS		SECTION TITLE	CODE SECTION	Y	N/A	O	PLAN SHEET, SPEC, OR ATTACH REFERENCE
(continued) DIVISION 5.3 Water Efficiency and Conservation	Mandatory	Wall-mounted urinals shall not exceed 0.125 gpf	5.303.3.2.1				
	Mandatory	Floor-mounted urinals shall not exceed 0.5 gpf	5.303.3.2.2				
	Mandatory	Single showerhead shall have maximum flow rate of 1.8 gpm (gallons per minute) at 80 psi	5.303.3.3.1				
	Mandatory	Multiple showerheads serving one shower shall have a combined flow rate of 1.8 gpm at 80 psi	5.303.3.3.2				
	Mandatory	Nonresidential lavatory faucets	5.303.3.4.1				
	Mandatory	Kitchen faucets	5.303.3.4.2				
	Mandatory	Wash fountains	5.303.3.4.3				
	Mandatory	Metering faucets	5.303.3.4.4				
	Mandatory	Metering faucets for wash fountains	5.303.3.4.5				
	Mandatory	Pre-rinse spray valve	5.303.3.4.6				
	Mandatory	Food waste disposers	5.303.4.1				
	Mandatory	Areas of additions or alterations	5.303.5				
	Mandatory	Standards for plumbing fixtures and fittings	5.303.6				
	Mandatory	Outdoor potable water use in landscape areas (with notes)	5.304.1				
DIVISION 5.4 Material Conservation and Resource Efficiency (continued)	Mandatory	Weather protection	5.407.1				
	Mandatory	Moisture control: sprinklers	5.407.2.1				
	Mandatory	Moisture control: exterior door protection	5.407.2.2.1				
	Mandatory	Moisture control: flashing	5.407.2.2.2				
	Mandatory	Construction waste management - comply with either: Sections 5.408.1.1, 5.408.1.2, 5.408.1.3 or more stringent local ordinance	5.408.1.1, 5.408.1.2, 5.408.1.3				
	Mandatory	Construction waste management: documentation	5.408.1.4				
	Mandatory	Universal waste [A]	5.408.2				
	Mandatory	Excavated soil and land clearing debris (100% reuse or recycle)	5.408.3				
	Mandatory	Recycling by occupants (with exception)	5.410.1				
	Mandatory	Recycling by occupants: additions (with exception)	5.410.1.1				



	Mandatory	Recycling by occupants: sample ordinance	5.410.1.2				
	Mandatory	Commissioning new buildings (≥ 10,000 sf) [N]	5.410.2				
	Mandatory	Owner's or owner representative's Project Requirements (OPR) [N]	5.410.2.1				
	Mandatory	Basis of Design (BOD) [N]	5.410.2.2				
	Mandatory	Commissioning plan [N]	5.410.2.3				
	Mandatory	Functional performance testing [N]	5.410.2.4				
	Mandatory	Documentation and training [N]	5.410.2.5				
	Mandatory	Systems manual [N]	5.410.2.5.1				
	Mandatory	Systems operation training [N]	5.410.2.5.2				
	Mandatory	Commissioning report [N]	5.410.2.6				
	Mandatory	Testing and adjusting for new buildings < 10,000 sf or new systems that serve additions or alterations [A]	5.410.4				
	Mandatory	System testing plan for renewable energy, landscape irrigation and water reuse [A]	5.410.4.2				
	Mandatory	Procedures for testing and adjusting	5.410.4.3				
	Mandatory	Procedures for HVAC balancing	5.410.4.3.1				
	Mandatory	Reporting for testing and adjusting	5.410.4.4				
	Mandatory	Operation and maintenance (O&M) manual	5.410.4.5				
	Mandatory	Inspection and reports	5.410.4.5.1				
DIVISION 5.5 Environmental Quality	Mandatory	Fireplaces	5.503.1				
	Mandatory	Woodstoves	5.503.1.1				
	Mandatory	Temporary ventilation	5.504.1				
	Mandatory	Covering of ducts openings and protection of mechanical equipment during construction	5.504.3				
	Mandatory	Adhesives, sealants and caulks	5.504.4.1				
	Mandatory	Paints and coatings	5.504.4.3				
	Mandatory	Aerosol paints and coatings	5.504.4.3.1				
	Mandatory	Aerosol paints and coatings: verification	5.504.4.3.2				
	Mandatory	Carpet systems	5.504.4.4				
	Mandatory	Carpet cushion	5.504.4.4.1				
	Mandatory	Carpet adhesives per Table 5.504.4.1	5.504.4.4.2				
	Mandatory	Composite wood products	5.504.4.5				
	Mandatory	Composite wood products: documentation	5.504.4.5.3				
	Mandatory	Resilient flooring systems	5.504.4.6				

Mandatory	Resilient flooring: verification of compliance	5.504.4.6.1				
Mandatory	<u>Thermal insulation</u>	5.504.4.7				
Mandatory	<u>Verification of compliance</u>	5.504.4.7.1				
Mandatory	<u>Acoustical ceilings and wall panels</u>	5.504.4.8				
Mandatory	<u>Verification of compliance</u>	5.504.4.8.1				
Mandatory	Filters (with exceptions)	5.504.5.3				
Mandatory	Filters: labeling	5.504.5.3.1				
Mandatory	Environmental tobacco smoke (ETS) control	5.504.7				
Mandatory	Indoor moisture control	5.505.1				
Mandatory	Outside air delivery	5.506.1				
Mandatory	Carbon dioxide (CO ₂) monitoring	5.506.2				
Mandatory	Acoustical control (with exception)	5.507.4				
Mandatory	Exterior noise transmission, prescriptive method (with exceptions)	5.507.4.1				
Mandatory	Noise exposure where noise contours are not readily available	5.507.4.1.1				
Mandatory	Performance method	5.507.4.2				
Mandatory	Site features	5.507.4.2.1				
Mandatory	Documentation of compliance	5.507.4.2.2				
Mandatory	Interior sound transmission (with note)	5.507.4.3				
Mandatory	Ozone depletion and greenhouse gas reductions	5.508.1				
Mandatory	Chlorofluorocarbons (CFCs)	5.508.1.1				
Mandatory	Halons	5.508.1.2				
Mandatory	Supermarket refrigerant leak reduction for retail food stores 8,000 square feet or more Sections 5.508.2 through 5.508.2.6.3	5.508.2 through 5.508.2.6.3				
	END OF MANDATORY PROVISIONS					

Documentation Author's / Responsible Designer's Declaration Statement

Mandatory: I attest that this mandatory provisions checklist is accurate and complete.

Signature:

Company:	Date:
Address:	License:
City/State/Zip:	Phone:

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

JAVIER NUNEZ
PRESIDENT

JOSELYN GEAGA-ROSENTHAL
VICE PRESIDENT

JACOB STEVENS
MOISES ROSALES
NANCY YAP

CITY OF LOS ANGELES
CALIFORNIA



KAREN BASS
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

OSAMA YOUNAN, P.E.
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

JOHN WEIGHT
EXECUTIVE OFFICER

AGENDA OF THE

BOARD OF BUILDING AND SAFETY COMMISSIONERS (BBSC)

201 NORTH FIGUEROA STREET - ROOM 900

TUESDAY, AUGUST 22, 2023 - MEETING NO. 8686

9:30 a.m.

GUIDELINES FOR TESTIMONY ON ALL SCHEDULED HEARINGS

Pursuant to the Board's Resolution No. 901-90, the Board must necessarily limit the speaking times of those presenting testimony on either side of an issue that is scheduled for a hearing before the Board of Building and Safety Commissioners. In all instances, equal time shall be allowed for presentation of pros and cons regarding the appeal. Specifically, a period, generally limited to two (2) minutes per speaker and ten (10) minutes per side, shall be allowed for all testimony on each side of an issue.

A copy of Board Resolution No. 901-90 may be obtained from the Commission Office, Room 1030, 201 North Figueroa Street, Los Angeles. For further information, call the Commission Office at (213) 482-0466.

Anyone desiring to speak and/or receive a copy of an action regarding a case included in this agenda must complete a speaker card and/or a sign-in sheet and submit it to the Board Secretary. Please do not disrupt proceedings once the meeting has commenced. All beepers and cell phones are to be turned off or otherwise set so as to not disturb the proceedings. **Anyone unable to attend this meeting and wishes to provide comment and/or receive a copy of an action regarding a case included in this agenda must complete the City of Los Angeles Board of Building and Safety Public Comment Form at <https://bit.ly/LABBSC2020>.** It should be noted that the Board may take brief recesses during the meeting, including an approximate 20-minute break around the noon hour.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign Language Interpreters, Communication Access Real-Time Transcription (CART), Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended. **Información en español acerca de esta junta puede ser obtenida llamando al (213) 482-0466. Se ofrecen servicios de traducción al Español en todas las juntas de la comisión.** For additional information, please contact the Commission Office at (213) 482-0466 or at ladbs.haulrequest@lacity.org.

Unless otherwise specified at the time of the vote, an action taken, consistent with the staff recommendation, shall be deemed to have been taken on the basis of, and to have adopted, the reasons, findings and conclusions set forth in the staff report as modified by staff at the hearing.

****NOTE: MEETINGS OF THE BBSC ARE RECORDED. RECORDINGS ARE KEPT FOR A PERIOD OF ONE YEAR.****

A. **PRESENTATION BY NEIGHBORHOOD COUNCIL REPRESENTATIVES ON ANY NEIGHBORHOOD COUNCIL RESOLUTION, OR COMMUNITY IMPACT STATEMENT FILED WITH THE CITY CLERK, WHICH RELATES TO ANY AGENDA ITEM LISTED OR BEING CONSIDERED ON THIS AGENDA.**

B. **PUBLIC HEARINGS** regarding **EXPORT-IMPORT** applications pursuant to Section 91.7006.7.5

1. **1461 NORTH AMALFI DRIVE; BOARD FILE NO. 220008**

C.D.: 11 (Councilmember Traci Park); Brentwood – Pacific Palisades Planning Area

STAFF MEMBER: Jeffrey Christian
BUREAU/DIVISION: Engineering/Grading

APPLICANT: Nick Leathers – Crest Real Estate

Consideration of Application to export 3,045 cubic yards of earth from the project site; and consideration whether the project is categorically exempt under CEQA pursuant to Section 15301 (Class 1), Section 15303 (Class 3), and Section 15332 (Class 32) of the California Environmental Quality Act (CEQA) Guidelines (Case No. ENV-2021-8272-CE), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

ACTION BY THE BBSC IS APPEALABLE TO THE CITY COUNCIL WITHIN TEN DAYS
PURSUANT TO SECTION 91.7006.7.5

2. **823 NORTH HYPERION AVENUE; BOARD FILE NO. 230025**

C.D.: 13 (Councilmember Hugo Soto- Martinez); Silver Lake – Echo Park – Elysian Valley Planning Area

STAFF MEMBER: Jeffrey Christian
BUREAU/DIVISION: Engineering/Grading

APPLICANT: Aaron Von Schaik – Hyper LA LLC

Consideration of Application to export 1,550 cubic yards of earth from the project site; and consideration whether the project is categorically exempt under CEQA pursuant to Section 15332 (Class 32) of the California Environmental Quality Act (CEQA) Guidelines (Case No. ENV-2022-7088-CE), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

ACTION BY THE BBSC IS APPEALABLE TO THE CITY COUNCIL WITHIN TEN DAYS
PURSUANT TO SECTION 91.7006.7.5

3. **12121 WEST FOOTHILL BOULEVARD; BOARD FILE NO. 230026**

C.D.: 7 (Councilmember Monica Rodriguez); Sunland – Tujunga – Lake View Terrace – Shadow Hills – East La Tuna Canyon Planning Area

STAFF MEMBER: Jeffrey Christian
BUREAU/DIVISION: Engineering/Grading

APPLICANT: Terri Dickerhoff

Consideration of Application to export 11,100 cubic yards of earth from the project site; and consideration whether to accept under the California Environmental Quality Act (CEQA) the associated Mitigated Negative Declaration (MND) (ENV-2021-9001-MND) previously adopted by the Los Angeles City Planning Commission.

ACTION BY THE BBSC IS APPEALABLE TO THE CITY COUNCIL WITHIN TEN DAYS PURSUANT TO SECTION 91.7006.7.5

4. 6835 WEST ALTAMOR DRIVE; BOARD FILE NO. 230040

C.D.: 11 (Councilmember Traci Park); Westchester – Playa del Rey Planning Area

STAFF MEMBER: Jeffrey Christian
BUREAU/DIVISION: Engineering/Grading

APPLICANT: David Curtis - Psomas

Consideration of Application to import 3,000 cubic yards of earth from the project site; and consideration whether the project is statutorily exempt under Public Resource Code, Section 21080(b)(4) and the California Environmental Quality Act (CEQA) Guidelines, Section 15269(c).

ACTION BY THE BBSC IS APPEALABLE TO THE CITY COUNCIL WITHIN TEN DAYS PURSUANT TO SECTION 91.7006.7.5

C. **PUBLIC HEARINGS** regarding appeals from determinations, orders, or actions of the Department pertaining to the enforcement of specific ordinances, regulations or laws pursuant to the authority described in Section 98.0403.1(b) of the Los Angeles Municipal Code.

1. 1410 NORTH TANAGER WAY; BOARD FILE NO. 230017

C.D.: 4 (Councilmember Nithya Raman); Hollywood Planning Area

STAFF MEMBER: Chad Doi
BUREAU/DIVISION: Permit and Engineering/Plan Check

PETITIONER: James Samatas

SUBJECT:

The Appellant requests that the Board of Building and Safety Commissioners (BBSC) find that the Department of Building and Safety (LADBS) erred or abused its discretion by issuing Building Permit Nos. 14010-30000-03562, 14010-30001-03562, 14010-20003-03562, 14010-30005-03562 et al. (Exhibits B through P) which allowed the as-built envelope height of the newly constructed single family dwelling with an attached garage to exceed the maximum allowable building envelope height.

ACTION BY THE BBSC IS NOT APPEALABLE.

D. **PROPOSED ORDINANCE AMENDING CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO CORRECT TECHNICAL AND CLERICAL ERRORS AND OMISSIONS CONTAINED IN ORDINANCE NO. 187719 WHICH ADOPTED THE 2022 CALIFORNIA BUILDING STANDARDS CODES. BOARD FILE 23.500.**

E. PUBLIC COMMENTS

Opportunity for members of the public to address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board.

Note: The Board will limit the total time allocated for public testimony in accordance with its guidelines described on the first page of this agenda; will determine when that time shall be allotted during the meeting; will establish time limits for each speaker; and will specify time limits to be allocated on any one item. Anyone desiring to speak during the public comments period must complete the public comments questionnaire and submit it to the Board Secretary prior to the start of the meeting.

F. WRITTEN COMMUNICATIONS TO THE BOARD

Distribution of correspondence to the Board.

G. REPORT FROM THE BOARD SECRETARY

1. General

H. REVIEW AND APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

1. June 27, 2023 (JS)

MATTERS SCHEDULED FOR FUTURE MEETINGS

COMMISSION STAFF

Veronica Lopez, Board Secretary
veronica.lopez@lacity.org
(213) 482-7429

Jeffrey Christian, Staff Inspector
jeffrey.christian@lacity.org
(213) 923 6233

**AGENDA OF THE
BOARD OF BUILDING AND SAFETY COMMISSIONERS**

**MEETING NO. 8686
TUESDAY, AUGUST 22, 2023**

Agendas may be accessed through the City website at www.ladbs.org “Our Organization”, “Building & Safety Commissioners”, “BBSC Meeting Agenda.”

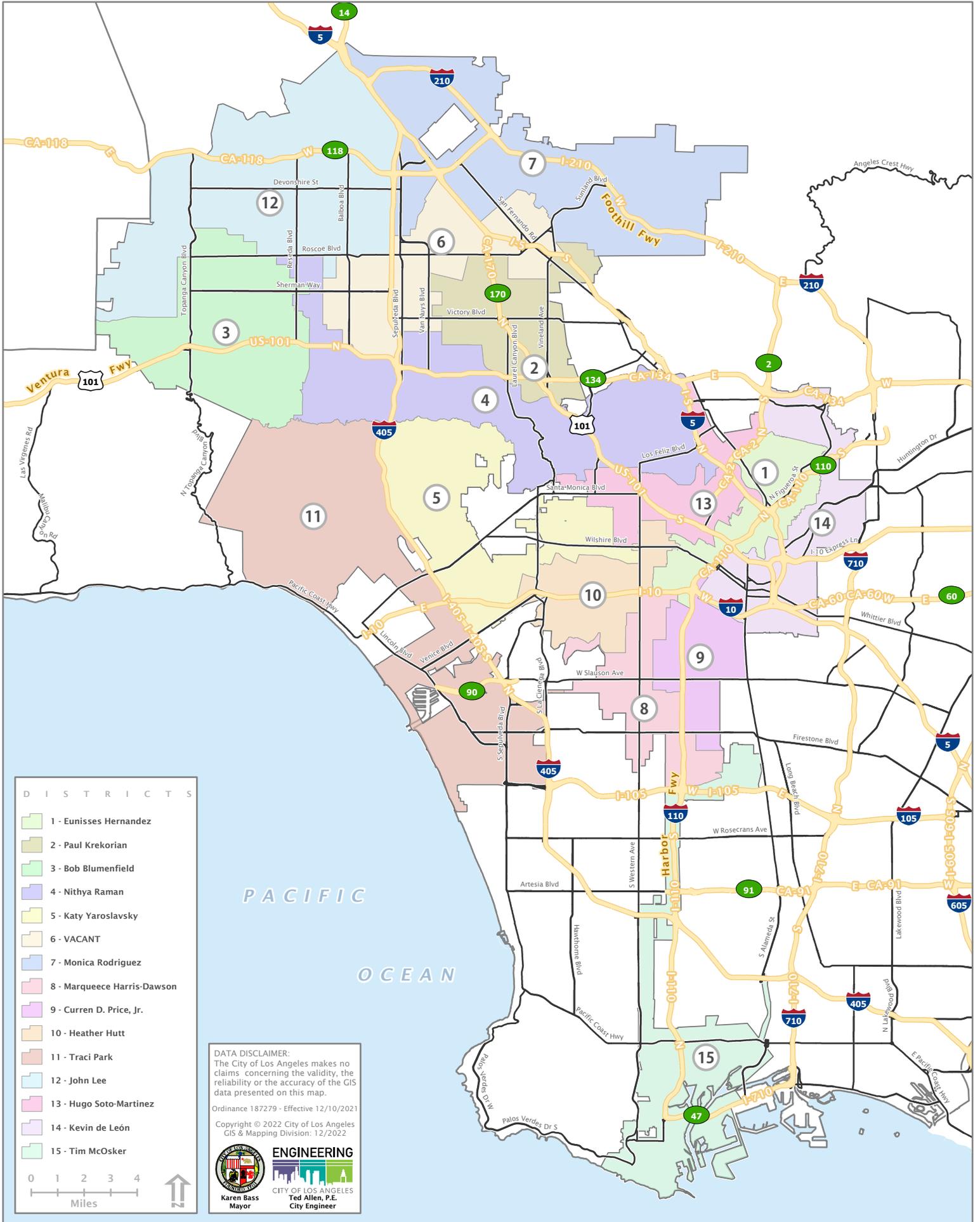
The decisions of the Board are effective at the close of the meeting unless it is noted otherwise. The Board or the Superintendent may order a reconsideration of all or part of the case on its or his own motion, or on petition of any party. The power to order a reconsideration shall expire five days after the effective date of the decision (Section 98.0312 LAMC). If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied.

Pursuant to Section 245 of Article II of the Charter of the City of Los Angeles, actions taken by this Board become final at the expiration of the next five (5) meeting days of the City Council, during which the Council convenes in regular session, unless the City Council acts within that time by two-thirds vote to bring this action before it for consideration.

EXHAUSTION OF ADMINISTRATIVE REMEDIES - If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board at or prior to the public hearing. Any written correspondence delivered to the Board before the Board’s final action on a matter will become a part of the administrative record.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. This section provides that a petitioner may seek judicial review of the Board’s decision pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate is filed and served no later than the 90th day following the date on which the Board’s decision becomes final.

City of Los Angeles Council Districts



MINUTES OF THE
BOARD OF BUILDING AND SAFETY COMMISSIONERS
MEETING OF

TUESDAY, AUGUST 22, 2023 MEETING NO. 8686

ROOM 900, 201 NORTH FIGUEROA STREET

MEMBERS PRESENT: JOSELYN GEAGA-ROSENTHAL, VICE-PRESIDENT
JACOB STEVENS, COMMISSIONER
MOISES ROSALES, COMMISSIONER
NANCY YAP, COMMISSIONER

ABSENT: JAVIER NUNEZ, PRESIDENT

ALSO, PRESENT: KENNETH FONG, DEPUTY CITY ATTORNEY
VERONICA LOPEZ, BOARD SECRETARY

MEETING DETAILS:

The meeting was called to order by the Board Secretary at approximately 9:30 a.m., with Commissioners Geaga-Rosenthal, Stevens, Rosales, and Yap present. Kenneth Fong, Deputy City Attorney, was also present at this time. Commissioner Yap will review the minutes of this meeting for the Board.

A. PRESENTATION BY NEIGHBORHOOD COUNCIL REPRESENTATIVES ON ANY NEIGHBORHOOD COUNCIL RESOLUTION, OR COMMUNITY IMPACT STATEMENT FILED WITH THE CITY CLERK, WHICH RELATES TO ANY AGENDA ITEM LISTED OR BEING CONSIDERED ON THIS AGENDA.

No members of the neighborhood council requested to address the Board at this meeting.

B. PUBLIC HEARINGS REGARDING EXPORT-IMPORT APPLICATIONS PURSUANT TO SECTION 91.7006.7.5 OF THE LOS ANGELES MUNICIPAL CODE.

(Agenda Item No. B. 1)

1461 NORTH AMALFI DRIVE; BOARD FILE NO. 220008

C.D.: 11 (Councilmember Traci Park); Brentwood – Pacific Palisades Planning Area

STAFF MEMBER: Jeffrey Christian
BUREAU/DIVISION: Engineering/Grading

APPLICANT: Nick Leathers – Crest Real Estate

Consideration of Application to export 3,045 cubic yards of earth from the project site; and consideration whether the project is categorically exempt under CEQA pursuant to Section 15301 (Class 1), Section 15303 (Class 3), and Section 15332 (Class 32) of the California Environmental Quality Act (CEQA) Guidelines (Case No. ENV-2021-8272-CE), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

IN ATTENDANCE:

Jeffrey Christian, Staff Inspector, representing the Department.

EXHIBITS:

Staff Report dated August 16, 2023.

SUMMARY:

Jeffrey Christian prepared a staff report for the proposed haul route with conditions of approval pertaining to the amount of the Street Use Permit and the bond, both of which are required by the Department of Public Works. He also noted the number of days and hours of hauling operations and the staging area recommended by the Department of Transportation, including the type of hauling trucks to be used.

Prior to the motion being made, Commissioner Stevens commented that he appreciated this project is north of Sunset, that there are street maintenance conditions, and dust control and mitigation measures that will ensure there will be no impacts to the surrounding neighborhoods.

There were no speaker cards on the matter.

MOTION:

By Yap, seconded by Stevens, that the following action be taken:

1. DETERMINE that the project is categorically exempt under CEQA pursuant to Section 15301 (Class 1), 15303 (Class 3), and 15332 (Class 32) of the State California Environmental Quality Act (CEQA) Guidelines (Case No. ENV-2021-8272-CE), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. APPROVE the application subject to all conditions specified in the Department's report dated August 16, 2023.

FOR: Geaga-Rosenthal, Stevens, Rosales, and Yap

AGAINST: None

MOTION PASSED

FINDINGS:

1. No one had objection to the Department's report.

(Agenda Item No. B. 2)

823 NORTH HYPERION AVENUE; BOARD FILE NO. 230025

C.D.: 13 (Councilmember Hugo Soto-Martinez); Silver Lake – Echo Park – Elysian Valley Planning Area

STAFF MEMBER: Jeffrey Christian
BUREAU/DIVISION: Engineering/Grading

APPLICANT: Aaron Von Schaik – Hyper LA LLC

Consideration of Application to export 1,550 cubic yards of earth from the project site; and consideration whether the project is categorically exempt under CEQA pursuant to Section 15332 (Class 32) of the California Environmental Quality Act (CEQA) Guidelines (Case No. ENV-2022-7088-CE), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

IN ATTENDANCE:

Jeffrey Christian, Staff Inspector, representing the Department.

EXHIBITS:

Staff Report dated August 16, 2023.

SUMMARY:

Jeffrey Christian prepared a staff report for the proposed haul route with conditions of approval pertaining to the amount of the Street Use Permit and the bond, both of which are required by the Department of Public Works. She also noted the number of days and hours of hauling operations and the staging area recommended by the Department of Transportation, including the type of hauling trucks to be used.

Prior to the motion being made, Commissioner Stevens commented that he especially appreciated the letter from the local neighborhood council and that we love hearing from our planning and land use committees on our neighborhood councils.

There were no speaker cards on the matter.

MOTION:

By Yap, seconded by Stevens, that the following action be taken:

1. DETERMINE that the project is categorically exempt under CEQA pursuant to Section 15332 (Class 32) of the California Environmental Quality Act (CEQA) Guidelines (Case No. ENV-2022-7088-CE), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

2. APPROVE the application subject to all conditions specified in the Department's report dated August 16, 2023.

FOR: Geaga-Rosenthal, Stevens, Rosales, and Yap

AGAINST: None

MOTION PASSED

FINDINGS:

1. No one had objection to the Department's Report.

(Agenda Item No. B. 3)

12121 WEST FOOTHILL BOULEVARD; BOARD FILE NO. 230026

C.D.: 7 (Councilmember Monica Rodriguez); Sunland – Tujunga – Lake View Terrace – Shadow Hills – East La Tuna Canyon Planning Area

STAFF MEMBER: Jeffrey Christian

BUREAU/DIVISION: Engineering/Grading

APPLICANT: Terri Dickerhoff

Consideration of Application to export 11,100 cubic yards of earth from the project site; and consideration whether to accept under the California Environmental Quality Act (CEQA) the associated Mitigated Negative Declaration (MND) (ENV-2021-9001-MND) previously adopted by the Los Angeles City Planning Commission.

IN ATTENDANCE:

Jeffrey Christian, Staff Inspector, representing the Department.

EXHIBITS:

Staff Report dated August 16, 2023.

SUMMARY:

Jeffrey Christian prepared a staff report for the proposed haul route with conditions of approval pertaining to the amount of the Street Use Permit and the bond, both of which are required by the Department of Public Works. He also noted the number of days and hours of hauling operations and the staging area recommended by the Department of Transportation, including the type of hauling trucks to be used.

Prior to the motion being made, Commissioner Stevens commented that he initially had concern about the amount of export given the existing site conditions, but after reviewing the initial study, he is satisfied and appreciates that there will be public improvements made to the public right-of-way consistent with the City's mobility 2035 goals.

MOTION:

By Yap, seconded by Stevens, that the following action be taken:

1. FIND, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2021-9001-MND adopted on November 17, 2022; and pursuant to CEQA Guidelines 15162 and 15164, no substantial revisions are required to the Mitigated Declaration; and no subsequent EIR or negative declaration is required for approval of the project
2. APPROVE the application subject to all conditions specified in the Department's report dated July 19, 2023.

FOR: Geaga-Rosenthal, Stevens, Rosales, and Yap

AGAINST: None

MOTION PASSED

FINDINGS:

1. No one had objection to the Department's Report.

(Agenda Item No. B. 4)

6835 WEST ALTAMOR DRIVE; BOARD FILE NO. 230040

C.D.: 11 (Councilmember Traci Park); Westchester – Playa del Rey Planning Area

STAFF MEMBER: Jeffrey Christian
BUREAU/DIVISION: Engineering/Grading

APPLICANT: David Curtis - Psomas

Consideration of Application to import 3,000 cubic yards of earth from the project site; and consideration whether the project is statutorily exempt under Public Resource Code, Section 21080(b)(4) and the California Environmental Quality Act (CEQA) Guidelines, Section 15269(c).

IN ATTENDANCE:

Jeffrey Christian, Staff Inspector, representing the Department.

EXHIBITS:

Staff Report dated July 19, 2023.

SUMMARY:

Jeffrey Christian prepared a staff report for the proposed haul route with conditions of approval pertaining to the amount of the Street Use Permit and the bond, both of which are required by the

Department of Public Works. He also noted the number of days and hours of hauling operations and the staging area recommended by the Department of Transportation, including the type of hauling trucks to be used.

The Board Secretary informed the Commissioners the applicant had requested the item be continued to the next regular meeting.

MOTION:

By Stevens, seconded by Rosales, that the following action be taken:

Continue the matter until the Board of Building and Safety Commissioners' regular meeting of September 19, 2023.

FOR: Nunez, Geaga-Rosenthal, Stevens, Rosales, and Yap

AGAINST: None

MOTION PASSED

C. PUBLIC HEARINGS REGARDING APPEALS FROM DETERMINATIONS, ORDERS OR ACTIONS OF THE DEPARTMENT PERTAINING TO THE ENFORCEMENT OF SPECIFIC ORDINANCES, REGULATIONS OR LAWS PURSUANT TO THE AUTHORITY DESCRIBED IN SECTION 98.0403.1(B) OF THE LOS ANGELES MUNICIPAL CODE.

(Agenda Item No. C. 1)

1410 NORTH TANAGER WAY; BOARD FILE NO. 230017

C.D.: 4 (Councilmember Nithya Raman); Hollywood Planning Area

STAFF MEMBER: Chad Doi
BUREAU/DIVISION: Permit and Engineering/Plan Check

PETITIONER: James Samatas

SUBJECT:

The Appellant requests that the Board of Building and Safety Commissioners (BBSC) find that the Department of Building and Safety (LADBS) erred or abused its discretion by issuing Building Permit Nos. 14010-30000-03562, 14010-30001-03562, 14010-20003-03562, 14010-30005-03562 et al. (Exhibits B through P) which allowed the as-built envelope height of the newly constructed single family dwelling with an attached garage to exceed the maximum allowable building envelope height.

IN ATTENDANCE:

Victor De La Cruz, Petitioner's Attorney; Jorge Gamboa, Project Planner; Neil Hansen, Project Land Surveyor; Claudia R. Garcia, Petitioner's Court Reporter; Daniel Freedman, Owner's Attorney; Chad Doi, representing the Department; Assistant Inspection Bureau Chief Victor Cuevas, representing the Department.

EXHIBITS:

Staff report prepared by Chad Doi; (11) Power Point slides presented and printed for the file; letter distributed at the hearing by Victor De La Cruz, Petitioner's Attorney; (24) Power Point slides presented by the Victor De La Cruz, Petitioner's Attorney and printed for the file.

SUMMARY:

Chad Doi presented responses to the appellant's appeal points in chronological order. The appellant's attorney, Victor De La Cruz, alleges that LADBS erred and abused its discretion by issuing Building Permit Nos. 14010-30000-03562, 14010-30001-03562, 14010-20003-03562, 14010-30005-03562 et al. (Exhibits B through P) which purportedly allowed the as-built envelope height of the newly constructed single family dwelling with an attached garage to exceed the maximum allowable building envelope height.

The appellant's claim that the building exceeds the envelope height is based on a survey conducted by their consultant while the building was under construction, not yet completed and from an alleged intentionally falsified topographic survey.

Mr. Chad Doi explained the final stamped and signed building height survey of the new single family dwelling was provided to LADBS by a licensed surveyor as requested by Inspection Bureau Assistant Chief, Mr. Victor Cuevas. Upon review of the height survey, Mr. Victor Cuevas requested additional measuring points to further clarify the building height.

Mr. Chad Doi further explained that upon review of the building elevations, field verification by a tape measure conducted by Mr. Victor Cuevas on August 22nd, 2022, and review of the survey with additional measuring points that was provided on August 24, 2022, it was determined the completed building has been built fully within the allowable building envelope height limits.

Lastly, Mr. Chad Doi explained LADBS relies on topographic surveys that are prepared by licensed surveyors with their signature and seal to be accurate. There is no substantial evidence of manipulation and these accusations cannot be verified.

The Appellant's attorney, Mr. Victor De la Cruz stated that they filed their appeal as a 12.26K appeal and should not be before the BBSC as all code section listed in their appeal packet are zoning code issues. No building code issues were listed, but LADBS staff has taken the position that this is a BBSC appeal. Mr. De la Cruz stated they believe this is an attempt by the City to shelter the decision making away from the Zoning Administrator and the Central Area Planning Commission and it is troubling when an agency tries to insulate its own decision making from scrutiny by venue shopping in a matter that is calculated to serve its own interest.

Nonetheless, Mr. De La Cruz presented why he believes the building is over height. He stated the pursuant to LAMC section 12.21.C(10)(d)(1) the maximum height for a sloped roof is 36' and 30' for a flat roof. He stated that the sloped roof at the perimeter of the building's flat roof are strictly ornamental as they do not continue the line of the flat roof and therefore a building height of 36' is not appropriate. He further stated that even if these decorative elements were considered a sloped roof, they do not meet the 25% slope to allow a building height of 36. He also added the topographical survey misrepresented natural grade and that their height survey showed the building over 36' at three locations. He concluded by saying LADBS improperly characterized decorative elements of the building as a sloped roof and relied on a falsified topographical survey and as a result the building is over height.

Mr. Daniel Freedman, owner's attorney, stated that the appellant is trying to extort money from his client in exchange for reframing from ascertaining the building is over height and the topographical survey has been falsified, similar to what they have done previously on another project. Mr. Freedman concluded by saying the roof slope is 25%, the building height has been measured and is consistent with all height regulations.

Mr. Victor Cuevas, stated that he was alerted about the building possibility being over height by Mr. De la Cruz. He visited the site and did a type measurement of the building at several locations and confirmed the height was within the allowable limit of 36'. He also stated that some surveyors do not know how to measure envelope height per the baseline hillside ordinance and that he disagreed with the height measurement made by the appellant's license surveyor.

Commissioner stated the he believes the notion that the topographical survey was falsified and the credibility of the reliance on a licensed survey are matters for the Superior Court.

Commissioner Stevens, Rosales and Yap stated they were satisfied that the building envelope is within the 36' height limit.

MOTION:

By Stevens, seconded by Rosales, that the following action be taken:

Determine that the Los Angeles Department of Building and Safety ("LADBS") **DID NOT ERR OR ABUSE** its discretion by issuing Building Permit Nos. 14010-30000-03562, 14010-30001-03562, 14010-20003-03562, 14010-30005-03562 et al. (Exhibits B through P).

FOR: Geaga-Rosenthal, Rosales, Stevens, and Yap

AGAINST: None

MOTION PASSED

FINDINGS:

1. LADBS properly complied with all regulations and policies.

D. PROPOSED ORDINANCE AMENDING CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO CORRECT TECHNICAL AND CLERICAL ERRORS AND OMISSIONS CONTAINED IN ORDINANCE NO. 187719 WHICH ADOPTED THE 2022 CALIFORNIA BUILDING STANDARDS CODES. BOARD FILE 23.500

IN ATTENDANCE:

Larry Brugger, Building Code Engineer representing the Los Angeles Department of Building and Safety (LADBS).

EXHIBITS:

Proposed ordinance amending Chapter IX of the Los Angeles Municipal Code to correct technical and clerical errors and omissions contained in Ordinance No. 187719 which adopted the 2022 California Building Standards Codes.

SUMMARY:

Larry Brugger, Building Code Engineer, representing the Los Angeles Department of Building and Safety (LADBS), presented and discussed the Proposed Ordinance referenced above.

MOTION:

By Stevens, seconded by Yap, that the following action be taken:

Recommend the Proposed Ordinance be forwarded to the City Council to authorize the City Attorney, in consultation with the Department of Building and Safety, to prepare the proposed ordinance for adoption.

FOR: Geaga-Rosenthal, Rosales, Stevens, and Yap

AGAINST: None

MOTION PASSED

E. PUBLIC COMMENTS

No members of the public requested to address the Board at this meeting.

F. WRITTEN COMMUNICATIONS TO THE BOARD

The Board Secretary had no written communication to distribute to the Board.

G. REPORT FROM THE BOARD SECRETARY:

There was no report from the Board Secretary at this meeting.

H. REVIEW AND APPROVE MINUTES OF PREVIOUS BOARD MEETINGS:

1. June 27, 2023 (JS)

MOTION:

By Stevens, seconded by Yap, that the minutes of the meeting of June 27, 2023, be approved as written.

FOR: Geaga-Rosenthal, Stevens, Rosales, and Yap

AGAINST: None

MOTION PASSED

The meeting adjourned at approximately 10:17 am
