

Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R25-0324
June 24, 2025

REPORT RE:

**DRAFT ORDINANCES REPEALING THE ALL-ELECTRIC BUILDING STANDARDS
IN ORDINANCE NO. 187,714 AND PROVIDING AN OPTION FOR RETROACTIVITY**

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. 22-0151

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinances. The two draft ordinances repeal Ordinance No. 187,714 (adopted December 7, 2022), which created the City's all-electric building standards. One draft ordinance also includes an optional provision for retroactivity which is discussed below.

Background and Summary of Ordinance Provisions

On May 14, 2025, City Council introduced a motion (Harris-Dawson – Raman – Park) requesting the City Attorney to prepare and present an ordinance which would repeal Ordinance No. 187,714 in light of the Ninth Circuit's decision in *California Restaurant Association v. City of Berkeley*, Case No. 21-16278 (9th Cir., Apr. 17, 2023) (Decision). On May 20, 2025, the City Council adopted the motion forthwith.

Both versions of the draft ordinances repeal the definitions Accessible, All-Electric Building, Combustion Equipment, Commercial Food Heat-Processing

Equipment, Electric Heating Appliance, Enforcing Agency, and Fuel Gas, which were added to the Los Angeles Municipal Code (LAMC) Section 99.02.202 by Ordinance No. 187,714. The draft ordinances would also entirely repeal Subsections 99.04.106.8, 99.04.106.8.1, 99.05.106.14, and 99.05.106.14.1 of LAMC Article 9, Chapter IX that were added by the same ordinance.

Additionally, pursuant to inquiries we have received from the Los Angeles Department of Building and Safety (DBS) and the Mayor's Office, the second version of the draft ordinance includes an optional provision that retroactively repeals the ordinance for previously-issued building permits where a certificate of occupancy has not been issued.

Charter Findings

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

CEQA Findings

The City Council, based on the whole of the administrative record, may determine that either enclosed draft ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15301 (categorical exemption for existing facilities), 15303 (categorical exemption for new construction or conversion of small structures), and 15311 (categorical exemption for accessory structures), and that none of the exceptions under CEQA Guidelines Section 15300.2 apply.

Reliance on these categorical exemptions is appropriate when substantial evidence in the record supports the use of the categorical exemptions and none of the exceptions in CEQA Guidelines Section 15300.2 apply.

If the City Council concurs, it should adopt these determinations prior to or concurrent with its action on the adopted ordinance.


Council Rule 38 Referral

Copies of the draft ordinances were sent, pursuant to Council Rule 38, to DBS with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney K. Lucy Atwood at (213) 978-8248. A member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By 
JOHN W. HEATH
Chief Assistant City Attorney

JWH:KLA:jr
Attachments

cc: Osama Younan, General Manager, LADBS
John Weight, Deputy Superintendent of Buildings, LADBS
Devin Myrick, Assistant Deputy Superintendent of Buildings, LADBS