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CITY ATTORNEY

REPORT NO. R 21 - 0081
MAR 01 2021

REPORT RE:

**DRAFT ORDINANCES AMENDING ARTICLE 1, CHAPTER IX, AND ARTICLE 7,
CHAPTER V OF THE LOS ANGELES MUNICIPAL CODE WITH RESPECT
TO TEMPORARY INSTALLATION, USE AND ASSEMBLAGE PERMITS ISSUED
BY THE DEPARTMENT OF BUILDING AND SAFETY AND LOS ANGELES
FIRE DEPARTMENT**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File Nos. 15-1511 and 16-1433-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 draft ordinances. The draft ordinances would: (1) amend Sections 91.106 and 91.107 of Division 1, Article 1, Chapter IX of the Los Angeles Municipal Code (LAMC) with respect to temporary installation, temporary outdoor use, and Farmers' Market permits issued by the Department of Building and Safety (DBS); and (2) amend or add sections to Article 7, Chapter V of the LAMC with respect to temporary indoor use and assemblage permits issued by the Los Angeles Fire Department (LAFD).

Legislative Background and Summary of Ordinance Provisions

On April 17, 2019, the City Council adopted a Planning and Land Use Management Committee Report (C.F. 15-1511, 16-1433-S1) requesting this Office to prepare, with consultation from DBS and LAFD, ordinances that would amend the LAMC to permit the temporary use of existing indoor or outdoor spaces for special events. After consultation between LAFD and DBS, the departments determined that due to differences in regulatory authority, the permits for the temporary use of indoor spaces should be issued by LAFD and permits for temporary installations, the temporary use of outdoor spaces, and Farmers' Markets should be issued by DBS.

The draft ordinances would establish a permitting system for temporary installations or uses by making administrative changes to Chapter V and IX of the LAMC. The ordinances clarify existing LAFD and DBS authority to issue permits for temporary installations or uses. They codify the historical City practice of issuing permits for the temporary use of indoor and outdoor spaces on a single-event basis. In addition, the ordinances create a new annual permit subcategory to facilitate weekly Farmers' Markets on private property.

The ordinance amending LAMC Chapter V would codify the LAFD practice of allowing buildings that do not have an operational permit for a place of assemblage to be used as a place of assemblage on a temporary basis (e.g., community event or concert) through LAFD's existing authority to issue Specific Action/Project Permits. For safety purposes, the ordinance incorporates specified public safety requirements, such as crowd management and medical plans.

The ordinance separately amending LAMC Chapter IX would codify existing DBS practices for issuing permits that authorize temporary installations (e.g. bleachers or stages) and temporary outdoor uses (e.g., tent sale or parking lot carnival) for a maximum of five events in any 12-month period. It also creates a permit subcategory for weekly Farmers' Markets that allows organizers to obtain permit approvals on an annual basis. The draft ordinance also specifies that the City Council may adopt a resolution to establish a fee for the issuance of these DBS permits.

CEQA Determination

The City Council may determine, based on the whole of the administrative record, that the draft ordinances are exempt from the California Environmental Quality Act (CEQA) as specified below, and that none of the exceptions under CEQA Guidelines Section 15300.2 apply. The City Council may determine that the ordinance amending LAMC Chapter V is exempt on the basis of CEQA Guidelines Sections 15301 (temporary use of existing facilities), 15303 (construction, installation or conversion of small structures), 15323 (normal operation of existing facilities), and 15332 (in-fill development). City Council may also determinate that the ordinance

amending LAMC Chapter IX is exempt on the basis of CEQA Guidelines Sections 15303 (construction, installation or conversion of small structures), 15304 (minor temporary uses), 15311 (construction/replacement of minor structures), 15323 (normal operation of existing facilities), 15332 (in-fill development).

Further analysis in support of these CEQA exemptions is set forth in the Notices of Exemption and accompanying narratives attached to the DBS and LAFD reports that have been, or will be, transmitted relative to these draft ordinances. If the City Council concurs with the CEQA analysis, it should adopt these CEQA findings prior to or concurrent with its action on the ordinances. The Office also recommends that the City Council direct LAFD and DBS to file Notices of Exemption with the County Recorder's Office following the adoption of the ordinances.

Charter Findings Not Required

The enclosed draft ordinances relate to regulations and activities already within the authority of DBS and LAFD, and are not land use ordinances. For this reason, the draft ordinances are not subject to approval by the City Planning Commission pursuant to Charter Section 558.

Council Rule 38 Referral

A copy of the draft ordinances was sent, pursuant to Council Rule 38, to the Planning Department, LAFD, and DBS with a request to report all comments directly to City Council or its Committees 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 regarding LAMC Chapter IX amendments, or Deputy City Attorney Linda Nguyen at (213) 978-8393 regarding LAMC Chapter V amendments. They 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 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:DW
Transmittals