



## AGENDA REPORT

**Meeting Date:** December 6, 2016

**Item Number:** F-4

**To:** Honorable Mayor and City Council

**From:** Raj Patel, Assistant Director of Community Development/Building Official  
Chris Heyer, Deputy Fire Marshal

- Subject:**
- A. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MAKING EXPRESS FINDINGS AND DETERMINATIONS THAT MODIFICATIONS TO THE CALIFORNIA BUILDING STANDARDS CODE AND FIRE CODE ARE REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS.
  
  - B. AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING AN ADMINISTRATIVE CODE AND ABATEMENT OF DANGEROUS BUILDINGS CODE, AND ADOPTING BY REFERENCE THE 2016 CALIFORNIA BUILDING CODE; THE 2016 CALIFORNIA RESIDENTIAL CODE; THE 2016 CALIFORNIA ELECTRICAL CODE; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE; THE 2016 CALIFORNIA ENERGY CODE; THE 2016 CALIFORNIA FIRE CODE; THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA HISTORICAL BUILDING CODE; THE 2016 CALIFORNIA REFERENCED STANDARDS CODE; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION; INCLUDING CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND AMENDING TITLE 9 OF THE BEVERLY HILLS MUNICIPAL CODE
  
  - C. AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS ADOPTING AN ADMINISTRATIVE CODE AND ABATEMENT OF DANGEROUS BUILDINGS CODE, AND ADOPTING BY REFERENCE THE 2016 CALIFORNIA BUILDING CODE; THE

2016 CALIFORNIA RESIDENTIAL CODE; THE 2016 CALIFORNIA ELECTRICAL CODE; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE; THE 2016 CALIFORNIA ENERGY CODE; THE 2016 CALIFORNIA FIRE CODE; THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA HISTORICAL BUILDING CODE; THE 2016 CALIFORNIA REFERENCED STANDARDS CODE; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION; INCLUDING CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND AMENDING TITLE 9 OF THE BEVERLY HILLS MUNICIPAL CODE; AND DECLARING THE URGENCY THEREOF;

THE COUNCIL WILL ALSO CONSIDER ADOPTION OF A CATEGORICAL EXEMPTION, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

- Attachment:**
1. Resolution
  2. Ordinance
  3. Urgency Ordinance
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### **RECOMMENDATION**

Staff recommends that the City Council:

- 1) Reintroduce the Ordinance incorporating administrative revisions.
- 2) Adopt the Resolution and instruct the city building official or his designee to file the adopted Resolution of findings with the California Building Standards Commission.
- 3) Adopt the Urgency Ordinance with an operative date of January 1, 2017.
- 4) Continue the public hearing to December 20, 2016 and Conduct a first reading of the revised Ordinance.

### **INTRODUCTION**

On November 1, 2016, the Council introduced, waived full reading, and scheduled on December 6, 2016, a Public Hearing on the proposed ordinance to adopt the 2016 edition of the California Building Standards Code by reference, the 2015 edition of the International Property Maintenance Code, and the provisions and regulations for the enforcement of these codes.

Subsequent to the first reading, the ordinance language was revised. The majority of the proposed changes are intended to clarify administrative provisions and facilitate enforcement of the building standards. In addition, it is proposed to delete provisions in Title 9 related to protection of subterranean construction from water intrusion as these regulations have been determined by a study conducted by the city as no longer necessary. For this reason, staff recommend the reintroduction of the proposed Ordinance and continuance of the public hearing in order to comply with adoption requirements of the Health and Safety Code.

In order to provide an appropriate period for public comment, it is recommended that Council introduce the revised ordinance on December 6 and then continue the public hearing to December 20 at which time, the Council will consider adoption of the revised Ordinance.

The 2016 edition of the California Building Standards Code as adopted by the California Building Standards Commission (Commission) and published in the California Code of Regulations, is effective on January 1, 2017. The California Health and Safety Code requires that the city adopt ordinances that impose the same building standards as are contained in the 2016 California Building Standards Code with the exception that the City may make amendments to these building standards that are more restrictive and that are reasonably necessary because of local geological, climatic, and/or topographic conditions.

The proposed Ordinance adopts by reference the 2016 California Building Standards Code and the 2015 International Property Maintenance Code, together with critical and necessary city amendments and provisions and regulations for the administration and enforcement of these codes. In accordance with Sections 17958.5 and 17958.7 of the Health and Safety Code, the Council must determine and expressly find that the amendments to the State standards are needed because of local geological, climatic, and/or topographical conditions. All proposed amendments to the state code provide for a higher order of structural safety, fire safety, occupant safety, and environmental sustainability. The applicable finding(s) for each proposed amendment is delineated in the proposed Resolution. The Ordinance also contains various administrative changes that do not require special local findings. The last Council update to the State Building Standards Code was approved by the Council on November 19, 2013.

Health and Safety Code Sections 17958 and 18941.5 require that all amendments, together with the unamended portions of the California Building Standards Code, become effective 180 days after the publication of the California Building Standards Code. The State has established that date to be January 1, 2017. Since a regular ordinance adoption timeline misses the state deadline it is recommended that the Council also adopt the proposed Urgency Ordinance to establish the effective date of the amendments together with the unamended portions of the California Building Standards Code, to be January 1, 2017. The proposed amendments become operative subsequent to filing the Council's findings with the Commission.

## **DISCUSSION**

As required by state law, the Commission published the 2016 California Building Standards Code, also known as Title 24 of the California Code of Regulations (CCR), which includes the following codes:

- 2016 California Administrative Code – CCR Title 24 Part 1
- 2016 California Building Code – CCR Title 24 Part 2
- 2016 California Residential Code – CCR Title 24 Part 2.5

- 2016 California Electrical Code – CCR Title 24 Part 3
- 2016 California Mechanical Code – CCR Title 24 Part 4
- 2016 California Plumbing Code – CCR Title 24, Part 5
- 2016 California Energy Code – CCR Title 24 Part 6
- 2016 California Historical Building Code – CCR Title 24 Part 8
- 2016 California Fire Code – CCR Title 24 Part 9
- 2016 California Existing Building Code – CCR Title 24 Part 10
- 2016 California Green Building Standards (CalGreen) Code – CCR Title 24 Part 11
- 2016 California Referenced Standards Code – CCR Title 24 Part 12

Pursuant to the California Health and Safety Code, the California Building Standards Code applies throughout the State of California. The Commission is responsible for the adoption and publication of a new Building Standards Code every three years. The frequency of the re-adoptions maintains the code current with the latest technologies, and health and safety standards. After review and input by various state agencies, the public, and other interested parties, the Commission ultimately adopts by reference the latest model codes with amendments. This new Building Standards Code becomes effective on January 1, 2017, one hundred and eighty days after publication by the Commission.

The proposed Ordinance contains the adoption of the state codes, administrative provisions for the enforcement of the codes, and amendments to the codes based on local conditions. Cities and counties may make amendments to the California Building Standards Code based on local geologic, climatic, and/or topographic conditions, provided these amendments are no less restrictive than the state requirements. For local amendments to be effective, the city must make specific findings that the aforementioned conditions are applicable, approve an ordinance adopting these amendments, and file a copy of the findings and the local ordinance with the Commission.

Upon further review of the Ordinance, staff is proposing to include revisions from the City Prosecutor's office, intended to clarify requirements and enhance future enforcement of the Building Standards Code and other technical codes. Staff is also proposing to delete language added to the Municipal Code in 1996, in response to basement flooding in two specific areas of the city, caused by exceedances of the existing storm drain system during peak flow storm events. In 2007, the County of Los Angeles Flood Control District completed improvements to the storm drain system resulting in increased capacity. In 2009, an engineering stormwater study performed by Bryan A. Stirrat and Associates on behalf of the city, verified the storm drain improvements adequately mitigated flooding issues in both areas of the city and that the additional requirements established by the city are no longer necessary. All of these revisions have been incorporated in the attached revised Ordinance document. To provide the public adequate time to review the revisions, staff recommends that the City Council continue the public hearing to December 20, 2016.

The proposed urgency ordinance is a duplicate of the proposed regular ordinance, including all revisions. It is recommended that Council adopt the urgency ordinance on December 6, 2016, to ensure the city's local amendments become effective on January 1, 2017, concurrent with the effective date of the State codes. It is anticipated that the public hearing will be closed on December 20, 2016, and the regular ordinance adopted to become effective January 20, 2017. The urgency ordinance will close the gap of 20 days for the period of January 1 through January 20, 2017.

During the November 1, 2016 City Council meeting, staff was requested to provide information regarding two requests that were brought forward as part of the ordinance discussion. The first request was to identify the State process for determining the cost-effectiveness of the new 2016 code requirements. The second request was related to the additional proposed seismic provisions related to hillside slope and grading stability.

#### Cost-effectiveness Analysis in Code Development

The California Building Standards Code is developed by the various State agencies that are responsible for the regulation of building construction of specific occupancies. In accordance with Health and Safety Code 18930, each proposed building standard is accompanied by an analysis that verifies the building standard is necessary for the public interest and that the cost to the public is reasonable based on the overall benefit to be derived from the building standards. During this code cycle, the only economic impacts were reported by the California Energy Commission, which adopts the State Energy Code. Measures in the Energy Code are required to be cost-effective when taken in their entirety and when amortized over the economic life of the structure.

In comparing the 2016 Energy Code to the 2013 version, it was determined that a typical 2,400 square foot single-family residence would require an estimated additional cost of \$2,600 dollars to demonstrate compliance. This same house would also be 28% more energy efficient. Similarly, the estimated cost for a multi-family building is \$1,000 per unit. The results of the study are based on the climate zone reflective of the City of Beverly Hills.

#### Hillside Slopes and Grading Seismic Provisions

The California Residential and Building Codes seismic provisions are updated every three years with the latest engineering findings and discoveries. In addition, the City is proposing amendments to create a higher level of safety related to the design and construction of homes built on steep hillsides. These enhanced requirements have been carried forward from the previous code adoption and are based on research of buildings damaged in past earthquakes. The amendments were developed in collaboration with the International Code Council Los Angeles Basin Chapter that includes state and regional seismic experts.

The proposed seismic provisions establish code requirements for the engineering design and construction of buildings on steep slopes. The proposed ordinance establishes over 30 building residential code seismic related provisions that are more restrictive than the 2016 California Building Standards Code. These provisions include a requirement for geotechnical analysis to identify existing site soil conditions, including any proposed cutting and filling of the hillside, so that the building foundation can be designed and constructed to minimize slippage and displacement in the event of an earthquake.

All proposed new construction must demonstrate compliance with all of these requirements in order to obtain a building permit. Construction work performed without the required permits and approvals is considered a violation of the Beverly Hills Municipal Code. Property owners who violate the regulations will be subject to penalties as prescribed by the Municipal Code and will be required to demonstrate compliance with the appropriate 2016 building standards codes and applicable zoning requirements as well as to mitigate any potentially unsafe condition.

**FISCAL IMPACT**

The costs of code books and staff training have been incorporated within the Community Development Department's current budget with no additional financial impact anticipated to administer the new code. However, the initial cost of construction will likely rise as a result of the State mandated energy code with long-term savings expected over the life of the building.



Approved By  
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