



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. **R 22 - 0 4 1 8**
NOV 23 2022

REPORT RE:

**DRAFT ORDINANCE AMENDING CHAPTER IX OF THE LOS ANGELES
MUNICIPAL CODE TO INCORPORATE BY REFERENCE CERTAIN PORTIONS
OF THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE
AND TO MAKE LOCAL ADMINISTRATIVE, CLIMATIC, GEOLOGIC, OR
TOPOGRAPHICAL CHANGES; AND DETERMINATION THE ORDINANCE IS
EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT
TO PUBLIC RESOURCES CODE SECTION 21065 AND CEQA GUIDELINE
SECTION 15378(b)(2) and (b)(5)**

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. 22-1226

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Chapter IX of the Los Angeles Municipal Code (LAMC) to incorporate by reference portions of the 2022 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. An urgency clause is included to ensure the ordinance takes effect by January 1, 2023, at the same time the 2022 Building Standards Code takes effect. For

the urgency clause to take effect the ordinance must be passed by a vote of not less than three-fourths of all the members of the City Council.

Background and Summary of Ordinance Provisions

On November 7, 2022, the Planning and Land Use Management Committee (PLUM) recommended to the Los Angeles City Council that the Los Angeles Department of Building and Safety (DBS) and the City Attorney be directed to prepare and present an ordinance to amend LAMC Chapter IX as outlined in a DBS report dated October 14, 2022.

On November 22, 2022, Council requested that the City Attorney prepare and present an ordinance to amend LAMC Chapter IX as outlined in the report.

This draft ordinance incorporates by reference portions of the 2022 California Building Standards Code; makes various local administrative, climactic, geologic, or topographical changes authorized by California Health and Safety Code Sections 17958.5 and 17958.7; makes administrative changes to fee provisions without imposing new fees; and contains an urgency clause pursuant to City Charter Section 253.

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 Section 15378(b)(2) and (b)(5). The draft ordinance makes various technical changes to the existing regulations in the form of local administrative, climactic, geologic, or topographical changes. On that basis, the proposed ordinance is not subject to CEQA.

Charter Findings Not Required

The enclosed 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, this draft ordinance is not subject to approval by the City Planning Commission pursuant to Charter Section 558.

Special Notice Not Required

We note that, because this ordinance does not impose any new fees, special notice of its proposed adoption in accordance with the provisions of California Government Code Sections 66018 and 6062a is not necessary.

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 the 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 the 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 proposed ordinance provides for the express finding of reasonable necessity.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the City of Los Angeles Planning Department and to DBS. These departments were requested to report their comments directly to City Council at the time this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Kenneth T. Fong at 213-978-8202 or Deputy City Attorney Charles D. Sewell at 213-978-8083. A 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

KF:CS:sa
Transmittal