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**Title:** CONSIDERATION OF RESOLUTION NO. 19-170 REAFFIRMING THE CITY'S LOCAL CONTROL TO MAKE CITY-SPECIFIC AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE AND NOTIFYING THE COUNTY OF SAME (CITY COUNCIL)

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Date	Ver.	Action By	Action	Result
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**Report to Mayor and City Council**

Tuesday, October 15, 2019

Discussion

**SUBJECT:**

**CONSIDERATION OF RESOLUTION NO. 19-170 REAFFIRMING THE CITY'S LOCAL CONTROL TO MAKE CITY-SPECIFIC AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE AND NOTIFYING THE COUNTY OF SAME (CITY COUNCIL)**

**I. SUMMARY**

This item is on the agenda at the request of Mayor Robles.

The California Building Standards Commission (“Commission”) publishes the California Building Standards Code (“CBSC”), which has the force of state law, and which is updated triennially by the Commission. On July 1, 2019, the CBSC published the newest update to the CBSC (the “2019 CBSC”).

Under state law, cities and counties may adopt local amendments to the CBSC that they find are reasonably necessary based on local climatic, geological, or topographical conditions, and must do so by January 1, 2020, or the 2019 CBSC will take effect as applied to such jurisdictions without local amendment.

The City contracts with LA County Department of Public Works (“County”) for provision of building and safety services, and accordingly, County staff acts as the City’s Building

Official and Building & Safety Division. The County intends to adopt the 2019 CBSC with updated Countywide amendments effective January 1, 2020 (the “2020 County BSC”), and to present the 2020 County BSC to the City Council for adoption by the City as the City’s own code in either November or December of 2019.

The City has the authority under state law to adopt City-specific amendments to the CBSC that are reasonably necessary based on climatic, geological or topographical conditions in the City. However, because the City relies on the County for building and safety services pursuant to contract, the City does not have its own staff that can perform this function. Moreover, the City anticipates that the County will not, at least without prompting or direction, study, develop or propose any City-specific amendments to the CBSC.

Based on the foregoing, the Council may find it necessary to put the County on notice of the City’s local control to enact City-specific amendments to the CBSC, and of its authority to direct County staff serving as the City’s Building & Safety Division to study, develop and propose such amendments as the City Council may deem necessary and justified under state law for the protection of the City’s residents. The proposed resolution would do so.

## **II. RECOMMENDATION**

1. Waive further reading and ADOPT 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.”

## **III. ALTERNATIVES**

1. DO NOT ADOPT the Resolution.
  
2. TAKE any other action the City Council deems appropriate that is consistent with the requirements of the law.

## **IV. BACKGROUND**

### *The California Building Standards Code; Triennial Updates & Local Amendments*

Pursuant to 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 and Building Energy Efficiency Standards, with amendments that are reasonably necessary because of local climatic, geological, and topographical conditions.

The CBSC requirements are minimum standards, and therefore local amendments must

be more restrictive than the CBSC standards. Before local amendments can become effective, they must: (1) be adopted by ordinance based on the required findings, with the amendments expressly marked and identified as to the applicable findings; and (2) submitted to and accepted by the CBSC based on confirmation that the required findings have been made.

The California Building Standards Commission (“Commission”) updates the CBSC triennially, with the two most recent updates occurring in 2016 and 2019. If a city or county does make local amendments to an updated version of the CBSC, the updated CBSC becomes effective and applicable in the jurisdiction without local amendment 180 days after publication by the Commission. Local amendments must become effective 180 days after publication of the updated CBSC by the Commission, or on a later date established by the Commission.

The Commission published the 2019 CBSC on July 1, 2019, and provided for it to be effective on January 1, 2020. Therefore, the deadline for the City to enact any necessary City-specific amendments to the 2019 CBSC is January 1, 2020.

The City has made a small number of City-specific amendments to the 2017 County BSC. These amendments were all made in either 2002 or 2008 and carried over through the triennial updates to the CBSC since that time. The applicability of these amendments would lapse if the City does not adopt the 2019 CBSC with analogous City-specific amendments (effectively carrying over these amendments from the 2016 CBSC to the 2019 CBSC, in addition to any new City-specific amendments) by January 1, 2020.

Similarly, if the City does not adopt the County’s amendments by the deadline, the applicability of the such amendments in the City would also lapse, causing the City to revert back to the minimum state standards with no local amendments.

Effective January 1, 2017, the County adopted the 2016 CBSC with certain Countywide amendments the (“2017 County BSC”). This included the County’s adoption of the California Green Building Standards Code with certain Countywide amendments.

The City has adopted five titles of the 2017 County BSC, four with City-specific amendments. However, the City has NOT adopted the other titles of the 2017 County BSC, including Title 31, Green Building Standards Code. Accordingly, the City adheres purely to statewide requirements without any local amendments as it pertains to Green Building Standards.

#### Considerations for 2019-2020 Update Cycle

The County is in the process of developing and adopting its Countywide amendments to the 2019 CBSC to be effective on January 1, 2020, thereby creating the 2020 County BSC.

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.

City staff 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 conditions that may exist specifically within the City, as may be discerned by the City Council, City staff, or the City’s residents.

The City has and retains the authority under the HSC to make its own City-specific

amendments based on findings that they 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. However, due to the City's reliance on the County for building services, such authority may not be fully exercised absent affirmative Council direction.

**V. FISCAL IMPACT**

None.

**VI. EXHIBITS**

1. Resolution No. 19-170 (pgs. 5-10)

Prepared by: City Attorney's Office