



Staff Report

File #: REPORT 19-0726, Version: 1

Honorable Mayor and Members of the Hermosa Beach City Council Regular Meeting of November 12, 2019

AN ORDINANCE ADOPTING THE 2019 CALIFORNIA BUILDING STANDARDS CODE (Community Development Director Ken Robertson)

Recommended Action:

Staff recommends that the City Council introduce on first reading an ordinance amending Title 15 of the Hermosa Beach Municipal Code to adopt the 2019 Edition of the California Building Standards Code.

Executive Summary:

The State adopts the California Building Standards Code (CBSC) every three years. In addition to the California Building Code, the CBSC includes the state residential code, electrical code, plumbing code, mechanical code, fire code, energy code, and green building code. Taken together, these regulations apply to all building occupancies throughout the state. Local jurisdictions then adopt the CBSC by reference in an ordinance to make local amendments and to adopt administrative provisions for local code enforcement. The City regularly adopts the CBSC during the State's triennial code cycle (**Attachment 1**).

Background:

Significant changes to the CBSC were last made in 2010, which included the introduction of the Residential, Green Building, and Energy Codes. Only minor changes have been made in the 2019 editions, mostly to enhance clarity and compatibility. Nevertheless, local amendments must be specific to each edition of the CBSC. State law also requires that amendments to building standards be based on a governing body's express finding that each modification is reasonably necessary because of local climatic, geological, or topographical conditions.

Therefore, as a best practice, cities typically readopt their building codes every three years with supplemental tables of findings. Consistent with state guidelines, these tables expressly identify 1) the statutory authority for a local amendment, 2) the state code section being amended, and 3) whether an amendment to a building standard is based on local climatic, geological, or topographical conditions. Administrative provisions do not require necessity findings (**Attachment 2**). To take effect, local amendments must be filed with the California Building Standards Commission [California Health and Safety Code, section 17958.7(a)].

Analysis:

Code Appendices

The codes comprising CBSC include appendices of regulations for specific categories of structures and topics (e.g., “Patio Covers,” Appendix I of the Building Code, and “Swimming Pool Safety Act,” Appendix V of the Residential Code). Many appendices are not mandatory provisions of the building standards applicable to local construction unless specifically referenced in a local adopting ordinance.

Staff recommends that the City adopt a number of appendices to the Building Code (CBC) and Residential Code (CRC) as summarized in **Attachment 3**. These include building regulations, which would advance the community’s energy conservation efforts:

- CRC, Appendix R, Light Straw-Clay Construction-providing requirements for the use and assembly of this renewable resource.
- CRC, Appendix S, Straw Bale Construction-providing requirements for the use and assembly of this renewable resource.
- CRC, Appendix T, Solar Ready Provisions-requiring roofs in new construction to secure adequate space and structural capacity to support solar systems.

Permit Expiration Dates (AB 2913)

On September 21, 2018, the Governor signed into law AB 2913, which provides that building permits remain valid if work on a site is commenced within 12 months from the permit issuance time. Previously, under the CBSC, construction was required to commence within 180 days of issuing the permit. The proposed ordinance thus amends section 15.04.050 (Expiration of Permits) of the Hermosa Beach Municipal Code (HMBC) to reflect these changes.

Under the new law, building officials also retain discretion to grant multiple permit extensions for periods of up to 180 days, provided that permittees demonstrate justifiable cause for the extension in writing. Building officials have exercised this authority for years under the CBSC, which AB 2913 enacted into the California Building Standards Law, specifically California Health and Safety Code section 18938.6.

Administrative Amendments

In addition to updating HBMC Title 15 to reflect changes in state law, the proposed ordinance contains a number of other administrative provisions. These are provisions carried over from the existing ordinance, which do not affect substantive building standards; rather, they establish the City’s procedures and remedies for enforcing code violations [California Health and Safety Code, section 18909, defining what is and is not a building standard]. For example, a number of sections detail the requirements for Boards of Appeals (see e.g., HBMC §§ 15.04.020 and 15.06.020). Other sections

relate to the procedures for processing code violations and attending penalties (e.g., HBMC §§ 15.04.030 and 15.06.030).

Repealed provisions

The City's Building Official has determined that specified provisions of HBMC Title 15 are now obsolete or create redundancies with the state codes. For example, HBMC Chapter 15.40 (Numbering Buildings) contains requirements for displaying building address numbers which are addressed by the fire code and no longer reflect City practices. HBMC section 15.04.084 (Roof attachments) relates to requirements for rooftop structures, including fire access and solar panels, which overlap with comparable sections of the state building code. These provisions would be repealed by the proposed ordinance.

Fire Code

As of January 1, 2018, the City has been contracting for fire services with Los Angeles County. Pursuant to that contract, the City has agreed to adopt the County Fire Code, Title 32 of the Los Angeles County Code, which adopts the state fire code with local amendments. The County has not yet adopted the amended 2019 Edition of the California Fire Code, which is scheduled for some time after January 1, 2020. Therefore, the proposed ordinance adopts the state fire code with local amendments. When L.A. County adopts its Fire Code, staff will bring back an ordinance recommending its adoption by reference.

Plumbing Code Amendments

The state plumbing code limits the use of plastic (ABS and PVC) drainage piping to the first two stories of buildings used for residential accommodations. Cast iron pipes are required for plumbing installations in all other floors of buildings with more than two stories. This requirement is intended to prevent the spread of fire by means of the "chimney effect"-the ability of a fire to rise within building walls by melting and consuming plastic vent and drain pipes.

This requirement has been problematic for beach communities, where the air and soils contain high concentrations of salt. Salt is corrosive and cast iron piping in areas close in proximity to the ocean show significant deterioration and loss of effectiveness within ten years of installation.

The City's Building Official therefore recommends that the City allow the use of plastic plumbing installations in up to three stories of residential buildings subject to fire-related installation requirements. The proposed ordinance thus amends the state plumbing code to allow plastic installations that are enclosed in a one-hour fire rated assembly. Such assembly or piping encasement is further required to be composed of heavy lumber or fire-resistant drywall. These fire rated enclosures would ensure that plastic pipes do not create a "chimney" by which a fire on a lower floor spreads to a building's upper stories.

Attachment 4 contains the Building Official's report on the issue.

General Plan Consistency:

PLAN Hermosa, the City's General Plan, was adopted by the City Council in August 2017. This code adoption supports the PLAN Hermosa goals and policies that are listed below.

Governance

Goal 7. Community sustainability and health are a priority in policy and decision-making.

- **Policy 7.6** Livability principles. Amend or update policies that may run counter to livability, sustainability, and health principles.

Sustainability + Conservation

Goal 4. A leader in reducing energy consumption and renewable energy production.

- **Policy 4.5** Sustainable building standards. Use sustainable building checklists to minimize or eliminate waste and maximize recycling in building design, demolition, and construction activities.

Fiscal Impact:

The recommended action has no fiscal impact on the City.

Attachments:

1. Draft Ordinance
2. Table of Express Findings for Local Amendments
3. Summary of Code Appendices
4. Building Official's Report on Use of Plastic Pipes in Residential Plumbing
5. Redline version of current Title 15 code

Respectfully Submitted by: Bob Rollins, Building/Code Enforcement Official

Concur: Ken Robertson, Community Development Director

Legal Review: Kathy Shin, Assistant City Attorney

Approved: Suja Lowenthal, City Manager