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[HTTP://WWW.LAFD.ORG](http://www.lafd.org)

March 11, 2021

The Honorable City Council
200 N. Spring Street
Los Angeles, CA 90012

COUNCIL FILES 16-1433-S1 & 15-1511

PROPOSED ORDINANCE AMENDING SECTIONS 57.105.6.5, 57.105.7.1.3, 57.105.7.8.4 AND 57.4701.2 OF ARTICLE 7 OF CHAPTER V OF THE LOS ANGELES MUNICIPAL CODE, AND ADDING SECTIONS 57.4701.2.1, 57.4701.2.2, 57.4701.2.3 AND 57.4701.3.1 TO REQUIRE A PERMIT ISSUED BY THE FIRE DEPARTMENT FOR THE TEMPORARY USE OF BUILDING OR PREMISES FOR ASSEMBLY PURPOSES AND ADDING SECTIONS 57.4701.11 and 57.4701.12 TO REQUIRE CROWD MANAGEMENT AND MEDICAL PLANS FOR CERTAIN ASSEMBLY OCCUPANCIES

Honorable Council Members,

Per the City Council action and advice from the City Attorney's office, the Los Angeles Fire Department ("LAFD") submits the following amendments for approval and adoption.

The proposed ordinance codifies the LAFD's practice of allowing buildings that do not have an operational permit for assemblies, to be used as a place of assemblage on a temporary basis (e.g., for community events, concerts, etc.) through LAFD's existing authority to issue Specific Action/Project Permits (a "Temporary Use Permit"). For safety purposes, the ordinance incorporates specified public safety requirements, such as crowd management and medical plans.

Once the City Council adopts the proposed ordinance, the LAFD will draft regulations necessary to implement the ordinance upon adoption by the City Council. Under the proposed ordinance and regulations, a Temporary Use Permit shall be valid for NO more than five consecutive days at any single location and no location may be used more than five times in a calendar year. Certain types of buildings will be excluded from consideration as a site for a Temporary Use Permit. Also, certain installations will require a Temporary Special Events Permit from the Los Angeles Department of Building and Safety.

The ordinance is not intended to alter the permitting or regulatory authority of any other state or local agency. Any activities enabled by the Temporary Use Permit are

expected to fully comply with other applicable laws in addition to the regulatory and permitting authority of other applicable state or local agencies.

All Temporary Use Permits are minor temporary uses of land and involve no permanent physical construction (set up and break down only), and do not involve ground disturbing activities. All temporary construction, uses or installations associated with a Temporary Use Permit shall be stopped immediately and removed (or demolished) within five days after the expiration of the permit. The site shall be restored to the original condition.

CEQA Determination

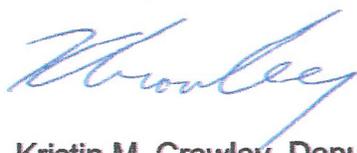
The California Environmental Quality Act (CEQA) exempts certain classes of projects from its provisions through categorical exemptions. (Public Resources Code Section 21084 and CEQA Guidelines 15300, et seq). The proposed ordinance falls within five Categorical Exemptions: Class 1 (CEQA Guidelines Section 15301), Class 3 (CEQA Guidelines Section 15303), Class 23 (CEQA Guidelines Section 15323), and Class 32 (CEQA Guidelines Section 15332).

Further detailed analysis in support of the applicability of these exemptions was completed City staff as set forth in the proposed Notice of Exemption (NOE) attached as Exhibit A.

The LAFD will file the NOE within five business days with the Los Angeles County Registrar-Recorder/County Clerk after the adoption of the Ordinance.

Please direct any questions regarding the proposed ordinance to Captain Leroy Rogers at (213) 978-3650 or to me at (213) 978-3570.

Sincerely,



Kristin M. Crowley, Deputy Chief
Los Angeles Fire Department
Fire Prevention & Public Safety Bureau

Attachment
Exhibit A – Notice of Exemption

cc: Holly Wolcott, City Clerk, Office of the City Clerk
Linda Nguyen, Deputy City Attorney III, Office of the City Attorney

COUNTY CLERK'S USE

CITY OF LOS ANGELES
 OFFICE OF THE CITY CLERK
 200 NORTH SPRING STREET, ROOM 395
 LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
 (PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles (Los Angeles Fire Department)	
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PROJECT TITLE Temporary Use/Assemblies Ordinance	
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PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map) N/A	<input type="checkbox"/> Map attached.
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PROJECT DESCRIPTION: See attached	<input checked="" type="checkbox"/> Additional page(s) attached.
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NAME OF APPLICANT / OWNER: City of Los Angeles
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CONTACT PERSON (If different from Applicant/Owner above) Captain Leroy Rogers, LAFD	(AREA CODE) TELEPHONE NUMBER (213) 978-3650	EXT.
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EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

STATUTORY EXEMPTION(S)
Public Resources Code Section(s) _____

CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)
CEQA Guideline Section(s) / Class(es) 15301, 15303, 15323, and 15332

OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION: See attached	<input checked="" type="checkbox"/> Additional page(s) attached
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None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.
 The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

CITY STAFF USE ONLY:	
CITY STAFF NAME AND SIGNATURE	STAFF TITLE

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Project Description:

The proposed project is an ordinance amending the Los Angeles Municipal Code Sections 57.105.6.5, 57.105.7.1.3, 57.105.7.8.4 and 57.4701.2 and adding Sections 57.4701.2.1, 57.4701.2.2, 57.4701.2.3, 57.4701.3.1 57.4701.11 and 57.4701.12 to codify current Los Angeles Fire Department ("LAFD") practices regarding the issuance of permits for temporary assemblages held inside buildings where there is no existing permit allowing the building to be used as a place of assemblage. This ordinance also provides a mechanism for the City to recover costs associated with the permits.

An LAFD permit, among other things, is required when a building is used as a place of assemblage. The Los Angeles Fire Code ("LAFD") defines a place of assemblage as "any building or premises having assemblage capacity greater than 49 persons, designed for entertainment, instruction, worship, meetings, display, or consumption of food or drinks."

Currently, when a building is used as a place of assemblage on an on-going basis, e.g., a restaurant or theater, such assemblage is allowed through the issuance of an "operational permit" from LAFD. However, if an individual/business wants to temporarily use a building as a place of assemblage (e.g., a one-time concert or party) and that building does not already have an operational permit for such use (e.g., a warehouse), the current LAFD practice has been to allow such "Temporary Assemblies" through LAFD's existing authority to issue "Special Permits."

However, there are limited requirements enumerated for Special Permits. All requirements imposed on Special Permits allowing Temporary Assemblies have been either based on general provisions in other parts of the LAFD or informal rules developed by LAFD over the years. Furthermore, there are no cost recovery provisions that are applicable to Special Permits.

This ordinance would give LAFD the authority to allow Temporary Assemblies through the issuance of a Specific Action/Project Permits. By granting permission for Temporary Assemblies via a Specific Action/Project Permit rather than a Special Permit, LAFD would be able to use the cost recovery provisions that are part of the existing authority for Special Action/Project Permits. The ordinance would also incorporate general LAFD public safety provisions as specific requirements for Temporary Assemblies. For example, currently, if the fire code official thinks it is necessary to ensure public safety in a place of assembly, the official can require certain emergency preparedness safeguards such as having an approved crowd management and/or medical plan. This ordinance now makes such plans a requirement for Temporary Assemblies of a certain size.

Under the ordinance, structures with outstanding orders to comply regarding unpermitted construction and certain categories of structures are excluded from those allowed to have Temporary Assemblies. Excluded structures include buildings with a high hazard group occupancy (i.e., buildings that involve the manufacturing, processing, generation, or storage of materials in such quantities that a physical or health hazard results), unreinforced masonry (URM) buildings, tilt-up concrete wall buildings, soft-story (open front) wood framed buildings or non-ductile concrete (NDC).

All applications are assigned an inspector who will make changes and impose conditions on the permit. Other general LAFD requirements may also be applicable. Such general requirements include automatic sprinkler systems for events over 5,000 sq. ft., or with 100 or more occupants, or on roofs; manual fire alarm systems for events of 300 or more; and minimum number of exits depending on the total occupancy.

All Activities under the scope of the Temporary Assemblies Ordinance are temporary (capped at structure capacity, for no more than 5 days at a time, up to 10 times per year) uses of existing structures, involve no permanent physical construction (set up and break down only), and do not involve ground disturbing activities. All installations and structures associated with the temporary activities will be removed once the event time limitation expires and the site will be restored to the original condition.

The project is found to be exempt from CEQA under State CEQA Guidelines Class 1, Class 3, class 23, and Class 32 Categorical Exemptions.

Justification for Project Exemptions:

State CEQA Class 1 Exemption:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

The proposed project allows temporary indoor assemblies on private property under a ministerial entitlement process. These events do not involve any permanent physical construction or ground disturbing activities. These events do not change or expand the use of the property site. Temporary indoor assemblies will be located on previously developed private property in structures such as stores, auto dealerships, office spaces, etc. All temporary indoor assemblages shall be stopped immediately within 5 days after the expiration of the permit. The site shall be restored to the original condition. Therefore, since these ministerial temporary indoor assemblies only involve the temporary use for special events and assemblages, the project meets the criteria for a Class 1 Exemption.

State CEQA Class 3 Exemption:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The proposed project allows temporary indoor assemblies on private property under a ministerial entitlement process. These events do not involve any permanent physical construction or ground disturbing activities, merely a temporary allowance of special indoor event assemblages. These events do not permanently change or expand the use of the property site, and may only temporarily convert the use. Temporary indoor assemblies will be located on previously developed private property in structures such as office spaces, commercial sale spaces, etc. All temporary indoor assemblages shall be stopped immediately within 5 days after the expiration of the permit. No exterior modifications to structures will be made. Therefore, since these ministerial temporary assemblies only involve the temporary use for special indoor events and assemblages, the project meets the criteria for a Class 3 Exemption.

State CEQA Class 23 Exemption:

Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheatres, planetariums, swimming pools, and amusement parks.

The project allows temporary indoor assemblies on private property. These temporary indoor assemblies are occurring within existing structures within the allowable capacity, and do not involve any permanent physical construction or ground disturbing activities. Temporary indoor assemblies will be located on previously developed private property in structures such as commercial spaces, office spaces, etc. Temporary indoor assemblies are an ongoing activity in the City of Los Angeles and an allowable ancillary use where permitted. All installations associated with the temporary use will be removed once the event time limitation expires and the site will be restored to the original condition. Therefore, no permanent effects on the environment would occur. Therefore, the project is categorically exempt from CEQA under the Class 23 exemption.

State CEQA Class 32 Exemption:

Class 32 consists of projects characterized as in-fill development meeting the five conditions discussed below:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The proposed Temporary Assemblies Ordinance will require all events to be consistent with all applicable general plan policies and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Temporary indoor assemblies shall not occur on site in excess of five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species. All temporary indoor assemblies are, and will be, located in developed, urbanized areas, which have no value as habitat for endangered, rare or threatened species.

Based on existing practices and experience, temporary indoor assemblies already occur on previously developed private property in urbanized areas, which have no value as habitat for endangered, rare or threatened species. Therefore, it is unlikely that any new

temporary indoor assemblies allowed under this ordinance will be located in areas considered to have value as habitat for endangered, rare or threatened species. It is expected that temporary indoor assemblies will be indoors in existing structures.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

- **Traffic:** Traffic associated with temporary indoor assemblies is likely to be neighborhood oriented, and temporary in nature for no more than the length of time the permit is active. As this ordinance is codifying existing allowable events, it is not anticipated that an increase in traffic would occur.
- **Air Quality:** Air quality impact is correlated with traffic generation. temporary indoor assemblies are expected to have less than significant impact on traffic as discussed in the section above. Therefore, the impact on air quality would be less than significant.
- **Noise:** The proposed ordinance requires temporary indoor assemblies to comply with the existing City noise restrictions, including the City's noise ordinance. Therefore, the impact on noise would be less than significant.
- **Water Quality:** The project has no impact on water quality since temporary indoor assemblies do not involve any permanent physical construction or ground disturbing activities. As a result, there would be no impact to underground water sources.

(e) The site can be adequately served by all required utilities and public services.

Temporary indoor assemblies are normally located in developed, urbanized areas, which are adequately served by public services and utility companies. It is expected that temporary indoor assemblies will be on previously developed project sites in existing structures indoors. Utility and public service capacity projection is calculated based on the service population in the area. As a temporary land, use temporary indoor assemblies will not induce population growth in the area. Therefore, no additional utility or public service is required.

Exceptions to the Use of Categorical Exemptions:

CEQA Section 15300.2 Exceptions to the Use of Categorical Exemptions:

The City has further considered whether the proposed project is subject to any of the six exceptions set forth in the State CEQA Guidelines Section 15300.2 that would prohibit the use of any categorical exemptions. None of the exceptions are triggered for the following reasons:

a. **Location.** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

The proposed project permits temporary indoor assemblies and does not involve ground disturbing activities. Temporary indoor assemblies will only occur indoors in existing structures. Based on the proposed ordinance, future temporary indoor assemblies are unlikely to be located in environmentally sensitive sites, because temporary indoor assemblies will be held on previously developed land in the City within existing structures. Therefore, this exception does not apply.

b. **Cumulative Impact.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The proposed project codifies long-standing department policies and practices used by LAFD to issue ministerial permits for temporary special indoor events and assemblages. This ordinance is not expanding the allowance of temporary indoor assemblies or expected to create any new concentrations of temporary indoor assemblies. The proposed regulations under this ordinance continues to limit the frequency and time in which the events can be held. No significant increase in the number of events is expected upon adoption of the proposed ordinance. As a result of the current and ongoing geographical spread of the existing events and the temporary nature of the events, the cumulative impact is considered less than significant. Therefore, this exception does not apply.

c. **Significant Effect.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The proposed project codifies long-standing department policies and practices used by LAFD to issue ministerial permits or temporary indoor assemblies and events. This ordinance is not expanding the allowance of temporary indoor assemblies or expected to create any new concentrations of temporary indoor assemblies. The proposed regulations under this ordinance continues to limit the frequency and time in which the events can be held. No significant increase in the number of events is expected upon adoption of the proposed ordinance. The proposed project does not expand the area where new temporary indoor assemblies may be located. It does not involve any physical development or construction. All temporary indoor assemblies are located on private property in developed and urbanized areas and within existing structures, and no new construction will be allowed. As such, there are no foreseeable significant impacts expected on the environment due to unusual circumstances. Therefore, this exception does not apply.

d. **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Designated Scenic Highway in the City of Los Angeles is Topanga Canyon within Topanga State Park, where temporary indoor assemblies would likely not occur. If a temporary indoor assembly were to be located in proximity to a scenic highway, it would not result in damage to scenic resources since all uses will be indoors in existing structures and involve no permanent changes to the existing site. Therefore, this exception does not apply.

e. **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

It is unlikely that a temporary special event would be located on a known hazardous waste site due to health concerns and existing regulatory limitations, and that all events will be occurring indoors in existing structures. Temporary indoor assemblies are not expected to involve permanent physical construction or ground disturbing activities and therefore are not expected to exacerbate any existing condition involving hazardous waste. Therefore, this exception does not apply.

f. **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

All temporary indoor assemblies will be required to comply with existing city and state laws, including those pertaining to historic resources. Since the proposed project is for indoor events in existing structures, and not doing any construction or alteration to the exterior or interior of historic resources, the impact to the allowable project sites is considered less than significant. Therefore, this exception does not apply.