

## RESOLUTION NO. 19-170

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, REAFFIRMING THE CITY'S LOCAL CONTROL TO MAKE CITY-SPECIFIC AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE AND NOTIFYING THE COUNTY OF LOS ANGELES' DEPARTMENT OF PUBLIC WORKS ACCORDINGLY

**WHEREAS**, pursuant to Sections 17922, 17958, 17958.5, 17958.7, and 18941.5 of the California Health & Safety Code ("**HSC**"), a city or county may adopt the provisions of the California Building Standards Code, Title 24 of the California Code of Regulations ("**CBSC**"), including the California Green Building Standards Code (Part 6 of the CBSC) and the California Building Energy Efficiency Standards (found within Parts 6 and 11 of the CBSC), with amendments that are reasonably necessary because of local climatic, geological, and topographical conditions; and

**WHEREAS**, the CBSC requirements are minimum standards, and therefore the local amendments generally must be more restrictive than the CBSC standards; and

**WHEREAS**, the California Building Standards Commission ("**Commission**") updates the CBSC triennially, with the last two updates taking place in 2016 and 2019. Pursuant to HSC Sections 17958 and 18941.5, if a city or county does make local amendments to the updated CBSC, the updated CBSC shall be applicable to the city or county without local amendment and shall become effective 180 days after publication by the Commission, and local amendments shall become effective 180 days after publication of the updated CBSC by the Commission, or at a later date after publication established by the Commission; and

**WHEREAS**, before local amendments can become effective, they must be adopted by ordinance based on the required findings, with the amendments expressly marked and identified as to the applicable findings, and the ordinance and required findings must be submitted to and accepted by the CBSC based on confirmation that the required findings have been made; and

**WHEREAS**, the Commission published the 2019 CBSC on July 1, 2019, and provided for it to be effective on January 1, 2020; and

**WHEREAS**, the City of Carson ("**City**") contracts with the County of Los Angeles, Department of Public Works ("**County**") for provision of the City's building and safety services. As such, County staff acts as and constitutes the City's Building Official and Building & Safety Division; and

**WHEREAS**, effective January 1, 2017, the County adopted the 2016 CBSC with certain Countywide amendments based on findings that such amendments were reasonably necessary because of climatic, geological, and topographical conditions affecting the County as a whole (hereinafter the "**2017 County BSC**"). This included the

County's adoption of the California Green Building Standards Code with certain Countywide amendments; and

**WHEREAS**, the City of Carson has adopted the following titles of the 2017 County BSC with certain local amendments specific to the City of Carson:

- Title 26, Building Code (Carson Municipal Code §§8100-8116);
- Title 27, Electrical Code (Carson Municipal Code §§8200-8205);
- Title 28, Plumbing Code (Carson Municipal Code §§8300-8305);
- Title 29, Mechanical Code (Carson Municipal Code §§8400-8203).

The City has also adopted Title 30 (Residential Code) of the 2017 County BSC, with no City-specific amendments. The City has NOT adopted the other titles of the 2017 County BSC, including Title 31, Green Building Standards Code. Accordingly, the City currently adheres to minimum statewide requirements without local amendment as it pertains to Green Building Standards; and

**WHEREAS**, the City has made a small number of City-specific amendments to the 2017 County BSC. The amendments were all made in either 2002 or 2008 and carried over through the triennial updates to the CBSC since that time; and

**WHEREAS**, the County is in the process of developing its Countywide amendments to the 2019 CBSC and adopting the 2019 CBSC with such amendments, to be effective on January 1, 2020, thereby creating the 2020 County BSC; and

**WHEREAS**, the County has informed the City that it will present the 2020 County BSC to the City Council (pursuant to its contractual relationship with the City) in November or December of 2019; and

**WHEREAS**, the City Council anticipates that the County, in presenting the 2020 County BSC to the City Council, does not intend to study or develop City-specific local amendments to such code, as may be reasonably necessary to protect the public health, safety or welfare of the City's residents from climatic, geological, or topographical conditions that may exist specifically within the City, as may be discerned by the City Council, City staff, or the City's residents; and

**WHEREAS**, the City has and retains the authority, pursuant to Sections 17922, 17958, 17958.5, 17958.7, and 18941.5 of the HSC, to make its own City-specific amendments to the CBSC based on findings that such amendments are reasonably necessary to protect the health, welfare and safety of the residents of Carson because of local climatic, geological, or topographical conditions existing in the City; and

**WHEREAS**, an example of the City-specific amendments the City Council may wish to consider is enactment of amendments to the California Green Building Standards Code or the California Building Energy Efficiency Standards to impose more restrictive City-specific requirements related to the electrification of buildings and the

associated reduction or elimination of the use of or dependency on natural gas, that may not have been adopted on a Countywide basis to the degree deemed necessary by the City Council; and

**WHEREAS**, due to its contractual dependence on the County for the provision of building & safety services, the City does not have its own staff that can fulfill the function of studying and developing such City-specific amendments for Council consideration. However, because the City has the authority to make City-specific amendments pursuant to the HSC, and because County staff acts as the City's Building Official and Building & Safety Division, the City Council has the authority to direct applicable County staff to study and develop City-specific amendments to the 2020 County BSC, and to propose such amendments for adoption by the City Council in time to render them effective by the January 1, 2020 deadline; and

**WHEREAS**, based on the foregoing, although the City Council has not yet determined the precise nature of the City-specific amendments it wishes to consider, the City Council wishes to reaffirm the City's local control to make any and all City-specific amendments to the 2019 CBSC or the 2020 County BSC as may be deemed necessary by the City Council, to the extent such amendments can be justified by the required findings pursuant to the HSC, and to notify the County accordingly.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct, and are incorporated herein by reference as though set forth in full.

**SECTION 2.** The City Council hereby reaffirms that the City has local control to make any and all City-specific local amendments to the 2019 CBSC or the 2020 County BSC that the City Council may deem reasonably necessary for the protection of the public health, safety and welfare of the residents of the City of Carson, to the extent that can be justified by making the required findings pursuant to Sections 17922, 17958, 17958.5, 17958.7, 18941.5 of the HSC.

**SECTION 3.** Based on the City's local control as described in Section 2 and the City contractual relationship with the County for the provision of building and safety services, the City Council declares that it has the authority to direct applicable County staff to study and develop City-specific amendments to the 2020 County BSC, and to propose such amendments for the City Council's consideration and adoption in time to render them effective by January 1, 2020.

**SECTION 4.** The City Council hereby gives formal notice to the County of the City's local control and authority as set forth in Sections 2 and 3 of this Resolution. The City Manager or designee is hereby directed to transmit a copy of this resolution to the County, to the attention of Michael Dorta, Senior Civil Engineer, forthwith upon adoption of this resolution.

**SECTION 5.** This resolution shall be effective immediately upon its adoption.

**SECTION 6.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

[signatures on the following page]

**PASSED, APPROVED and ADOPTED** this 15<sup>th</sup> day of October, 2019.

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MAYOR ALBERT ROBLES

ATTEST:

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CITY CLERK DONESIA GAUSE-ALDANA

APPROVED AS TO FORM:

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SUNNY K. SOLTANI, CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES        ) ss.  
CITY OF CARSON                        )

I, Donesia Gause-Aldana, City Clerk of the City of Carson, California, do hereby certify that the whole number of members is five; that the foregoing resolution, being Resolution No. 19-XXX was duly and regularly adopted by said City at a regular meeting duly and regularly held on the 15<sup>th</sup> day of October 2019, and that the same was passed and adopted by the following vote:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

By: \_\_\_\_\_  
                    City Clerk