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CITY ATTORNEY

REPORT NO. R 21 - 0 1 5 0
MAY 0 5 2021

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTIONS 99.04.106, 99.05.106,
99.11.101, 99.11.102, AND 99.12.101 OF ARTICLE 9, CHAPTER IX OF
THE LOS ANGELES MUNICIPAL CODE TO CREATE COOL ROOF AND
COOL SURFACE REQUIREMENTS**

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. 20-1139

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Sections 99.04.106, 99.05.106, 99.11.101, 99.11.102, and 99.12.101 of Article 9, Chapter IX of the Los Angeles Municipal Code (LAMC) to make local environmental and administrative changes to create Cool Roof and Cool Surface requirements.

Legislative Background

Article 9, Chapter IX of the Green Building Code adopts by reference the California Green Building Standards Code codified at Part 11, Title 24, of the California Code of Regulations (CCR). The stated purpose of the Green Building Code is to improve public welfare and safety by enhancing the design and construction of buildings through building concepts that have a reduced negative impact or positive environmental impact and encouraging sustainable construction practices.

On October 15, 2020, the Planning and Land Use Management (PLUM) Committee adopted a recommendation, pursuant to a report from the Los Angeles Department of Building and Safety (Building and Safety), requesting the City Attorney to prepare a draft ordinance amending or adding Sections, Subsections and Tables 99.04.106.5, 99.04.106.5.1, 99.04.106.5.2, 99.04.106.5.3, Table 99.04.106.5.1, Table 99.04.106.5.2, 99.05.106.13, 99.05.106.13.1, Table 99.05.106.13, 99.11.101, A4.106.7, 99.12.101, 99.12.101, and A5.106.11.1, to Article 9, Chapter IX of the LAMC to make local environmental and administrative changes to create Cool Roof and Cool Surface requirements. On October 28, 2020, the City Council adopted the PLUM Committee report.

Summary of Ordinance Provisions

The draft ordinance creates more stringent mandatory measures for residential construction. It first amends LAMC Subsection 99.04.106.5 to add an exception for cool roof requirements. It further amends LAMC Subsections 99.04.106.5.1, 99.04.106.5.2, and 99.04.106.5.3 and adds Tables 99.04.106.5.1 [LOW-RISE] and 99.04.106.5.2 [HIGH-RISE] to establish stricter solar reflectance values, thermal emittance standards, and Solar Reflectance Index for roofing materials.

The draft ordinance also creates more stringent mandatory measures for nonresidential construction. It adds LAMC Subsections 99.05.106.13, 99.05.106.13.1, 99.05.106.13.2, and 99.05.106.13.3 and Table 99.05.106.13 to establish stricter solar reflectance values, thermal emittance standards, and Solar Reflectance Index for roofing materials.

The draft ordinance amends LAMC Subsection A4.106.7, Residential Voluntary Measures, to increase the area of nonroof heat islands that should be reduced by the methods listed therein, and modifies current recommendations pertaining to tree planting and solar panel arrays.

The draft ordinance amends LAMC Subsection A5.106.11.1, Nonresidential Voluntary Measures, to amend current hardscape alternatives and offer additional alternatives including shade and solar panel arrays.

California Environmental Quality Act (CEQA) Standard of Review

The City Council may determine, based on the whole of the administrative record, that the draft ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines, Section 15308 (categorical exemption for regulatory actions for protection of the environment) and that none of the exceptions under Section 15300.2 apply. If the City Council concurs, it should adopt these CEQA 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 Building and Safety with a request to provide comments, if any, directly to the City Council or its Committee when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Charles D. Sewell at (213) 978-8083. He 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:CDS:ev
Transmittal