



*City of Rolling Hills*

INCORPORATED JANUARY 24, 1957

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**Agenda Item No.: 11.B**  
**Mtg. Date: 12/13/2022**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES**

**THRU: ELAINE JENG P.E., CITY MANAGER**

**SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE NO. 382 AND ADOPTION OF URGENCY ORDINANCE NO. 382-U AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE ROLLING HILLS MUNICIPAL CODE AND DETERMINING THE ORDINANCE EXEMPT FROM CEQA**

**DATE: December 13, 2022**

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**BACKGROUND:**

Every three years, the California Building Standards Commission, together with other state agencies (e.g., the Department of Housing and Community Development), updates the State's building standards by adopting a new edition of the California Building Standards Code ("CBSC"). The CBSC consists of multiple building codes codified in Title 24 of the California Code of Regulations (these include the state building code, residential code, electrical code, plumbing code, mechanical code, fire code, energy code, and green building code). Effective January 1, 2023, these building standards apply to all building occupancies throughout the state, whether or not they are adopted by a local jurisdiction. Cities and counties, however, will typically pass ordinances adopting the CBSC by reference for the purpose of amending the state standards in accordance with local conditions and to adopt administrative provisions (e.g., fees, remedies for code violations, etc.).

Local amendments must be specific to each edition of the CBSC. State law also provides that cities and counties may adopt amendments to the state building standards only if the local governing body (i.e., the City Council) finds that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions, and if the local amendments are at least as restrictive as the state standards. (Administrative provisions that do not establish building standards may be enacted without necessity findings.)

Traditionally, the City of Rolling Hills has adopted the CBSC as adopted and amended by Los Angeles County. On November 15, 2022, the County Board of Supervisors adopted the new codes with local amendments, effective January 1, 2023. Attached to this report are Ordinance Nos. 382 and 382-U (Attachments 1 and 2) and redlined versions of each

ordinance (Attachments 3 and 4), respectively, which incorporate the changes. A letter from the County of Los Angeles Department of Public Works summarizing the changes adopted by the County (Attachment 5).

## **DISCUSSION:**

Ordinance No. 382 and Ordinance No. 382-U largely function to adopt the current editions of the codes, readopt previously adopted City amendments that continue to apply to local building conditions, and delete or otherwise clean up those provisions of Rolling Hills Municipal Code (RHMC) Title 15 that are obsolete or duplicative of the State and County codes.

Under State law, only those building standards that are effective at the local level at the time an application for a building permit is submitted apply to the plans and the construction performed under that building permit. This means that until the City adopts its local amendments ordinance, as of January 1, 2023, only the default building standards in the 2022 Edition of the CBSC would apply to applications for a building permit in Rolling Hills. The County's regional amendments, which the City has previously adopted, and the City's own amendments specific to local conditions—previously adopted and codified in Title 15 of the RHMC—would no longer be enforceable in the City until the City's ordinance for the 2023 adoption cycle takes effect.

For this reason (and because the County's regional ordinance is typically made available late in any given adoption year), the City has often adopted its local amendments by means of an urgency ordinance. Urgency ordinances take effect immediately upon passage by a fourth-fifths (4/5) vote of the City Council, given a declaration of facts constituting the urgency. As the City's local modifications are necessitated by the area's topographic, geologic and climatic conditions, allowing structures to be built absent the requirements of these tailored building standards presents a risk to the public health, safety and welfare. (Specifically, the City is located in a Very High Fire Hazard Severity Zone characterized by hot, dry summers and heavy winter rains which result in expansive soil conditions. The area's topography is also marked by geological instability, all of which conditions are addressed through the regional and local amendments to the CBSC.)

The City Council adopted Urgency Ordinance No. 373-U on December 14, 2021, and Ordinance No. 373 on January 10, 2022, regarding the Fire Code. The proposed Ordinance Amendment further amends Rolling Hills Municipal Code (RHMC) Chapter 15.20 (Fire Code) to reflect that the statewide Fire Code will take effect. When the Los Angeles County Board of Supervisors amends its version of Title 32, Fire Code, a new ordinance will be needed to amend RHMC Chapter 15.20. The City cannot reference or amend a Code that is not yet in existence. The proposed Ordinance deletes the provisions of Section 15.20.040 (Local amendments), which relate to the LA County Fire Code.

If the Council decides to adopt the ordinance as an urgency measure, it should also proceed to introduce on first reading the version of the ordinance in Attachment 1, as is the City's custom when taking legislative action.

**Environmental Review**

This ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (“CEQA”) Guidelines because it has no potential for resulting in physical change to the environment. Most of the terms of the building standards in the proposed Ordinance are dictated by the California Buildings Standards Code and county amendments to the state standards only make those modifications necessary for local regional conditions which are at least as protective of the environment as the state codes. City-specific amendments are limited to creating administrative processes for local enforcement of the state building standards. Alternatively, even if the ordinance is a project within the meaning of CEQA, its adoption is exempt from CEQA under the general rule that CEQA only applies to projects that may cause significant adverse effects on the environment. Pursuant to CEQA Guideline section 15061(b)(3), as this ordinance is largely administrative in nature, there is no possibility that the City’s action would adversely affect the environment in any manner that could be significant.

**FISCAL IMPACT:**

Building plan check and permit fees are paid to compensate the City for expenditures associated with these activities. As the changes in the Codes are minor, the fees collected will continue to match the expenditures, and there will be no net fiscal impact to the City.

**RECOMMENDATION:**

Open the public hearing, receive public testimony, close the public hearing, and make the following actions:

- Find that the adoption of the ordinances is not a project subject to CEQA review because it has no potential for resulting in physical change to the environment;
- Introduce for first reading by title only Ordinance No. 382 regarding building and construction; and
- Adopt Ordinance No. 382-U regarding building and construction.

**ATTACHMENTS:**

[ATTACHMENT 1 - CL\\_ORD\\_382\\_BuildingCodeOrdinance\\_D.pdf](#)

[ATTACHMENT 2 - CL\\_ORD\\_382-U\\_BuildingCodeUrgencyOrdinance\\_D.pdf](#)

[ATTACHMENT 3 - CL\\_ORD\\_382\\_BuildingCodeOrdinance\\_REDLINE\\_D.pdf](#)

[ATTACHMENT 4 - CL\\_ORD\\_382-U\\_BuildingCodeUrgencyOrdinance\\_REDLINE\\_D.pdf](#)

[ATTACHMENT 5 - PL\\_ZOA\\_221024\\_Letter\\_LACounty.pdf](#)