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ORDINANCE NO. ORD-13-0024

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING AND RESTATING  
TITLE 18 IN ITS ENTIRETY; AND BY REPEALING  
CHAPTER 21.65, ALL RELATING TO THE ADOPTION AND  
AMENDMENTS TO THE 2013 EDITION OF THE  
CALIFORNIA BUILDING STANDARDS CODES AND THE  
1997 EDITION OF THE UNIFORM HOUSING CODE TO BE  
KNOWN AS THE LONG BEACH BUILDING STANDARDS  
CODE

The City Council of the City of Long Beach ordains as follows:

Section 1. Title 18 of the Long Beach Municipal Code is hereby  
amended in its entirety and restated as shown on Exhibit "A", which is attached hereto  
and incorporated herein by this reference as if set forth in full.

Section 2. Chapter 21.65 of the Long Beach Municipal Code is hereby  
repealed.

Section 3. The City Clerk shall certify to the passage of this ordinance by  
the City Council and cause it to be posted in three (3) conspicuous places in the City of  
Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
Mayor, but in no event prior to January 1, 2014, with the exception that the "Low Impact  
Development Standards" codified in Chapter 18.74 shall become effective in accordance  
with Long Beach City Charter Section 210; and that the provisions of Chapter 18.76  
relating to "Water Submeters" shall not become effective unless and until the City Council  
considers the adoption of "Consumer Protection Standards" relating to water

1 submetering.

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3 I hereby certify that the foregoing ordinance was adopted by the City

4 Council of the City of Long Beach at its meeting of November 12, 2013 by the

5 following vote:

6 Ayes: Councilmembers: Lowenthal, DeLong, O'Donnell, Andrews,  
7 Johnson, Austin, Neal.

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10 Noes: Councilmembers: None.


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12 Absent: Councilmembers: Garcia, Schipske.

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18 City Clerk

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19 Approved: 11/14/13  
20 (Date)

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21 Mayor



# AMENDED AND RESTATED TITLE 18

## 2014 CODE AMENDMENTS

## TO THE LONG BEACH MUNICIPAL CODE

PREPARED BY

**LBD** DEVELOPMENT SERVICES



SUSTAINABLE  
LONG BEACH

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## **CHAPTER 18.01 GENERAL PROVISIONS**

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18.01.030 – Scope.

18.01.040 – Work not in scope.

18.01.050 – Referenced codes.

18.01.060 – Applicability.

## CHAPTER 18.01 GENERAL PROVISIONS

### 18.01.010 – Title.

These regulations shall be known as the "Long Beach Building Standards Code," a portion of the "Long Beach Municipal Code," hereinafter referred to as "this title." This title adopts by reference portions of the California Building Standards Code as required by Section 17958 of the California Health and Safety Code.

### 18.01.020 – Purpose.

The purpose of this title is to:

1. Establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, accessibility, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.
2. Provide minimum provisions considered necessary for safety, efficiency, adequacy and the practical safeguarding of persons and of buildings, structures and their contents from hazards arising from the use of electricity for light, heat, power, radio signaling and for other purposes, as well as some provisions for future expansion of electrical use.
3. Provide minimum requirements and standards for the protection of the public health, safety and welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of plumbing fixture and fixture fittings, water heaters, water supply and distribution system, sanitary drainage, indirect wastes, vents, traps and interceptors, storm drainage, fuel piping, and gray water systems.
4. Provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances.
5. Improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact, or positive environmental impact and encouraging sustainable construction practices in planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality.
6. Ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.
7. Establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

### 18.01.030 – Scope.

The provisions of this title shall apply to:

1. The site preparation and the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or appertunances connected or attached to such buildings and

structures within the City, except work located primarily in a public way other than pedestrian protection structures required by Chapter 32 of the California Building Code adopted in Chapter 18.40, public utility, towers and poles, mechanical equipment not specifically regulated in this title, and hydraulic flood control structures.

2. All electrical systems or equipment installed, used, maintained, rented, leased, or offered for sale or distributed for use in the City, except those electrical systems and equipment exempted from the provisions of this title.
3. The erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of plumbing within the City, except those plumbing and plumbing installations exempted from the provisions of this title.
4. The addition to or erection, installation, alteration, repair, relocation, replacement, use, or maintenance of any heating, ventilating, cooling, refrigeration systems; incinerators; or other miscellaneous heat-producing appliances within the City, except those mechanical systems and equipment exempted from the provisions of this title.

18.01.040 – Work not in scope.

The provisions of this title shall not apply to any of the following:

1. Swings and other playground equipment accessory to detached one- and two-family dwellings.
2. *(Reserved)*
3. Towers or poles supporting public utility communication lines, antennas, or power transmission lines.
4. Gantry cranes, drill presses, and other similar manufactured machinery or equipment.
5. Water tanks supported on a foundation at grade if the capacity does not exceed five thousand (5,000) gallons (18,927 L) and the ratio of the height to diameter or width does not exceed two to one (2:1).
6. Temporary motion picture, television and theater stage sets and scenery that are not supported by any building.
7. Work in a public way, dams and drainage structures constructed by or under contract with the Department of Public Works, the Department of Water and the County Flood Control District, unless the structure forms a portion of the support for a building or a structure coming within the jurisdiction of the Building Official.
8. Portable amusement devices and structures, including merry-go-rounds, ferris wheels, rotating conveyances, slides, similar devices, and portable accessory structures whose use is necessary for the operation of such amusement devices and structures; any portable accessory structure included in the provisions of this chapter shall be limited to a cover or roof over each device, but shall not include any storage building or detached structure which is not an integral part of the device; and provided, however, that any electrical installations shall require subtrade permits where applicable and be regulated by this title; and provided further that any special event activity shall required Fire Department's approval.
9. Nothing in this title shall apply to any excavation, removal, fill or deposit of any earth or other materials from individual interment sites, underground crypts or burial vaults within a property which is dedicated or used for cemetery purposes, provided that such work does not affect

the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property not owned by the cemetery authority.

10. Any portable metal hangar less than two thousand (2,000) square feet in size, located on the City-owned airport property, used for the parking of aircraft only, and bearing evidence of approval by the California Department of Motor Vehicles for movement on any highway. Such structure shall, as an integral part of its basic construction, be equipped with a hitch or coupling device for towing. It shall accommodate, without further major structural change, wheel and axle assemblies which will provide such structure with a safe means of portability. No water or sanitary facilities shall be permitted in such structure and it shall be equipped with permanent ventilation as required for group S-2 occupancy; and is not in violation of Title 21 Zoning Regulations.

18.01.050 – Referenced codes.

The codes listed in Subsections A through I and referenced elsewhere in this title shall be considered part of the requirements of this title to the prescribed extent of each such reference.

- A. Building. The provisions of the California Building Code adopted in Chapter 18.40 shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
- B. Residential. The provisions of the California Residential Code adopted in Chapter 18.41 shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures.

EXCEPTIONS:

1. Live/work units complying with the requirements of Section 419 of the California Building Code adopted in Chapter 18.40 shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the California Building Code when constructed under the California Residential Code adopted in Chapter 18.41 shall conform to Section R313.
2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the California Residential Code when equipped with a fire sprinkler system in accordance with Section R313.
- C. Electrical. The provisions of the California Electrical Code adopted in Chapter 18.42 shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
- D. Plumbing. The provisions of the California Plumbing Code adopted in Chapter 18.43 shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

EXCEPTION: Chapter 18.43 shall not apply to any sewer constructed and maintained by a City department or agency within the public right of way.

- E. Mechanical. The provisions of the California Mechanical Code adopted in Chapter 18.44 shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.



- F. Housing. The provisions of the Uniform Housing Code adopted in Chapter 18.45 shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing buildings or portions thereof used, or designed or intended to be used, for human habitation.
- G. Energy. The provisions of the California Energy Code adopted in Chapter 18.46 shall apply to all matters governing the design and construction of buildings for energy efficiency.
- H. Green building standards. The provisions of the California Green Building Standards Code adopted in Chapter 18.47 shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this title, throughout the City.
- I. Fire. The provisions of the California Fire Code adopted in Chapter 18.48 shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

18.01.060 – Applicability.

- A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different chapters or sections of this title specify different materials, methods of construction or other requirements, the most restrictive shall govern. All the provisions of this title shall be limitations for safeguarding life, limb, health, property and public welfare. If two (2) or more pertinent limitations are not identical, those limitations shall prevail which provide the greater safety to life or limb, health, property or public welfare.
- B. Other laws. The provisions of this title shall not be deemed to nullify any provisions of local, State or Federal law.
- C. Referenced codes and standards. The codes and standards referenced in this title shall be considered part of the requirements of this title to the prescribed extent of each such reference. Where differences occur between provisions of this title and referenced codes and standards, the provisions of this title shall apply. Wherever in this title reference is made to the appendix of a referenced code or standard, the provisions in the appendix shall not apply unless specifically adopted by this title.
- D. Partial invalidity. In the event that any part or provision of this title is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.
- E. Addition, alterations or repairs. Additions, alterations or repairs in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise specifically provided in Chapter 34 of the California Building Code adopted in Chapter 18.40.
- F. Change in use or occupancy. No change shall be made in the use or occupancy of any building except as specified in Section 3408 of the California Building Code adopted in Chapter 18.40 and as amended by Section 18.40.380.
- G. Existing buildings or structures.
  - 1. Legal occupancy. The legal occupancy of any structure existing on the date of adoption of this title shall be permitted to continue without change, except as is specifically covered in

this title, the Uniform Housing Code adopted in Chapter 18.45 or the California Fire Code adopted in Chapter 18.48, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

2. Responsibility for maintenance. All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards that are required by this title shall be maintained in conformance with the code requirements under which it was installed. To determine compliance with this section, the Building Official may cause any building or structure to be reinspected.

Every owner remains liable for violations of duties imposed upon him or her by this title even though an obligation is also imposed on the occupants of his or her building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this title.

Every owner, or his or her agent, in addition to being responsible for maintaining his or her building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he or she occupies or controls in a clean, sanitary and safe condition including the shared or public areas in a building containing two (2) or more dwellings.

H. Existing subtrade installation.

1. Existing electrical installation. Nothing contained in this title shall be construed to restrict the use, nor to require any person to reinstall, reconstruct, alter, change or remove any electrical wiring or equipment which complied with the laws and regulations of the City in effect before the effective date of this title unless the same is dangerous, unsafe or a hazard to life or property in the judgment of the Building Official. Additions or alterations to, and alterations and renewals of existing installations shall be made in compliance with the provisions of this title.

EXCEPTION: In locations where the existing electrical system was of some other type of approved wiring, an existing circuit may be increased to its maximum safe carrying capacity or with the addition of not to exceed five (5) lights, plugs or switch outlets. Not more than ten (10) such outlets may be added to an existing electrical system unless all new wiring is in conformity with the provisions of this title.

2. Existing plumbing installation. Nothing contained in this title, with the exception of the change of building occupancy or use, shall be construed to require any plumbing construction or work, regulated by this title to be altered, changed, reconstructed, removed or demolished if such plumbing work was installed which complied with the laws and regulations of the City in effect before the effective date of this title, unless the same is dangerous, unsafe, unsanitary or a menace to life, health or property, in the judgment of the Building Official.

Plumbing systems that are a part of any building or structure undergoing a change in use or occupancy shall comply with all requirements of this title that may be applicable to the new use or occupancy.

3. Existing mechanical installation. Additions, alterations or repairs may be made to any mechanical system without requiring the existing mechanical system to comply with all the requirements of this title, provided the addition, alteration or repair conforms to that required for a new mechanical system. Additions, alterations or repairs shall not cause an existing system to become unsafe, create unhealthy or overloaded conditions.

EXCEPTION: Minor additions, alterations and repairs to existing mechanical systems may be installed in accordance with the law in effect at the time the original installation was made if

such mechanical system may be used safety for such purposes, that there is an urgent necessity for such use, and if approved by the Building Official.

Heating, ventilating, cooling, or refrigeration systems, incinerators or other miscellaneous heat producing appliances lawfully installed prior to the effective date of this code may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health or property.

Mechanical systems that are a part of any building or structure undergoing a change in use or occupancy shall comply with all requirements of this title that may be applicable to the new use or occupancy.

All heating, ventilating, cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this title in heating, ventilating, cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances when installed, altered or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances.

- I. Unsafe buildings or structures. The regulations for the abatement of unsafe buildings and structures are enumerated in Chapter 18.20.
- J. Long-term boarded or vacated buildings. The regulations for the maintenance of long-term boarded or vacated buildings are enumerated in Chapter 18.21.
- K. Temporary structures and uses. The regulations for temporary structures and uses are enumerated in Subsection 18.04.010.F.
- L. Moved buildings or structures. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this title for new buildings or structures. The regulations for moving buildings are enumerated in Chapter 18.60.

EXCEPTION: Apartment houses and dwellings shall be allowed the retention of existing materials and methods of construction so long as the apartment house or dwelling complies with the rules and regulations of the California Housing and Community Development Commission, complies with the standards for foundations applicable to new construction, and does not become or continue to be a substandard building.

## CHAPTER 18.02 DEFINITIONS

- 18.02.010 – General.
- 18.02.020 – A definitions. (Reserved)
- 18.02.030 – B definitions.
- 18.02.040 – C definitions.
- 18.02.050 – D definitions.
- 18.02.060 – E definitions.
- 18.02.070 – F definitions.
- 18.02.080 – G definitions.
- 18.02.090 – H definitions.
- 18.02.100 – I definitions. (Reserved)
- 18.02.110 – J definitions. (Reserved)
- 18.02.120 – K definitions. (Reserved)
- 18.02.130 – L definitions. (Reserved)
- 18.02.140 – M definitions.
- 18.02.150 – N definitions.
- 18.02.160 – O definitions.
- 18.02.170 – P definitions.
- 18.02.180 – Q definitions. (Reserved)
- 18.02.190 – R definitions.
- 18.02.200 – S definitions.
- 18.02.210 – T definitions. (Reserved)
- 18.02.220 – U definitions.
- 18.02.230 – V definitions.
- 18.02.240 – W definitions. (Reserved)
- 18.02.250 – X definitions. (Reserved)
- 18.02.260 – Y definitions. (Reserved)
- 18.02.270 – Z definitions. (Reserved)

## CHAPTER 18.02 DEFINITIONS

### 18.02.010 – General.

- A. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purpose of this title, have meanings shown in this chapter.
- B. Interchangeability. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- C. Terms defined in other titles, chapters or codes. Where terms are not defined in this title and are defined in other titles, chapters or codes, such terms shall have the meanings ascribed to them as in those titles, chapters or codes.
- D. Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged shall be considered as providing ordinarily accepted meanings.

### 18.02.020 – A definitions. (Reserved)

### 18.02.030 – B definitions.

"Building Code" means the code adopted in Chapter 18.40 of this title.

"Building Official" means the Superintendent of Building and Safety for the City of Long Beach Department of Development Services, Building and Safety Bureau, or a duly authorized representative designated by the Director.

### 18.02.040 – C definitions.

"California Building Code" or "CBC" means the code adopted in Chapter 18.40 of this title.

"California Electrical Code" or "CEC" means the code adopted in Chapter 18.42 of this title.

"California Energy Code" means the code adopted in Chapter 18.46 of this title.

"California Fire Code" or "CBC" means the code adopted in Chapter 18.48 of this title.

"California Green Building Standards Code" or "CGBSC" or "CalGreen Code" means the code adopted in Chapter 18.47 of this title.

"California Mechanical Code" or "CMC" means the code adopted in Chapter 18.44 of this title.

"California Plumbing Code" or "CBC" means the code adopted in Chapter 18.43 of this title.

"California Residential Code" or "CRC" means the code adopted in Chapter 18.41 of this title.

"Certificate of Occupancy" or "Occupancy Certificate" means the certificate issued by the Building Official pursuant to Chapter 18.08 when, after final inspection, it is found that a building or structure complies with all requirements of this title. When used with reference to a building or structure which was constructed and occupied prior to the effective date of any provisions requiring such a certificate, it shall mean the right to occupy such building or structure.

"City" means the City of Long Beach, California.

18.02.050 – D definitions.

"Dangerous building" means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered or persons in the vicinity thereof:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
2. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1-1/2) times the working stress or stresses allowed in this title for new buildings of similar structure, purpose or location;
3. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of this title for new buildings of similar structure, purpose or location;
4. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
5. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in this title for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in this title for such buildings;
6. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
7. Whenever the building or structure, or any portion thereof, because of: (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse;
8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
9. Whenever the exterior walls or other vertical members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base;
10. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls, or coverings;
11. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become: (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or (c) as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts;

12. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this title;
13. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the: (a) strength; (b) fire-resisting qualities or characteristics; or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;
14. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidations, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the City Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;
15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Chief of the Fire Department to be a fire hazard;
16. Whenever any building or structure is in such a condition as to constitute a public nuisance under common law or equity jurisprudence;
17. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

"Department" means the City of Long Beach Department of Development Services.

"Director" means the Director of Development Services for the City of Long Beach Department of Development Services or a duly authorized representative.

18.02.060 – E definitions.

"Electrical Code" means the code adopted in Chapter 18.42 of this title.

"Energy Code" means the code adopted in Chapter 18.46 of this title.

18.02.070 – F definitions.

"Fire Chief" means the Fire Chief of the City of Long Beach Fire Department or a duly authorized representative.

"Fire Code" means the code adopted in Chapter 18.48 of this title.

"Fire Code Official" means the Fire Marshal for the City of Long Beach Fire Department or a duly authorized representative designated by the Fire Chief.

"Foundation-only permit" is a building permit issued for that portion of a building which constitutes the footings for the building and which may, subject to the approval of the Building Official, include those portions of the building below the grade level.

18.02.080 – G definitions.

"Green Code" means the code adopted in Chapter 18.47 of this title.

18.02.090 – H definitions.

"Housing Code" means the code adopted in Chapter 18.45 of this title.

18.02.100 – I definitions. (Reserved)

18.02.110 – J definitions. (Reserved)

18.02.120 – K definitions. (Reserved)

18.02.130 – L definitions. (Reserved)

18.02.140 – M definitions.

"Mechanical Code" means the code adopted in Chapter 18.44 of this title.

18.02.150 – N definitions.

"Nuisance" means:

1. Any public nuisance known at common law or in equity jurisprudence or as declared by ordinance;
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot; this includes any abandoned structure, basement or excavation; any structurally unsound fence or structure; any lumber, trash, fence, debris or vegetation which may prove a hazard for inquisitive minors;
3. Whatever is dangerous to human life or is detrimental to health;
4. Overcrowding a room with occupants;
5. Insufficient ventilation or illumination;
6. Inadequate or unsanitary sewage or plumbing facilities;
7. Uncleanliness, when so determined by the Health Officer;
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings when so determined by the Health Officer;
9. Dangerous or substandard buildings or conditions as defined in this title.

18.02.160 – O definitions.

"Occupancy Certificate" or "Certificate of Occupancy" means the certificate issued by the Building Official pursuant to Chapter 18.08 when, after final inspection, it is found that a building or structure complies with all requirements of this title. When used with reference to a building or structure which was constructed and occupied prior to the effective date of any provisions requiring such a certificate, it shall mean the right to occupy such building or structure.

"Occupancy" means the purpose for which a building, or part of a building, is used or intended to be used. The term "occupancy" as used in this title shall include the room housing that occupancy and



the space immediately above a roof or structure if used or intended to be used for other than a shelter.

18.02.170 – P definitions.

"Permittee" means the person, firm or corporation authorized to obtain a permit pursuant to Subsection 18.04.070.A of this title.

"Plumbing Code" means the code adopted in Chapter 18.43 of this title.

18.02.180 – Q definitions. (Reserved)

18.02.190 – R definitions.

"Residential Code" means the code adopted in Chapter 18.41 of this title.

18.02.200 – S definitions.

"Substandard building" means any building or other structure, or the premises on which the same is located, where any of the following conditions exist to an extent which, in the opinion of the Building Official, endangers the life, limb, health, property, safety or welfare of the occupants thereof, or of the public:

1. Inadequate sanitation. "Inadequate sanitation" shall include, but not be limited to, the following:
  - a. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit;
  - b. Lack of or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel;
  - c. Lack of or improper kitchen sink;
  - d. Lack of hot and cold running water to plumbing fixtures in a hotel;
  - e. Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
  - f. Lack of adequate heating;
  - g. Lack of, or improper operation of, required ventilating equipment;
  - h. Lack of minimum amounts of natural light and ventilation required by this code;
  - i. Room and space dimensions less than required by this code;
  - j. Lack of required electrical lighting;
  - k. Dampness of habitable rooms;
  - l. Infestation of insects, vermin or rodents as determined by the Health Officer;
  - m. General dilapidation or improper maintenance;
  - n. Lack of connection to required sewage disposal system;
  - o. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.

2. Structural hazards. "Structural hazards" shall include, but not be limited to, the following:
  - a. Deteriorated or inadequate foundations;
  - b. Defective or deteriorated flooring or floor supports;
  - c. Flooring or floor supports of insufficient size to carry imposed loads with safety;
  - d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
  - e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
  - f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration;
  - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
  - h. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration;
  - i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
3. Nuisance. Any "nuisance" as defined in this title.
4. Hazardous wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
5. Hazardous plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly and which is free of cross connections and siphonage between fixtures.
6. Hazardous mechanical equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
7. Faulty weather protection, which shall include, but not be limited to, the following:
  - a. Deteriorated, crumbling or loose plaster;
  - b. Deteriorated or ineffective water proofing of exterior walls, roof, foundations or floors, including broken windows or doors;
  - c. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering;
  - d. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

8. Fire hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of the Fire Department or his or her deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
9. Faulty materials of construction. All materials of construction except those which are specifically allowed or approved by this title, and which have been adequately maintained in good and safe condition.
10. Hazardous or unsanitary premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.
11. Inadequate maintenance. Any building or portion thereof which is determined to be dangerous as defined in Section 18.02.050.
12. Inadequate exits. All buildings or portions thereof not provided with adequate exit facilities as required by this title except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.  
  
When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.
13. Inadequate fire protection or firefighting equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire extinguishing systems, or equipment required by this title, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
14. Improper occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which are not designed or intended to be used for such occupancies.
15. Inadequate structural resistance to horizontal forces.

18.02.210 – T definitions. (Reserved)

18.02.220 – U definitions.

"Uniform Housing Code" or "UHC" means the code adopted in Chapter 18.45 of this title.

18.02.230 – V definitions.

"Value" or "valuation" means the total value of all construction work, including materials and labor, for which the permit is being issued, including all painting, roofing, electrical, plumbing, gas, mechanical, permanent or fixed heating equipment, elevator equipment, fire sprinkler equipment and any other permanent portions or permanent equipment except as provided in Section 18.04.020; or the estimated cost to replace the building or structure in kind, based on current replacement costs as determined herein.

18.02.240 – W definitions. (Reserved)

18.02.250 – X definitions. (Reserved)

18.02.260 – Y definitions. (Reserved)

18.02.270 – Z definitions. (Reserved)

## **CHAPTER 18.03 ADMINISTRATION AND ENFORCEMENT**

18.03.010 – Department of Development Services.

18.03.020 – Duties and powers of the Building Official.

18.03.030 – Reports, records and fees.

18.03.040 – Liability.

18.03.050 – Modifications.

18.03.060 – Alternate materials, design and methods of construction and equipment.

**CHAPTER 18.03  
ADMINISTRATION AND ENFORCEMENT**

18.03.010 – Department of Development Services.

- A. General. There is established in the City a Department known and designated as the Department of Development Services. In addition to the duties imposed upon said Department by the City Charter and other ordinances of the City, the Building and Safety Bureau of said Department is designated to enforce all of the provisions of State law applicable to the erection or construction of buildings or structures, except such provisions relating to maintenance, sanitation, occupancy and use which affect the health and welfare of occupants and which shall be designated by the City Manager as the responsibility of the City Health Officer or a duly authorized representative.
- B. Appointment. The City Manager shall, upon recommendation of the Director, appoint the Building Official as shall be required and shall be authorized from time to time by ordinance.
- C. Deputies. The City Manager shall, upon recommendation of the Director, appoint such officers, inspectors, plans examiners and other employees as shall be required and shall be authorized from time to time by ordinance.
- D. Certification. All construction inspectors, plans examiners and Building Official shall obtain certification when required by Section 18949.28 of the California Health and Safety Code from a recognized state, national, or international association, as determined by the City. The area of certification shall be closely related to the primary job function, as determined by the City.

18.03.020 – Duties and powers of the Building Official.

- A. General. The Building Official is hereby authorized and directed to enforce the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State and to make all plan examinations and inspections pursuant to the provisions of each such regulation. The Building Official shall also perform such other duties relating to the functions of the Department as may be required of him or her by general law, or by ordinance. For such purpose, the Building Official shall have the powers of a police officer. Any order of the City requiring alterations or repairs to any building shall be issued only by authorization of the Building Official. The Building Official shall have the authority to render interpretations of this title and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this title. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this title, municipal code or other ordinances of the City or laws and statutes of the State.
- B. Applications and permits. The Building Official shall receive applications, examine construction documents and issue permits for the erection, addition, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
- C. Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Every such notice or order shall be in writing, addressed to the owner, agent or person responsible for the structure or premises in which such violations or unsafe condition exists and shall specify the date or time when such notice or order shall be complied with, which time shall allow a reasonable period in which such notice or order can be complied with by the person, firm or corporation receiving such notice or order in the judgment of the Building Official. No person, firm or corporation shall refuse, fail or neglect to comply with any such notice or order issued by the Building Official.

- D. Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspection shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.
- E. Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this title.
- F. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this title, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

When the Building Official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as provided in this section, to properly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this title.

- G. Authority to require exposure of work. Whenever any work on which called inspections are required as enumerated in Chapter 18.07 is covered or concealed by additional work without first having been inspected, the work shall be exposed for inspection upon written notice by the Building Official. The work of exposing and recovering shall not entail expense to the City.
- H. Authority to stop work. Whenever any construction work is being done contrary to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State enforced by the Building Official, the Building Official shall have the authority to issue a written notice to the responsible party to stop work on that portion of the work on which the violation has occurred. The notice shall state the nature of the violation and no work shall be done on that portion until the violation has been rectified and approval obtained from the Building Official.
- I. Authority to stop use or occupancy. Whenever any portion of a building is loaded in excess for which it was constructed, or it houses a use or occupancy other than that for which it was constructed, or is determined to be an unsafe building or structure pursuant to Chapter 18.20, or there is an encroachment upon any required court, yard or easement, the Building Official shall have the authority to order by written notice that such violation be discontinued.

The written notice shall state the nature of the violations and shall fix a time for the abatement thereof. If the violations have not been abated by the expiration of the fixed time, the Certificate of Occupancy shall thereupon be canceled.

- J. Authority to disconnect electrical service. Whenever any electrical installation regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State is found to be defective, the Building Official shall have the authority to disconnect or to order the discontinuance of electrical service to such installation until the installation has been made safe, and any person, firm, corporation, political subdivision or governmental agency ordered to discontinue such electrical service shall do so within twenty four (24) hours or as

determined by the Building Official after the receipt of such notice and shall not reconnect such service or allow the same to be reconnected until notified to do so by the Building Official.

- K. Authority to disconnect utilities. Whenever any mechanical installation regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State is found to be defective that may pose an immediate hazard to life or property, the Building Official shall have the authority to disconnect or to order the discontinuance of fuel-gas utility service, or energy supplies, to the building, structure, premises or equipment in case of emergency. The Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter and shall not reconnect such service or allow the same to be reconnected until such installation has been made safe and was notified to do so by the Building Official.
- L. Authority to condemn equipment. Whenever any equipment regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State has become hazardous to life, health, or property, the Building Official shall have the authority to condemn equipment when such equipment cannot be restored to a condition of safety or be dismantled or removed from its present location. The Building Official shall provide written notice to the owner or occupant of the building, structure, premises or equipment of such order and shall fix a time limit for compliance. No person shall use or maintain the defective equipment after receiving such notice.
- M. Authority to discontinue supply gas or water. Whenever any unsanitary conditions exist or that any construction or work regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State is dangerous, unsafe, unsanitary or a menace to life, health or property or is in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, the Building Official, upon determining such information to be fact, shall have the authority to order any person, firm or corporation using or maintaining any such condition, or responsible for the use or maintenance thereof, to discontinue the use or the maintenance thereof or to repair, alter, change, remove or demolish the same as the Building Official may consider necessary for the proper protection of life, health or property; and in the case of any gas piping, gas appliance or water piping and any water using fixture or device, may order any person, firm or corporation supplying gas or water to such piping, appliance, fixture or device to discontinue supplying gas or water thereto until such piping, appliance, fixture or device is made safe to life, health and property.
- N. Authority to modify grading operation. The Building Official is authorized to require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

18.03.030 – Reports, records and fees.

- A. Reports. The Building Official shall submit a report to the City Manager not less than once a year, covering the work of the Building and Safety Bureau during the preceding period. The Building Official shall incorporate in the report a summary of his or her recommendations as to desirable amendments to the law. The Building Official shall have charge of, and be responsible for, the drafting of recommendations regarding periodic revisions and amendments to the building, residential, electrical, plumbing, mechanical, housing, energy, green building standards and housing regulations of this title, municipal code or other ordinances of the City or laws and statutes of the State.
- B. Records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issues. Such records shall be retained in the official records for the period required for retention of public records.



- C. Fees. The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this title, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of building or premises to which they relate.

18.03.040 – Liability.

The Building Official, members of the Board of Appeals or employees charged with the enforcement of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, while acting for the City in good faith and without malice in the discharge of the duties required by this title or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against the Building Official, officer, plans examiner, inspector or other employee because of an act performed by the Building Official, officer, plans examiner, inspector or other employee in the lawful discharge of duties and under the provisions of this title shall be defended by legal representative of the City until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provision of this title.

This title shall not be construed to relieve from or lessen the responsibility of any person, firm or corporation owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the enforcing agency or the City be held as assuming any such liability by reason of the plans examinations or inspections authorized by this title or any permits or certificates issued under this title.

18.03.050 – Modifications.

- A. General. Whenever there are practical difficulties involved in carrying out the provisions of this title, the Building Official shall have the authority to grant modifications for individual cases, upon the application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this title impractical and the modification is in compliance with the intent and purpose of this title and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building and Safety Bureau. A written application shall be submitted together with a fee set forth in Section 18.06.160.
- B. Expiration. The rights and privileges granted by the Building Official shall be voided if the permit is not secured within twelve (12) months of the date the approval was granted or if the permit or plans examination expires under any of the conditions specified in Sections 18.04.060 or 18.05.060.

EXCEPTION: The Building Official may grant extensions of time if a permit applicant submits in writing substantial evidence that unusual condition or circumstances precluded the securing of the permit within the allocated time or caused the permit to expire.

18.03.060 – Alternate materials, design and methods of construction and equipment.

- A. General. The provisions of this title are not intended to prevent the installation of any materials or to prohibit any design or method of construction not specifically prescribed by this title, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this title, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this title in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that

may be made regarding its use. A written application shall be submitted together with a fee set forth in Section 18.06.160.

- B. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this title, shall consist of valid research reports from approved sources.
- C. Test. Whenever there is insufficient evidence of compliance with the provisions of this title, or evidence that a material or method does not conform to the requirements of this title, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified by this title or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the test procedures. Tests shall be performed by an approved agency. Reports of such test shall be retained by the Building Official for the period required for retention of public records.
- D. Expiration. The rights and privileges granted by the Building Official shall be voided if the permit is not secured within twelve (12) months of the date the approval was granted or if the permit or plans examination expires under any of the conditions specified in Sections 18.04.060 or 18.05.060.

EXCEPTION: The Building Official may grant extensions of time if a permit applicant submits in writing substantial evidence that unusual conditions or circumstances precluded the securing of the permit within the allocated time or caused the permit to expire.

## **CHAPTER 18.04 PERMITS**

- 18.04.010 – Permits required.
- 18.04.020 – Exceptions from permit.
- 18.04.030 – Permit applications.
- 18.04.040 – Permit issuance.
- 18.04.050 – Validity of permit.
- 18.04.060 – Expiration, suspension, revocation and transfer of permit.
- 18.04.070 – Requirement and responsibility of permittee.

## CHAPTER 18.04 PERMITS

### 18.04.010 – Permits required.

- A. Building permits. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remodel, move, remove, improve, convert or demolish any building or part of a building or structure, or change the character or occupancy or use of any building or structure, or part of a building or structure, in the City without first obtaining a permit covering such work from the Building Official.

A single combined permit may be issued for the construction of any one- or two-family dwelling and related accessory building and structure, or additions or alterations thereto, which includes all building, electrical, plumbing, heating, ventilating and air conditioning work.

- B. Grading permits. No person, firm or corporation shall commence or perform any grading, and no person shall import or export any earth materials to or from any grading site, without first having obtained a permit therefore from the Building Official. Any grading project involving more than one hundred (100) cubic yards of excavation and involving an excavation in excess of five (5) feet in vertical depth at its deepest point measured from the original ground surface shall be done by a State of California licensed contractor who is licensed to perform the work described herein. A separate permit shall be required for each grading site. One (1) permit may include the entire grading operation at that site, however.
- C. Electrical permits. No new electrical installation shall be made nor any alteration or addition performed to any existing wiring, nor shall any wiring for the placing or installation of any electric light, power or heating device, or any apparatus which generates, transmits, transforms or utilizes electricity operating at a voltage exceeding twenty-five (25) volts between conductors or capable of supplying more than fifty (50) watts, be made without first obtaining an electrical permit. A separate permit shall be obtained for the electrical wiring or installation in each separate building or structure.

EXCEPTION: A separate electrical permit shall not be required for any electrical work involving a one- or two-family dwelling and related accessory building or structure for which a combined permit has been obtained pursuant to Subsection 18.04.010.A.

- D. Plumbing permits. No person, firm or corporation shall construct, install or alter any plumbing, water piping, gas piping, water heater, water heater vents, water treating equipment, or any appliance or device regulated by this title without obtaining a plumbing permit approving the proposed quality and character of workmanship and materials. Where a building is demolished or removed from its site, a permit and inspection is required to verify that the building sewer, water and gas service is properly capped to the satisfaction of the Building Official. A separate permit shall be obtained for the plumbing installation in each separate building or structure.

EXCEPTION: A separate plumbing permit shall not be required for any plumbing work involving a one- or two-family dwelling and related accessory building or structure for which a combined permit has been obtained pursuant to Subsection 18.04.010.A.

- E. Mechanical permits. No person, firm or corporation shall install, alter, reconstruct or repair any heating, ventilating, cooling, or refrigeration equipment unless a permit therefore has been obtained from the Building Official except as otherwise provided in this title. A permit shall be obtained for all heating, ventilating, cooling, or refrigeration equipment, moved with, or installed in, any relocated building. A separate permit shall be obtained for the equipment installed in each separate building or structure.

EXCEPTION: A separate mechanical permit shall not be required for any mechanical work involving a one- or two-family dwelling and related accessory building or structure for which a combined permit has been obtained pursuant to Subsection 18.04.010.A.

- F. Temporary permits. Before commencing the construction of any work for temporary structures or uses including but not limited to, reviewing stands, bleachers, tents, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work, and other miscellaneous structures, a temporary permit authorizing such work shall be obtained therefore from the Building Official. Temporary permit may be restricted in the following conditions:
1. Application for permit. Except for canopies or fences used for the protection of the public around and in conjunction with construction work, application for permit shall be filed with and approved by the Building Official prior to the construction, erection or operation of any device, structure, or any work regulated by this title for temporary structure or use.
  2. Time limit. Such construction shall be occupied or used only for the period set forth in Subsection 18.04.060.A.
  3. Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this title as necessary to ensure public health, safety and general welfare. Such temporary structures and temporary uses need not comply with the type of construction or fire-resistive time periods required by this title.
  4. Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the California Electrical Code adopted in Chapter 18.42.
  5. Inspection. Notwithstanding Chapter 18.07 to the contrary, request for inspection must be received at least five (5) days prior to public use or occupancy.
  6. Removal after expiration. All temporary construction or installations shall be demolished or removed within five (5) days after the expiration of the permit.
  7. Termination of approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.
- G. Other permits.
1. Other permits must be obtained as required pursuant to any other provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
  2. No person, firm or corporation shall construct any signs and billboards without first obtaining a permit covering such work from the Building Official.

No person, firm or corporation shall hang, suspend or otherwise affix any sign, street banner, pole banner, flag, pennant or street decoration on any street light pole, traffic signal pole or over and above any street unless a permit to do so is first obtained from the City Manager. Permits issued pursuant to this section shall be in accordance with the provisions of Chapter 16.55 of Title 16, the City's policy on City sponsorship, corporate recognition and advertising, as adopted on July 23, 1996, as amended from time to time, and any guidelines that may from time to time be approved by the City Council.

EXCEPTION: The above provisions shall not apply to any sign or advertising matter lettered upon the surface of any awning, provided the awning is securely attached to a building and is not less than seven (7) feet above the sidewalk level immediately below.

3. No person, firm or corporation shall commence house moving in the City without first obtaining a permit covering such work from the Building Official.

18.04.020 – Exceptions from permit.

Exemption from the permit requirements of this title shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Except for work undertaken to correct conditions determined to be substandard, nonconforming, dangerous or a nuisance under the provisions of Chapter 18.20, permits are not required for the following:

- A. Permits not required. Neither building, grading, subtrade or temporary permits of this title are required for the following:
  1. Buildings or structures placed in public streets, alleys and sidewalks, except those regulated by Chapter 32 of the California Building Code adopted in Chapter 18.40.
  2. Buildings or structures under the auspices of and owned or controlled by the federal government, the State of California, the County of Los Angeles, or by a public school district.
  3. Work done by employees of the City on City-owned or leased buildings when approved by the Building Official and justifiable cause is demonstrated.
  4. A temporary shed, office or storage building and other structure incidental to and for work authorized by a valid building, grading or subtrade permit. Such structures must be removed upon expiration of the permit or completion of work covered by the permit.
- B. Building permits not required. Building permits are not required for any of the following:
  1. Where the work regulated by this title is valued at five hundred dollars (\$500.00) or less, unless it affects the fire life-safety, structural stability or required accessible route of a building or structure, or public safety, or is done to make a building conform to the requirements of this title for a change in occupancy or use; and is not in violation of Title 21 Zoning Regulations.
  2. One story detached accessory structures used as tool and storage sheds, children's playhouses and similar uses, provided that the building or structure is accessory to a dwelling unit; it does not exceed one hundred twenty (120) square feet in area nor eight (8) feet in height from floor to roof; it contains no plumbing, electrical, or mechanical installations regulated by this title; and is not in violation of Title 21 Zoning Regulations.
  3. Isolated buildings or structures not larger in area than sixteen (16) square feet in size, including roof projections, and not more than eight (8) feet in height, if separated by a distance of twenty (20) feet or more; and is not in violation of Title 21 Zoning Regulations.
  4. Fences not over four (4) feet in height above grade; fences not over six (6) feet and six (6) inches in height above grade and not constructed of concrete, masonry, brick or other similar materials; and is not in violation of Title 21 Zoning Regulations.
  5. Retaining walls or planter boxes that are not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or sloping earth, or impounding flammable liquids; and is not in violation of Title 21 Zoning Regulations. This

- exemption shall not apply to retaining walls of any height built on slopes steeper than one (1) unit vertical in five (5) units horizontal (20% slope).
6. Unroofed platforms, walks, driveways and decks not more than thirty (30) inches above adjacent grade, not over any basement or story below, and not part of a required accessible route; and is not in violation of Title 21 Zoning Regulations.
  7. Application of hot or cold paint on a roof of a building or structure; and is not in violation of Title 21 Zoning Regulations.
  8. Application of roofing not in excess of five hundred (500) square feet on an existing building or structure within any twelve (12) month period; and is not in violation of Title 21 Zoning Regulations.
  9. Painting, papering, carpeting and similar finish work and are not required to comply with accessibility regulations.
  10. Installation of ceramic tile on floor or countertops and on walls less than forty-eight (48) inches in height.
  11. Replacement of broken or damaged ceramic tile in an existing installation.
  12. Plaster patching not in excess of ten (10) square yards of interior or exterior plaster; and is not in violation of Title 21 Zoning Regulations.
  13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches in height.
  14. Exhibits, booths, partitions and display counters for temporary use not exceeding thirty (30) days in conjunction with an exhibit or show and not exceeding twelve (12) feet in height above the floor.
  15. Window awnings in one- or two-family dwellings and related accessory building or structure supported by an exterior wall that do not project more than fifty-four (54) inches from the exterior wall and do not require additional support; and is not in violation of Title 21 Zoning Regulations.
  16. Swimming, bathing and wading pools not over two (2) feet in depth, provide a distance from the pool to the property lines and buildings or structures not less than the depth of the pool, and not having a surface area exceeding two hundred fifty (250) square feet; there is no electrical or plumbing installation; and is not in violation of Title 21 Zoning Regulations.
  17. Prefabricated swimming pools accessory to a one- or two-family dwelling that are less than twenty four (24) inches deep, do not exceed five thousand (5,000) gallons and are installed entirely above ground; it contains no plumbing, electrical, or mechanical installations regulated by this title; and is not in violation of Title 21 Zoning Regulations.
  18. Veneer less than four (4) feet in height.
  19. Waterproof pointing of joints in masonry or veneer, also cleaning with detergents which are not injurious to clothing or skin of persons and are not removed by liquid washing, provided work is done from safely enclosed scaffolding which will collect any dust, debris or dropped tools and materials in use.
  20. Prefabricated outdoor tents or canopy structures for temporary use not exceeding one hundred eighty (180) days, provided such tents or canopies are accessory to a one- or two-family dwelling on the site; and is not in violation of Title 9 Public Peace, Morals and Welfare,

Section 9.65.050 Prohibited Canopy Structure, Title 21 Zoning Regulations or the California Fire Code adopted in Chapter 18.48.

21. Shade cloth structures constructed for nursery or agricultural purposes, not including service system; and is not in violation of Title 21 Zoning Regulations.
  22. Signs exempt under the provision of Section 21.44.500 of Title 21 Zoning Regulations.
  23. Signs exempt under the provision of Section H101.2 of Appendix H of the California Building Code adopted in Chapter 18.40.
- C. Grading permits not required. Grading permits are not required for any of the following:
1. An excavation which (a) is less than two (2) feet in depth, or (b) which does not create a cut slope greater than five (5) feet in height and steeper than one (1) unit vertical in two (2) units horizontal (50% slope). This exception shall not apply to cut which exceeds fifty (50) cubic yards or which changes the existing drainage pattern.
  2. A fill less than one (1) foot in depth and placed on natural terrain with a slope flatter than one (1) unit vertical in ten (10) units horizontal (10% slope). This exception shall not apply when the fill exceeds fifty (50) cubic yards or when the fill changes the existing drainage pattern.
  3. Excavations for caissons or piles under buildings or structures authorized by valid building permits.
  4. Excavations for basements, footings, caissons, piles, swimming pools or underground structures that are authorized by valid building permits.
  5. Excavations for wells or tunnels or utilities, which do not provide vertical or lateral support for buildings, or adversely impact the safety or stability of private or public properties.
  6. Excavation in an isolated, self-contained area if the Building Official finds that by reason of such isolation and self-containment no danger to private or public property can now or thereafter result from grading operations.
  7. Refuse disposal sites controlled by other regulations of local, State or federal departments or agencies.
  8. Cemetery graves.
  9. Exploratory excavation performed under the direction of a registered design professional.
  10. Mining, quarrying, excavation, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations of local, State or federal departments or agencies, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
- D. Electrical permits not required. Electrical permits are not required for any of the following:
1. Electric wiring expressly declared to be exempt from the provisions of this title by any other section thereof.
  2. Wiring for temporary theater sets on the theater stages or temporary motion picture or television sets on any property belonging to or under the control of the City, privately owned studios, theaters, or similar locations designed for that usage.



3. Installation of any portable motor or other portable appliance energized by means of a cord or cable having an attachment plug end, when that cord or cable is permitted by this title.
4. Festive temporary decorative lighting in dwelling occupancies only, for a period not to exceed ninety (90) days.
5. Repair or replacement of electrodes or transformers of the same size and capacity for signs or marquees, except for the retrofitting of lighting and exit fixtures that are part of a required emergency lighting system.
6. Removal of electric wiring.
7. Temporary wiring for experimental purposes in suitable experimental laboratories.
8. The following installation and electrical wiring:
  - a. Non-required signaling circuits supplied by an approved Class 2 limited power source, capable of supplying not more than thirty (30) volts and one hundred (100) volt-amperes.
  - b. Non-required communication circuits which have the power limited in accordance with Article 725 of the California Electrical Code adopted in Chapter 18.42.
  - c. Non-required amplifier output circuits which are permitted by Article 640 of the California Electrical Code adopted in Chapter 18.42 to employ Class 2 or Class 3 wiring.
  - d. Any non-required circuit which operates at fifteen (15) volts or less and does not generate, transmit, transform, utilize or control more than twenty-five (25) watts or volt-amperes of electric power.
  - e. Repair or replacement of fixed motors or fixed appliances, supplied by branch circuits not exceeding twenty (20) amperes and not exceeding two hundred forty (240) volts nominal, of the same type and rating in the same location.
  - f. Reinstallation of attachment wall plug receptacles or wall switches but not the outlet therefore.
  - g. Repair or replacement of current carrying parts or any switch, contactor or control device.
  - h. Taping of joints.

Provided the wiring for any of the above items is not located in any of the following locations or conditions:

- i. Area classified as "hazardous" under Article 500 of the California Electrical Code adopted in Chapter 18.42.
  - ii. Appurtenant to a required fire alarm system as classified under Article 760 of the California Electrical Code adopted in Chapter 18.42.
  - iii. Penetrating any fire-resistive wall or floor system.
  - iv. In a plenum, duct or other space used for environmental air including access floors.
9. Any similar minor repair or replacement determined by the Building Official not to involve any hazard to life or property.

10. Repair or replacement of incandescent lighting fixtures in one- or two-family dwelling and related accessory building and structure.
11. Any electric wiring, except wiring located in an area classified as "hazardous" under Article 500 of the California Electrical Code adopted in Chapter 18.42 after the branch circuit distribution panelboards used exclusively to supply or interconnect equipment installed, owned, operated or maintained by a communication public utility and used exclusively for communication purposes, in the exercise of its communication public utility functions within the communication public utility controlled areas.
12. The replacement of defective smoke detectors in a one- or two-family dwelling and related accessory building and structure when the work is performed by a contractor with a valid contractor license issued by the State and a valid business license issued by the City.
13. The installation by Southern California Edison Company of radio controlled relays on privately owned air conditioning equipment in the company's program of energy conservation through electrical load management, entitled "Air Conditioner Cycling Program", provided that:
  - a. The relays shall be tested and labeled by Underwriters' Laboratories, Inc.,
  - b. The Building Official shall approve of specifications for the installation of relays, and
  - c. The relays shall be installed and maintained by Southern California Edison Company or its contractors.
14. Repair or replacement of cords or cables or cord pendants allowed by other sections of this title.

The provisions of the foregoing exceptions shall not apply to any repairs or replacements of electrical devices, apparatus, or appliances which were originally installed without a permit when such permit is required for the original installation, or when energized by, or which is a part of any hazardous or illegal wiring system.

E. Plumbing permits. Plumbing permits are not required for any of the following:

1. The stopping of leaks or the repair of defects in any plumbing, provided no new materials are used.
2. The repair of a water heater other than its vents, provided the water heater is not disconnected.
3. The replacement of exposed traps serving fixtures, provided approved traps are used and are properly installed.
4. The replacement of defective or unapproved ball cocks in water tanks, provided antisiphon ball cocks are used and properly installed.
5. The replacement of defective or unapproved faucets serving sinks, lavatories and bathtubs, provided approved type faucets are used and are properly installed.
6. The replacement of an electric water heater, providing the rough plumbing is not altered.
7. Any gas piping not more than six (6) feet in length between an approved gas outlet and any gas fired appliance, provided that any such gas fired appliance is in the same room as the gas outlet.

8. Any sewer located entirely in the public right of way and under the authority of the Department of Public Works or Department of Water.
  9. A plumbing system, or part thereof, set up for exhibition purposes and has no connection with a water or drainage system; and is not in violation of any rules and regulations promulgated by the Department of Health and Human Services or the Department of Water.
- F. Mechanical permits. Mechanical permits are not required for any of the following:
1. Any portable heating appliance.
  2. Any portable ventilating equipment.
  3. Any portable cooling unit.
  4. Any steam, hot, or chilled water piping within any heating or cooling equipment regulated by this title.
  5. Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this title.
  6. Any portable evaporative cooler.
  7. Any refrigerating equipment that is a part of the equipment for which a permit has been issued pursuant to the requirements of this title.
  8. Any unit refrigerating system.

18.04.030 – Permit applications.

- A. Application for permit. To obtain a permit, the permit applicant shall first file an application therefore in writing on a form furnished by the Building Official for that purpose applicant and, in addition to the fee prescribed therefore and at the time of making application for such permit, pay a permit fee as set forth in Section 18.06.010. One complete application for each permit shall be filed. A separate permit shall be obtained for each building or structure, except that a permit for any one- or two-family dwelling may include related accessory building and structure located on the same premises if such building or structure does not contain living quarters provided with cooking facilities. Every such application shall:
1. Identify and describe the work to be covered by the permit for which application is made.
  2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
  3. Indicate the use and occupancy for which the proposed work is intended.
  4. Be accompanied by construction documents and other information as required in Chapter 18.05.
  5. State the valuation of the proposed work.
  6. Be signed by the permit applicant, or the applicant's authorized agent, as required in Section 18.04.070.
  7. Give such other data and information as required by the Building Official.

8. State the estimated quantities of excavation and fill, when applicable.
- B. Action on application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto, the Building Official shall issue a permit pursuant to Section 18.04.040.
- C. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned after the date of filing, unless such application has been pursued in good faith and plans examination have not expired pursuant to Section 18.05.060 or a permit has been issued and have not expired pursuant to Section 18.04.060.

18.04.040 – Permit issuance.

- A. Issuance. When the Building Official determines that the proposed work conforms to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto, including receiving approval from other departments or agencies in the City that regulate such proposed work, and that the fees and charges as set forth Chapter 18.06 and other liens, costs, and/or fees due to the City have been paid, the Building Official shall issue a permit therefore to the permittee meeting the requirement of Section 18.04.070.

EXCEPTIONS: The Building Official shall have the authority to withhold the issuance of permits under the following circumstances:

1. Harbor District. No permit shall be issued for the construction, extension, alteration, improvement, erection, remodeling or repair of any pier, slip, basin, wharf, dock or other harbor structure of any building or structure within the Harbor District, unless the Board of Harbor Commissioners has first granted permission authorizing such work to be done as provided in the charter of the City.
2. Marinas. No permit shall be issued for the construction, extension, alteration, improvement, erection, remodeling or repair of any pier, slip, basin, wharf, dock or other marina structure or any building or structure within the Alamitos Bay Marina, Downtown Shoreline Marina or Shoreline Harbor Marina unless the Manager of the Marine Bureau has first granted permission authorizing such work to be done.
3. Fault studies zone. No permit shall be issued for projects located within a special (fault) studies zone established under Chapter 7.5, Division 2, of the California Public Resources Code unless it can be demonstrated through accepted geologic seismic studies that the proposed structure will be located in a safe manner and not over or astraddle the trace of an active fault. Acceptable geologic seismic studies shall meet the criteria as set forth in rules and regulations established by the Building Official to ensure that such studies are based on sufficient geologic data to determine the location or nonexistence of the active fault trace on a site. Prior to approval of a project, a geologic report defining and delineating any hazard of surface fault rupture shall be required. If the City finds that no undue hazard of this kind exists, the geologic report on such hazard may be waived, with approval of the State Geologist.
4. Fills containing decomposable material. No permit shall be issued for buildings or structures regulated by this title within one thousand (1,000) feet of fills containing rubbish or other decomposable material unless the fill is isolated by approved natural or manmade protective systems or unless designed according to the recommendations contained in a report prepared by a registered design professional licensed in the State of California to practice as

such. Such report shall contain a description of the investigation, study and recommendation to minimize the possible intrusion, and to prevent the accumulation of explosive concentrations of decomposition gases within or under enclosed portions of such building or structure. At the time of the final inspection, the registered design professional shall furnish a signed statement attesting that the building or structure has been constructed in accordance with his or her recommendations as to decomposition gases required herein. Buildings or structures regulated by this title shall not be constructed on fills containing rubbish or other decomposable material unless provision is made to prevent damage to structure, floor, underground piping and utilities due to uneven settlement of the fill. One-story light frame accessory structures not exceeding four hundred (400) square feet in area nor twelve (12) feet in height may be constructed without special provisions for foundation stability.

- B. Phased approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this title. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.
- C. Placement of permit. The permit or copy shall be kept on the site of the work until the completion of the project.

18.04.050 – Validity of permit.

A. Limit of authorization.

- 1. The issuance or granting of a permit is not an approval or an authorization of the work specified therein. A permit is merely an application for inspection, the issuance of which entitles the permittee to inspection of the work that is described therein.
- 2. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data.
- 3. Permits issued under the requirements of this title shall not relieve the owner of responsibility for securing required permits for work to be done which is regulated by any other title, code or other ordinances of the City or laws and statutes of the State.
- 4. All work are subject to the following conditions: If the work described by a valid permit is prohibited by a change in the municipal code, then such work may be completed only if the Building Official determines that both substantial liabilities have been incurred, and substantial work has been performed on site, in accordance with the terms of that permit. Work performed and liabilities incurred pursuant to a demolition or moving permit shall not be considered in determining whether an owner may complete a building or structure for which a permit has been issued.

- B. Validity of other laws. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Permits presuming to give authority to violate or cancel the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State shall not be valid. The Building Official is authorized to prevent occupancy or use of a structure pursuant to Section 18.03.020 where in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

- C. Official grades. The permittee shall decide the correctness of proposed structure elevations and locations with respect to the official grades of public streets and to the policy of the Department of Public Works relative to the location and length of curb depressions for driveways.
- D. Easements. Before the issuance or granting of a permit, the Building Official shall require a declaration, under penalty of perjury, from the owner or agent having the property owner's consent stating that: "The proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided."

18.04.060 – Expiration, suspension, revocation and transfer of permit.

- A. Expiration. Every permit issued shall be valid for a period of two (2) years from the date after its issuance; provided however that every permit issued shall expire on the ninetieth (90th) day after its issuance if the work on the site authorized by such permit has not commenced or has not been inspected as required by Chapter 18.07; or shall expire whenever the Building Official determines the work authorized by such permit has been suspended, discontinued or abandoned or has not been inspected as required by Chapter 18.07 for a continuous period of ninety (90) days after the time the work has commenced.

EXCEPTION: If the holder of any permit issued by the Building and Safety Bureau presents satisfactory evidence that unusual construction difficulties has prevented work from being started or continued without being suspended, discontinued or abandoned or the work has not been inspected within the ninetieth (90th) day time period or completed within the two-year period of validity, the Building Official may grant extensions of time reasonably necessary because of such difficulties. The extension shall be requested in writing on a form furnished by the Building Official for that purpose and justifiable cause is demonstrated pursuant to Section 18.03.050.

Notwithstanding the provisions of this subsection to the contrary, the time limit of a permit may be further restricted under the following conditions:

1. In the case of a building or structure that has been ordered repaired, rehabilitated, vacated or demolished in accordance with this title; ordered to correct a violation of this title in accordance with Chapters 18.03 and 18.20; or in the case of a responsible person that has been ordered to correct a violation or unsafe condition of a building or structure pursuant to Chapters 8.76, 9.37, or 9.65, such time limits as specified therein shall apply.
  2. The Building Official may, because of unusual circumstances or conditions such as, but not limited to, the repair, rehabilitation, vacation or demolition of an imminently hazardous, substandard, or dangerous building or structure, or a grading operation that may be subject to flooding during the rainy season between October 1st to April 15th, impose restrictions upon the time limits for expiration of any permit.
  3. Permit issued for temporary structures or uses shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) days within the last twelve (12) months.
  4. Permit issued for moving buildings and structures pursuant to Chapter 18.60 shall be limited as specified in Section 18.60.190.
  5. Permit issued to complete the required work pursuant to Subsection 18.04.060.B shall be limited to thirty (30) days or such time limits as determined by the Building Official from the date of the permit issuance.
- B. Unfinished buildings or structures. Whenever the Building Official determines by inspection that work on any building or structure for which a permit has been issued and the work started thereon

has been suspended, discontinued or abandoned for a continuous period of ninety (90) days or more or the permit expired after the two-year period of validity, the owner of the property upon which such building or structure is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official to do so, shall, within thirty (30) days or such time limits as specified therein from the date of such written notice, obtain a new permit to complete the required work, pay the fee of one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original approved construction documents for such work, and diligently pursue the work to completion and provided, further, that such suspension, discontinuance or abandonment has not exceeded one hundred eighty (180) days; or shall remove or demolish the building or structure within ninety (90) days or such time limits as specified therein from the date of the written notice.

- C. Restore to original condition. Permits that have expired shall have the site, building or project restored to the condition that existed immediately prior to the commencement of work described by such permit.
- D. Suspension or revocation. The Building Official shall have the authority to, in writing, suspend or revoke a permit issued under provisions of this title whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information supplied, or in violation of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
- E. Transfer of permit. Active permits required by this title may be transferred to a qualified person meeting the requirement of Section 18.04.070 for a fee as set forth in Section 18.06.170.

18.04.070 – Requirement and responsibility of permittee.

- A. Permittee. Permits as required by this chapter shall be issued only to the following individuals:
  - 1. A duly licensed contractor acting in compliance with the provisions of Sections 7000 through 7199 of the California Business and Professions Code and the Business License Regulations set forth in Title 5 of the municipal code, provided a written and signed statement from the duly licensed contractor stating that he or she is licensed, the number of the license and that it is in full force and effect as required by Section 7031.5 of the California Business and Professions Code.
  - 2. An owner of a one- or two-family dwelling and related accessory building or structure acting in compliance with the provisions of Section 7044 of the California Business and Professions Code; provided however that the improvements of the property are not intended or offered for sale, the owner occupies or intends to occupy one (1) of the units where such permit is to be obtained for the twelve (12) months prior to the completion of the work, and the owner has not performed work on more than two (2) buildings or structures during any three-year period.
  - 3. An owner-builder acting in compliance with the provisions of Section 7044 of the California Business and Professions Code; provided however that the owner-builder does the work himself or herself or through his or her own employees, with wages as their sole compensation, and the structure(s) is/are not intended for sale; or the owner-builder contracts with properly licensed subcontractors for the construction of a single-family residential structure and limits the number of structures intended or offered for sale to four (4) or fewer in a calendar year.
  - 4. A responsible person not acting in violation of Chapter 9 (commencing with Section 7000) of Division 3 of the California Business and Professions Code and the Business License Regulations set forth in Title 5 of the municipal code; provided a written and signed statement by the responsible person giving the basis for the alleged exemption from licensure under the Contractors' State License Law.

- B. Workers' compensation insurance verification. The Building Official is required by Section 3800(a) of the California Labor Code to verify workers' compensation insurance prior to issuing a permit. The permittee shall sign a declaration under penalty of perjury verifying Workers' Compensation Coverage or exemption from coverage as required by Section 19825 of the California Health and Safety Code.
  
- C. Responsibility. Permits shall be presumed to incorporate the provision that the permittee, the permittee's agent, employees, contractors or subcontractors shall carry out the proposed work in accordance with the approved construction documents and with all provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto.



## **CHAPTER 18.05 SUBMITTAL DOCUMENTS**

18.05.010 – General.

18.05.020 – Number of construction documents.

18.05.030 – Construction documents.

18.05.040 – Examination of construction documents.

18.05.050 – Design professional in responsible charge.

18.05.060 – Expiration of plan examination.

18.05.070 – Retention and maintenance of construction documents.

## CHAPTER 18.05 SUBMITTAL DOCUMENTS

### 18.05.010 – General.

Submittal documents consisting of construction documents, written record of computations, statement of special inspections, geotechnical report and other pertinent data shall be submitted with each permit application. The construction documents shall be prepared by a registered design professional licensed in the State of California to practice as such. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if the Building Official finds that the nature of the work applied for is such that the review of construction documents is not necessary to obtain compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

### 18.05.020 – Number of construction documents.

Each application for a permit shall be accompanied by one (1) set of submittal documents for each type of plan examination or as determined by the Building Official.

### 18.05.030 – Construction documents.

#### A. Information on building or structure required.

1. Construction documents shall be dimensioned and drawn with ink or indelible pencil upon suitable material, or shall be made by a reproduction process approved by the Building Official. Electronic media documents are permitted to be submitted when approved by the Building Official. The first sheet of each set of construction documents shall give the street address of the work and the name and address of the owner of the building.
2. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this title and relevant laws, ordinances, rules and regulations, as determined by the Building Official.
3. Construction documents for buildings of other than one- or two-family dwelling and related accessory building and structure shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.
4. In lieu of detailed specifications, the Building Official may approve reference on the construction documents to a specific section, subsection or paragraph of this title, municipal code or other ordinances of the City or laws and statutes of the State.
5. Distances and dimensions on the construction documents, when required to show conformity with the provisions of this title, shall be done in figures.
6. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress, including the path of exit discharge to the public way, in compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

7. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. The construction documents shall provided details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.
8. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.
9. When required by Section 1704.3 of the California Building Code adopted in Chapter 18.40, a statement of special inspection prepared by the registered design professional in responsible charge of the project shall be included with the construction documents.
10. The construction documents shall show all mitigation measures required under the National Pollutant Discharge Elimination System (NPDES) permit issued to the City of Long Beach and the requirements of the Standard Urban Storm Water Mitigation Plan (SUSMP) mandated by the California Regional Water Quality Control Board in accordance with Chapter 18.61 NPDES and SUSMP Regulations.
11. For buildings located in whole or in part in flood hazard areas as established in Section 1612 of the California Building Code adopted in Chapter 18.40, Table R301.2(1) of the California Residential Code adopted in Chapter 18.41, or Chapter 18.73 Flood Resistant Design and Construction, the construction documents shall include flood hazard documentations and design flood elevation information as required by provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
12. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grade and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the locations and size of existing structures and construction that are to remain on the site or plot.  
  
EXCEPTION: The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted. Furthermore, the Building Official is authorized to grant the omission of a site plan when the proposed work is of such a nature that no information is needed to determine compliance with all laws relating to the location of buildings or occupancies.
13. When a structural design is required for the purpose of obtaining a permit, it shall be justified by a written record of computations filed with the Building Official and each sheet of the construction documents and written record of computations shall be signed by or bear the approved stamp of a registered design professional licensed by the State of California to practice as such. On structures which do not require a registered design professional's signatures according to Article 3, Chapter 7, Division 3, of the California Business and Professions Code but do require some structural design, the person responsible for such design shall sign the calculations and the sheets of the construction documents having engineering details thereon.
14. When reports are required by this subsection, recommendations included in the approved soils engineering report and engineering geology report shall be incorporated into the grading construction documents, including the dates of the soils engineering and engineering geology

reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports. A copy of the soils engineering report and engineering geology report shall be attached to the approved set of grading construction documents and kept at the job site. Reports shall be submitted to the Building Official for review and approval in, but not limited to, the following circumstances:

- a. When required by Section 1803 of the California Building Code adopted in Chapter 18.40.
- b. When required by Section 1806 of the California Building Code adopted in Chapter 18.40 to determine the classification, strength or compressibility of the soils for the purpose of assigning presumptive load-bearing values of soils and lateral sliding resistance.
- c. When projects are located on sites designated as Alquist-Priolo (Fault) Studies Zone.
- d. When previously unknown adverse soils or geologic conditions are revealed during construction.

The soils engineering report required by this section shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

The engineering geology report required by this section shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

EXCEPTIONS:

1. A soils and geological report is not required where the Building Official determines that the nature of the work applied for is such that a report is not necessary.
2. A liquefaction study is not required where the Building Official determines from established local data that the liquefaction potential is low.

All soils engineering and engineering geology reports shall comply with rules and standards established by the Building Official.

15. The increase in area permitted by Sections 506 and 507 of the California Building Code adopted in Chapter 18.40 shall not be allowed unless or until the owner of the required yard shall file with the Building Official an agreement binding such owner, heirs and assignees, to set aside the required yard as an unobstructed space having no improvements. Such agreement shall be recorded in the County Recorder's Office.

B. Information on grading required.

1. Application for a grading permit shall be accompanied by grading construction documents prepared and signed by a registered design professional licensed by the State of California to practice as such. The first sheet of each set of grading construction documents shall give location of the work, the name and address of the owner and the person by whom they were prepared. The grading construction documents shall include, but not be limited to, the following information:
  - a. General vicinity of the proposed site.

- b. Property limits and accurate contours of existing ground and details of terrain and area drainage.
  - c. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
  - d. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.
  - e. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within fifteen (15) feet of the property or which may be affected by the proposed grading operations.
  - f. The location of the top and toe of all cuts and fills, the location of all "daylight" lines, the amount of cut and fill, the location of disposal site for excess material, if known, and the estimated dates for starting and completing grading work.
2. Grading construction documents shall be prepared by a registered land surveyor or registered civil engineer licensed in the State of California to practice as such when the property location and its limits are not clear.

EXCEPTION: Portions of the aforementioned grading construction documents requirements may be waived by the Building Official if he or she finds that the information on the application and/or submitted plans is sufficient to show that the work will conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

3. The Building Official is authorized to require professional inspection and testing by the soils engineer. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineering grading.

C. Information on electrical required.

1. When required by the Building Official for the enforcement of any provision of this title, construction documents for the installation of electrical wiring or equipment shall be filed with the Building Official and approved prior to the issuance of any permit.
2. Construction documents shall include sufficient information to demonstrate compliance for installations required to comply with the rules and regulations adopted by the California Energy Commission.
3. The construction documents shall show the following:
  - a. Construction documents shall be of sufficient clarity to show that the proposed electrical installation will conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
  - b. First sheet of each set of construction documents shall show the address of the proposed work and the name and address of the owner or lessee of the premises.
  - c. Layout of the proposed electric systems for each floor or area, including dimensions of all working spaces, a full scope of the project and a legend of all symbols used.
  - d. The type, location and capacity of all service equipment.

- e. The size and the length of all service raceways to the manhole, vault or pole of the serving agency or to the service head.
- f. The size of all raceways and the length of all feeder raceways.
- g. The dimensions of all pull or junction boxes larger than four inches trade size.
- h. The number, size, and type of all conductors to be installed in wiring enclosures.
- i. The location of every proposed outlet and switch in all parts of the building or structure including all fixed showcases, wall cases, and similar wiring.
- j. The wattage or ampere ratings of each outlet for noninductive loads and the volt-ampere rating of each unit or transformer for electric discharge lighting.
- k. The location, voltage, and H.P. rating of every motor and the K.W. rating of every generator. The type and code letter of every A.C. motor shall be given unless otherwise satisfactory to the Building Official.
- l. The location and K.V.A., or equivalent rating of each transformer, capacitor, ballast, converter, frequency changer, and similar equipment and the location and ampere or wattage rating of other appliances of the noninductive type.
- m. Details of panelboard, switchboard, and distribution centers, showing type and arrangement of switches, overcurrent devices, and general control equipment.
- n. Panelboard and switchboard schedules showing wattage and amperage, the number of active branch circuits to be installed, and the number of spare branch circuits for future use. This shall include identifying the circuits to which the outlets are connected.
- o. The existing load, as calculated in accordance with Articles 210 and 220 of the California Electrical Code adopted in Chapter 18.42 or by other methods satisfactory to the Building Official, shall be indicated for existing installations having alterations or additions made to them.
- p. Other additional information as the Building Official may consider necessary for proper enforcement of this title.
- q. On all occupancies indicating location, rating and method being served for all new and existing power distribution equipment.
- r. Any or all engineering calculations as applicable for the installation.
- s. Interconnected wiring between all devices in each branch circuit from any panelboard or switch-board to the last device or load.
- t. Location of grounding and bonding, including but not limited to grounding electrode conductor sizes and length, grounding electrode(s) to be utilized, termination locations of all grounding electrode conductors, main and system bonding jumpers.
- u. Available fault current and documentation of preliminary design approval from Southern California Edison where the service is new or upgraded.
- v. Construction documents for buildings more than two (2) stories in height of other than one- or two-family dwelling and related accessory building or structure shall indicate how

required structural and fire resistive integrity will be maintained where a penetration will be made for electrical conduits, pipes and similar systems.

4. All electrical materials, devices, appliances and equipment installed or used in the City shall be in conformity with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Conformity with the standards of the Underwriters' Laboratories, Inc., as approved by the American Standards Association, or other approved testing laboratory, shall be prima facie evidence of conformity with approved standards for safety to life and property. Previously used material shall not be reused in any work without the written approval obtained in advance from the Building Official.

D. Information on plumbing required.

1. When required by the Building Official for the enforcement of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, construction documents for the installation of any plumbing, water piping, gas piping, waste and vent piping, water heater, water heater vents, water treating equipment, or any appliance or device shall be filed with the Building Official and approved prior to the issuance of any permit.
2. The construction documents shall show the following:
  - a. Construction documents shall be of sufficient clarity to show that the proposed plumbing installation will conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
  - b. First sheet of each set of construction documents shall show the address of the proposed work and the name and address of the owner or lessee of the premises.
  - c. Layout of the proposed plumbing systems for each floor or area, including dimensions of all working spaces, a full scope of the project and a legend of all symbols used.
  - d. Location, size and material of all plumbing pipes and fixtures.
  - e. System riser or isometric diagrams shall be provided for all drainage, waste and vent, fuel gas, potable water, storm drain, rain water, sump pump, combination waste and vent and standpipe systems.
  - f. Construction documents for buildings more than two (2) stories in height of other than one- or two-family dwelling and related accessory building or structure shall indicate how required structural and fire resistive integrity will be maintained where a penetration will be made for plumbing pipes and similar systems.

E. Information on mechanical required.

1. When required by the Building Official for the enforcement of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, construction documents for the installation of environmental heating or cooling systems, refrigeration systems, absorption systems, ventilation systems and hoods shall be filed with the Building Official and approved prior to the issuance of any permit.
2. Construction documents shall include sufficient information to demonstrate compliance for installations required to comply with the rules and regulations adopted by the California Energy Commission.
3. The construction documents shall show the following:

- a. Construction documents shall be of sufficient clarity to show that the proposed mechanical installation will conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
- b. First sheet of each set of construction documents shall show the address of the proposed work and the name and address of the owner or lessee of the premises.
- c. Layout for each floor with dimensions of all working spaces and a legend of all symbols used.
- d. Location, size and materials of all air ducts, air inlets and air outlets.
- e. Location of all fans, warm-air furnaces, boilers, absorption units, refrigerant compressors and condensers and the weight of all pieces of such equipment weighing two hundred (200) pounds or more.
- f. Rated capacity or horsepower of all boilers, warm-air furnaces, heat exchangers, blower fans, refrigerant compressors and absorption units.
- g. Location, size and material of all combustion products, vents and chimneys.
- h. Location and area of all ventilation and combustion air openings and ducts.
- i. Location of all air dampers, fire dampers, smoke- control dampers and combustion-products-type smoke detectors.
- j. The information necessary to show compliance of the mechanical equipment with the California Energy Code adopted in Chapter 18.46.
- k. The occupancy of each area served by any heating, air-conditioning or ventilation system.
- l. The location of all required fire-resistive separations that are penetrated by ducts or openings of any heating, air-conditioning or ventilation system.
- m. The complete drawings of all commercial hoods and ventilation systems, including the cooking appliances served by the hoods, and verify:
  - i. The interconnection of the fire-extinguishing system and fuel shutoff devices.
  - ii. Compliance with Department of Health and Human Services requirements.
  - iii. Compliance with South Coast Air Quality Management District requirements.
- n. The weight of any equipment weighing more than that specified in Chapter 13 of ASCE 7.
- o. Construction documents for buildings more than two (2) stories in height of other than one- or two-family dwelling and related accessory building or structure shall indicate how required structural and fire resistive integrity will be maintained where a penetration will be made for mechanical conduits, pipes and similar systems.

18.05.040 – Examination of construction documents.

- A. General. When the permit applicant, in addition to the fee prescribed therefore and at the time of making application for such permit, pay a plan examination fee as set forth in Section 18.06.020, the Building Official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and



described is in accordance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

- B. Approval of construction documents. When the Building Official issues a permit pursuant to Section 18.04.040, the construction documents shall be approved, in writing or by stamp, as "APPROVED." One set of approved construction documents shall be retained and maintained pursuant to Section 18.05.070.
- C. Previous approvals. This title shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith and has not been expired, suspended, discontinued or abandoned pursuant to Subsection 18.04.060.A or expired pursuant to Section 18.05.060.
- D. Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.
- E. Approved construction documents on job. One (1) set of approved construction documents issued to the permit applicant shall be kept at the site of the construction or work at all times during which the work authorized thereby is in progress and shall be available and open to inspection by the Building Official. Any deviation from the stamped or approved construction documents shall be in accordance with Subsection 18.05.040.D.
- F. Re-examining construction documents.
  - 1. Re-examining construction documents prior to approval. When construction documents have been examined and are subsequently so revised by the permit applicant for reasons other than plan examination correction as to necessitate re-examination, the Building Official shall require the permit applicant to pay a re-examination fee as set forth in Section 18.06.030 which would be required for the cost of that portion of the construction or work which has been revised. No additional permit fee will be required unless the revision increases the total cost of the entire project. In that event, the Building Official shall require the permit applicant to pay an additional permit fee based on the additional cost.

EXCEPTION: No additional plan examination fee shall be charged for verification of the corrections required by the Building Official.

- 2. Re-examining construction documents after approval. When construction documents are resubmitted for examination of changes made to previously approved construction documents, the permit applicant shall pay a re-examination fee as set forth in Section 18.06.030.

18.05.050 – Design professional in responsible charge.

- A. General. When it is required that documents be prepared by a registered design professional licensed in the State of California, the Building Official shall be authorized to require the owner to engage and designate on the permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner may designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

B. Deferred submittals.

1. For the purposes of this section, deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the Building Official within a specified period.
2. Deferral of any submittal items shall have prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.
3. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until the Building Official has approved the deferred submittal documents.

C. Structural observation. Where structural observation is required by Section 1710 of the California Building Code adopted in Chapter 18.40, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

18.05.060 – Expiration of plan examination.

If after a period of one (1) year from date of application for permit, any permit applicant has failed to pay for and obtain a permit pursuant to Subsection 18.04.040.A, such application and examination fee shall become invalid and no permit shall be issued unless a new application is submitted and a new examination fee paid pursuant to Section 18.06.020. Construction documents submitted at the time of application may be destroyed if after a period of one (1) year from date of application no permit has been paid for or issued.

EXCEPTION: The Building Official is authorized to grant one (1) or more extensions of time for additional periods not exceeding one hundred eighty (180) days each. The extension shall be requested in writing on a form furnished by the Building Official for that purpose and justifiable cause is demonstrated pursuant to Section 18.03.050.

18.05.070 – Retention and maintenance of construction documents.

- A. Retention of construction documents. The duplicate approved construction documents of every building or structure shall be stamped and retained by the Building Official for a period of not less than one (1) year from the date of completion of the work covered therein, after which time the Building Official may, at his or her discretion, either dispose of the copies or retain them as a part of the permanent files of the Building Official as required by Section 19850 of the California Health and Safety Code. Before issuing a permit, the Building Official shall collect a fee pursuant to Section 18.06.090 for maintaining construction documents that are required to be retained by this section.

EXCEPTIONS: Construction documents for the following need not be maintained, except where required by the Building Official:

1. Single or multiple dwellings in areas which are not part of a common interest development (as defined in Section 1351 of the California Civil Code), and not more than two (2) stories and basement in height;

2. Garages and other structures appurtenant to buildings described in Exception 1 of this subsection;
  3. Farm or ranch buildings; and
  4. Any one-story building where the span between bearing walls does not exceed twenty-five (25) feet. This exception does not, however, apply to a steel frame or concrete building.
- B. Inspection of construction documents. The copy of the approved construction documents maintained by the Building Official as provided by Subsection 18.05.070.A may be available for inspection only on the premises of the Building Official.

EXCEPTION: Construction documents for banks, other financial institutions or public utilities that are maintained by the Building Official may not be inspected without written permission from the owner of the building.

- C. Reproduction of construction documents. Construction documents maintained by the Building Official under Subsection 18.05.070.A may not be duplicated in whole or in part except with the written permission of the certified, licensed or registered professional or his or her successor, if any, who signed the original documents, and the written permission of the original or current owner of the building, or, if the building is part of a common interest development, with the written permission of the board of directors or governing body of the association established to manage the common interest development; upon request by any State agency; or by order of a proper court. In implementing this provision, the Building Official shall comply with the requirements of Section 19851 of the California Health and Safety Code.

The Building Official shall also furnish the form of an affidavit to be completed and signed by the person requesting to duplicate the official copy of the construction documents, which contains provisions stating the following:

1. That the copy of the construction documents shall only be used for the maintenance, operation and use of the building;
2. That drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed or registered professional of record; and
3. That Sections 5536.25(a) and 6735(b) of the California Business and Professions Code States that a registered design professional who signs construction documents shall not be responsible for damage caused by subsequent changes to, or use of, those construction documents where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the registered design professional who originally signed the construction documents, provided that the service rendered by the registered design professional who signed the construction documents was not also a proximate cause of the damage.

The fees specified in the following item 1 or 2 shall be paid by the person requesting duplication of construction documents:

1. Construction documents that have not been microfilmed and are authorized for reproduction to be duplicated by other than City services will be released only to a Department authorized duplicating service. The person requesting duplication shall pay the cost of duplicating the construction documents directly to the duplicating service. That person shall pay a processing fee for each set of construction documents released to the Building Official as determined by Section 18.06.120.

2. Construction documents that have been microfilmed and are authorized for reproduction shall be duplicated by City services or vendors. The Building Official shall collect an initial service fee for each request for reproduction of construction documents plus an additional fee for each sheet requested to be photocopied as determined by Section 18.06.120.
- D. Withdrawal of construction documents. The Building Official shall not permit any original construction documents, or portions thereof upon which a permit has been issued, to be withdrawn from the office of the Building Official, except for official use by representatives of the City.

## CHAPTER 18.06 FEES

- 18.06.010 – Permit fees.
- 18.06.020 – Plans examination fees.
- 18.06.030 – Plans re-examination fees.
- 18.06.040 – Re-inspection fee.
- 18.06.050 – Special inspection fee.
- 18.06.060 – Fees for verification reports.
- 18.06.070 – Investigation fees—Work without a permit.
- 18.06.080 – Code enforcement fees.
- 18.06.090 – Construction document maintenance fee.
- 18.06.100 – Board of appeals fees.
- 18.06.110 – Fee for verifying and reproducing permit records.
- 18.06.120 – Processing fee for reproducing construction document records.
- 18.06.130 – Oil and gas well record search.
- 18.06.140 – Oil or gas well abandonment.
- 18.06.150 – Service connection fee.
- 18.06.160 – Code modification and alternate fees.
- 18.06.170 – Transfer of permit fee.
- 18.06.180 – Temporary Certificate of Occupancy fee.
- 18.06.190 – Waiver of fees.
- 18.06.200 – Refunds.

## CHAPTER 18.06 FEES

### 18.06.010 – Permit fees.

- A. Building permit fees. A building permit (exclusive of subtrade permits) shall be issued for each building or structure to be erected or upon which work is to be done thereunder when required pursuant to Section 18.04.010 and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the estimated total cost of the work proposed to be done, in accordance with the building permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.73 Flood Resistant Design and Construction shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.74 Low Impact Development Standards shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Sections 1.8.2.1.2 and 1.9.1 of Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Section 2700, Chapter 8, Division 2 of the California Public Resources Code, the State's Strong Motion Instrumentation Program, shall pay an additional fee as set forth in Section 2705, Chapter 8, Division 2 of the California Public Resources Code.

In addition to the above, projects regulated under Article 1-10 in Chapter 1 of Title 24, Part 1, of the California Code of Regulations, the State's Building Standards Administration Special Revolving Fund, shall pay an additional fee as set forth in Section 18931.6 of the California Health and Safety Code.

EXCEPTION: A single combined permit may be issued for the following:

1. The construction, addition or alteration of any building or structure of a one- or two-family dwelling and related accessory building and structure, which includes all building, electrical, plumbing, heating, ventilating, and air conditioning work; or
2. The construction, addition or alteration of any sign or sign support structure, which includes all building and electrical work.

The total permit fee for the combined building permit shall be as set forth in the schedule of fees and charges established by City Council resolution.

- B. Grading permit fees. A grading permit shall be issued to each property or site upon which grading work is to be done thereunder when required pursuant to Subsection 18.04.010.B, and for each such permit the permit applicant shall pay a filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a grading permit fee computed on the basis of the estimated total cubic yard of work proposed to be done as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.74 Low Impact Development Standards shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- C. Electrical permit fees. An electrical permit shall be issued for each building or structure upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.C, and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the proposed work to be done in accordance with the electrical permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

NOTE: For any electrical installation for which an electrical permit is required, but for which no fee is provided in this section, the electrical permit fee shall be based on the valuation of the electrical work and determined by Subsection 18.06.010.A.

Each point at which a lamp holding device, or group of lamp holding devices, is attached shall be considered to be an electrical outlet for which a fee is provided and required, and the lamp holding device shall be considered to be an electrical fixture for which a fee is provided and required.

- D. Plumbing permit fees. A plumbing permit shall be issued for each building or structure upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.D, and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the proposed work to be done in accordance with the plumbing permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

NOTE: For the purpose of this subsection, a plumbing outlet to which a fixture may be attached shall be considered a plumbing fixture, and any appliance or device which connects directly or

indirectly with the soil, waste or water system, or requires a trap or vent, shall be considered a plumbing fixture, and shall include water heaters, boilers and any type of water treating device.

- E. Mechanical permit fees. A mechanical permit shall be issued for each building or structure upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.E, and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the proposed work to be done in accordance with the mechanical permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- F. Sign permit fees. A sign permit shall be issued for each sign or sign support structure to be erected or upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.G, and for each such permit the permit applicant shall pay a filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a sign permit fee computed on the basis of the estimated total cost of the work proposed to be done as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- G. Determining valuation. The determination of value or valuation under any of the provisions of this title shall be made by the Building Official. The value to be used in computing the permit and plan examination fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

No person shall willfully or negligently withhold from or misrepresent to the Building Official any information he or she may request relative to the estimated cost of any proposed work for which an application for a permit has been filed, or misrepresent the cost of any such work. The determination or collection of fees based upon incorrect information and other data supplied by the permit applicant shall not prevent the Building Official from subsequently requiring the correction of the error in determining or collecting the appropriate fees.

#### 18.06.020 – Plans examination fees.

Except where the Building Official has determined that the submittal of construction documents and other data are not required if the Building Official finds that the nature of the work applied for is such that the examination of construction documents is not necessary to obtain compliance with this title, plans examination and the fees for such examination shall be required for the following:

- A. Buildings and structures plans examination fees. Except as provided in this section, the permit applicant for a building permit shall, in addition to the fee prescribed therefore and at the time of making application for such building permit, pay a plans examination fee as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee. The plans examination fee for a combined permit shall be as set forth in the schedule of fees and charges established by City Council resolution for a building permit of the same valuation.



In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.73 Flood Resistant Design and Construction shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.74 Low Impact Development Standards shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Sections 1.8.2.1.2 and 1.9.1 of Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

EXCEPTIONS: No plans examination fee shall be required when the Building Official has determined that the submittal of construction documents and other data are not required if it is found that the nature of the work applied for is such that the examination of construction documents is not necessary to obtain compliance with this title.

- B. Grading plans examination fees. The permit applicant for a grading permit shall, in addition to the fee prescribed therefore and at the time of making application for such grading permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- C. Electrical plans examination fees. The permit applicant for an electrical permit shall, in addition to the fee prescribed therefore and at the time of making application for such electrical permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code, developed by the California Energy Commission shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- D. Plumbing plans examination fees. The permit applicant for an plumbing permit shall, in addition to the fee prescribed therefore and at the time of making application for such plumbing permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Sections 1.8.2.1.2 and 1.9.1 of Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- E. Mechanical plans examination fees. The permit applicant for a mechanical permit shall, in addition to the fee prescribed therefore and at the time of making application for such mechanical permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code, developed by the California Energy Commission shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- F. Signs and sign support structures plans examination fees. The permit applicant for a sign permit shall, in addition to the fee prescribed therefore and at the time of making application for such sign permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code, developed by the California Energy Commission shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- G. Express plans examination fees. At the request of the permit applicant, the Building Official may, at his or her discretion, provide plans examination services at other than normal working hours. An express plans examination fee, in addition to the plans examination fees charged elsewhere in this title, as set forth in the schedule of fees and charges established by City Council resolution shall be collected at the time of the request.

- H. Geologic reports review fees. A fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged for the review of geologic, soils engineering or geotechnical engineering reports submitted as required by State law for proposed development in seismic hazard zones, including but not limited to, fault rupture, liquefaction and landslide hazard zones or Section 18.05.030.A Item 14.

#### 18.06.030 – Plans re-examination fees.

When required by Section 18.05.040, the permit applicant shall pay a plan re-examination fee as set forth in the schedule of fees and charges established by City Council resolution. The plan re-examination fee in the case of a building, sign or subtrade permit shall be based on a rate as set forth in the schedule of fees and charges established by City Council resolution and the plan examination fee for a grading permit shall be as set forth in the schedule of fees and charges established by City Council resolution for the number of cubic yards replaced, removed or omitted that were not previously approved.

#### 18.06.040 – Re-inspection fee.

When required by Section 18.07.030, the permit applicant shall pay a re-inspection fee as set forth in the schedule of fees and charges established by City Council resolution.

18.06.050 – Special inspection fee.

- A. General. Upon request, the Building Official will make special inspections provided:
1. The permit applicant makes accessible and exposes elements or structures inspected;
  2. That the permit applicant pays a fee as set forth in the schedule of fees and charges established by City Council resolution for the following:
    - a. Building inspection,
    - b. Plumbing inspection,
    - c. Electrical inspection,
    - d. Mechanical inspection,
    - e. Housing inspection (dwellings),
    - f. Code inspection for business license,
    - g. Non-team inspection,
    - h. Team inspection,
    - i. Condominium conversion inspections,
    - j. Site inspection not otherwise covered.
- B. Additional inspection fee. A fee as set forth in the schedule of fees and charges established by City Council resolution per hour or fraction thereof shall be charged for inspections requiring in excess of one (1) hour.
- EXCEPTION: Within the scope of the special inspections, the Building Official may approve minor corrections or alterations involving work of a building, plumbing, mechanical or electrical nature with an aggregate total cost of two thousand dollars (\$2,000.00) or less.
- C. Off-hour inspection fee. For inspections performed on request at other than normal office hours, a fee as set forth in the schedule of fees and charges established by City Council resolution.

18.06.060 – Fees for verification of reports.

- A. Special inspection supervision fee. To supervise the performance of registered special inspectors required to be employed for certain types of work as provided by Section 18.07.080, a fee as set forth in the schedule of fees and charges established by City Council resolution for each type of work shall be paid at the time of permit issuance.
- B. Structural observation report fee. To verify that all structural observation reports required by Section 1704.5 of the California Building Code adopted in Chapter 18.40 have been received prior to the issuance of a Certificate of Occupancy, a fee as set forth in the schedule of fees and charges established by City Council resolution shall be paid at the time of permit issuance.

18.06.070 - Investigation fees—Work without a permit.

- A. Investigation. Whenever any work for which a permit is required by this title has been commenced without first obtaining such permit, a special investigation shall be made before a permit may be issued for such work.
- B. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this title with a minimum fee as set forth in the schedule of fees and charges established by City Council resolution. The payment of such investigation fee shall not exempt any person, firm or corporation from compliance with all other provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State nor from any penalty prescribed by law.

EXCEPTION: The investigation fee may be waived for emergency work when it is proved to the satisfaction of the Building Official that such work was urgently needed and it was impractical to obtain a permit prior to commencement of the work.

18.06.080 – Code enforcement fees.

- A. Purpose. The City incurs an extraordinary cost whenever it becomes necessary to undertake code enforcement proceedings to abate a substandard or dangerous property condition. The purpose of the code enforcement fee as required by this section is to recover a portion of these incurred costs.
- B. When required. Whenever a building permit is required to abate a substandard or dangerous condition as ordered by the Building Official, a code enforcement fee shall be paid in addition to the permit fee. The special code enforcement fee shall not be required if the abatement order of the Building Official is reversed on appeal to the Board of Examiners, Appeals and Condemnation, or by subsequent appeal to City Council, or by final subsequent appeal to City Council, or by final judgment of a court of competent jurisdiction.
- C. Fee. The code enforcement fee required by this title is as set forth in the schedule of fees and charges established by City Council resolution. The payment of the code enforcement fee shall not exempt any person, firm or corporation from compliance with all other provisions of this code nor from any penalty prescribed by law.

18.06.090 – Construction document maintenance fee.

Before issuing a permit, the Building Official shall collect a fee for maintaining construction documents that are required to be retained by Section 18.05.070. The amount of the construction document maintenance fee shall be as set forth in the schedule of fees and charges established by City Council resolution and shall be collected for each separate construction documents to be retained by the Building Official.

18.06.100 – Board of appeals fees.

- A. Board of Examiners, Appeals and Condemnation fee. A fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged to a person appealing to the Board of Examiners, Appeals and Condemnation pursuant to Section 18.10.020 the action of the Building Official in enforcing or interpreting the provisions of this title, including determinations relative to correction of substandard conditions in buildings and to abate nuisances.

EXCEPTION: For appeal involving condemnations and from corrective notices as provided for in this title, there shall be no required fee.

- B. Disabled Access Appeals Board fee. A fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged to a person appealing to the Disabled Access Appeals Board pursuant to Section 18.10.030 the action of the Building Official in

enforcing Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements.

18.06.110 – Fee for verifying and reproducing permit records.

A fee will be charged to verify permit and inspection records, including age of building. Reproduction of permit records may be obtained for a fee. The fee is as set forth in the schedule of fees and charges established by City Council resolution.

18.06.120 – Processing fee for reproducing construction document records.

A processing fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged to process a request for a copy of construction documents on record. A separate processing fee shall be paid for each construction document or set of construction documents involving a single site. The processing fee shall be in addition to fees charged to cover duplicating costs.

18.06.130 – Oil and gas well record search.

A fee as set forth in the schedule of fees and charges established by City Council resolution for each lot or parcel located in an oil zone shall be charged for a record search to determine the existence and location of subsurface gas or oil wells.

18.06.140 – Oil or gas well abandonment.

A fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged for the inspections required during the abandonment of an oil or gas well.

18.06.150 – Service connection fee.

When electrical connection by the utility company is necessary to supply such temporary use, the owner of the building or a duly authorized representative shall make application and pay a fee as set forth in the schedule of fees and charges established by City Council resolution for each service connection.

Each meter and meter switch is considered a separate service. The Building Official may impose such reasonable requirements and regulations in connection therewith as he or she may deem necessary.

18.06.160 – Code modification and alternate fees.

A. Code modification fee. A written application for code modification pursuant to Section 18.03.050 shall be submitted together with a filing fee as set forth in the schedule of fees and charges established by City Council resolution. An additional fee as set forth in the schedule of fees and charges established by City Council resolution per hour or fraction thereof shall be charged when staff review time exceeds one (1) hour.

B. Code alternate fee. A written application for alternate materials, design and methods of construction or equipment pursuant to Section 18.03.060 shall be submitted together with a filing fee as set forth in the schedule of fees and charges established by City Council resolution. An additional fee as set forth in the schedule of fees and charges established by City Council resolution per hour or fraction thereof shall be charged when actual staff review time exceeds one (1) hour.

EXCEPTION: The requirement for application and fees and charges may be waived by the Building Official for materials, products or methods which have been evaluated and listed by the International Code Council, the national research board, or other recognized agency.

18.06.170 – Transfer of permit fee.

Active permits transferred pursuant to Subsection 18.04.060.E shall pay a permit transfer fee as set forth in the schedule of fees and charges established by City Council resolution.

18.06.180 – Temporary Certificate of Occupancy fee.

Permit applicants requesting a Temporary Certificate of Occupancy pursuant to Section 18.08.040 shall pay an investigation fee as set forth in the schedule of fees and charges established by City Council resolution for which approval of temporary occupancy is sought with the minimum fee as set forth in the schedule of fees and charges established by City Council resolution. An additional investigation fee shall be paid to extend a Temporary Certificate of Occupancy beyond thirty (30) days in an amount as set forth in the schedule of fees and charges established by City Council resolution of the initial investigation fee as set forth in the schedule of fees and charges established by City Council resolution for each additional thirty (30) day period or fraction thereof.

18.06.190 – Waiver of fees.

The Director may waive any application fee imposed on or after October 1, 1996 pursuant to the provisions of this title or municipal code if the Director first finds as follows:

1. A permit has been issued which does not fully conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State; and
2. There is no evidence that the permit applicant, in seeking the permit intentionally sought to avoid conformance to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State; and
3. Substantial construction commenced in good faith reliance on that permit; and
4. Stoppage has been ordered subsequent to such commencement as a result of the failure of the permit to conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State; and
5. The application or applications for which a fee waiver is requested and granted are necessary in order to authorize the issuance of the permit in a manner fully conforming to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

18.06.200 – Refunds.

- A. General. No portion of any permit as required in this title shall be refunded to the permit applicant unless, prior to commencement of actual work thereunder, the proposal to do such work is abandoned, or it is discovered that such permit is void under provisions of this title, municipal code or other ordinances of the City. No portion of a checking fee shall be refunded to the permit applicant if any checking of the construction documents has been done in the office of the Building Official.
- B. Condition. Refunds shall be made in the calculated amount so determined in this section and under the conditions set forth in Sections 3.48.040 and 3.48.060 of the municipal code.
- C. Administration fee. Before any refund is made under this chapter, the Building Official shall deduct a percent as set forth in the schedule of fees and charges established by City Council resolution of the fee paid to pay for expenses incurred by the City in connection with accepting the construction documents, passing upon the application for or issuance of the permit, and the sum shall be deducted from the fee so paid and the balance paid to such person. If the person

entitled to the refund is an individual and such person becomes deceased, the refund may be made to such person or persons entitled to receive the money.

- D. Expiration. Any application for refund must be filed by the person entitled to receive such refund within the prescribed expiration period in Subsection 18.06.200.B.

## CHAPTER 18.07 INSPECTIONS

- 18.07.010 – General.
- 18.07.020 – Inspection record card.
- 18.07.030 – Inspection requests.
- 18.07.040 – Approval required.
- 18.07.050 – Required inspections.
- 18.07.060 – Surveys.
- 18.07.070 – Non-inspected work.
- 18.07.080 – Special inspections.



## CHAPTER 18.07 INSPECTIONS

### 18.07.010 – General.

- A. **Inspection.** All construction or work for which a permit is required shall be subject to inspection by Section 18.07.050 and such construction or work shall remain accessible and exposed for inspection purposes until approved. Certain types of construction shall have special inspections by registered special inspectors as specified in Section 18.07.080 and Section 1704 of the California Building Code adopted in Chapter 18.40. Prior to the issuance of a Certificate of Occupancy as specified in Section 18.08.010, a final inspection in accordance with Section 18.07.050 shall be made by the Building Official of all construction or work for which a permit has been issued.
- B. **Liability.** Neither the Building Official, authorized employees of the Department, nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

### 18.07.020 – Inspection record card.

The Building Official shall furnish with each permit an inspection record card to be posted in a conspicuous place on the front premises (or electric meter box) and in such position as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. The inspection record shall show the location, nature of work to be done, the number of the permit and list the required inspections.

When any of the required inspections pursuant to Section 18.07.050 have been made and that portion of the work is approved, the inspector shall so record on the permit card posted on the job.

### 18.07.030 – Inspection requests.

- A. **General inspection request.** It is the duty of the permit holder or their duly authorized agent to notify the Building Official when work is ready for inspection and to provide access to and means for inspections of such work that are required by this title. The Building Official may require that every request for inspection be filed at least one (1) working day before such inspection is desired. Such request may be in writing, by telephone or by other means at the option of the Building Official.
- B. **Re-inspection request.** To obtain a re-inspection, the permit applicant shall request such inspection pursuant to Subsection 18.07.030.A. A re-inspection fee in Section 18.06.040 may be charged for the following:
  - 1. For each inspection or re-inspection when the portion of work for which the inspection or re-inspection is called is not complete or when the correction called for is not made.

NOTE: This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this title, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

- 2. When the permit card is not properly posted on the work site, the approved construction documents are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from the approved construction documents requiring the approval of the Building Official.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

18.07.040 – Approvals required.

No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. The Building Official, upon notification pursuant to Section 18.07.030 by the person, firm or corporation performing the work, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or their duly authorized agent wherein the same fails to comply with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required or conditions stipulated in Section 18.07.050. There shall be a final inspection and approval on all buildings or equipment installations when completed and ready for occupancy or use.

EXCEPTIONS:

1. For temporary connection, the Building Official may give written permission to furnish electric current to or the use of electric current through any electrical wiring if such electrical wiring may be used safely for such purposes, and that there exists an urgent necessity for such use.
2. The requirements of this section shall not be considered to prohibit the operation of any heating equipment installed to replace existing heating equipment serving an occupied portion of a building, in the event a request for inspection of such heating equipment has been filed with the Building Official not more than forty-eight (48) hours after such replacement work is completed, and before any portion of such equipment is concealed by any permanent portion of the building.

18.07.050 – Required inspections.

- A. Building. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspections set forth in items 1 through 13, if applicable.
  1. Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
  2. Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after all in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
  3. Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Chapter 18.73 Flood Resistant Design and Construction or Section 1612.5 of the California Building Code adopted in Chapter 18.40 shall be submitted to the Building Official. A final elevation certification shall be submitted to the Building Official prior to making a request for final inspection.
  4. Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

5. Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
  6. Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.
  7. Energy efficiency inspections. Inspections shall be made to determine compliance with the California Energy Code adopted in Chapter 18.46 and shall include, but not be limited to, inspection for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.
  8. Reinforced concrete. When forms and reinforcing steel are in place ready for concrete.
  9. Reinforced masonry. In grouted masonry when vertical reinforcing steel is in place and other reinforcing steel distributed and ready for placing, but before any units are laid up.
  10. Structural steel. When structural steel members are in place and required connections are complete, but before concealing any members or connection.
  11. Other inspections. In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this title and other laws that are enforced by the Building Official.
  12. Special inspections. For special inspections, see Section 1704 of the California Building Code adopted in Chapter 18.40.
  13. Final inspection. Final inspection shall be made after all work required by the permit is completed and prior to occupancy.
- B. Electrical. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspection and approval of electrical installation as set forth in items 1 through 9, if applicable.
1. Inspection required. All electric wiring or installation in or on any building or structure of any nature, or tent, or premises, except as otherwise exempted in this title, for which a permit is required must be inspected and approved by the Building Official before being energized or used.
  2. Prohibited use, operation or maintenance. No person shall use, operate or maintain, or cause or permit to be used, operated or maintained, any such electric wiring until such inspection and approval. No serving agency shall furnish or supply or cause or permit to be furnished or supplied, electric energy to any such electric wiring until such inspection and approval.
  3. Prohibited concealment or enclosure of electrical wiring. No person shall conceal, enclose or cover, or cause or permit to be concealed, enclosed or covered, any portion of any electric wiring in any manner that will interfere with or prevent the inspection and approval thereof.
  4. Prohibited obstruction to inspection. Any portion of any floor, ceiling, wall, partitions, roof, finish or other obstruction whatsoever which renders impracticable the making of a complete and thorough inspection of electric wiring shall be removed upon notice to do so, and shall be kept removed until such electric wiring has been inspected and approved.
  5. Removal of foreign material in box and wire enclosure. Before a final inspection of any electric wiring, all plaster, concrete or other foreign material shall be thoroughly removed from every box and wiring enclosure, and not less than six (6) inches of jointless conductors shall

- extend out of each lighting outlet box for future connection thereto, except when conductors are intended to loop through the lamp holder.
6. Fixture connection. Fixtures or appliances shall not be connected to electric wiring until the rough wiring has been inspected and approved by the Building Official.
  7. Free of defects. All such wiring shall be free from grounds, shorts, or other defects, before approval thereof.
  8. Exemption. The provisions of this subsection shall not apply to finished work or to conductors inserted in conduit or other wiring enclosures. Nothing contained in this subsection shall be construed to prohibit the temporary use of electric energy when and as specifically provided in this title. Nothing contained in this subsection shall be construed to prohibit the inspection of any electric wiring even though no permit is required therefore.
  9. Final inspection. Final inspection shall be made after all work required by the permit is completed and found to be in compliance with the provisions of this title, the Building Official shall leave a notice at the service switch or other suitable place so stating, and shall issue a certificate of inspection or approval tag when requested, or service permit, authorizing the connection to the electrical service and the energizing of the installation.
- C. Plumbing. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspection and approval of plumbing installation as set forth in items 1 through 6, if applicable.
1. Inspection required. All plumbing installation in or on any building or structure of any nature, or tent, or premises, except as otherwise exempted in this title, for which a permit is required must be inspected and approved by the Building Official.
  2. Gas supply or meter. No person shall furnish or supply gas to any gas piping or install any meter therefore until all plumbing as regulated by this title has been installed and approved by the Building Official and a certificate of final inspection has been issued.  
  
EXCEPTION: Notwithstanding anything in this chapter to the contrary, gas service may be supplied to gas piping for construction purposes only and a gas meter may be installed therefore under the following conditions:
    - a. The owner of the building or a duly authorized representative shall apply to the Building Official for such gas service and shall pay a fee as set forth in the schedule of fees and charges established by City Council resolution in connection with such application to the Building Official. The application for such gas service shall not be granted until all gas piping in the structure affected has been tested and approved pursuant to the California Plumbing Code adopted in Chapter 18.43.
    - b. Such service shall not be permitted for an initial period in excess of thirty (30) days. The Building Official may impose such reasonable requirements and regulations in connection therewith as he or she may deem necessary. For good cause, the Building Official may extend such period of time in his or her reasonable discretion.
  3. Prohibited concealment of installation. No person shall fail, neglect or refuse to leave and keep any plumbing, as regulated by this title, open, uncovered and convenient for inspection until such plumbing has been inspected and approved by the Building Official, and any obstruction whatsoever, which interfered with a complete and thorough inspection of any plumbing, shall be removed upon notice so to do, and shall be left and kept removed until such plumbing has been inspected and approved.
  4. Location of installation. Piping, fixtures or equipment shall not be located in such manner as to interfere with the normal operation of windows, doors or other required means of access.

5. Services to be capped when building removed. Where a building is demolished or removed from its site, the building sewer, water and gas service shall be properly capped to the satisfaction of the Building Official.
  6. Final inspection. Final inspection shall be made after all work required by the permit is completed and found to be in compliance with the provisions of this title, the Building Official shall leave a notice at a suitable place so stating, and when requested shall authorize the furnishing or supplying of gas to any gas piping or the installation of any meter.
- D. Mechanical. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspection and approval of mechanical installation as set forth in items 1 through 5, if applicable.
1. Inspection required. All mechanical installation in or on any building or structure of any nature, or tent, or premises, except as otherwise exempted in this title, for which a permit is required must be inspected and approved by the Building Official.
  2. Prohibited concealment of installation. That portion of any equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved by the Building Official.
  3. Connection to fuel or power supply. Equipment regulated by this title shall not be connected to the fuel or power supply until authorized by the Building Official.
  4. Failure to comply. A final inspection approval may, upon notice, be revoked by the Building Official if he or she finds that the heating, ventilating, cooling, or refrigeration equipment fails in any respect to comply with the requirements of this title, or that the installation is unsafe, dangerous, or a hazard to life or property.
  5. Final inspection. Final inspection shall be made after all work required by the permit is completed and found to be in compliance with the provisions of this title, the Building Official shall leave a notice at a suitable place so stating, and shall authorize the connection to the fuel or power supply for the installation.
- E. Grading. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspection and approval of grading, excavations or fills operation as set forth in items 1 through 7, if applicable:
1. Initial meeting/inspection. When the permit holder or their duly authorized agent is ready to begin work, but before any grading operation or brushing is started, a meeting shall be held at the project site with the contractor and the inspectors to discuss the approved construction documents, soil reports and the sequence of the grading operations.
  2. Toe inspection. After the natural ground is exposed and prepared to receive fill, but before any fill is placed.
  3. Excavation inspection. After the excavation is started, but before the vertical depth of the excavation exceeds ten (10) feet.
  4. Fill inspection. After the fill placement is started, but before the vertical height of the lifts exceeds ten (10) feet.
  5. Drainage device inspection. After forms and pipes are in place, but before any concrete is placed.

6. Rough grading. When all rough grading has been completed. This inspection may be called for at the completion of the rough grading without the necessity of the Building Official having previously reviewed and approved reports.
7. Final. When all work, including installation of all drainage structures or other protective devices, has been completed and the as-graded construction document and required reports have been submitted.

18.07.060 – Surveys.

In the absence of any designation of the proper location of the lot on which a building or structure is to be erected, for which building a permit has been issued, the Building Official may require the permit holder or their duly authorized agent to have the lot surveyed and staked by a registered land surveyor or registered civil engineer licensed in the State of California to practice as such so that the proper location of the building or structure on the lot may be determined and to verify compliance of the building or structure with the approved construction documents.

18.07.070 – Non-inspected work.

No person, firm or corporation shall own, use, occupy or maintain any building or structure on which non-inspected work has been performed. For the purpose of this title, "non-inspected work" shall be defined as and include but not limited to any erection, construction, enlargement, alteration, repair, remodel, movement, removal, improvement, conversion or demolition for which a permit was first obtained, but which has progressed beyond the point indicated in successive inspections, including, but not limited to, inspections as set forth in Section 18.07.050 and Chapter 17 of the California Building Code adopted in Chapter 18.40, without first obtaining inspection by and approval of the Building Official.

18.07.080 – Special inspections.

- A. When required. In addition to the inspections to be made by the Building Official as specified in this chapter, the owner or the registered design professional in responsible charge acting as the owner's agent shall employ one (1) or more special inspectors who shall provide inspections during construction on the types of work listed under Section 1704 of the California Building Code adopted in Chapter 18.40. The special inspector shall be qualified under Subsection 18.07.080.B. The special inspector may be employed either directly or through the architectural or engineering firm in charge of the design of the structure, or through the geologic or soils engineering firm providing technical design data for the project, or through an independent approved inspection/test firm. In any case, the special inspector shall be approved by and shall be responsible to the architectural or engineering firm in charge of the design of the structure, or the geologic or soils engineering firm providing technical design data for the project.
- B. Qualifications of special inspector. The registered special inspector shall be a qualified person who shall demonstrate his or her competence pursuant to Subsection 18.07.080.C, to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection.
- C. Examination and certificate.
  1. Requirement. Any person desiring to be registered as a registered inspector shall first qualify by passing a written or oral examination or both, given by the Building Official. Upon application for such examination, such person shall pay to the City a nonrefundable registration fee as set forth in the schedule of fees and charges established by City Council resolution.

2. Certificate. Every applicant passing such examination shall be issued a certificate as a registered inspector upon payment of a fee as set forth in the schedule of fees and charges established by City Council resolution.
  3. Expiration. All certificates issued by the Building Official shall expire three (3) year from the date issued, and may be renewed from year to year upon the payment of an annual fee as set forth in the schedule of fees and charges established by City Council resolution. Application for renewal shall be made within thirty (30) days following the date of expiration. Expired certificates may be renewed within sixty (60) days following the date of expiration; provided, that the renewal fee shall be as set forth in the schedule of fees and charges established by City Council resolution. After a certificate has expired, it shall not be renewed, and an application, nonrefundable fee and a reexamination will be required.
- D. Revocation of registration. The Building Official may revoke the registration of any registered special inspector, or the assignment of such registered special inspector to any particular building or structure, for incompetency or failure to conscientiously carry out his or her duties as specified in Subsection 18.07.080.E, in which event the Building Official may stop all further work upon the building or structure involved until some other person has been qualified, registered and assigned thereto by the Building Official.
- E. Duties of special inspector.
1. Time at the jobsite. The registered special inspector shall be employed on the work, without expense or liability to the City, either on a full time or part time basis, depending upon the magnitude of the work as determined by the Building Official. The determination of the percentage of time necessary for the job shall be left to the discretion of the registered special inspector, subject to approval of the Building Official.
  2. Responsibility. The registered special inspector shall bear a joint responsibility to the owner, or his or her agent, and the Building Official. He or she shall, for no purpose, be deemed an employee of the City, the contractor, a subcontractor or a material vendor. The assignments of the registered special inspector to each job shall be reported to the Building Official before commencing work.
  3. Duties. In addition to required verification and inspection specified in Section 1704 of the California Building Code adopted in Chapter 18.40, the registered special inspector shall observe the work assigned to be certain it conforms to the approved construction documents. On such building or structure it shall be the duty of every registered special inspector to inspect carefully all materials proposed to be used in connection with any work covered by any permit issued by the Building Official, and the registered special inspector shall obtain full information regarding the strength and durability of new types of materials where their use involves structural safety. He or she shall make such reports in writing as may be required by the Building Official regarding the progress of the work, and any deviations, defects, delays, materials, working conditions and other matters which may in any manner affect the structural safety and strength of the building. He or she shall be directly responsible for enforcing all other ordinances and laws applicable to the work to which he or she is assigned.
  4. Inspection report. The registered special inspector shall furnish inspection reports to the Building Official, the registered design professional in responsible charge and other designated persons. All discrepancies shall be brought to the immediate attention of the contractor for correction; then, if uncorrected, to the proper design authority and to the Building Official. He or she shall notify the Building Official of any attempt to cover, conceal, patch or repair any defect in materials or workmanship, and he or she shall report every infraction of any ruling of the Building Official. In furtherance of his or her aforesaid duties, he or she shall have the authority to compel the removal of defective materials and the correction of defective workmanship, or to suspend or stop further work pending a ruling of the Building Official.

5. Final report. The registered special inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of his or her knowledge, in conformance with the approved construction documents and the applicable workmanship provisions of this title.

F. Termination of duties.

1. Termination. Every registered inspector shall remain constantly upon the work to which he or she is assigned during the process of construction, and unless otherwise removed from the job, his or her duties shall terminate only when a certificate of compliance is issued by him or her and approved by the Building Official. Such certification of compliance shall bear a statement signed by the registered inspector stating that the work upon the building or structure to which he or she has been assigned has been completed in a satisfactory manner and that the regulations of this title affecting the structural features of such building or structure have been fully complied with. If there have been any infractions of this title, they shall be noted in this statement.
2. Certificate of compliance. The Building Official shall approve such certificate of compliance filed by the registered inspector if after inspection the structural features of such building or structure are found to be in accordance with the provisions of this chapter. Each certificate of compliance shall bear the legal description of the property upon which such building or structure is located and an identifying description of the building.

- G. Waiver of special inspection. The requirement for employment of a registered special inspector may be waived if the Building Official finds that the construction is of minor nature.



## **CHAPTER 18.08 CERTIFICATE OF OCCUPANCY**

- 18.08.010 – Certificate required for use or occupancy.
- 18.08.020 – Issuance of certificates.
- 18.08.030 – Contents of certificate.
- 18.08.040 – Temporary certificate.
- 18.08.050 – Posting.
- 18.08.060 – Revocation.

**CHAPTER 18.08  
CERTIFICATE OF OCCUPANCY**

18.08.010 – Certificate required for use or occupancy.

In order to safeguard life and limb, health, property and public welfare, no building or structure shall be used or occupied, and no change in the existing use or occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefore as provided in this chapter.

EXCEPTIONS:

1. Unless it is specifically required by the Building Official or other provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, no existing building or portion thereof shall require a Certificate of Occupancy, provided:
  - a. The occupancy and use housed therein is the same for which the original building permit was issued and a final inspection approved,
  - b. Alteration or repair are minor in nature and does not affect fire life-safety or structural stability of a building or portion thereof as determined by the Building Official, and
  - c. The occupancy or use of a building or portion thereof housing a Group A or E occupancy and has not been discontinued for a period of more than six (6) months.
2. No structure, the architecture of which inhibits occupancy, shall require a Certificate of Occupancy.
3. Certificate of Occupancy are not required for work not in scope of this title under Section 18.01.040 or work exempt from permits under Section 18.04.020.

Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Certificates presuming to give authority to violate or cancel the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State shall not be valid.

18.08.020 – Issuance of certificates.

When required by Section 18.08.010, after the Building Official inspects the building or structure and finds no violations of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State that are enforced by the Building Official or other departments or agencies within the City, and after other applicable City departments or agencies as determined by the Building Official have reported that all required public improvements have been completed, the Building Official shall issue a Certificate of Occupancy that contains the information specified in Section 18.08.030.

When a Certificate of Occupancy is issued, it shall supersede every certificate previously issued for that portion of the building or structure or portion thereof described thereon.

18.08.030 – Contents of certificate.

Each certificate shall contain the following:

1. The building permit number.
2. The address of the building.

3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this title for group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code adopted in Chapter 18.40.
9. The type of construction as defined in Chapter 6 of the California Building Code adopted in Chapter 18.40.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.
13. The signature of the Building Official.

18.08.040 - Temporary certificate.

Notwithstanding the provisions of Section 18.08.020, if the Building Official finds that no substantial hazard will result from the occupancy of any building, or portion thereof, before the same is completed, and satisfactory evidence is submitted that the work could not have been completed prior to the time such occupancy is desired because of its magnitude or because of unusual construction difficulties, and where other applicable City departments or agencies as determined by the Building Official have reported that all required public improvements have been completed, the Building Official may issue a Temporary Certificate of Occupancy for any building or portion thereof.

The Building Official may issue a Temporary Certificate of Occupancy notwithstanding the fact that all required public improvements have not been completed, if the Building Official finds that the failure to complete the public improvements was due to circumstances over which the person applying for the Certificate of Occupancy had no control.

In addition, the Building Official may issue a Temporary Certificate of Occupancy for an existing building, or portion thereof, provided no substantial hazard will result and satisfactory evidence is submitted justifying the need for such temporary occupancy.

Permit applicants for a Temporary Certificate of Occupancy shall pay an investigation fee as set forth in Section 18.06.180 for which approval of temporary occupancy is sought, including extending a Temporary Certificate of Occupancy beyond thirty (30) day or for each additional thirty (30) day period or fraction thereof.

18.08.050 - Posting.

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

EXCEPTION: One- or two-family dwelling and related accessory building and structure.

18.08.060 - Revocation.

The Building Official may, in writing, suspend or revoke a Certificate of Occupancy or Temporary Certificate of Occupancy issued under the provisions of this title whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the occupancy or the maintenance of any building or structure, or any portion thereof, continues contrary to or in violation of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, and such continued occupancy or maintenance will result in the exposure of occupants and/or people in the vicinity to hazardous, dangerous or unsafe conditions. Such suspension or revocation shall be immediate but shall be subject to appeal in accordance with the provisions of Chapter 18.10.

## CHAPTER 18.09 VIOLATIONS

- 18.09.010 – General.
- 18.09.020 – Notice of violation.
- 18.09.030 – Prosecution of violation.
- 18.09.040 – Violation penalties.
- 18.09.050 – Violation for obtaining permit without owner's consent.
- 18.09.060 – Making false statement.
- 18.09.070 – Unpermitted structures.
- 18.09.080 – Validity of approval.

## CHAPTER 18.09 VIOLATIONS

### 18.09.010 – General.

It shall be unlawful for any person, firm or corporation to:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment in the City regulated by this title, or cause same to be done, in conflict with or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of any building, structure or equipment that was unlawful at the time it was erected, constructed, altered, extended, repaired, moved, removed, demolished or occupied and which would be unlawful under this title if completed after the effective date of this title shall constitute a continuing violation of this title.
2. Grade, excavate or fill any land in the City regulated by this title, or cause same to be done, in conflict with or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
3. Install, alter, repair, replace, add to, relocate, use or maintain electrical systems, equipments, appliances, fixtures, fittings and appurtenances thereto in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of electrical installation that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.
4. Use or maintain any plumbing, gas piping or water piping or to use, occupy or maintain any building, structure or premises containing any plumbing, gas piping or water piping in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of plumbing or plumbing installation that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.
5. Erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, cooling, or refrigeration equipment in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of mechanical equipment that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.

The permissive provisions of this title shall not be presumed to waive any limitations imposed by any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

### 18.09.020 – Notice of violation.

Pursuant to Section 18.03.020, the Building Official is authorized to serve a notice of violation or order on the person, firm or corporation responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State; or in violation of a permit or certificate issued under the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

### 18.09.030 – Prosecution of violation.

If the notice of violation or order is not complied with promptly or within the time limit specified therein, the Building Official is authorized to request the legal Council of the City to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or of the order or direction made pursuant thereto.

18.09.040 – Violation penalties.

Any person, firm or corporation who violates the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this title, shall be subject to penalties as prescribed by law.

18.09.050 – Violation for obtaining permit without owner's consent.

Every person, firm or corporation who knowingly and willfully procures a permit without the consent of the owner of record of the property for which the permit is issued, or such person's, firm's or corporation's agent, may be guilty of a misdemeanor as determined by the legal council of the City.

EXCEPTION: This section shall not apply to permits obtained pursuant to and in compliance with an order of a court of law or a governmental agency.

18.09.060 – Making false statement.

Any person, firm or corporation who willfully or knowingly, with the intent to deceive, makes a false statement or representation, or knowingly fails to disclose a material fact in any documentation required by the Building Official to ascertain facts relative to this title, including any oral or written evidence presented, may be guilty of a misdemeanor as determine by the legal Council of the City. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this title whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information supplied, or in violation of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

For the purposes of this section, a "person" includes any person who is a registered special inspector, a structural inspector, a certified welder or a certified licensed contractor. The term "writing" shall include, but is not limited to, forms, applications, approvals, reports or certifications required by the Building Official. Every violation of this title may be punishable as a misdemeanor as determine by the legal council of the City.

18.09.070 – Unpermitted structures.

No person, firm or corporation shall own, use, occupy or maintain any "unpermitted structure." For the purpose of this title, "unpermitted structure" shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, remodeled, moved, removed, improved, converted or demolished at any point in time, without the required permit(s) having first been obtained from the Building Official, pursuant to Section 18.04.010.

18.09.080 – Validity of approval.

A. Approval not a violation of title. Approval as a result of a plan examination or an inspection shall not be construed to be an approval of a violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto. Plan examinations or inspections presuming to give authority to violate or cancel the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto shall not be valid. No approval shall relieve or exonerate any person from the

responsibility of complying with the provisions and intent of this title, municipal code or other ordinances of the City or laws and statutes of the State.

- B. Correction of errors. The issuance of a permit based upon approved construction documents shall not prevent the Building Official from thereafter requiring the correction of errors on the construction documents or from preventing construction being carried on thereunder when in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.



## **CHAPTER 18.10 BOARD OF APPEALS**

- 18.10.010 – General regulations.
- 18.10.020 – Board of Examiners, Appeals and Condemnation.
- 18.10.030 – Disabled Access Appeals Board.
- 18.10.040 – Advisory capacity.
- 18.10.050 – Limitation of authority.
- 18.10.060 – Compensation.

## CHAPTER 18.10 BOARD OF APPEALS

### 18.10.010 – General regulations.

The provisions of Chapter 2.18 provide uniform general regulations applicable to all Boards for the performance of various prescribed duties and functions. In the event any provision of Chapter 2.18 conflicts with a specific provision of this title, such specific provision of this title shall control.

### 18.10.020 – Board of Examiners, Appeals and Condemnation.

- A. General. In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, and in order to provide a forum to review the determinations of the Building Official relative thereto as well as to make determinations relative to correction of substandard conditions in buildings and to abate nuisances, there is created a Board of Examiners, Appeals and Condemnation established pursuant to Ordinance No. C-5332 in 1977 and amended pursuant to Ordinance No. C-5709 in 1981.
- B. Member. The Board of Examiners, Appeals and Condemnation shall consist of seven (7) members qualified by experience and training to pass judgment upon matters pertaining to building construction; they shall be recommended by the City Manager for appointment by the Mayor and confirmation by the City Council. Members shall serve two (2) year terms and shall be eligible for reappointment if their service does not exceed the eight (8) year maximum established by City Council. The Building Official shall serve as Secretary to the Board.
- C. Duties. The Board of Examiners, Appeals and Condemnation shall conduct hearings on written appeals regarding any action taken by the Building Official in enforcing the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. In the appeal, the Board of Examiners, Appeals and Condemnation may approve or disapprove interpretations of these regulations and enforcement actions taken by the Building Official.
- D. Procedure. The Board of Examiners, Appeals and Condemnation shall adopt reasonable rules and regulations for conducting its investigations and hearings and where not specifically provided otherwise by such rules, Robert's Rules of Order shall govern. All decisions and findings of the Board of Examiners, Appeals and Condemnation shall be in writing and shall be filed with the Secretary with copies to the interested parties. Four (4) members shall constitute a quorum for transaction of business; and each member, including the member serving as Chairman, shall be entitled to vote on any matter coming before the Board of Examiners, Appeals and Condemnation. All decisions shall be entered upon the minutes of the meetings of the Board, and the Building Official shall be guided in accordance therewith. All decisions of the Board of Examiners, Appeals and Condemnation shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion.
- E. Filing requirement. Any person aggrieved by any ruling of the Building Official interpreting the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or requiring the doing of any remedial work, or with respect to such person's application for approval of a substitute material or type of construction may appeal to the Board of Examiners, Appeals and Condemnation within thirty (30) days from the date of such ruling or order by serving a written notice upon the Secretary of the Board. A written notice shall be submitted together with a fee as set forth in Section 18.06.100. Such written notice shall state that the applicant is dissatisfied with a ruling or order of the Building Official and shall describe the nature of the complaint. Such appellant shall pay the cost of all tests made or ordered by the Board of Examiners, Appeals and Condemnation. Such notice shall be at once transmitted to the Board of Examiners, Appeals and Condemnation, and the Board of Examiners, Appeals and Condemnation shall thereafter fix a time and place for a hearing, at which time all persons

interested in the appeal shall be heard. The Secretary shall give the appellant at least ten (10) days notice of hearing.

18.10.030 – Disabled Access Appeals Board.

- A. General. Pursuant to Section 19957.5 of the California Health and Safety Code, there is hereby created a board to be known as the Disabled Access Appeals Board established pursuant to City Council Resolution No. C-23275 in 1981 and amended pursuant to Ordinance No. C-7183 in 1994 to hear written appeals regarding action taken by the Building Official in its enforcement of State regulations pertaining to access to public accommodations by physically handicapped persons.
- B. Members. The Disabled Access Appeals Board shall consist of five (5) members. Two (2) members of the Disabled Access Appeals Board shall be physically handicapped persons, two (2) members shall be persons experienced in construction and one (1) member shall be a public member. The City Manager shall recommend members for appointment by the Mayor and confirmation by the City Council. Members shall serve two (2) year terms and shall be eligible for reappointment if their service does not exceed the eight (8) year maximum established by the City Council. The Building Official shall serve as Secretary to the Disabled Access Appeals Board.
- C. Duties. The Disabled Access Appeals Board shall conduct hearings on written appeals regarding any action taken by the Building Official in enforcing the provisions of State law pertaining to access to public accommodations by physically handicapped persons, including any exceptions contained in Section 19957 of the California Health and Safety Code. In the appeal, the Disabled Access Appeals Board may approve or disapprove interpretations of these regulations and enforcement actions taken by the Building Official.
- D. Procedures. The Disabled Access Appeals Board shall adopt reasonable rules and regulations for conducting the hearings and shall appoint one (1) member to preside as chairman; and where not specifically provided otherwise by such rules, Robert's Rules of Order shall govern. All decisions and findings of the Disabled Access Appeals Board shall be in writing and shall be filed with the Secretary with copies to the interested parties. Three (3) members shall constitute a quorum for transaction of business; and each member, including the member serving as Chairman, shall be entitled to vote on any matter coming before the Board. All decisions shall be entered upon the minutes of the meetings of the Board, and the Building Official shall be guided in accordance therewith. All decisions of the Board shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion.
- E. Filing requirement. Any person may file a written notice of appeal with the Secretary of the Board within thirty (30) days after an action is taken by the Building Official regarding the regulations pertaining to public access for handicapped persons. A written notice shall be submitted together with a fee as set forth in Section 18.06.100. Such written notice shall state that the applicant is dissatisfied with a ruling or order of the Building Official and shall describe the nature of the complaint. Thereafter, the Disabled Access Appeals Board shall set a time and place for hearing the appeal and all persons interested shall be heard. The Secretary shall give the appellant at least ten (10) days notice of hearing.

18.10.040 – Advisory capacity.

Each Board, upon request of the Building Official, may be called together in an advisory capacity in order to assist the Building Official.

18.10.050 – Limitations on authority.

An application for appeal shall be based on a claim that the true intent of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State do not fully apply or an equally good or better form of construction is proposed. Each Board shall have no authority to waive the provisions of

this title, municipal code or other ordinances of the City or laws and statutes of the State or the rules legally adopted thereunder.

18.10.060 – Compensation.

Each member of all Boards shall be paid by the City, as compensation for his or her services, such sum as may, from time to time, be provided by ordinance. Such compensation shall in no way void a member's eligibility for obtaining any City work in the course of his or her private practice or business.

## CHAPTER 18.17 TRANSPORTATION IMPROVEMENT FEE

- 18.17.010 – Short title.
- 18.17.020 – Purpose.
- 18.17.030 – Affected area—Designation of subareas.
- 18.17.040 – Definitions.
- 18.17.050 – Transportation Improvement Fee requirements—Imposition—Collection.
- 18.17.055 – Transportation Demand Management Measure requirements.
- 18.17.060 – Amount of Transportation Improvement Fee.
- 18.17.070 – Calculation of Transportation Improvement Fee.
- 18.17.080 – Collection of Transportation Improvement Fee.
- 18.17.090 – Establishment of Transportation Improvement Fee account.
- 18.17.100 – Limitation on use of funds derived from Transportation Improvement Fees.
- 18.17.110 – Credits.
- 18.17.120 – Refunds.
- 18.17.130 – Exemptions.
- 18.17.140 – Accounting and audits.
- 18.17.150 – Appeals.
- 18.17.160 – Judicial review.
- 18.17.170 – Annual report and amendment procedures.
- 18.17.180 – Effect of Transportation Improvement Fee on zoning and subdivision regulations.
- 18.17.190 – Transportation Improvement Fee as additional and supplemental requirement.

## CHAPTER 18.17 TRANSPORTATION IMPROVEMENT FEE

### 18.17.010 – Short title.

This chapter shall be known and cited as the Long Beach Transportation Improvement Fee Ordinance or as the Transportation Fee Ordinance. The fees imposed pursuant to this chapter shall be known as "Transportation Improvement Fees."

### 18.17.020 – Purpose.

A Transportation Improvement Fee is imposed on new development in the City for the purpose of assuring that the transportation level of service goals of the City as set forth in the traffic mitigation program are met with respect to the additional demands placed on the transportation system by traffic generated from such development.

### 18.17.030 – Affected area—Designation of subareas.

- A. This chapter shall be applicable to all new development in the City including the planned development central business district (CBD) area of the City, except as otherwise provided herein.
- B. In the CBD area of the City, Transportation Improvement Fees shall be imposed on all commercial development, including, but not limited to, office, retail, hotel and movie theaters, as set forth in the fee setting resolution adopted by the City Council pursuant to this chapter.
- C. Citywide, Transportation Improvement Fees shall be imposed on all residential development and on all industrial development as set forth in the fee setting resolution adopted by the City Council pursuant to this chapter.
- D. Citywide, but excluding the CBD area of the City, Transportation Improvement Fees shall be imposed on all commercial development including, but not limited to, office, retail, hotel and movie theaters, as set forth in the fee setting resolution adopted by the City Council pursuant to this chapter.

### 18.17.040 – Definitions.

For purposes of this chapter, the words and terms defined herein shall have the meanings stated, unless another meaning is plainly intended. To the extent that terms utilized in this chapter are not defined herein, but are defined in Title 21 of this code, such terms shall have the meanings stated therein.

- A. "Accessory use" is as defined in Section 21.15.060 of this code.
- B. "Applicant" means the owner of property, or owner's authorized agent for which a request for development approval is received by the City.
- C. "Building permit" means the City permit required for new building construction and/or additions which add square footage pursuant to this title. Neither a grading permit nor a foundation permit shall be considered a building permit for purposes of this chapter.
- D. "Calculation" means the point in time at which the City calculates the Transportation Improvement Fee to be paid by the applicant. Calculation will generally occur at the time of issuance of a Certificate of Occupancy, but may occur earlier in the development approval process.
- E. "Central business district" area or planned development central business district (CBD) area means the area of the City as delineated on Exhibit 1, attached to the ordinance codified in this

chapter and incorporated herein by reference, and which is coterminous with the planned development CBD area as defined in the City of Long Beach general plan land use element.

- F. "Certificate of Occupancy" means the official City certification, issued pursuant to Section 18.08.020 et seq. of this code, that all or a portion of the building, structure or addition is suitable for use or occupancy. For purposes of this chapter, Certificate of Occupancy shall refer to the earlier of, issuance of a Certificate of Occupancy for the building shell or issuance of a Certificate of Occupancy for use or occupancy of all or a portion of the building by a tenant, owner or occupant.
- G. "City-wide" means the entire area of the City including the CBD area, as delineated on Exhibit 1, attached to the ordinance codified in this chapter and incorporated herein by reference.
- H. "Collection" means the point in time at which the Transportation Improvement Fees are paid by the applicant. Collection will generally occur at and as a condition precedent to issuance of the Certificate of Occupancy.
- I. "Commitment" means the earmarking of Transportation Improvement Fees collected to fund or partially fund or to retire debt issued for the funding of transportation improvements serving new residential and nonresidential development.
- J. "Demand" means the portion of transportation capacity that new development will consume measured in PM peak hour trips.
- K. "Development" means the addition of new dwelling units and/or new nonresidential square footage to an undeveloped, partially developed or redeveloped site and involving the issuance of a building permit or Certificate of Occupancy for such construction, reconstruction or use, but not including the following so long as no additional dwelling units or gross floor area is added: (i) a permit to operate, (ii) a permit for the internal alteration, remodeling, rehabilitation, or other improvements or modifications to an existing structure, (iii) the rebuilding of a structure destroyed by an act of God or the rehabilitation or replacement of a building in order to comply with the City seismic safety requirements, (iv) parking facilities, or (v) the rehabilitation or replacement of a building destroyed by imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or civil disturbance except where said destruction was caused or in any manner accomplished, instigated, motivated, prompted, incited, induced, influenced, or participated in by any persons or their agents having any interest in the real or personal property at the location.
- L. "Development approval" means tentative map approval, parcel map approval, or site plan approval if the imposition of the Transportation Improvement Fee could lawfully have been imposed at such time or, building permit issuance if the Transportation Improvement Fee could not be lawfully imposed at tentative map, parcel map or site plan approval or Certificate of Occupancy issuance if the Transportation Improvement Fee could not be lawfully imposed at building permit issuance.
- M. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of this code.
- N. "Fee-setting resolution" means and refers to the City resolution specifying the Transportation Improvement Fee per dwelling unit for residential development and per gross square foot of floor area for nonresidential development, by type and by location.  
  
The Transportation Improvement Fees set forth in the fee-setting resolution may be revised pursuant to Section 18.17.060 and applicable State law.
- O. "Gross square feet" or "gsf" means the area of a nonresidential development measured from the exterior building lines of each floor with respect to enclosed spaces but excluding parking spaces whether or not enclosed.

- P. "Highway capacity manual" means and refers to the report entitled Highway Capacity Manual, Special Report 209 (Transportation Research Board, 1985) or as thereafter amended.
- Q. "Imposition" means the determination that the Transportation Improvement Fee is applicable to the development and the attachment of the Transportation Improvement Fee as a specific condition of development approval.
- R. "ITE trip generation manual" means and refers to the informational report entitled "Trip Generation" by the Institute of Transportation Engineers, Fourth Edition, 1987, or as thereafter amended.
- S. "Level of service" (LOS) means an indicator of the extent or degree of service provided by, or proposed to be provided by, a transportation improvement based upon the relationship of traffic volume to road capacity and related to the operational characteristics of the road as measured by standards set forth in the highway capacity manual.
- T. "Long Beach transportation study (1989)" means the study performed for the City by Barton-Aschman Associates, Inc., and including Volume I-Traffic, Volume II-Parking, Volume III-Transit, and the Report on the Allocation of Transportation Improvement Costs, which collectively form the basis for travel demand forecasts and transportation improvement plans and recommendations.
- U. "Mixed use" is as defined in Section 21.15.1760 of this code.
- V. "Nonresidential development" means a development undertaken for the purpose of creating gross floor area, excluding dwelling units, but which includes but is not limited to commercial, industrial, retail, office, hotel/motel, and warehouse uses involving the issuance of a building permit or Certificate of Occupancy for such construction, reconstruction or use.
- W. "Parking facility" means the construction of an improvement, whether enclosed or unenclosed, providing parking spaces for vehicles and which may include but is not limited to the installation of ancillary facilities such as sidewalks, drainage improvement, lighting, landscaping, striping, exits and entrances, signage, waiting areas and other project-related improvements.
- X. "PM peak hour" means a one-hour period of time between 4:00 p.m. and 6:00 p.m., when the development generates the maximum number of trips.
- Y. "PM peak hour trips" means the total number of trips generated by a development during the p.m. peak hour.
- Z. "Principal use" is as defined in Section 21.15.2170 of this code.
- AA. "Residential development" means a development undertaken for the purpose of creating a new dwelling unit or units and involving the issuance of a building permit or Certificate of Occupancy for such construction, reconstruction or use.
- BB. "Road facility" means the construction of a road link or intersection which expands capacity to accommodate additional traffic, and which may include but is not limited to the installation of ancillary facilities such as sidewalks, curbs, gutters, traffic signals, traffic signs, lighting, landscaping, striping, medians, turn lanes and other project-related improvements.
- CC. "Traffic mitigation program of Long Beach" or "traffic mitigation program" means and refers to the City's long range strategic and financing plan for transportation improvements as adopted by resolution of the City Council.
- DD. "Transit facility" means the purchase of buses and/or the construction of an improvement ancillary to the operation of the Long Beach bus system and, which may include but is not limited to, the



installation of facilities such as bus shelters, bus turn lanes, lighting, landscaping, signage, and other project-related improvements.

EE. "Transportation improvement" means and refers to a project identified in the transportation improvement plan and involving the construction of a road facility or portion thereof, the construction of parking facilities, the construction of transit improvements, including the purchase of buses, the construction of other project-related improvements, including, but not limited to, right-of-way and land acquisition, utility relocation, project planning, administrative, legal, engineering, and design services and project contingencies.

FF. "Transportation Improvement Fee" means a monetary exaction imposed as a condition of development approval in order to assure the provision of transportation improvements needed to serve new development within a reasonable period of time at City level of service goals as set forth in the traffic mitigation program.

GG. "Transportation improvement plan" means the identification, listing, cost and prioritization of transportation improvements necessary to meet travel demand forecasts through the year 2010 while maintaining the City's level of service for transportation, as set forth in the traffic mitigation program.

HH. "Transportation services" means and refers to nonphysical, programmatic efforts to reduce traffic including, but not limited to, transportation demand management.

II. "Accessory use, residential" is as defined in Section 21.15.063. An accessory residential unit which exceeds two hundred twenty (220) square feet of residential dwelling space shall be classified as a single-family dwelling unit for purposes of application of the Transportation Improvement Fee.

JJ. "Secondary housing unit" is as defined and regulated in Sections 21.15.2400 and 21.51.275. A secondary housing unit which exceeds six hundred forty (640) square feet of residential dwelling space shall be classified as a standard dwelling unit for purposes of application of the Transportation Improvement Fee.

KK. "Senior citizen housing" is as defined in Section 21.15.2430 of this code. The applicant shall be required to guarantee the units shall be maintained for senior citizen housing whether rented, leased, sold, conveyed or otherwise transferred, for the lesser of a period of thirty (30) years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The guarantee shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City. The document shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The applicant shall comply with the maintenance of the units for senior citizen housing according to the City's Housing and Community Improvement Bureau procedures. The Housing and Community Improvement Bureau shall establish a process for monitoring any applicant for any successor-in-interest shall be required to provide annually, or as requested, proof of compliance.

LL. "Transportation demand management measures" means a program designed to reduce p.m. peak hour existing work trips from a proposed development site by a minimum of twenty percent (20%).

18.17.050 – Transportation Improvement Fee requirements—Imposition—Collection.

A. All development shall be required to pay a Transportation Improvement Fee at the time of issuance of a Certificate of Occupancy, except as otherwise provided in Subsection 18.17.050.G or Section 18.17.130. The City may, prior to the issuance of a building permit for a development subject to the Transportation Improvement Fee, require that the applicant, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, execute a

contract with the City to pay the applicable Transportation Improvement Fee at the time of issuance of the Certificate of Occupancy.

- B. Transportation Improvement Fees shall be imposed at the time of tentative map approval, parcel map approval, site plan approval, building permit issuance or Certificate of Occupancy issuance. The City shall impose the condition of payment of Transportation Improvement Fees at the earliest point in time as such fees could have been lawfully imposed.
- C. Transportation Improvement Fees shall be collected no later than at the time of issuance of a Certificate of Occupancy, except as otherwise provided in Subsection 18.17.050.G.
- D. Whenever a development contains more than one (1) building, the Transportation Improvement Fee shall be paid in a lump sum for all dwelling units or gross floor area in each building of the development for which a Certificate of Occupancy is sought.
- E. Imposition of the Transportation Improvement Fee requirement shall be a condition of development approval, and no tentative map, parcel map or site plan shall be approved nor shall a building permit or Certificate of Occupancy be issued without compliance with the provisions of this chapter.
- F. The Transportation Improvement Fee requirement shall not apply to applicants who have a valid Certificate of Occupancy on the effective date of the ordinance codified in this chapter.
- G. For developments exceeding one hundred thousand (100,000) gross square feet which have not received a Certificate of Occupancy prior to October 1, 1996, the applicant shall pay the Transportation Improvement Fee either (1) in full at issuance of the Certificate of Occupancy or (2) in four installments as set forth herein.

The first payment shall equal twenty-five percent (25%) of the total transportation fee owed and shall be payable at the time of the issuance of the Certificate of Occupancy. The balance of the Transportation Improvement Fee shall accrue interest at a rate equal to that earned on the City's pooled investment funds (which rate shall be published annually by the City Treasurer), and shall be paid in three (3) annual installments, commencing upon the first anniversary of the issuance of the Certificate of Occupancy for the development. The balance of the transportation fee may be prepaid by the applicant at any time. In the event that the applicant (or applicant's successor-in-interest) fails to pay any installment when due, the Certificate of Occupancy issued for the development may be revoked at the option of the City.

Payments pursuant to the installment option and the rights and obligations of the applicant and the City shall be set forth in a contract which shall be executed at and as a condition precedent to issuance of a Certificate of Occupancy. Applicant shall post a bond, certificate of deposit, letter of credit or other instrument acceptable to the City Attorney in an amount equal to the Transportation Improvement Fee calculated to be due and payable by installment at the time of execution of the contract. The City Council authorizes the City Manager to execute such contracts on behalf of the City.

#### 18.17.055 – Transportation Demand Management Measure Requirements.

Transportation demand management measure requirements, where applicable, in addition to Transportation Improvement Fees shall be implemented in conjunction with Chapter 21.64.

#### 18.17.060 – Amount of Transportation Improvement Fee.

- A. The Transportation Improvement Fee per p.m. peak hour trip by land use type and, where relevant, by location shall be established by fee-setting resolution of the City Council and may be amended from time to time as set forth in Section 18.17.170.

- B. The Transportation Improvement Fee imposed pursuant to this chapter shall not apply to applicants who have a valid building permit on the effective date of the ordinance codified in this section. Applicants who have a valid building permit on the effective date of the ordinance codified in this section and who are not otherwise exempted, shall continue to be subject to the Transportation Improvement Fee imposed pursuant to Ordinance C-6836.

18.17.070 – Calculation of Transportation Improvement Fee.

- A. The Director shall calculate the amount of the applicable Transportation Improvement Fee due at the time of and as a condition precedent to issuance of the Certificate of Occupancy based upon the applicable impact fee rate as specified in the then current fee-setting resolution.
- B. The Director shall calculate the amount of the applicable Transportation Improvement Fee due by:
  - 1. Determining the number and type of dwelling units in a residential development, and multiplying the same by the Transportation Improvement Fee amount per dwelling unit;
  - 2. Determining the gross square feet of floor area, type of use and location in a nonresidential development, and multiplying the same by the Transportation Improvement Fee amount as established by the fee-setting resolution;
  - 3. Determining the number and type of dwelling units and the nonresidential number of gross square feet of floor area, type of use and location in a structure containing mixed uses which include a residential use, and multiplying the same by the Transportation Improvement Fee amount for each use as established by the fee-setting resolution;
  - 4. Determining the gross square feet of floor area, type of use and location in a structure containing mixed uses which include two (2) or more nonresidential principal uses, and multiplying the same by the Transportation Improvement Fee amount as established by the fee-setting resolution. The gross square feet of floor area of any accessory use will be charged at the same rate as the predominant principal use unless the Director finds that the accessory use is related to another principal use.
- C. The Director shall be responsible for determining the use type of the proposed development. If the Director determines that the proposed development is not in one of the use classifications included in the fee-setting resolution or, if the applicant submits relevant information and documentation acceptable to the Director demonstrating that the proposed development is not in one of the use classifications included in the fee-setting resolution or is a mixed use, the Director of Public Works shall:
  - 1. Determine whether the proposed development has trip generation characteristics similar to a listed use classification;
  - 2. If so, that use classification shall be used in calculating the appropriate Transportation Improvement Fee;
  - 3. If not, identify the trip generation characteristics of the proposed development and, utilizing the ITE trip generation manual, assign the proposed use to the most similar land use type listed in the manual;
  - 4. If there are no similar land use types listed in the ITE trip generation manual, the applicant may be requested to perform, at his or her own expense, a trip generation study or may utilize other statistically valid trip generation data applicable to the proposed use.

18.17.080 – Collection of Transportation Improvement Fee.

The Director shall be responsible for the collection of the Transportation Improvement Fee at and as a condition precedent to the issuance of a Certificate of Occupancy unless:

- A. The applicant is entitled to a full credit pursuant to Section 18.17.110; or
- B. The applicant is exempt pursuant to Section 18.17.130; or
- C. The applicant has taken an appeal pursuant to Section 18.17.150 and a cash deposit, letter of credit, bond or other surety in the amount of the Transportation Improvement Fee, as calculated by the Director, has been posted with the City;
- D. The applicant satisfies the conditions for Transportation Improvement Fee payment by installments pursuant to Subsection 18.17.050.G.

18.17.090 – Establishment of Transportation Improvement Fee account.

The City establishes a segregated Transportation Improvement Fee subfund (hereinafter "subfund") to which all Transportation Improvement Fees collected by the Director shall be deposited. The funds of the subfund shall not be commingled with any other funds or revenues of the City except for purposes of investment; but, provided that all such funds shall be separately accounted for. The subfund shall be interest-bearing and all interest received shall be credited to such subfund and used solely for purposes of the subfund.

18.17.100 – Limitation on use of funds derived from Transportation Improvement Fees.

- A. Funds derived from payment of Transportation Improvement Fees pursuant to this chapter shall be placed in the subfund and shall be used solely and exclusively for the purpose of funding transportation improvements, as defined herein, and as identified in the transportation improvement plan or to reimburse the City for expenditures, advances or indebtedness incurred for the construction of transportation improvements.
- B. Transportation Improvement Fees shall not be used for the provision of roadway, parking or transit improvements relating to (i) the needs of existing City residents, (ii) the enhancement of transportation improvements to provide a higher level of service to existing development, (iii) operation and maintenance costs associated with roadway, parking or transit improvements, (iv) repair and/or replacement of existing roadway, parking and transit improvements or (v) the provision of transportation services, as contrasted with transportation improvements.
- C. The City shall commit or expend Transportation Improvement Fees deposited to the subfund within five (5) years from the date of deposit. The City shall make findings once each fiscal year with respect to any Transportation Improvement Fees remaining unexpended or uncommitted in the subfund five (5) or more years after the deposit of the fee to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged.

18.17.110 – Credits.

- A. Any applicant subject to a Transportation Improvement Fee pursuant to this chapter who constructs, escrows money with the City for the construction of, participates in an assessment district for the construction of or who otherwise contributes funds or improvements to the City for transportation improvements, as herein defined, shall be eligible for a credit for such contribution against the Transportation Improvement Fee otherwise due.
- B. Credit applications shall be made on forms provided by the City and, whenever possible, shall be submitted at or before the time of building permit issuance. The application shall contain a declaration of those facts, under oath, along with relevant documentary evidence which qualifies the applicant for the credit.

- C. The Director of Public Works shall determine whether the proposed construction, escrow payment, assessment district or cash contribution is for a transportation improvement listed in the transportation improvements plan or for a comparable transportation improvement, and is consistent with the project priorities and timing and, if necessary, shall determine the value of the developer contribution.
- D. The Director of Public Works shall forward his report and the credit application and supporting documentary evidence to the City Council, for a determination of Transportation Improvement Fee credit. If the City Council determines that a Transportation Improvement Fee credit is due, said decision shall be confirmed by ordinance and shall be incorporated in a contract between the applicant and the City except as otherwise provided herein.
- E. No credit shall be granted in an amount exceeding the otherwise applicable Transportation Improvement Fee.
- F. Notwithstanding Subsections 18.17.110.A through 18.17.110.D, if an applicant's property is in the airport traffic study area and the applicant has paid Airport Area Traffic Fees, the applicant shall be entitled to a credit in the amount of the Airport Area Traffic Fees paid or the portion of the present value of the total assessment district payment to be used for transportation improvements which the applicant is obligated to pay, without the necessity for a determination by the City Council, the enactment of an ordinance or the execution of a contract between the applicant and the City.
- G. Notwithstanding Subsections 18.17.110.A through 18.17.110.D, if an applicant's property is in the CBD area, and the applicant has obtained a building permit prior to the effective date of the ordinance codified in this chapter but has not yet received a Certificate of Occupancy, and is subject to an assessment district to mitigate traffic impacts, the applicant shall be entitled to a credit for the full amount of Transportation Improvement Fee otherwise due, without the necessity for a determination by the City Council, the enactment of an ordinance or the execution of a contract between the applicant and the City.
- H. Credits shall be on a building-by-building basis as development approval is sought and not on a development site basis.

18.17.120 – Refunds.

- A. Any applicant who has paid a Transportation Improvement Fee pursuant to this chapter may apply for a full or partial refund of same, if, within one (1) year after collection of the Transportation Improvement Fee (i) the development has been modified, pursuant to appropriate City ordinances and regulations, resulting in a reduction in the number of dwelling units in a residential project or in a mixed use development including residential uses, and/or the gross floor area of development in a nonresidential or mixed use development or (ii) a change in the type of use occurs which results in a reduction of trips generated by the ultimate use.
- B. Refund applications shall be made on forms provided by the City and shall contain a declaration of those facts, under oath, along with relevant documentary evidence which qualifies the applicant for the refund. In no event may a refund exceed the amount of the Transportation Improvement Fee paid by the applicant.
- C. Except as described in Subsection 18.17.120.E, upon application by the property owner the City shall refund the portions of the Transportation Improvement Fee which have been on deposit over five (5) years and which are unexpended or uncommitted. Refunds shall be made to the then current record owner or owners of lots or units of the development on a prorated basis, together with accrued interest.

- D. Once each fiscal year the City shall make findings identifying all unexpended or uncommitted Transportation Improvement Fees in the subfund.
- E. With respect to Transportation Improvement Fees unexpended or uncommitted five (5) years after deposit in the subfund, the City may make findings to identify the purpose to which the Transportation Improvement Fee is to be put and to demonstrate a reasonable relationship between the Transportation Improvement Fee and the purpose for which it was charged. If the City makes such findings, the Transportation Improvement Fees are exempt from the refund requirement. The findings need only be made with respect to funds in the possession of the City and need not be made with respect to letters of credit, bonds or other instruments taken to secure payment of Transportation Improvement Fees at a future date.
- F. The City shall refund the unexpended or uncommitted portion of Transportation Improvement Fees by direct payment, by providing a temporary suspension of Transportation Improvement Fees for subsequent development projects of developers entitled to the refund, or by any other means consistent with the intent of this section. The determination by the City Council of the means by which revenues are to be refunded is a legislative act.
- G. If the City finds that the administrative costs of refunding the unexpended or uncommitted Transportation Improvement Fees exceed the amount to be refunded, the City, after a public hearing, notice of which has been published in accordance with State law and posted in three (3) prominent places within the area of each development subject to a refund, may determine that the funds shall be allocated for other transportation improvements of the type for which the Transportation Improvement Fees were collected and which serve the development.

18.17.130 – Exemptions.

The following uses and types of development are exempt from the payment of Transportation Improvement Fees.

- A. Nonresidential development: Construction or occupancy of a new nonresidential building or structure or an addition to or expansion of an existing nonresidential building or structure of three thousand (3,000) gross square feet or less, or serving a use which generates ten (10) or fewer PM peak hour trips pursuant to the ITE Trip Generation Manual.
- B. Residential development.
  - 1. Construction, replacement or rebuilding of a single-family dwelling (one unit per lot) on an existing lot of record, or the replacement of one (1) mobile home with another on the same pad, or the moving and relocation of a single-family home from one (1) lot within the City to another lot within the City, or the legalization of an illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with Subsection 21.25.403.D. This exemption shall not apply to tract development nor to the development of more than one (1) unit per lot nor to the replacement of a single-family dwelling with more than one (1) dwelling unit.
  - 2. Affordable housing for lower income households.

Property rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low income household" as defined in Section 50105 of the California Health and Safety Code. This exemption shall require the applicant to execute an agreement to guarantee the units shall be maintained for lower and very low income households whether as units for rent or for sale or transfer, for the lesser of a period of thirty years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The agreement shall be in

the form of a deed restriction, second trust deed, or other legally binding and enforceable document acceptable to the City Attorney and shall bind the owner and any successor-in-interest to the real property being developed. The agreement shall subordinate, if required, to any State or Federal program providing affordable housing to lower and very low income households. The agreement shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The City's Housing and Community Improvement Bureau shall be notified of pending transfers or purchases and give its approval of the purchaser's qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Community Improvement Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to insure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the Director and shall require the applicant or any successor-in-interest to pay the then applicable Transportation Improvement Fee at the time of voluntary conversion or as imposed at the time of violation on the unit in violation, plus any attorneys' fees and costs of enforcement if applicable.

18.17.140 – Accounting and audits.

- A. For each subfund established pursuant to Section 18.17.090, the City shall, within sixty (60) days of the close of each fiscal year, make available to the public the beginning and ending balance for the fiscal year, and the Transportation Improvement Fees, interest and other income and the amount of expenditures by public facility and the amount of refunds made during the fiscal year. The City Council shall review this information at the next regularly scheduled public meeting not less than fifteen (15) days after the availability of the information required hereby.
- B. Any applicant may request an audit of the Transportation Improvement Fee in order to determine whether the fee exceeds the amount reasonably necessary to provide the transportation improvements to serve new development at the level of service set forth in the traffic mitigation program. Upon such request for an audit, the City Council may request the City auditor to conduct an audit to determine whether the Transportation Improvement Fee is reasonable. Any costs incurred by the City in having an audit conducted may be recovered from the applicant who requests the audit.

18.17.150 – Appeals.

- A. An applicant may validly appeal, by protest, any imposition of the Transportation Improvement Fee by filing a notice of appeal with the City Clerk at the time of development approval or conditional development approval or within ninety (90) days after the date of imposition of the Transportation Improvement Fee upon the development.
- B. A valid appeal by protest of the imposition of the Transportation Improvement Fee shall meet both of the following requirements:
  - 1. Tendering any required payment in full or providing satisfactory assurance of payment;
  - 2. Serving written notice on the City including:
    - a. A statement that the required payment has been tendered under protest or that required conditions have been satisfied,
    - b. A statement informing the City of the factual elements of the dispute and the legal theory forming the basis of the protest;
    - c. The name and address of the applicant,

- d. The name and address of the property owner,
  - e. A description and location of the property,
  - f. The number of residential units or nonresidential gross square footage proposed, by land use or dwelling unit type, as appropriate,
  - g. The date of imposition of the Transportation Improvement Fee upon the development.
- C. The City Council shall schedule a hearing and render a final decision on the applicant's appeal within one hundred sixty (160) days after the date of the imposition of the Transportation Improvement Fee upon the development.
- D. The City Council hearing shall be administrative. Evidence shall be submitted by the City and by the applicant and testimony shall be taken under oath.
- E. The burden of proof shall be on the applicant to establish that the applicant is not subject to imposition of the Transportation Improvement Fee pursuant to the express terms of this chapter and applicable State law.
- F. If the Transportation Improvement Fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney in an amount equal to the Transportation Improvement Fee calculated to be due, the application for development approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the Transportation Improvement Fee calculated by the City to be due unless sufficient and acceptable surety has been provided.
- G. If as a result of an appeal pursuant to this section or judicial review pursuant to Section 18.17.160, a Transportation Improvement Fee is reduced or waived, the City Council may determine whether and how such reduction or waiver may impact the Transportation Improvement Fee calculation methodology. If the City Council determines that transportation improvement needs are correspondingly reduced, the City Council may amend the Transportation Improvement Fee calculation methodology, the applicable Transportation Improvement Fee, or take such other action as it may deem appropriate. If the City Council determines that transportation improvement needs remain the same, the City Council shall appropriate funds in an amount equal to the reduction or waiver of Transportation Improvement Fees and shall deposit same to the subfund or take such other action as it may deem appropriate.
- H. Any petition for judicial review of the City Council's final decision shall be made in accordance with applicable State law and pursuant to Section 18.17.160.

18.17.160 – Judicial review.

- A. Any judicial action or proceeding to attack, review, set aside, void or annul the ordinance codified in this chapter, or any provision thereof, or resolution, or amendment thereto, shall be commenced within one hundred twenty (120) days of the effective date of the ordinance codified in this chapter, resolution, or any amendment thereto.
- B. Any judicial action or proceeding to attack, review, set aside or annul the imposition or collection of a Transportation Improvement Fee on a development shall be preceded by a valid appeal by protest pursuant to Section 18.17.150 hereof and a final decision of the City Council pursuant thereto and shall be filed and service of process effected within one hundred eighty (180) days after the date of the imposition of the Transportation Improvement Fee upon the development.

18.17.170 – Annual report and amendment procedures.



- A. At least once each year the Director of Public Works shall evaluate progress in implementation of the transportation improvement plan and the Transportation Improvement Fee and shall prepare a report thereon to the City Council incorporating:
1. The total amount of development granted development approval in the City by type;
  2. The estimated increase in PM peak hour trips generated by approved development;
  3. The transportation improvements completed relative to the improvements listed in the transportation improvement plan;
  4. The amount of Transportation Improvement Fees in the subfund; and
  5. Recommended changes to the Transportation Improvement Fee, including but not necessarily limited to, changes in the transportation improvement plan and changes in the Transportation Improvement Fees chapter or fee-setting resolution.
- B. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the ordinance codified in this chapter or the fee-setting resolution implementing this chapter. Changes to Transportation Improvement Fee rates or schedules may be made by amending the fee-setting resolution. Any change which increases the amount of the Transportation Improvement Fee shall be adopted by the City Council only after a noticed public hearing. Nothing herein precludes the City Council or limits its discretion to amend the ordinance codified in this chapter, the Long Beach Transportation Study (1989), the traffic mitigation program, the transportation improvement plan, or the fee-setting resolution establishing Transportation Improvement Fee rates or schedules at such other times as may be deemed necessary.

18.17.180 – Effect of Transportation Improvement Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to the zoning ordinance, subdivision regulations or other ordinances or regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all residential and nonresidential development.

18.17.190 - Transportation Improvement Fee as additional and supplemental requirement.

The Transportation Improvement Fee imposed by this chapter is a fee imposed on residential and nonresidential development reflecting its proportionate share of the cost of providing transportation improvements necessary to meet the demand created by such development at City level of service goals as set forth in the traffic mitigation program. As such, the Transportation Improvement Fee is additional and supplemental to, and not in substitution of, either on-site transportation improvement requirements or off-site transportation improvement requirements necessary to provide access to the development, which may be imposed by the City pursuant to zoning, subdivision and other City ordinances and regulations. In no event shall an applicant for development approval be obligated to pay a Transportation Improvement Fee in excess of that calculated pursuant to this chapter.

## **CHAPTER 18.18 PARK AND RECREATION FACILITIES FEE**

- 18.18.010 – Short title.
- 18.18.020 – Purpose.
- 18.18.030 – Definitions.
- 18.18.040 – Requirement.
- 18.18.050 – Amount of Park Fee.
- 18.18.060 – Calculation of applicable Park Fee.
- 18.18.070 – Collection of Park Fee.
- 18.18.080 – Establishment of Park Fee account.
- 18.18.090 – Limitation on use of funds derived from Park Fees.
- 18.18.100 – Credits.
- 18.18.110 – Refunds.
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## CHAPTER 18.18 PARK AND RECREATION FACILITIES FEE

### 18.18.010 – Short title.

This chapter shall be known and cited as the "Long Beach Park and Recreation Facilities Impact Fee Ordinance." The fees imposed pursuant to this chapter shall be known as "Park Fees."

### 18.18.020 – Purpose.

A Park Fee is hereby imposed on new residential development for the purpose of assuring that the park land and recreational facility standards established by the City are met with respect to the additional needs created by such development.

### 18.18.030 – Definitions.

For purposes of this chapter, the following words and terms shall have the meanings stated herein, unless another meaning is plainly intended:

- A. "Accessory use, residential" is a dwelling unit as identified in Section 21.15.063 of this code. An accessory residential unit which exceeds two hundred twenty (220) square feet of residential dwelling space shall be classified as a single-family, duplex or multifamily dwelling unit for purposes of application of the Park Fee.
- B. "Applicant" means the property owner, or duly designated agent of the property owner, of land on which a request for development approval is received by the City.
- C. "Building permit" means the City permit required for new building construction and/or additions which add a dwelling unit, pursuant to Title 18 of the municipal code.
- D. "Certificate of Occupancy" means the official certification that a premises conforms to the provisions of the zoning regulations and Building Code and may be used or occupied.
- E. "Collection" means the point at which the Park Fee due is calculated by the City and collected from the applicant.
- F. "Commitment" means the earmarking of Park Fees collected to fund or partially fund or to retire debt issued for the funding of park land acquisition or recreation improvements serving new residential development.
- G. "Development approval" means tentative map or parcel map approval if the imposition of the Park Fee could lawfully have been imposed at such time or, building permit issuance if Park Fees could not be lawfully imposed at tentative map or parcel map approval.
- H. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of this code.
- I. "Duplex" means a building containing two dwelling units.
- J. "Imposition" means the determination that the Park Fee is applicable to the residential development project and the attachment of the Park Fee requirement as a specific condition of development approval.
- K. "Mobile home" is as defined in Section 21.15.1770 of this code.
- L. "Multifamily" means a permanent building designed for or occupied by three (3) or more families living independently of each other. This includes apartment houses and condominiums, but does not include hotels, motels, communal housing, residential care facilities or convalescent hospitals.

- M. "Park Fee" means a monetary exaction imposed as a condition of development approval in connection with a residential development project in order to fund and to assure the provision of park land and recreation improvements needed to serve such development at established City service level standards within a reasonable period of time.
- N. "Park land" means land used or to be used or acquired or to be acquired for use as a City park or open space or property owned by another public entity, such as a public school site, which is improved by the City and designated to meet City park land and recreation improvement needs related to projected residential development.
- O. "Recreation improvement" means the construction of facilities, including, but not limited to, soccer fields, softball fields, lighting, landscaping, bicycle paths, tennis courts, indoor recreational space and related facilities, the expenditure of funds for such facilities and improvements incidental thereto, and the expenditure of funds for the planning, design and engineering of such facilities and improvements and utility relocation ancillary thereto and designed to meet City park land and recreation improvement needs related to projected residential development.
- P. "Residential development project" means any residential development undertaken for the purpose of creating a new dwelling unit or units and involving the issuance of a building permit for such construction, reconstruction or use, but not including the following so long as no additional dwelling units are added: (i) a permit to operate, (ii) a permit issued for the internal alteration, remodeling, rehabilitation or other improvements to an existing structure, (iii) the rebuilding of a structure destroyed by an act of God, (iv) the rehabilitation or replacement of a building in order to comply with the City seismic safety requirements, or (v) the rehabilitation or replacement of a building destroyed by imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or civil disturbance except where said destruction was caused or in any manner accomplished, instigated, motivated, prompted, incited, induced, influenced or participated in by any persons or their agents having any interest in the real or personal property at the location.
- Q. "Secondary housing unit" is as defined and regulated in Sections 21.15.2400 and 21.51.275 of this code. A secondary housing unit which exceeds six hundred forty (640) square feet of residential dwelling space shall be classified as a single-family, duplex or multifamily dwelling unit for purposes of application of the Park Fee.
- R. "Single-family dwelling" means a residential unit designed and intended for occupancy by one (1) family as defined in Section 21.15.2410 of this code.

18.18.040 – Requirement.

- A. All residential development shall be required to pay a Park Fee prior to the issuance of a Certificate of Occupancy. The City may, prior to the issuance of a building permit for a residential development subject to the Park Fee, require that the applicant, as a condition of issuance of the building permit execute a contract with the City to pay the applicable Park Fee prior to issuance of the Certificate of Occupancy.
- B. Park Fees shall be imposed, where possible, at the time of tentative map approval, parcel map approval or site plan approval of a residential development.
- C. Park Fees shall be collected prior to the issuance of a Certificate of Occupancy for a residential development.
- D. Whenever a residential development project contains more than one (1) dwelling unit, the Park Fee shall be paid in a lump sum for all dwelling units in each phase of a residential development project for which a Certificate of Occupancy is sought.

- E. Payment of the Park Fee due shall be a condition of development approval of all residential development projects, and no tentative map or parcel map or site plan shall be approved nor shall a building permit be issued without compliance with the provisions of this chapter.
- F. The Park Fee requirement shall not apply to applicants who have a valid building permit on the effective date of the ordinance codified in this chapter.

18.18.050 – Amount of Park Fee.

- A. The Park Fee per dwelling unit, by type, shall be established by resolution of the City Council and may be amended from time to time as set forth in Section 18.18.160.
- B. The Park Fee imposed pursuant to this chapter shall not apply to applicants who have a valid building permit on the effective date of the ordinance codified in this section. Applicants who have a valid building permit on the effective date of the ordinance codified in this section and who are not otherwise exempt, shall continue to be subject to the Park Fee imposed pursuant to Ordinance C-6567.
- C. The fees established by this chapter shall be revised annually by means of an automatic adjustment based on the average percentage change over the previous calendar year in the Construction Cost Index for the Los Angeles metropolitan area. The first fee adjustment shall not be made before October 1, 2008. The fees, as adjusted annually, shall be compiled by the Department of Parks, Recreation and Marine, and shall be included in an annual report to the City Council pertaining to the Park Fee. The annual report shall be presented to the City Council by August 1st of each year, and fee adjustments shall be effective on October 1st of each year. The continued validity of the fee calculation methodology and the automatic adjustment shall be evaluated by a Nexus Study which shall be presented to the City Council for its consideration and action every five (5) years, commencing with the annual report due on or before August 1, 2012.

18.18.060 – Calculation of applicable Park Fee.

Upon receipt of an application for a Certificate of Occupancy, the Director shall calculate the amount of the applicable Park Fee due by determining the number and type of dwelling units in the proposed residential development project and multiplying same by the Park Fee amount per dwelling unit, by type, as established by City Council resolution.

18.18.070 - Collection of Park Fee.

The Director shall be responsible for the collection of the Park Fee prior to the issuance of a Certificate of Occupancy unless:

- A. The applicant is entitled to a full credit pursuant to Section 18.18.100 of this chapter; or
- B. The applicant is exempt pursuant to Section 18.18.120 of this chapter; or
- C. The applicant has taken an appeal pursuant to Section 18.18.140 of this chapter and a bond or other surety in the amount of the fee, as calculated by the Director, has been posted with the City.

18.18.080 – Establishment of Park Fee account.

The City hereby establishes a segregated Park Fee trust fund account (hereinafter "account") to which all Park Fees collected by the Director shall be posted. The funds of the account shall not be commingled with any other funds or revenues of the City and all such funds shall be accounted for. The account shall be an interest bearing account and all interest received shall be credited to such account and used solely for purposes of the account.

18.18.090 – Limitation on use of funds derived from Park Fees.

- A. Funds derived from payment of Park Fees pursuant to this chapter shall be placed in the account and shall be used solely and exclusively for the purpose of funding park land acquisition and recreation improvements, as defined herein, and as identified in the Park Fee report, or to reimburse the City for expenditures, advances or indebtedness incurred for the acquisition of park land or construction of recreation improvements, as defined herein or identified in the Park Fee report. Park Fees shall not be used for the provision of park land or recreation improvements, as defined herein, and as identified in the Park Fee report, or to reimburse the City for expenditures, advances or indebtedness incurred for the acquisition of park land or construction of recreation improvements, as defined herein or identified in the Park Fee report. Park Fees shall not be used for the provision of park land or recreation improvements relating to (i) the needs of existing City residents, (ii) the enhancement of park and recreation facilities to provide a higher level of service to existing City residents, (iii) operation and maintenance costs associated with City park and recreation facilities, (iv) repair and/or replacement of existing park and recreational facilities, or (v) the provisions of recreational services and programming.
- B. The City shall commit or expend Park Fees deposited to the account within five (5) years from the date of deposit.

18.18.100 – Credits.

- A. Any applicant subject to a Park Fee pursuant to this chapter who constructs, escrows money with the City for the construction of, agrees to participate in an assessment district for the construction of or who otherwise contributes funds or improvements to the City for the acquisition of park land or the construction of recreation improvements as herein defined, may be eligible for a credit for such contribution against the Park Fee otherwise due.
- B. Credit applications shall be made on forms provided by the City and, whenever possible, shall be submitted at or before the time of building permit issuance. The application shall contain a declaration of those facts, under oath, along with relevant documentary evidence which qualifies the applicant for the credit.
- C. The Director of Parks, Recreation and Marine shall determine whether the proposed construction, escrow payment, assessment district or cash contribution is for a recreation improvement listed in the Park Fee report and is consistent with the project priorities and timing and, if necessary, shall determine the value of the developer contribution.
- D. The Director of Parks, Recreation and Marine shall forward his report and the credit application and supporting documentary evidence to the City Council, for a determination of Park Fee credit. If the City Council determines that a Park Fee credit is due, said decision shall be confirmed by ordinance and shall be incorporated in a contract between the applicant and the City.
- E. No credit shall be granted in an amount exceeding the otherwise applicable Park Fee.

18.18.110 – Refunds.

- A. Any applicant who has paid a Park Fee pursuant to this chapter may apply for a full or partial refund of same, if, within one (1) year after collection of the Park Fee the residential development project has been modified, pursuant to appropriate City ordinances and regulations, resulting in a reduction in the number of dwelling units, a change in the type of dwelling units or the applicability of an exemption pursuant to Section 18.18.120 of this chapter. Refund applications shall be made on forms provided by the City and shall contain a declaration of those facts, under oath, along with relevant documentary evidence which qualifies the applicant for the refund. In no event may a refund exceed the amount of the Park Fee actually paid.
- B. Once each fiscal year the City shall make findings identifying all unexpended or uncommitted fees in the account.

- C. Except as described in Subsection 18.18.110.D, upon application of the property owner the City shall refund the portions of any impact fee which have been on deposit over five (5) years and which are unexpended or uncommitted. Refunds shall be made to the then current record owner or owners of the development project or projects on a prorated basis, together with accrued interest.
- D. With respect to fees unexpended or uncommitted within five (5) years of deposit in the Park Fee account, the City may make findings to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. If the City makes such findings, the fees are exempt from the refund requirement.
- E. The City may refund the unexpended or uncommitted portion of Park Fees by direct payment, by offsetting such refunds against other Park Fees due for residential development projects on the subject property, or by other means subject to agreement by the property owner.
- F. If the City finds that the administrative costs of refunding the unexpended or uncommitted Park Fees exceeds the amount to be refunded, the City, after a public hearing, notice of which has been published in accordance with State law and posted in three (3) prominent places within the area of each residential development project subject to a refund, may determine that the funds shall be allocated for other park land acquisition or recreation improvement projects of the type for which the Park Fees were collected and which serve the residential development project.

#### 18.18.120 - Exemptions.

The following uses and types of residential development are exempt from the payment of Park Fees:

- A. The following actions shall be exempt from the fee:
  - 1. Replacement of existing dwelling units. If the applicant is proposing to replace an existing legal dwelling unit or units with a greater number of units on the same lot, then the fee will be paid only for the number of new dwelling units that exceed the number of the existing legal dwelling units on that lot. A dwelling unit shall be considered existing if it is a legal dwelling unit as defined in Section 21.15.910 of this code (or any successor section thereto) and it existed on the lot within twelve (12) months prior to the application for a building permit for the replacement unit or units;
  - 2. The placement or installation of a replacement mobilehome as defined in Section 21.15.1770 of this code (or any successor section thereto) on a separate lot, mobilehome park space or pad when a park and recreation facilities fee for such lot or space has been previously paid pursuant to this chapter; or when a mobilehome legally existed on such park space or pad within twelve (12) months prior to construction approval for the replacement mobilehome;
  - 3. The relocation of existing legal dwelling units from one location in the City to another;
  - 4. The legalization of an existing illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with Subsection 21.25.403.D (or any successor section thereto).
- B. Affordable housing for lower income households. Property rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low income household" as defined in Section 50105 of the California Health and Safety Code. This exemption shall require the applicant to execute an agreement to guarantee the units shall be maintained for lower and very low income households whether as units for rent or for sale or transfer, for the lesser of a period of thirty (30) years or the actual life

or existence of the structure, including any addition, renovation or remodeling thereto. The agreement shall be in the form of a deed restriction, second trust deed, or other legally binding and enforceable document acceptable to the City Attorney and shall bind the owner and any successor-in-interest to the real property being developed. The agreement shall subordinate, if required, to any State or Federal program providing affordable housing to lower and very low income households. The agreement shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The City's Housing and Community Improvement Bureau shall be notified of pending transfers or purchases and give its approval of the purchaser's qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Community Improvement Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to insure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the Director and shall require the applicant or any successor-in-interest to pay the then applicable Park Fee at the time of voluntary conversion or as imposed at the time of violation on the unit in violation, plus any attorneys' fees and costs of enforcement if applicable.

#### 18.18.130 – Audits.

Any person may request an audit of the Park Fee in order to determine whether the Park Fee exceeds the amount reasonably necessary to provide the park land acquisition and recreation improvements to serve new residential development at the City's established service level standards. Upon such request for an audit, the City Council may retain an independent auditor to conduct an audit to determine whether the Park Fee is reasonable. Any costs incurred by the City in having the audit conducted by an independent auditor may be recovered from the person who requests the audit.

#### 18.18.140 – Appeals.

- A. An applicant may validly appeal, by protest, any imposition of the Park Fee by filing a notice of appeal with the City Clerk at the time of development approval or conditional development approval or within ninety (90) days after the date of the imposition of the Park Fee upon the development.
- B. A valid appeal by protest of the imposition of the Park Fee shall meet both of the following requirements:
  1. Tendering any required payment in full or providing satisfactory assurance of payment;
  2. Serving written notice on the City including:
    - a. A statement that the required payment has been tendered under protest or that required conditions have been satisfied,
    - b. A statement informing the City of the factual elements of the dispute and the legal theory forming the basis of the protest,
    - c. The name and address of the applicant,
    - d. The name and address of the property owner,
    - e. A description and location of the property,
    - f. The number of residential units or nonresidential square footage proposed, by land use or dwelling unit type, as appropriate,



- g. The date of imposition of the Park Fee upon the development.
- C. The City Council shall schedule a hearing and render a final decision on the applicant's appeal within one hundred sixty (160) days after the date of the imposition of the Park Fee upon the development.
- D. The City Council hearing shall be administrative. Evidence shall be submitted by the City and by the applicant and testimony shall be taken under oath.
- E. The burden of proof shall be on the applicant to establish that the applicant is not subject to imposition of the Park Fee pursuant to the express terms of this chapter and applicable State law.
- F. If the Park Fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney in an amount equal to the Park Fee calculated to be due, the application for development approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the Park Fee calculated by the City to be due unless sufficient and acceptable surety has been provided.
- G. If as a result of an appeal pursuant to this section or judicial review pursuant to Section 18.18.150, a Park Fee is reduced or waived, the City Council may determine whether and how such reduction or waiver may impact the Park Fee calculation methodology. If the City Council determines that park and recreation needs are correspondingly reduced, the City Council may amend the Park Fee calculation methodology, the applicable Park Fee, or take such other action as it may deem appropriate. If the City Council determines that park and recreation needs remain the same, the City Council shall appropriate funds in an amount equal to the reduction or waiver of Park Fees and shall deposit same to the subfund or take such other action as it may deem appropriate.
- H. Any petition for judicial review of the City Council's final decision shall be made in accordance with applicable State law and pursuant to Section 18.18.150.

18.18.150 – Judicial review.

- A. Any judicial action or proceeding to attack, review, set aside, void or annul the ordinance codified in this chapter, or any provision thereof, or amendment thereto, shall be commenced within one hundred twenty (120) days of the effective date of the ordinance codified in this chapter, resolution, or any amendment thereto.
- B. Any judicial action or proceeding to attack, review, set aside or annul the imposition or collection of a Park Fee on a development shall be preceded by a valid appeal by protest pursuant to Section 18.18.140 hereof and a final decision of the City Council pursuant thereto and shall be filed and service of process effected within one hundred eighty (180) days after the date of imposition upon the development.

18.18.160 – Amendment procedures.

At least once every year after the first year that this chapter has been effective, prior to City Council adoption of the annual budget and capital improvements program, staff shall prepare a report to the City Council on the subject of impact fees and shall incorporate:

- A. Recommendations on amendments, if appropriate, to this chapter or to resolutions establishing impact fee amounts.
- B. Proposed changes to the Park Fee report identifying capital improvements to be funded by impact fees.
- C. Proposed changes in the impact fee calculation methodology or variables pertaining thereto.

- D. Proposed changes to impact fee rates or schedules. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend this chapter and resolutions establishing impact fee rates or schedules. Changes to the impact fee rates or schedules may be made by resolution. Any change which increases the amount of the fee shall be adopted by the City Council after a noticed public hearing. Nothing herein precludes the City Council or limits its discretion to amend this chapter, the Park Fee report or resolutions establishing impact fee rates or schedules at such other times as may be deemed necessary.

18.18.170 – Effect of Park Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to the zoning ordinance, subdivision regulations or other ordinances or regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such residential development projects.

18.18.180 – Park Fee as additional and supplemental requirement.

The Park Fee imposed by this chapter is a fee imposed on residential development projects reflecting its proportionate share of the cost of providing park land and improvements necessary to meet the needs created by such development at established City service level standards. As such, the Park Fee is additional and supplemental to, and not in substitution of, on-site open space requirements imposed by the City pursuant to zoning, subdivision and other City ordinances and requirements. In no event shall an applicant for development approval be obligated to pay a Park Fee in excess of that calculated pursuant to this chapter, which shall not individually or collectively exceed the reasonable cost of providing park land and recreation improvements to such residential development project at established City service level standards.

## CHAPTER 18.20 UNSAFE BUILDINGS OR STRUCTURES

- 18.20.010 – Substandard buildings—Proceedings for repair.
- 18.20.020 – Substandard buildings—Notice required.
- 18.20.030 – Substandard buildings—Service of notice.
- 18.20.040 – Substandard buildings—Order to vacate.
- 18.20.050 – Substandard buildings—Vacating and reoccupying.
- 18.20.060 – Substandard buildings—Posting of placard on vacated building.
- 18.20.070 – Nonconforming buildings—Notice to comply or vacate.
- 18.20.080 – Dangerous buildings or conditions—Correction proceedings.
- 18.20.090 – Dangerous buildings or conditions—Inspection.
- 18.20.100 – Dangerous buildings or conditions—Abatement proceedings.
- 18.20.110 – Dangerous buildings or conditions—Summary abatement.
- 18.20.120 – Inspection of buildings—Report.
- 18.20.130 – Hearing by Board of Examiners, Appeals and Condemnation.
- 18.20.140 – Appeals to City Council.
- 18.20.150 – Demolition or repairs by City—Expense liability.
- 18.20.160 – Service of notices and orders.
- 18.20.170 – Extensions of time to perform work.
- 18.20.180 – Owner's responsibility for enforcement costs.
- 18.20.190 – Abatement charges.
- 18.20.200 – Hearing on charges.
- 18.20.210 – Interest on charges.
- 18.20.220 – Transfer of collection.
- 18.20.230 – Method of collection.
- 18.20.240 – Tax-sold property.
- 18.20.250 – Tax-sold property—Redemptions.
- 18.20.260 – Error correction—Assessment cancellation.
- 18.20.270 – Refunds.
- 18.20.280 – Notice to secure structure.
- 18.20.290 – Emergency hazard abatement.
- 18.20.300 – Criminal prosecution.

**CHAPTER 18.20  
UNSAFE BUILDINGS OR STRUCTURES**

18.20.010 – Substandard buildings—Proceedings for repair.

Whenever the Building Official determines by inspection that an existing building is substandard, or constitutes a nuisance, he or she shall institute proceedings to cause the repair, rehabilitation, vacation or demolition of such building.

18.20.020 – Substandard buildings—Notice required.

The Building Official shall give notice specifying the inadequacies and hazards to be corrected. Such notice shall also specify that the building may be ordered vacated if remedial measures are not commenced and completed within the time specified in the notice which time shall be such as the Building Official concludes is reasonable in view of the circumstances, but which shall in no event require commencement of such work within less than thirty (30) days nor completion within less than ninety (90) days.

18.20.030 – Substandard buildings—Service of notice.

Notices shall be given by service thereof in the manner elsewhere provided in this chapter for service of notices. Service of such notice in the manner therein prescribed shall constitute notice to the owner of such building, and failure of any such person to receive such notice shall in no manner affect the validity of the subsequent proceedings taken hereunder. In addition to giving such notice, the Building Official shall also prepare and cause to be recorded with the county recorder, a certificate stating that the building described is a substandard building, or is a public nuisance, and that the owner thereof has been so notified. When, and if, all required corrections to such a building have been made, the Building Official shall cause the certificate of substandard buildings or public nuisance to be terminated and cause to be recorded with the County Recorder a copy thereof.

18.20.040 – Substandard buildings—Order to vacate.

If, after thirty (30) days from service of the notice requiring remedial work, as provided in Section 18.20.030, such work is not commenced, or within ninety (90) days of such notice, such work is not completed, the Building Official may order the building vacated and posted as specified in Section 18.20.060. If the building is unoccupied, the order to vacate may be immediate. If the building is occupied, a notice of intent to order the building vacated shall be given thirty (30) days prior to issuing such order.

18.20.050 – Substandard buildings—Vacating and reoccupying.

Any substandard buildings, ordered vacated in accordance with Sections 18.20.010 through 18.20.060, shall be immediately vacated and shall not be reoccupied until the inadequacies or hazards specified by the Building Official in his notice as provided in Sections 18.20.010 through 18.20.060 have been eliminated and approval obtained from the Building Official for reinstatement of the occupancy. No person shall occupy or cause to be occupied any building or portion thereof which has been ordered vacated until approval of such occupancy is reinstated by the Building Official.

18.20.060 – Substandard buildings—Posting of placard on vacated building.

- A. Each such building ordered vacated shall be locked and otherwise secured against ingress, and the Department of Development Services shall post thereon a placard stating:

SUBSTANDARD BUILDING

Do Not Occupy  
By Order of

Department of Development Services  
City of Long Beach

This building has been ordered vacated and it is a misdemeanor to occupy this building. It is a misdemeanor to remove this placard. Sections 18.20.010 through 18.20.060 of the Long Beach Municipal Code.

- B. Notice of such posting and a copy of the posted notice shall be served on the owner by certified mail at the time of posting. No person other than a representative of the Department shall remove such a placard from any building where it has been officially posted. Each such building shall be rehabilitated within two (2) months after being ordered vacated or it shall be removed or demolished. If this rehabilitation, removal or demolition has not been accomplished within the above mentioned two-month period, then the Building Official shall institute action to correct violations or to demolish.

18.20.070 – Nonconforming buildings—Notice to comply or vacate.

Whenever any building or portion thereof is being maintained, occupied or used contrary to the provisions of this title or municipal code, the Building Official shall order such unlawful use, occupancy or maintenance to be discontinued by a date certain. If the maintenance, occupancy or use of any such building or portion thereof is not made to comply with the requirements of this title within the time set forth in the aforesaid order, the Building Official may order that the building, or the portion thereof in which any such violation occurs, be vacated. Such vacation shall be immediate but shall be subject to appeal in accordance with the provisions of this chapter. No person shall use or occupy such building or portion of building so vacated until such unlawful use, occupancy or maintenance has been discontinued and approval obtained from the Building Official for reinstatement of the occupancy.

18.20.080 – Dangerous buildings or conditions—Correction proceedings.

Whenever the Building Official determines by inspection that any building or structure, or portion thereof, is dangerous as defined in Section 18.02.050, he or she shall institute proceedings to correct such dangerous conditions.

18.20.090 – Dangerous buildings or conditions—Inspection.

- A. The Building Official and a duly authorized representative and the members of the Board of Examiners, Appeals and Condemnation shall have the right of reasonable inspection of any building for the purpose of determining the condition thereof. No person shall refuse or interfere with such inspection by any such official.
- B. For the purpose of such inspection, the Building Official may order any structural member or portion of the structural frame of any building, whether such building is already erected, or is in course of construction, to be exposed whenever he or she has reasonable grounds for believing that such structural member or frame is in an unsafe condition or does not conform to the requirements of this chapter. No owner, reputed owner or person having custody, control or management or in charge of maintenance, occupancy or use of such building who is served with such order shall fail or refuse to forthwith fully uncover or expose the portion of the structural frame or structural member as required by such order.

18.20.100 – Dangerous buildings or conditions—Abatement proceedings.

All buildings or portions thereof which are determined to be dangerous as defined in Section 18.02.050 are public nuisances and shall be abated under the procedures set forth in this chapter for abatement of nuisances.

18.20.110 – Dangerous buildings or conditions—Summary abatement.

Where necessary in the opinion of the Building Official to protect life or property from an acutely dangerous condition, the Building Official may take emergency action to abate the hazard by City forces as provided in this chapter or may order the building immediately vacated, posted unsafe, barricaded, utilities disconnected, or other appropriate protective remedy.

18.20.120 – Inspection of buildings—Report.

If the building is not demolished, the substandard conditions corrected, or the nuisance otherwise abated, on or before the expiration of the time specified in the posted notice, the Building Official shall cause such building to be thoroughly inspected and shall make a written report or record of his findings with respect thereto. Copies of such report shall be filed with the Board of Examiners, Appeals and Condemnation.

18.20.130 – Hearing by Board of Examiners, Appeals and Condemnation.

- A. Following the filing by the Building Official of his or her findings in connection with the condemnation of a building as being substandard or as being a public nuisance, the Building Official shall notify the members of the Board of Examiners, Appeals and Condemnation of such filing and shall notify other interested persons of the time and place for a hearing before the Board for the purpose of passing upon the findings of the Building Official. The Board may conduct an independent investigation into the facts of such matter and the members thereof, or their authorized representatives, may inspect any building or structure involved therein.
- B. Notice of the time and place of such hearing shall be given by the Secretary of the Board to the owner and other parties owning an interest in the substandard building. The notice must be served at least ten (10) days prior to the date fixed for such hearing.
- C. Any person claiming an interest in the building which is the subject of the hearing may appear before the Board and object to the condemnation. The Board shall take such evidence as may be necessary to determine whether the building or structure is substandard or is a public nuisance. Upon or after the conclusion of the hearing, the Board shall determine whether the building or structure is substandard or a nuisance and what alterations or repairs, if any, could be made in order to correct the substandard conditions or to abate the nuisance, or whether the total demolition thereof is required; the Board may establish a time not to exceed sixty (60) days, within which such repairs, alterations, or demolition shall be completed. The time period may, upon written request, be extended for a period not to exceed sixty (60) days if a determination is made by the Board that denial of the extension will result in substantial hardship to the owner.
- D. The Board shall make written findings of its determination in the manner aforesaid, and shall cause a copy thereof to be served upon the same persons and in the same manner elsewhere herein provided for service of the initial notice in connection with such proceedings. The time for completion of repairs or alterations, or the demolition of the building or structure, shall commence to run on the date such findings are either delivered, posted or mailed, as the case may be. Simultaneously with service of such written findings, a copy thereof shall be filed in the office of the Building Official.

18.20.140 – Appeals to City Council.

- A. Whenever any person is aggrieved by any final order of the Board of Examiners, Appeals and Condemnation, dealing with correction of substandard conditions or abatement of a nuisance, such person may, within fifteen (15) days after notice of such ruling or act has been served as hereinabove provided, appeal to the City Council by filing with the City Clerk a written statement of the rulings or acts complained of and the reasons for taking such appeal. The City Clerk shall thereupon refer such appeal to the City Council at its next regular meeting, and the Council shall thereupon fix a time for the hearing of the matter by the Council, which time shall be not less than ten (10) days nor more than thirty (30) days from the time the hearing date is set. On the date

thus fixed, or on the date to which the hearing has been continued, the Council shall proceed to hear and consider the evidence relating to the matter and shall make and enter on its minutes its final determination therein. The Council may confirm, modify or set aside the findings of the Board, and its determination in the matter shall be final and conclusive. No proceeding or action shall be against the City nor against the Council nor the Board nor any member of either thereof, nor against any officer, agent or employee of the City to review or enjoin the enforcement of its determination or orders of the Council made pursuant hereto, or to recover damages for carrying out such orders in a lawful and reasonable manner unless such action is commenced within thirty (30) days from and after service of notice of the findings and determination of the Council.

- B. Notice of the determination of the Council shall be served by the City Clerk upon the person or persons taking the appeal in the manner elsewhere provided in this chapter for service of notices.
- C. The effect of any order from which an appeal is taken as herein provided shall be suspended and of no force and effect until such appeal is fully determined.

18.20.150 - Demolition or repairs by City—Expense liability.

- A. Within the limitations of the budget, the Building Official may cause to be demolished, altered or repaired, at City expense, any building found by the Board of Examiners, Appeals and Condemnation to constitute a substandard building or to be a public nuisance which has not been demolished, altered or repaired within the time established by and in accordance with the determination of the Board or, in the event of an appeal, by the City Council. All expenses so incurred by him on behalf of the City in connection therewith, including the applicable processing costs as set forth in the schedule of fees and charges established by City Council resolution, and incidental enforcement costs shall become an indebtedness of the owner of such building or structure, and thereupon a lien shall attach to the parcel of real property upon which is located the building which is the subject of the proceedings. Such lien shall remain in effect until either:
  - 1. The substandard conditions shall have been corrected or the nuisance abated;
  - 2. If corrected or abated by the Building Official, payment in full of costs of correction or abatement, and accrued interest and penalties, if any, has been made; or
  - 3. The order requiring correction of substandard conditions or abatement is reversed on appeal to the City Council or by a final judgment of a court of competent jurisdiction.
- B. Any person having the legal right to do so may repair or demolish a substandard building prior to such action by the City, but if the work is performed after the deadline established by the Board of Examiners, Appeals and Condemnation or, in the event of an appeal, by the City Council, the appropriate processing and other costs incurred by the City in preparing to do the work and all incidental enforcement costs are chargeable to the property.

18.20.160 – Service of notices and orders.

- A. All notices and orders provided for by this chapter shall be in writing, shall state in general terms wherein the building or structure is unsafe or dangerous, or in what manner it is substandard, or in what manner it constitutes a public nuisance, and the minimum requirements for its correction, or total costs that will be charged to the owner of the property. Service of such order shall be upon the owner thereof or upon the person causing or permitting the condition to exist, or the person having the custody, control, maintenance, occupancy, use or management of the building, and upon any lessee or mortgagee thereof if shown on the official records of the county, by delivering the same to either of said persons or their agents in charge of the building. As an alternate method of such service, such notice may be served by registered United States mail with return receipt requested. Service by this method shall be deemed complete upon deposit of such notice in the United States mail with prepaid postage affixed. If, after reasonable diligence, either the identity of the owner thereof cannot be ascertained or such owner cannot be located,

then such order shall be posted in one or more conspicuous places upon or near the entrance to the building.

- B. Whenever the Building Official posts such a notice upon the property, it shall be posted at one (1) or more conspicuous places upon the building and shall be in substantially the following form:

NOTICE

To all persons owning or claiming any interest in this building:

You are notified that the Building Official of the City of Long Beach has determined that this building is (insert substandard or a nuisance) by reason of the following facts:

Pursuant to the provisions of the building regulations of the Long Beach Municipal Code, this building is hereby condemned and the owner or owners of said building are hereby directed to correct deficiencies therein or to abate a nuisance existing therein or thereon. Further particulars regarding the facts may be obtained at the office of the Development Services Department of the City of Long Beach.

Unless this building is (how to be corrected or demolished) in the manner hereinabove specified, on or before the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, the Building Official of the City of Long Beach may cause such work to be done for and on behalf of the owner of said building, and all expenses incurred by the City for such work will be charged to, and become an indebtedness of, the owner or owners of said building to the City of Long Beach, and will become a lien against the real property on which such building is situated.

Dated and posted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Building Official, City of Long Beach

- C. Not less than five (5) days after the aforesaid notice is posted on the building, an additional copy of such notice shall be served in the manner hereinabove provided upon the person or persons shown by the current county assessment roll to be the owner or owners of the building, or of any interest therein, including lessees and mortgagees, at the address shown thereon or to any known more recent address, or in the absence of any address then in care of general delivery, at Long Beach.
- D. No owner or other person causing or permitting such condition to exist shall fail or refuse, after delivery or posting of such order, to correct such condition in accordance with the requirements of the order.

18.20.170 – Extensions of time to perform work.

Any time limit prescribed in this chapter for the doing of an act by an occupant or owner of a building or by the Building Official may for good cause be extended by the Building Official, and failure to require the doing of any act authorized in this chapter to be required by him within the time limit prescribed in this chapter shall not affect the validity of any order made thereafter.

18.20.180 – Owner's responsibility for enforcement costs.

If the substandard conditions have not been corrected or the nuisance abated by the owner as directed within the time frame established by the Building Official, or as said time frame may be modified on appeal to the Board of Examiners, Appeals and Condemnation or City Council, all incidental enforcement costs incurred by the City in connection therewith shall be charged to and become an indebtedness of the owner of such property, except as provided below, whether or not the



work is later performed by the City, by the owner, or by others. "Incidental enforcement costs" include, but are not limited to, the actual expenses and costs of the City in investigating the nuisance, obtaining title information, preparing notices, and performing inspections. Incidental enforcement costs shall not be charged to, nor become an indebtedness of, a property owner who is the head of a low-income household (defined to be a household earning less than eighty percent of the county median income).

18.20.190 – Abatement charges.

When a building has been demolished, altered or repaired by the Building Official at City expense as authorized by Section 18.20.150, or when the owner is responsible for incidental enforcement costs as provided by Section 18.20.180, the Building Official shall prepare a sworn statement showing the costs thereof. The Building Official shall thereupon give notice of the amount of such charges in the same manner as elsewhere provided in this chapter for service of notices.

18.20.200 – Hearing on charges.

Within thirty (30) days from the date of service of such notice the property owner, or any interested person, may demand a hearing as to the reasonableness of the charges. Such demand shall be in writing and filed with the Building Official. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. Such demand shall be presented by the Building Official to the Board of Examiners, Appeals and Condemnation for hearing at its next regular meeting that is not less than ten (10) and not more than forty-five (45) days thereafter. The Building Official shall give written notice of such hearing to the address furnished in the demand for hearing in the manner elsewhere provided in this chapter for service of notices. At the time set for such hearing, the Board of Examiners, Appeals and Condemnation shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board of Examiners, Appeals and Condemnation thereon shall be final.

18.20.210 – Interest on charges.

If the amount of the charges as determined by the Board of Examiners, Appeals and Condemnation has not been paid within thirty (30) days after the date of hearing, the payment thereof shall thereupon become delinquent and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) until paid, as determined by the tax collector. If no hearing is demanded as to the reasonableness of the charges, the payment thereafter shall become delinquent sixty (60) days after notice of the charges for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) until paid, as determined by the tax collector.

18.20.220 – Transfer of collection.

The Building Official shall certify a list of all delinquent charges for correction of substandard conditions or nuisance abatement to the tax collector. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the tax collector. The amount of the charges including such interest as has accrued after the delinquent date to July 1 of the year shall be set forth opposite the description by the tax collector.

18.20.230 – Method of collection.

Upon receipt of the list the tax collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as municipal ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon the tax roll as against a particular parcel shall be issued unless all

such charges for collection of substandard conditions or nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.

18.20.240 – Tax-sold property.

Upon the sale of any lot to the City for nonpayment of taxes, all charges for correction of substandard conditions or nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

18.20.250 – Tax-sold property—Redemptions.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for correction or substandard conditions and nuisance abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.

18.20.260 – Error correction—Assessment cancellation.

- A. The Building Official may, prior to certifying any such unpaid charges to the tax collector, correct any errors with respect to such taxes appearing upon his records.
- B. After such taxes have been certified to the tax collector, the Council, by order entered on its minutes, may cancel any charges for correction of substandard conditions or nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any city, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessments.

18.20.270 – Refunds.

Any charge for correction of substandard conditions or for nuisance abatement or penalty, or portion of either thereof, which is paid as the result of an erroneous assessment upon the wrong property, or which is paid more than once, or which is based upon a clerical error appearing in the tax records, may be refunded by the Council to the person entitled thereto; provided, however, that such refunds shall only be made upon the written application of the person entitled thereto, which must be filed with the City Clerk not later than one year after the date the erroneous payment was made.

18.20.280 – Notice to secure structure.

When any unoccupied building or structure is not properly secured, locked or closed, and is accessible to juveniles, transients and undesirables, and is in such condition as to constitute an immediate health, fire or safety hazard and the Building Official determines that the hazard is such as to require immediate closure, he shall serve the record owner and the person having control of such building or structure with notice to secure or close the same forthwith so as to prevent unauthorized persons from gaining access thereto. Notice shall be served as provided in this chapter and shall state that if the required work is not performed within forty-eight (48) hours after service of the notice, the City will perform such work and all expenses incurred by the City including, but not limited to, incidental processing and enforcement costs shall become an indebtedness of the owner and a lien on the property. Collection of such charges shall be accomplished in accordance with this title and Chapter 8.56.

18.20.290 – Emergency hazard abatement.

When any open building or structure constitutes such a threat to life, limb or property that it must be secured, closed, barricaded or demolished forthwith and compliance with other provisions of this code become infeasible, as determined by a City officer charged with responsibility for enforcement of

health and safety regulations, the Director of Public Works may summarily secure, close, barricade or demolish such building or structure without prior notice to the property owner. All costs incurred by the City in abating the hazard shall be borne by the property owner and failure to receive prior notice shall not affect or relieve the property owner's obligation for payment of such costs.

18.20.300 – Criminal prosecution.

Pursuant to Section 1.32.010 of this code, any violation of the provisions of this Title 18 is a misdemeanor, and the notice, hearing, appeal and other administrative procedures contained in this Title 18 shall not be a condition precedent to any criminal prosecutions.

## **CHAPTER 18.21 MAINTENANCE OF LONG-TERM BOARDED AND VACATED BUILDINGS**

18.21.010 – Purposes and definitions.

18.21.020 – Owner responsibilities.

18.21.030 – Monitoring program—Purpose.

18.21.040 – Monitoring program—Department responsibility and fees.

18.21.050 – Civil remedy.

## CHAPTER 18.21 MAINTENANCE OF LONG-TERM BOARDED AND VACATED BUILDINGS

### 18.21.010 – Purposes and definitions.

- A. Purpose. Vacant buildings are a major cause and source of blight in both residential and non-residential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings (whether or not those buildings are boarded), substandard or unkempt buildings, and long-term vacancies discourage economic development and retard appreciation of property values. It is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. One vacant building which is not actively and well maintained and managed can be the core and cause of spreading blight.
- B. Definitions. For the purposes of this chapter, the term "boarded building" shall mean a building whose doors and windows have been covered with plywood or other material for the purpose of preventing entry into the building by persons or animals.

### 18.21.020 – Owner responsibilities.

- A. No person shall allow a building or structure designed for human, industrial, or commercial use, or occupancy to stand vacant for more than thirty (30) days unless one of the following applies:
  - 1. The building is the subject of an active building permit for repair or rehabilitation, or a permit for demolition, and the owner is progressing diligently to complete the repair or rehabilitation;
  - 2. The building meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease, or rent;
  - 3. The Building Official or designee determines that the building does not contribute to, and is not likely to contribute to, blight because the owner is actively maintaining and monitoring the building so that it does not contribute to blight. Active maintenance and monitoring shall include:
    - a. Maintenance and appropriate watering and care of landscaping and plant materials,
    - b. Maintenance of the exterior of the building, including but not limited to, paint and finishes, in good condition,
    - c. Regular removal of all trash, debris and graffiti,
    - d. Maintenance of the building or structure in continuing compliance with all applicable codes and regulations,
    - e. Prevention of criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution, or other criminal street gang activity.
- B. "Vacant building" or "vacant structure" shall mean a building which is without a lawful resident or occupant or which is not being put to a lawful commercial, residential, or industrial use, and which may be unoccupied and unsecured; occupied and secured by boarding or other similar means; unoccupied and a dangerous structure or; unoccupied with multiple City municipal code or nuisance violations.
- C. The owner of any vacant or boarded building or structure, whether boarded by voluntary action of the owner or as a result of enforcement activity by the City, shall cause the boarded or vacant

building to be rehabilitated for occupancy within sixty (60) days after the building or structure is boarded or becomes unoccupied.

18.21.030 – Monitoring program—Purpose.

- A. Vacant buildings are a major cause and source of blight in residential and nonresidential neighborhoods, especially when the owner of the building fails to maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings often attract transients and criminals, including drug users. Use of vacant buildings by transients and criminals, who may employ primitive cooking or heating methods, creates a risk of fire for the vacant buildings and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings which are boarded up to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values.
- B. Because of the potential economic and public health, welfare and safety problems caused by vacant buildings, the City needs to monitor vacant buildings, so that they do not become attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and do not become a blighting influence in the neighborhood. City Departments involved in such monitoring include the Police, Fire, Health, and Development Services Departments. There is a substantial cost to the City for monitoring vacant buildings (whether or not those buildings are boarded up) which should be borne by the owners of the vacant buildings.

18.21.040 – Monitoring program—Department responsibility and fees.

- A. Purpose. The Building Official or designee shall be responsible for administering a program for identifying and monitoring the maintenance of all vacant buildings or structures in the City.
- B. Purposes. The purposes of the monitoring program shall be:
  - 1. To identify buildings that become vacant;
  - 2. To order vacant buildings that are open and accessible to be secured against unlawful entry per Long Beach Municipal Code Section 18.20.280;
  - 3. To initiate proceedings against any vacant or boarded building or structure found to be substandard as defined in this title; and
  - 4. To maintain surveillance over vacant or boarded buildings so that timely code enforcement proceedings are commenced in the event a building becomes substandard or a public nuisance.
- C. Notice of vacant building.
  - 1. Upon discovery of a potential vacant building by a code enforcement officer or receipt of a complaint about a vacant or boarded building from any source, the City may cause an inspection of the property in order to determine if the building or structure should be classified as a vacant building;
  - 2. If the City determines that a building or portion of a building may be classified as a vacant building under this chapter, the City shall ascertain the identity of, and contact the owner or agent of the owner, and advise the owner in writing that the building or structure is vacant and that the following measures need to be taken by the owner:
    - a. Immediate measures to temporarily secure the building or structure from unauthorized entry,

- b. Measures to permanently secure the building during the period of time that the building or structure remains vacant,
  - c. The posting of a sign or signs on the property in a conspicuous place, as determined by the City, which sign(s) shall notify the public of the owners or authorized agents' name and address and an emergency contact telephone number;
3. If the City determines that a building or structure is vacant it shall cause a "Notice of Vacant Building" to be recorded against the title of the property, which notice shall make reference to the provisions of this chapter and disclose that administrative penalties and costs may likewise be assessed against the owner and property as a result of the building or structure remaining in a vacant condition;
  4. If the owner fails to take immediate measures to temporarily or permanently secure the building from unauthorized entry, the vacant building shall constitute a nuisance and the City may, without further notice, and by any lawful means, abate the nuisance. In this event, the owner shall be liable for the costs incurred by the City for inspections or to secure the building or structure, including costs incurred to ascertain ownership of the property and obtaining title information, preparing notices, and any and all administrative costs together with actual labor or material cost or expense incurred by the City to secure the building or structure or otherwise abate the nuisance. If the owner does not reimburse the City within thirty (30) days of being billed therefore, the City may file a lien against the property for all of the expenses incurred by the City.

D. Optional vacant building plan and timetable.

1. If the owner of a vacant building files a vacant building plan and timetable with the City not later than seven (7) days after the owner or agent of the owner receives written notice pursuant to Subsection 18.21.040.C, the City is authorized to:
  - a. Suspend the processing of any citation or other remedy for violation of this chapter,
  - b. Extend the period of time in which the owner of a vacant building must secure the building;
2. The vacant building plan and timetable must be submitted on forms prepared by the City and must include, at a minimum, the following information:
  - a. A description of the premises, including the address thereof,
  - b. The names, addresses, and telephone numbers of all owners with a right of control over the vacant building or structure,
  - c. The names and addresses of all known lien holders and all other parties with an ownership interest in the vacant building or structure,
  - d. The name, address and telephone number of the owner's property manager or agent, and whether the property manager or agent has the authority to independently act on the owner's behalf to repair or maintain the property,
  - e. The period of time the building is expected to remain vacant,
  - f. If the owner plans on demolishing the building, the date the building is scheduled for demolition, and whether or not a permit has been issued for said demolition,

- g. If the owner plans on returning the building to a lawful occupancy and use, the estimated date for returning the building to a lawful occupancy or use, and whether or not a permit has been issued to return the vacant building to a lawful occupancy or use,
  - h. A plan for regular inspection and maintenance of the building during the period of vacancy,
  - i. Measures the owner will employ to secure the building to prevent access by trespassers. One of the following methods must be used to secure the building as specified in the discretion of the City:
    - i. Installation of adequate windows and doors, or window and door coverings,
    - ii. Installation and maintenance of adequate locks for windows and doors,
    - iii. Installation of boards on windows and doors or security screening to the satisfaction of the City,
    - iv. Employment of security officers to the satisfaction of the City,
    - v. Installation, operation, and monitoring of an electronic security system, which monitors doors and windows by glass breakage or motion sensors, and a method of responding to alarms from the electronic security system, other than sole reliance on the City's Police Department,
    - vi. Any other methods as specified by the City,
  - j. Measures the owner will employ to monitor and inspect the property on a weekly basis. The weekly monitoring and inspection must be performed by the owner, property manager, or agent of the owner with full authority to maintain and make repairs to the property on a weekly basis;
- 3. The plan and timetable submitted by the owner or agent of the owner must be approved by the City. Any and all repairs required to effect the plan and timetable shall comply with all applicable City of Long Beach ordinances, codes and regulations. The owner shall be required to notify the City in writing of any changes in information supplied as part of the vacant building plan and timetable within ten (10) days of the change;
  - 4. During the period of time that the vacant building plan and timetable are in effect, the owner shall be responsible for paying to the City the monthly monitoring fee as said fee is established, and from time to time amended, in accordance with a duly adopted resolution of the City Council;
  - 5. In the event that the owner fails to comply with the vacant building plan and timetable, the City shall so notify the owner or authorized agent and shall thereafter institute appropriate administrative, civil or other legal action to secure compliance with this chapter.
- E. Monitoring fee imposed. Any vacant or boarded building or structure as defined in this chapter shall be subject to a monthly monitoring fee, to recover the City's regulatory costs to monitor the status of the vacant or boarded building. The monthly monitoring fee shall be set by resolution of the City Council. The monitoring fee shall be applicable until such time as the building or structure is no longer vacant or boarded, and shall likewise be applicable even when a vacant building plan and timetable is in effect. The monitoring fee shall be imposed upon the initial determination that the building is vacant. The fee shall thereafter be imposed in each thirty (30) day period following the imposition of the initial monitoring fee, to be billed to the owner on a quarterly basis until such time as the building or structure is no longer vacant or boarded.



- F. Code enforcement response fee. In addition to the monthly monitoring fee imposed pursuant to this section, the City also establishes a further and separate enforcement response fee for actual costs incurred by the City to respond to or abate substandard or blighted conditions existing in or about the property upon which the boarded or vacant building or structure is located. Such costs shall include, but not be limited to, personnel costs involved with inspecting or responding to calls for service at the property, personnel costs involved in abating the substandard or blighted conditions existing on the property, costs of any materials or supplies either purchased or supplied by the City in connection with the abatement of any substandard or blighted condition in or about the property, costs of any contracted services, including the costs of materials, supplies, and labor provided by the City's contractor, if any, costs of procuring title or ownership information concerning or related to the property, as well as any other incidental enforcement costs incurred by the City in connection with remedying the substandard or blighted conditions existing on the property. The amount of the code enforcement response fee shall be established by resolution of the City Council.
- G. Procedure. The vacant or boarded building monitoring fee and the code enforcement response fee, if any, shall be billed to the owner of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the county assessor. Said fee or fees and associated administrative costs shall be charged to and become an indebtedness of the owner of the property.
- H. If the monthly monitoring or code enforcement response fees or associated administrative costs and expenses are not paid within thirty (30) days after billing, then the fee or costs may be specially assessed against the property involved. If the fees or costs are specially assessed against the property, said assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.
- I. The City may also cause a notice of lien to be recorded against the property. The notice shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, a description of the real property subject to the lien, and the amount of the fee or costs assessed against the property.
- J. Hearing on charges. Within thirty (30) days from the date that the property owner is mailed a notice regarding the imposition of either monthly monitoring fees or code enforcement response fees or charges, the property owner may demand a hearing as to the reasonableness of the fees or charges imposed. Such demand shall be in writing and presented to the Director of Development Services for the City of Long Beach. Said demand shall describe the property involved, state the reasons for objecting, and include an address of the property owner for service of notice in connection with such hearing. Such demand shall be presented by the City to the Board of Examiners, Appeals and Condemnation for hearing at its next regularly scheduled meeting that is not less than ten (10) and not more than forty-five (45) days thereafter. The Director of Development Services shall give written notice of such hearing to the address furnished by the property owner in the demand for an appeal hearing. At the time set for such hearing, the Board of Examiners, Appeals and Condemnation shall hear all evidence pertinent to the reasonableness of such fees and charges and shall either confirm or modify the charges. The decision of the Board of Examiners, Appeals and Condemnation shall be final. If the amount of the charges is uncontested by the property owner or as set by the Board of Examiners, Appeals and Condemnation on appeal, has not been paid within thirty (30) days after imposition or appeal hearing whichever is later, the payment thereof shall thereupon become delinquent and the amount so imposed or determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid, as determined by the tax collector.

18.21.050 – Civil remedy.

A. Penalty.

1. Any owner of a vacant or boarded building which remains boarded in violation of Subsection 18.21.020.B or any owner of a building which remains vacant or boarded in violation of Subsection 18.21.020.A shall be liable for an administrative penalty in an amount not to exceed one thousand dollars (\$1,000.00) per calendar year per building.
2. A second or subsequent administrative penalty imposed upon any owner pursuant to this section shall be in an amount not to exceed five thousand dollars (\$5,000.00).

B. Procedure.

1. The administrative penalty shall be imposed by the Board of Examiners, Appeals and Condemnation upon the recommendation of the Building Official or designee and after the owner shall have been afforded a hearing before the Board of Examiners, Appeals and Condemnation. The hearing shall be conducted in accord with the provisions of Chapter 18.10 and Chapter 18.20. In setting the penalty, the Board shall consider the severity of the blighting conditions on the property and the owner's efforts, or lack thereof, to remedy the problem. The decision of the Board shall be final.
2. The administrative penalty shall be due and payable within thirty (30) days after the decision of the Board. If the penalty is not paid within forty-five (45) days after the decision of the Board, the penalty shall become a personal indebtedness or obligation of the property owner or it may be specially assessed against the property involved. If the property is specially assessed said assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.
3. The City may also cause a notice of lien to be recorded against the property. The notice shall, at a minimum, identify the record owner or possessor of the property and set forth the last known address of the record owner or possessor, the date on which the penalty was imposed, a description of the real property subject to the lien, and the amount of the penalty or costs assessed against the property.

## CHAPTER 18.22 POLICE FACILITIES IMPACT FEE

- 18.22.010 – Legislative findings.
- 18.22.020 – Purpose.
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**CHAPTER 18.22**  
**POLICE FACILITIES IMPACT FEE**

18.22.010 – Legislative findings.

- A. The State of California, through the enactment of Government Code Sections 66001 through 66009 has authorized the City to enact development impact fees.
- B. The imposition of development impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities and related costs necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
- C. That the continuing increase in the development of residential and nonresidential construction in the City has created an urgency in that funds are needed for the increased demand for police services and the facilities that support those services which are required to serve the increasing residential and workforce population of the City.
- D. The fees established pursuant to this chapter are derived from, are based upon, and do not exceed the costs of providing additional police services attributable to new residential or nonresidential construction, including: master planning to more specifically identify capital facilities to serve new development; the acquisition of additional property for police facilities; the construction of buildings for police services; the furnishing of buildings or facilities for police services; and the purchasing of equipment and vehicles for police services.
- E. The fees collected pursuant to this chapter shall be used to finance the police facilities and equipment identified in Subsection 18.22.010.D.
- F. Detailed study of the impacts of future residential and nonresidential construction in the City, along with an analysis of the need for new police facilities and equipment has been prepared. This study is included in the "Public Safety Impact Fee Study" for the City of Long Beach dated August 18, 2006 which is incorporated herein by reference as though set forth in full, word for word.
- G. There is a reasonable relationship between the need for the police facilities and equipment set forth in Subsection 18.22.010.D and the impacts of the types of development for which the corresponding fee is charged.
- H. There is a reasonable relationship between the fee's use and the type of development for which the fee is charged.
- I. There is a reasonable relationship between the amount of the fee and the cost of the facilities and equipment or portion thereof attributable to the development on which the fee is imposed.

18.22.020 – Purpose.

A Police Facilities Impact Fee is imposed on residential and nonresidential development for the purpose of assuring that the impacts created by said development pay its fair share of the costs required to support needed police facilities and related costs necessary to accommodate such development.

18.22.030 – Definitions.

As used in this chapter:

- A. "Accessory use" is as defined in Section 21.15.060 of this code.

- B. "Applicant" means the property owner, or duly designated agent of the property owner, for which a request for building permit or construction approval for a mobilehome pad is received by the City.
- C. "Building permit" means the City permit required for new building construction and/or additions which add square footage pursuant to Title 18 of this code. Neither a grading permit nor a foundation permit shall be considered a building permit for purposes of this chapter.
- D. "Calculation" means the point in time at which the City calculates the Police Facilities Impact Fee to be paid by the applicant. Calculation will generally occur at the time of issuance of the applicable building permit or construction approval for a mobilehome pad but may occur earlier in the development approval process.
- E. "City Manager" means the City Manager of the City of Long Beach or other municipal officials he or she may designate to carry out the administration of this chapter.
- F. "Collect" or "collection" means the point in time at which the Police Facilities Impact Fees are paid by the applicant. Collection will occur on the date of final inspection or the date a Certificate of Occupancy or Temporary Certificate of Occupancy, whichever occurs first, or in the case of a mobilehome pad or pads, collection will occur at or on the date of construction approval is issued.
- G. "Development" means the addition of new dwelling units and/or new nonresidential square footage to an undeveloped, partially developed or redeveloped site and involving the issuance of a building permit and Certificate of Occupancy for such construction, reconstruction or use. Development also includes the approval and construction of new mobilehome pads in existing or new mobilehome parks or sites, but not including the following so long as no additional dwelling units or gross floor area is added:
  - 1. A permit to operate;
  - 2. A permit for the internal alteration, remodeling, rehabilitation, or other improvements or modifications to an existing structure;
  - 3. The rebuilding of a structure destroyed by an act of God or the rehabilitation or replacement of a building in order to comply with the City's seismic safety requirements;
  - 4. Parking facilities; or
  - 5. The rehabilitation or replacement of a building destroyed by imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or civil disturbance except where said destruction was caused or in any manner accomplished, instigated, motivated, prompted, incited, induced, influenced, or participated in by any persons or their agents having any interest in the real or personal property at the location.
- H. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of this code.
- I. "Fee-setting resolution" means and refers to the City resolution specifying the Police Facilities Impact Fee per dwelling unit or mobilehome pad for residential development and per gross square foot of floor area for nonresidential development, by type and by location. The Police Facilities Impact Fee set forth in the fee-setting resolution may be revised pursuant to Section 18.22.140 and applicable State law.
- J. "Gross square feet" or "gsf" means the area of a nonresidential development measured from the exterior building lines of each floor with respect to enclosed spaces but excluding parking spaces whether or not enclosed. For purposes of this chapter, the term "enclosed spaces" specifically includes, but is not limited to, an area available to and customarily used by the general public and

all areas of business establishments generally accessible to the public such as fenced, or partially fenced in areas of garden centers attached to and serving the primary structure.

- K. "Mixed use" is as defined in Section 21.15.1760 of this code.
- L. "Mobile home" is as defined in Section 21.15.1770 of this code.
- M. "Nonresidential development" means a development undertaken for the purpose of creating gross floor area, excluding dwelling units, but which includes, and is not limited to, commercial, industrial, retail, office, hotel/motel, and warehouse uses involving the issuance of a building permit for such construction, reconstruction or use.
- N. "Police Department" means the Police Department of the City of Long Beach.
- O. "Principal use" is as defined in Section 21.15.2170 of this code.
- P. "Residential development" means a development undertaken for the purpose of creating a new dwelling unit or units and involving the issuance of a building permit and Certificate of Occupancy for such construction, reconstruction or use, or the construction approval for a mobilehome pad or pads.

18.22.040 – Fund established.

A Police Facilities Impact Fee fund is established. The Police Facilities Impact Fee fund is a fund to be utilized for payment of the actual or estimated costs of police facilities and equipment related to new residential and nonresidential construction as described in this chapter.

18.22.050 – Police Facilities Impact Fee.

There is imposed a Police Facilities Impact Fee on all new residential and nonresidential development as those terms are defined in this chapter.

18.22.060 – Fee imposed.

- A. Any person who, after the effective date of this chapter, seeks to engage in residential or nonresidential development including mobile home development as defined in this chapter by obtaining a building permit or construction approval for a mobilehome pad or pads is required to pay a Police Facilities Impact Fee in the manner and amount as set forth in the then current fee-setting resolution. The Police Facilities Impact Fee imposed pursuant to this chapter shall not apply to those projects for which a Planning Bureau application for conceptual or site plan review has been filed and deemed complete by the Department of Development Services by April 3, 2007.
- B. No Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection approval or construction approval for a mobile home pad or pads, as applicable, for the activities listed in Subsection 18.22.060.A shall be issued unless and until the Police Facilities Impact Fee required by this chapter has been paid to the City.

18.22.070 – Calculation of Police Facilities Impact Fee.

- A. The Director shall calculate the amount of the applicable Police Facilities Impact Fee due as specified in the then current fee-setting resolution.
- B. The Director shall calculate the amount of the applicable Police Facilities Impact Fee due by:
  - 1. Determining the number and type of dwelling units in a residential development or mobilehome pads in a mobilehome park or site, and multiplying the same by the Police

Facilities Impact Fee amount per dwelling unit or pad as established by the then current fee-setting resolution;

2. Determining the gross square feet of floor area, type of use and location in a nonresidential development, and multiplying the same by the Police Facilities Impact Fee amount as established by the then current fee-setting resolution;
3. Determining the number and type of dwelling units and the nonresidential number of gross square feet of floor area, type of use and location, in a structure containing mixed uses which include a residential use, and multiplying the same by the Police Facilities Impact Fee amount for each use as established by the then current fee-setting resolution;
4. Determining the gross square feet of floor area, type of use and location in a structure containing mixed uses which include two (2) or more nonresidential principal uses, and multiplying the same by the Police Facilities Impact Fee amount as established by the then current fee-setting resolution. The gross square feet of floor area of any accessory use will be charged at the same rate as the predominant principal use unless the Director finds that the accessory use is related to another principal use.

18.22.080 – Payment of fee.

- A. The City shall collect from the applicant the Police Facilities Impact Fee prior to the issuance of a Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection or construction approval for mobilehome pad or pads, whichever occurs first.
- B. Except for an administrative charge that shall be allocated to the Department of Development Services, all funds collected shall be properly identified and promptly transferred for deposit in the Police Facilities Impact Fee fund and used solely for the purposes specified in this chapter.

18.22.090 – Use of funds.

- A. Funds collected from the Police Facilities Impact Fee shall be used to fund the costs of providing additional police services attributable to new residential and nonresidential construction and shall include:
  1. The acquisition of additional property for law enforcement facilities;
  2. The construction of new buildings for law enforcement services;
  3. The furnishing of new buildings or facilities for law enforcement services;
  4. The purchasing of equipment and vehicles for law enforcement services;
  5. The funding of a master plan to identify capital facilities to serve new Police Department development;
  6. The cost of financing (e.g., interest payments) related to Subsections 1 through 5, inclusive.
- B. Funds shall not be used for periodic or routine maintenance.
- C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which Police Facilities Impact Fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Subsection 18.22.090.A.
- D. Funds may be used to provide refunds as described in Section 18.22.100.

18.22.100 – Refund.

- A. Any applicant who has paid a Police Facilities Impact Fee pursuant to this chapter may apply for a full or partial refund of same, if, within one year after collection of the Police Facilities Impact Fee the development project has been modified, pursuant to appropriate City ordinances and regulations, resulting in a reduction in the number of dwelling units, a change in the type of dwelling units, a reduction in square footage, or the applicability of an exemption pursuant to Section 18.22.110 of this chapter. The City shall retain a sum equaling twenty percent (20%) of the impact fee paid by the applicant to offset the administrative costs of refund. The applicant must submit an application for such a refund in accordance with Chapter 3.48 of this code. In no event shall a refund exceed the amount of the Police Facilities Impact Fee actually paid.
  
- B. Any funds not expended, encumbered or obligated by issued indebtedness by the end of the calendar quarter immediately following five years from the date the Police Facilities Impact Fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at a rate equal to the rate of interest earned by the City from the time the fee was paid, provided that the landowner submits an application for a refund within one hundred eighty (180) calendar days from the expiration of the five-year period.

18.22.110 – Exemptions and credits.

- A. Exemptions. Any claim of exemption must be made no later than the time of application for a building permit or mobile home construction approval. The following shall be exempted from payment of the Police Facilities Impact Fee:
  - 1. Alterations or expansion of an existing residential building where no additional dwelling units are created and where the use is not changed;
  - 2. The replacement of a building or structure destroyed by fire, flood, earthquake or other act of God, with a new building or structure of the same size and use;
  - 3. The installation of a replacement mobile home on a lot or other such site when a Police Facilities Impact Fee for such mobile home site has previously been paid pursuant to this chapter, or where a mobilehome legally existed on such site on or prior to the effective date of the ordinance codified in this chapter;
  - 4. Nonresidential development. Construction or occupancy of a new nonresidential building or structure or an addition to or expansion of an existing nonresidential building or structure of three thousand (3,000) gross square feet or less;
  - 5. Residential development. Construction, replacement or rebuilding of a single-family dwelling (one unit per lot) on an existing lot of record, or the replacement of one (1) mobilehome with another on the same pad, or the moving and relocation of a single-family home from one (1) lot within the City to another lot within the City, or the legalization of an illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with Section 21.25.403(D). This exemption shall not apply to tract development, to the development of more than one (1) unit per lot nor to the replacement of a single-family dwelling with more than one (1) dwelling unit;
  - 6. Affordable Housing for Lower Income Households. Property rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low-income household" as defined in Section 50105 of the California Health and Safety Code. This exemption shall require the applicant to execute an agreement to guarantee that the units shall be maintained for lower and very low-income households whether as units for rent or for sale or transfer, for the lesser of a period



of thirty (30) years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The agreement shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Attorney and shall bind the owner and any successor-in-interest to the real property being developed. The agreement shall subordinate, if required, to any State or federal program providing affordable housing to lower and very low-income households. The agreement shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The City's Housing and Community Improvement Bureau shall be notified of pending transfers or purchases and give its approval of the purchaser's qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Community Improvement Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to insure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the City's Housing and Community Improvement Bureau and shall require the applicant or any successor-in-interest to pay the then applicable Police Facilities Impact Fee at the time of voluntary conversion or as imposed at the time of violation on the unit in violation, plus any attorneys' fees and costs of enforcement, if applicable;

7. Hospitals as that term is defined in Section 21.15.1370 of this code.

- B. Credits. Any applicant whose development is located within a Community Facilities District (CFD), and is subject to the assessments thereof, shall receive an offset credit towards the fees established by this chapter to the extent that the assessments fund improvements within the CFD which would otherwise be funded by the development impact fees established by this chapter.

#### 18.22.120 – Appeals.

- A. An applicant may appeal, by protest, any imposition of the Police Facilities Impact Fee by filing a notice of appeal with the City Clerk within ninety (90) days after the applicant pays the required fee.
- B. A valid appeal by protest of the imposition of the Police Facilities Impact Fee shall meet all of the following requirements:
1. Tendering in advance of the appeal any required payment in full or providing assurance of payment satisfactory to the City Attorney;
  2. Serving written notice on the City including:
    - a. A statement that the required payment has been tendered under protest or that required conditions have been satisfied;
    - b. A statement informing the City of the factual elements of the dispute and the legal theory forming the basis of the protest;
    - c. The name and address of the applicant;
    - d. The name and address of the property owner;
    - e. A description and location of the property;
    - f. The number of residential units or nonresidential gross square footage proposed, by land use or dwelling unit type, as appropriate; and
    - g. The date of issuance of the building permit.

- C. The City Council shall schedule a hearing and render a final decision on the applicant's appeal within sixty (60) days after the date the applicant files a valid appeal.
- D. The City Council hearing shall be administrative. Evidence shall be submitted by the City and by the applicant and testimony shall be taken under oath.
- E. The burden of proof shall be on the applicant to establish that the applicant is not subject to the imposition of the Police Facilities Impact Fee pursuant to the express terms of this chapter and applicable State law.
- F. If the Police Facilities Impact Fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney in an amount equal to the Police Facilities Impact Fee calculated to be due, the application for the building permit or mobilehome construction approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the Police Facilities Impact Fee calculated by the City to be due unless sufficient and acceptable surety has been provided.
- G. Any petition for judicial review of the City Council's final decision shall be made in accordance with applicable State law and pursuant to Section 18.22.130.

18.22.130 – Judicial review.

- A. Any judicial action or proceeding to attack, review, set aside, void or annul the ordinance codified in this chapter, or any provision thereof, or resolution, or amendment thereto, shall be commenced within ninety (90) days of the effective date of the ordinance codified in this chapter, resolution, or any amendment thereto.
- B. Any judicial action or proceeding to attack, review, set aside or annul the imposition or collection of a Police Facilities Impact Fee on a development shall be preceded by a valid appeal by protest pursuant to Section 18.22.120 hereof and a final decision of the City Council pursuant thereto and shall be filed and service of process effected within ninety (90) days after the hearing on appeal regarding the imposition of a Police Facilities Impact Fee upon the development.

18.22.140 – Annual report and amendment procedures.

- A. Within one hundred eighty (180) days after the last day of each fiscal year, the Police Chief of the City of Long Beach shall evaluate progress in implementation of the Police Facilities Impact Fee program and shall prepare a report thereon to the City Council in accordance with Government Code Section 66006 incorporating among other things:
  - 1. The police facilities and equipment commenced, purchased or completed utilizing monies from the Police Facilities Impact Fee fund;
  - 2. The amount of the fees collected and the interest earned;
  - 3. The amount of Police Facilities Impact Fees in the fund; and
  - 4. Recommended changes to the Police Facilities Impact Fee, including, but not necessarily limited to, changes in the Police Facilities Impact Fee chapter or fee-setting resolution.
- B. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the ordinance codified in this chapter or the fee-setting resolution implementing this chapter. Changes to the Police Facilities Impact Fee rates or schedules may be made by amending the fee-setting resolution. Any change which increases the amount of the Police Facilities Impact Fee shall be adopted by the City Council only after a noticed public hearing. Nothing herein precludes the City Council or limits its discretion to amend the ordinance

codified in this chapter or the fee-setting resolution establishing Police Facilities Impact Fee rates or schedules at such other times as may be deemed necessary.

18.22.150 – Effect of Police Facilities Impact Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to the City's zoning regulations, subdivision regulations or other ordinances or regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all residential and nonresidential development.

18.22.160 – Violation—Penalty.

A violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted; and upon conviction, the violator shall be punishable according to law. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this chapter.

18.22.170 – Severability.

If any section, phrase, sentence, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

## **CHAPTER 18.23 FIRE FACILITIES IMPACT FEE**

- 18.23.010 – Legislative findings.
- 18.23.020 – Purpose.
- 18.23.030 – Definitions.
- 18.23.040 – Fund established.
- 18.23.050 – Fire Facilities Impact Fee.
- 18.23.060 – Fee imposed.
- 18.23.070 – Calculation of Fire Facilities Impact Fee.
- 18.23.080 – Payment of fee.
- 18.23.090 – Use of funds.
- 18.23.100 – Refund.
- 18.23.110 – Exemptions and credits.
- 18.23.120 – Appeals.
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- 18.23.160 – Violation—Penalty.
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**CHAPTER 18.23  
FIRE FACILITIES IMPACT FEE**

18.23.010 – Legislative findings.

- A. The State of California, through the enactment of Government Code Sections 66001 through 66009 has authorized the City to enact development impact fees.
- B. The imposition of development impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities and related costs necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
- C. That the continuing increase in the development of residential and nonresidential construction in the City has created an urgency in that funds are needed for the increased demand for fire services and the facilities that support those services which are required to serve the increasing residential and workforce population of the City.
- D. The fees established pursuant to this chapter are derived from, are based upon, and do not exceed the costs of providing additional fire services attributable to new residential or nonresidential construction, including: master planning to more specifically identify capital facilities to serve new development; the acquisition of additional property for fire facilities; the construction of buildings for fire services; the furnishing of buildings or facilities for fire services; and the purchasing of equipment, apparatus, and vehicles for fire services.
- E. The fees collected pursuant to this chapter shall be used to finance the fire facilities, equipment, and apparatus identified in Subsection 18.23.010.D.
- F. Detailed study of the impacts of future residential and nonresidential construction in the City, along with an analysis of the need for new fire facilities and equipment has been prepared. This study is included in the "Public Safety Impact Fee Study" for the City of Long Beach dated August 18, 2006 which is incorporated herein by reference as though set forth in full, word for word.
- G. There is a reasonable relationship between the need for the fire facilities, apparatus and equipment set forth in Subsection 18.23.010.D and the impacts of the types of development for which the corresponding fee is charged.
- H. There is a reasonable relationship between the fee's use and the type of development for which the fee is charged.
- I. There is a reasonable relationship between the amount of the fee and the cost of the facilities, apparatus and equipment or portion thereof attributable to the development on which the fee is imposed.

18.23.020 – Purpose.

A Fire Facilities Impact Fee is imposed on residential and nonresidential development for the purpose of assuring that the impacts created by said development pay its fair share of the costs required to support needed fire facilities and related costs necessary to accommodate such development.

18.23.030 – Definitions.

As used in this chapter:

- A. "Accessory use" is as defined in Section 21.15.060 of this code.

- B. "Applicant" means the property owner, or duly designated agent of the property owner, for which a request for building permit or construction approval for a mobilehome pad is received by the City.
- C. "Building permit" means the City permit required for new building construction and/or additions which add square footage pursuant to Title 18 of this code. Neither a grading permit nor a foundation permit shall be considered a building permit for purposes of this chapter.
- D. "Calculation" means the point in time at which the City calculates the Fire Facilities Impact Fee to be paid by the applicant. Calculation will generally occur at the time of issuance of the applicable building permit or construction approval for a mobilehome pad but may occur earlier in the development approval process.
- E. "City Manager" means the City Manager of the City of Long Beach or other municipal officials he or she may designate to carry out the administration of this chapter.
- F. "Collect" or "collection" means the point in time at which the Fire Facilities Impact Fees are paid by the applicant. Collection will occur on the date of final inspection or the date a Certificate of Occupancy or Temporary Certificate of Occupancy, whichever occurs first, or in the case of a mobilehome pad or pads, collection will occur at or on the date of construction approval is issued.
- G. "Development" means the addition of new dwelling units and/or new nonresidential square footage to an undeveloped, partially developed or redeveloped site and involving the issuance of a building permit and Certificate of Occupancy for such construction, reconstruction or use. Development also includes the approval and construction of new mobilehome pads in existing or new mobilehome parks or sites but not including the following so long as no additional dwelling units or gross floor area is added:
  - 1. A permit to operate;
  - 2. A permit for the internal alteration, remodeling, rehabilitation, or other improvements or modifications to an existing structure;
  - 3. The rebuilding of a structure destroyed by an act of God or the rehabilitation or replacement of a building in order to comply with the City's seismic safety requirements;
  - 4. Parking facilities; or
  - 5. The rehabilitation or replacement of a building destroyed by imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or civil disturbance except where said destruction was caused or in any manner accomplished, instigated, motivated, prompted, incited, induced, influenced, or participated in by any persons or their agents having any interest in the real or personal property at the location.
- H. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of this code.
- I. "Fee-setting resolution" means and refers to the City resolution specifying the Fire Facilities Impact Fee per dwelling unit or mobilehome pad for residential development and per gross square foot of floor area for nonresidential development, by type and by location. The Fire Facilities Impact Fee set forth in the fee-setting resolution may be revised pursuant to Section 18.23.140 and applicable State law.
- J. "Fire Department" means the Fire Department of the City of Long Beach.
- K. "Gross square feet" or "gsf" means the area of a nonresidential development measured from the exterior building lines of each floor with respect to enclosed spaces but excluding parking spaces whether or not enclosed. For purposes of this chapter, the term "enclosed spaces" specifically

includes, but is not limited to, an area available to and customarily used by the general public and all areas of business establishments generally accessible to the public such as fenced or partially fenced in areas of garden centers attached to and serving the primary structure.

- L. "Mixed use" is as defined in Section 21.15.1760 of this code.
- M. "Mobilehome" is as defined in Section 21.15.1770 of this code.
- N. "Nonresidential development" means a development undertaken for the purpose of creating gross floor area, excluding dwelling units, but which includes, and is not limited to, commercial, industrial, retail, office, hotel/motel, and warehouse uses involving the issuance of a building permit for such construction, reconstruction or use.
- O. "Principal use" is as defined in Section 21.15.2170 of this code.
- P. "Residential development" means a development undertaken for the purpose of creating a new dwelling unit or units and involving the issuance of a building permit and Certificate of Occupancy for such construction, reconstruction or use, or the construction approval for a mobilehome pad or pads.

18.23.040 – Fund established.

A Fire Facilities Impact Fee fund is established. The Fire Facilities Impact Fee fund is a fund to be utilized for payment of the actual or estimated costs of fire facilities, apparatus and equipment related to new residential and nonresidential construction as described in this chapter.

18.23.050 – Fire Facilities Impact Fee.

There is imposed a Fire Facilities Impact Fee on all new residential and nonresidential development as those terms are defined in this chapter.

18.23.060 – Fee imposed.

- A. Any person who, after the effective date of the ordinance codified in this chapter, seeks to engage in residential or nonresidential development including mobilehome development as defined in this chapter by obtaining a building permit or construction approval for a mobilehome pad or pads is required to pay a Fire Facilities Impact Fee in the manner and amount as set forth in the then current fee-setting resolution. The Fire Facilities Impact Fee imposed pursuant to this chapter shall not apply to those projects for which a Planning Bureau application for conceptual or site plan review has been filed and deemed complete by the Department of Development Services by April 3, 2007.
- B. No Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection approval or construction approval for a mobilehome pad or pads, as applicable, for the activities listed in subsection A of this section shall be issued unless and until the Fire Facilities Impact Fee required by this chapter has been paid to the City.

18.23.070 – Calculation of Fire Facilities Impact Fee.

- A. The Director shall calculate the amount of the applicable Fire Facilities Impact Fee due as specified in the then current fee-setting resolution.
- B. The Director shall calculate the amount of the applicable Fire Facilities Impact Fee due by:
  - 1. Determining the number and type of dwelling units in a residential development, or mobilehome pads in a mobilehome park or site, and multiplying the same by the Fire

Facilities Impact Fee amount per dwelling unit or pad as established by the then current fee-setting resolution;

2. Determining the gross square feet of floor area, type of use and location in a nonresidential development, and multiplying the same by the Fire Facilities Impact Fee amount as established by the then current fee-setting resolution;
3. Determining the number and type of dwelling units and the nonresidential number of gross square feet of floor area, type of use and location, in a structure containing mixed uses which include a residential use, and multiplying the same by the Fire Facilities Impact Fee amount for each use as established by the then current fee-setting resolution;
4. Determining the gross square feet of floor area, type of use and location in a structure containing mixed uses which include two (2) or more nonresidential principal uses, and multiplying the same by the Fire Facilities Impact Fee amount as established by the then current fee-setting resolution. The gross square feet of floor area of any accessory use will be charged at the same rate as the predominant principal use unless the Director finds that the accessory use is related to another principal use.

18.23.080 – Payment of fee.

- A. The City shall collect from the applicant the Fire Facilities Impact Fee prior to the issuance of a Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection or construction approval for mobilehome pad or pads, whichever occurs first.
- B. Except for an administrative charge that shall be allocated to the Department of Development Services, all funds collected shall be properly identified and promptly transferred for deposit in the Fire Facilities Impact Fee fund and used solely for the purposes specified in this chapter.

18.23.090 – Use of funds.

- A. Funds collected from the Fire Facilities Impact Fee shall be used to fund the costs of providing additional fire services attributable to new residential and nonresidential construction and shall include:
  1. The acquisition of additional property for Fire Department facilities;
  2. The construction of new buildings for Fire Department services;
  3. The furnishing of new buildings or facilities for Fire Department services;
  4. The purchasing of equipment, apparatus, and vehicles for Fire Department services;
  5. The funding of a master plan to identify capital facilities to serve new Fire Department development;
  6. The cost of financing (e.g., interest payments) related to Subsections 1 through 5, inclusive.
- B. Funds shall not be used for periodic or routine maintenance.
- C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which Fire Facilities Impact Fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Subsection 18.23.090.A.
- D. Funds may be used to provide refunds as described in Section 18.23.100.



18.23.100 – Refund.

- A. Any applicant who has paid a Fire Facilities Impact Fee pursuant to this chapter may apply for a full or partial refund of same, if, within one year after collection of the Fire Facilities Impact Fee the development project has been modified, pursuant to appropriate City ordinances and regulations, resulting in a reduction in the number of dwelling units, a change in the type of dwelling units, a reduction in square footage, or the applicability of an exemption pursuant to Section 18.23.110 of this chapter. The City shall retain a sum equaling twenty percent (20%) of the impact fee paid by the applicant to offset the administrative costs of refund. The applicant must submit an application for such a refund in accordance with Chapter 3.48 of this code. In no event shall a refund exceed the amount of the Fire Facilities Impact Fee actually paid.
  
- B. Any funds not expended, encumbered or obligated by issued indebtedness by the end of the calendar quarter immediately following five years from the date the Fire Facilities Impact Fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at a rate equal to the rate of interest earned by the City from the time the fee was paid, provided that the landowner submits an application for a refund within one hundred eighty (180) calendar days from the expiration of the five-year period.

18.23.110 – Exemptions and credits.

- A. Exemptions. Any claim of exemption must be made no later than the time of application for a building permit or mobilehome construction approval. The following shall be exempted from payment of the Fire Facilities Impact Fee:
  - 1. Alterations or expansion of an existing residential building where no additional dwelling units are created and where the use is not changed;
  - 2. The replacement of a building or structure destroyed by fire, flood, earthquake or other act of God, with a new building or structure of the same size and use;
  - 3. The installation of a replacement mobilehome on a lot or other such site when a Fire Facilities Impact Fee for such mobilehome site has previously been paid pursuant to this chapter, or where a mobilehome legally existed on such site on or prior to the effective date of the ordinance codified in this chapter;
  - 4. Nonresidential development. Construction or occupancy of a new nonresidential building or structure or an addition to or expansion of an existing nonresidential building or structure of three thousand (3,000) gross square feet or less;
  - 5. Residential development. Construction, replacement or rebuilding of a single-family dwelling (one unit per lot) on an existing lot of record, or the replacement of one (1) mobilehome with another on the same pad, or the moving and relocation of a single-family home from one (1) lot within the City to another lot within the City, or the legalization of an illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with Section 21.25.403(D). This exemption shall not apply to tract development, to the development of more than one (1) unit per lot nor to the replacement of a single-family dwelling with more than one (1) dwelling unit;
  - 6. Affordable housing for lower income households. Property rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low-income household" as defined in Section 50105 of the California Health and Safety Code. This exemption shall require the applicant to execute an agreement to guarantee that the units shall be maintained for lower and very low-income households whether as units for rent or for sale or transfer, for the lesser of a period

of thirty (30) years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The agreement shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Attorney and shall bind the owner and any successor-in-interest to the real property being developed. The agreement shall subordinate, if required, to any State or federal program providing affordable housing to lower and very low-income households. The agreement shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The City's Housing and Community Improvement Bureau shall be notified of pending transfers or purchases and give its approval of the purchaser's qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Community Improvement Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to insure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the City's Housing and Community Improvement Bureau and shall require the applicant or any successor-in-interest to pay the then applicable Fire Facilities Impact Fee at the time of voluntary conversion or as imposed at the time of violation on the unit in violation, plus any attorneys' fees and costs of enforcement, if applicable.

7. Hospitals as that term is defined in Section 21.15.1370 of this code.

- B. Credits. Any applicant whose development is located within a Community Facilities District (CFD), and is subject to the assessments thereof, shall receive an offset credit towards the fees established by this chapter to the extent that the assessments fund improvements within the CFD which would otherwise be funded by the development impact fees established by this chapter.

#### 18.23.120 – Appeals.

- A. An applicant may appeal, by protest, any imposition of the Fire Facilities Impact Fee by filing a notice of appeal with the City Clerk within ninety (90) days after the applicant pays the required fee.
- B. A valid appeal by protest of the imposition of the Fire Facilities Impact Fee shall meet all of the following requirements:
1. Tendering in advance of the appeal any required payment in full or providing assurance of payment satisfactory to the City Attorney;
  2. Serving written notice on the City including:
    - a. A statement that the required payment has been tendered under protest or that required conditions have been satisfied;
    - b. A statement informing the City of the factual elements of the dispute and the legal theory forming the basis of the protest;
    - c. The name and address of the applicant;
    - d. The name and address of the property owner;
    - e. A description and location of the property;
    - f. The number of residential units or nonresidential gross square footage proposed, by land use or dwelling unit type, as appropriate; and
    - g. The date of issuance of the building permit.

- C. The City Council shall schedule a hearing and render a final decision on the applicant's appeal within sixty (60) days after the date the applicant files a valid appeal.
- D. The City Council hearing shall be administrative. Evidence shall be submitted by the City and by the applicant and testimony shall be taken under oath.
- E. The burden of proof shall be on the applicant to establish that the applicant is not subject to the imposition of the Fire Facilities Impact Fee pursuant to the express terms of this chapter and applicable State law.
- F. If the Fire Facilities Impact Fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney in an amount equal to the Fire Facilities Impact Fee calculated to be due, the application for the building permit or mobilehome construction approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the Fire Facilities Impact Fee calculated by the City to be due unless sufficient and acceptable surety has been provided.
- G. Any petition for judicial review of the City Council's final decision shall be made in accordance with applicable State law and pursuant to Section 18.23.130.

18.23.130 – Judicial review.

- A. Any judicial action or proceeding to attack, review, set aside, void or annul the ordinance codified in this chapter, or any provision thereof, or resolution, or amendment thereto, shall be commenced within ninety (90) days of the effective date of the ordinance codified in this chapter, resolution, or any amendment thereto.
- B. Any judicial action or proceeding to attack, review, set aside or annul the imposition or collection of a Fire Facilities Impact Fee on a development shall be preceded by a valid appeal by protest pursuant to Section 18.23.120 hereof and a final decision of the City Council pursuant thereto and shall be filed and service of process effected within ninety (90) days after the hearing on appeal regarding the imposition of a Fire Facilities Impact Fee upon the development.

18.23.140 – Annual report and amendment procedures.

- A. Within one hundred eighty (180) days after the last day of each fiscal year, the Fire Chief of the City of Long Beach shall evaluate progress in implementation of the Fire Facilities Impact Fee program and shall prepare a report thereon to the City Council in accordance with Government Code Section 66006 incorporating among other things:
  - 1. The fire facilities, apparatus, and equipment commenced, purchased or completed utilizing monies from the Fire Facilities Impact Fee fund;
  - 2. The amount of the fees collected and the interest earned;
  - 3. The amount of Fire Facilities Impact Fees in the fund; and
  - 4. Recommended changes to the Fire Facilities Impact Fee, including, but not necessarily limited to, changes in the Fire Facilities Impact Fee chapter or fee-setting resolution.
- B. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the ordinance codified in this chapter or the fee-setting resolution implementing this chapter. Changes to the Fire Facilities Impact Fee rates or schedules may be made by amending the fee-setting resolution. Any change which increases the amount of the Fire Facilities Impact Fee shall be adopted by the City Council only after a noticed public hearing. Nothing herein precludes the City Council or limits its discretion to amend the ordinance codified

in this chapter or the fee-setting resolution establishing Fire Facilities Impact Fee rates or schedules at such other times as may be deemed necessary.

18.23.150 – Effect of Fire Facilities Impact Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to the City's zoning regulations, subdivision regulations or other ordinances or regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all residential and nonresidential development.

18.23.160 – Violation—Penalty.

A violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted; and upon conviction, the violator shall be punishable according to law. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this chapter.

18.23.170 – Severability.

If any section, phrase, sentence, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

## **CHAPTER 18.24 FORECLOSURE REGISTRY PROGRAM**

- 18.24.010 – Purpose.
- 18.24.020 – Definitions.
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- 18.24.100 – Severability.

## CHAPTER 18.24 FORECLOSURE REGISTRY PROGRAM

### 18.24.010 – Purpose.

It is the intent of the City Council, through the adoption of this chapter, to establish a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of vacant, abandoned or foreclosed upon residential real properties; to establish a vacant, abandoned or foreclosed upon residential property registration program and to set forth guidelines for the maintenance of vacant, abandoned or foreclosed upon residential real properties.

### 18.24.020 – Definitions.

Certain words and phrases in this chapter are defined, when used herein, as follows:

**Abandoned.** Any residential building, structure or real property that is vacant or occupied by a person without a legal right of occupancy, and subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessor's Lien Sale and/or any residential real property conveyed via a foreclosure sale resulting in the acquisition of Title by an interested beneficiary of a deed of trust, and/or any residential real property conveyed via a deed in lieu of foreclosure sale.

**Accessible Property.** Residential real property that is accessible to the public, either in general, or through an open and unsecured door, window, gate, fence, wall, or the like.

**Agreement.** Any written instrument that transfers or conveys Title to residential real property from one owner to another after a sale, trade, transfer or exchange.

**Assignment of Rents.** An instrument that transfers the beneficial interest under a deed of trust from one lender or entity to another.

**Beneficiary.** A lender participating in a residential real property transaction that holds a secured interest in the residential real property in question identified in a deed of trust.

**Buyer.** Any person, partnership, association, corporation, fiduciary or other legal entity that agrees to transfer anything of value in consideration for residential real property via an "agreement" as that term is defined in this Section.

**Dangerous Building.** Any residential building or structure reasonably deemed by qualified City staff to represent a violation of any provision specified in Section 18.02.050.

**Days.** Calendar days.

**Deed of Trust.** An instrument whereby an owner of residential real property, as trustor, transfers a secured interest in the real property in question to a third party trustee, said instrument relating to a loan issued in the context of a real property transaction. This definition applies to any and all subordinate deeds of trusts including, but not limited to a second trust deed or third trust deed.

**Deed in Lieu of Foreclosure.** A recorded instrument that transfers ownership of real property between parties to a particular deed of trust as follows - from the trustor (i.e., borrower), to the trustee upon consent of the beneficiary (i.e., lender).

**Default.** The material breach of a legal or contractual duty arising from or relating to a deed of trust, such as a trustor's failure to make payment when due.

**Distressed.** Any residential building, structure or real property that is subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessors Lien Sale and/or any residential real property conveyed via a foreclosure sale resulting in the acquisition of Title by an interested

beneficiary of a deed of trust, and/or any residential real property conveyed via a deed in lieu of foreclosure/sale, regardless of vacancy or occupancy by a person with no legal right of occupancy.

Enforcement Official. The City Manager, the Director of Development Services, and/or any employee or agency of the City of Long Beach designated and/or charged with enforcing the Long Beach Municipal Code, including but not limited to, applicable codes adopted by reference therein.

Evidence of Vacancy. Any residential real property condition that independently, or in the context of the totality of circumstances relevant to that real property, would lead a reasonable enforcement official to believe that a property is vacant or occupied by a person without a legal right of occupancy. Such real property conditions include, but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; and/or statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.

Foreclosure. The process by which real property subject to a deed of trust is sold to satisfy the debt of a defaulting trustor (i.e., borrower).

Local. Within forty (40) road or driving miles distance from the subject building, structure or real property in question.

Neighborhood Standard. The condition of residential real property that prevails in and through the neighborhood where an abandoned building, structure or real property is located. When determining the neighborhood standard no abandoned or distressed building, structure or real property shall be considered.

Notice of Default. A recorded instrument that reflects and provides notice that a default has taken place with respect to a deed of trust, and that a beneficiary intends to proceed with a trustee's sale.

Out of Area. In excess of forty (40) road or driving miles of the subject property.

Owner. Any person, partnership, association, corporation, fiduciary or other legal entity having recorded Title to the property as reflected in the official records of the County Recorder of Los Angeles County.

Owner of Record. The person holding recorded Title to the residential real property in question at any point in time when Official Records are produced by the Los Angeles County Registrar/Recorder's office.

Property. Any unimproved or improved residential real property, or portion thereof, situated in the City of Long Beach, including buildings or structures located on said real property, regardless of condition.

Residential Building. Any improved real property, or portion thereof, designed or permitted to be used for dwelling purposes, including buildings and structures located on such improved real property. This includes any real property being offered under any circumstances for sale, trade, transfer, or exchange as "residential," whether or not said property is legally permitted and zoned for such use.

Securing. Such measures as may be directed by a code enforcement official that assist in rendering real property inaccessible to unauthorized persons, including but not limited to repairing fences and walls, chaining/padlocking gates, the repairing or boarding of doors, windows or other such openings.

Trustee. Any person, partnership, association, corporation, fiduciary or other legal entity holding a deed of trust securing an interest in real property.

Trustor. Any owner/borrower identified in a deed of trust, who transfers an interest in real property to a trustee as security for payment of a debt by that owner/trustor.

Vacant. Any building, structure or real property that is unoccupied or occupied by a person without a legal right of occupancy.

18.24.030 – Registration.

- A. Not later than ten (10) days after recording a notice of default on any residential property located in the City of Long Beach which is subject to a deed of trust, the beneficiary, or its trustee, shall register the property with the Development Services Department of the City of Long Beach on forms provided by the City.
- B. The registration pursuant to this Section shall be renewed annually until such time as:
  - 1. The foreclosure process is complete or the notice of default has been rescinded or withdrawn;
  - 2. The Trustor has surrendered the property to the beneficiary as evidenced by either a letter from the trustor addressed to the beneficiary confirming such surrender, or by the trustor's delivery of the keys to the property to the beneficiary or its agent.
  - 3. The beneficiary has obtained possession of the property under Section 1161 or 1161a or 1161b of the Code of Civil Procedure, as applicable, following completion of the foreclosure proceeding.

If a subsequent notice of default is issued for the same property after being withdrawn or rescinded, the registration requirement set forth in this Section shall be reinstated.

- C. The registration pursuant to this Section shall contain the identity of the beneficiary and trustee, the direct mailing address of the beneficiary and trustee and, in the case of a corporate or out of area beneficiary or trustee, the local property management company, if any, responsible for the security, maintenance and marketing of the property in question.
- D. An annual registration fee as set by the City Council by resolution shall accompany the submission of each registration form. The fee and registration shall be valid for one (1) year from the date of registration. Registration fees will not be prorated. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 15th of the year due.
- E. Any person, partnership, association, corporation, fiduciary or other legal entity that has registered a property under this chapter must make a written report to the City of Long Beach Development Services Department of any change of information contained in the registration form within ten (10) days of the change.
- F. The duties/obligations specified in this chapter shall be joint and several among and between all trustees and beneficiaries and their respective agents.

18.24.035 – Penalty/fine for failure to timely register a property with the City.

- A. Notwithstanding any other provision of this chapter or Chapter 9.65 to the contrary, the City may, after fifteen (15) days written notice to the beneficiary or its trustee, impose a fine/penalty on a beneficiary or its trustee for its failure to timely register a property with the City under this chapter. The amount of such fines and/or penalties shall be established by the City Council by resolution.



- B. The imposition of a fine/penalty for failure to register a property shall be in accordance with the provisions and procedures set forth in Chapter 9.65 of the Long Beach Municipal Code: "Administrative Citations and Penalties."
- C. Any failure to pay fines or penalties imposed pursuant to this chapter may be remedied by the City in accordance with Section 9.65.140, or any successor section thereto.

18.24.040 - Maintenance required.

It is declared a public nuisance for any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any property subject to the registration requirement contained in Section 18.24.030, to cause, permit, or maintain any property condition contrary to any provision of this chapter. Consequently, the following maintenance requirements as to any property subject to the registration requirement contained in Section 18.24.030 are adopted:

- A. Any property subject to this chapter must comply with the requirements of the Long Beach Municipal Code Chapter 18.20 entitled "Unsafe Buildings or Structures."
- B. In addition, the property shall be kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper, circular, flyers, notices (except those required by federal, State or local law), discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- C. The property shall be maintained free of graffiti, tagging or similar marking. Any removal or painting over of graffiti shall be with an exterior grade paint that matches the color of the exterior of the structure.
- D. Visible front and side yards shall be landscaped and maintained to the neighborhood standard.
- E. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation.
- F. Landscaping does not include weeds, gravel, broken concrete, asphalt, plastic sheeting, mulch, indoor-outdoor carpet or any other similar material.
- G. Pools and spas shall be kept in working order so that water remains clear and free of pollutants and debris, or alternatively shall be drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California.
- H. Adherence to this section does not relieve the beneficiary/trustee or property owner of obligations set forth in any portion of the Long Beach Municipal Code or in any Covenants, Conditions and Restrictions and/or Home Owners Association rules and regulations which may apply to the property.

The sole exception to these maintenance requirements shall, within the sole reasonable discretion of the Director of Development Services or designee, apply to property subject to the registration requirement contained in Section 18.24.030 that is under construction and/or repair, not less than three (3) business days per week, undertaken in compliance with all applicable laws, including but not limited to, City permitting requirements.

18.24.050 – Security requirements.

- A. Properties subject to this chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- B. Secure manner includes, but is not limited to, closing and locking of windows, doors (walk-through, sliding, and garage), gates and any other opening that may allow access to the interior of the property and/or structure(s). In the case of broken windows, "securing" means reglazing or boarding the window.
- C. If the property is owned by a corporation and/or out of area beneficiary/trustee/owner, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this Section, and any other applicable laws, are being fulfilled.
- D. The property shall be posted with the name and twenty-four (24) hour contact phone number of the local property management company. The posting shall be 8-½" x 11" in size, shall be of a font that is legible from a distance of twenty (20) feet, and shall contain the following verbiage: "THIS PROPERTY MANAGED BY \_\_\_\_\_," and "TO REPORT PROBLEMS OR CONCERNS CALL (name and phone number)."
- E. The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street on the front of the property so it is visible from the street. If no such area exists, the posting shall be on a stake of sufficient size to support the posting, in a location that is visible from the street to the front of the property, and to the extent possible, not readily accessible to potential vandalism. Exterior posting must be constructed of, and printed with weather resistant materials.
- F. The local property management company shall inspect the property on a weekly basis to determine if the property is in compliance with the requirement of this chapter. If the property management company determines the property is not in compliance, it is the company's responsibility to bring the property into compliance.
- G. The duties/obligations specified in this chapter shall be joint and several among and between all trustees and beneficiaries and their respective agents.

18.24.055 – Special provisions where property is encumbered with the security interests of multiple beneficiaries.

- A. In the event that a property is encumbered by the security interests of more than one (1) beneficiary at the time when a notice of default is recorded, the beneficiary who causes a notice of default for its security interest to be recorded shall be responsible for registering the property with the City as provided in Section 18.24.030
- B. Upon the recordation of a notice of default on a property by any beneficiary, regardless of the security lien interest priority of such beneficiary in the property in relation to the priority of the security interests of the other beneficiaries in the same property, the City, in its discretion may elect to enforce the provisions of this chapter against one or more beneficiaries who have not separately recorded a notice of default against the property.

18.24.060 - Additional authority.

In addition to the enforcement remedies established in this chapter, the City shall have the authority to require the beneficiary, trustee, owner or owner of record of any property affected by this chapter, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard and/or other measures as may be reasonably required to secure and reduce the visual decline of the property.

18.24.070 - Enforcement.

- A. Any violation of this chapter shall be treated as a strict liability offense; a violation shall be deemed to have occurred regardless of a violator's intent. Any person, firm and/or corporation that violates any portion of this chapter including, but not limited to the registration requirements set forth in Section 18.24.030, the maintenance requirements set forth in Section 18.24.040, and the security requirements set forth in Section 18.24.050 may be subject to administrative enforcement under Chapter 9.65 of the Long Beach Municipal Code. Administrative penalties imposed pursuant to this chapter shall not exceed one hundred thousand dollars (\$100,000.00) per property.
- B. Any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any property subject to the registration requirement contained in Section 18.24.030, and causes, permits, or maintains a violation of this chapter as to that property, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Chapter 1.32 of the Long Beach Municipal Code.
- C. This chapter is intended to be cumulative to, and not in place of, other rights and remedies available to the City pursuant to the Long Beach Municipal Code. The City Attorney or a duly authorized enforcement official may pursue any other right or remedy permitted by the Long Beach Municipal Code, including, but not limited to, commencement of any civil action, or administrative action to abate the condition of a property as a public nuisance.

18.24.080 – Appeals.

If an administrative citation has been issued pursuant to the provisions of Chapter 9.65 of the Long Beach Municipal Code, then the procedures set forth in Chapter 9.65 shall govern.

18.24.090 – Alternative monetary penalties.

- A. This section is intended to carry out the provisions of Section 2929.3 of the California Civil Code. Nothing in this section shall be interpreted or implemented in a manner that is inconsistent with State law. If there is a conflict between the provisions of State law and this section, State law shall control.
- B. The City may elect to impose monetary penalties on a legal owner, pursuant to Section 2929.3 of the California Civil Code, if that legal owner fails to maintain vacant residential property that is either purchased at a foreclosure sale or acquired through foreclosure under a mortgage or deed of trust.

For purposes of this section, "fails to maintain" means failing to care for the exterior of the property, including, but not limited to, permitting excess foliage growth that diminishes the value of surrounding properties, failing to take action to prevent trespassers, squatters or other unauthorized persons from remaining on the property, or failing to take action to prevent mosquito larvae from growing in standing water, or other conditions that create a public nuisance.

- C. The City may impose a fine of up to one thousand dollars (\$1,000.00) per day for each day that the legal owner fails to maintain the property as required by this section, commencing on the day following the expiration of the period to remedy the violation, as established by the City in Subsection D.
  - 1. In determining the amount of the fine, the City shall take into consideration any timely and good faith efforts by the legal owner to remedy the violation.
  - 2. Fines and penalties collected pursuant to this section shall be directed toward local nuisance abatement programs.

3. Pursuant to Section 2929.3 of the California Civil Code, the City may not impose fines on a legal owner under both this Section and any other local ordinance. However, Section 2929.3 of the California Civil Code shall not preempt any local ordinance.
  4. Notwithstanding Subsection C.3, the rights and remedies provided in this section are cumulative and in addition to any other rights and remedies provided by law.
- D. If the City imposes a fine pursuant to this section, the City shall give notice of the alleged violation to the legal owner. The notice shall include a description of the conditions that gave rise to the alleged violation, and state the City's intent to assess a civil fine if action to correct the violation is not commenced within a period of not less than fourteen (14) days and completed within a period of not less than thirty (30) days.
1. The notice shall be mailed to the address provided in the deed or other instrument as specified in subdivision (a) of Section 27321.5 of the California Government Code, or, if none, to the return address provided on the deed or other instrument.
  2. The City may provide less than thirty (30) days' notice to remedy a condition, if the City determines that a specific condition of the property threatens public health or safety and the notice of violation states that there is a threat to public health or safety and lists the required time to correct the violation.

18.24.100 – Severability.

If any section or provision of this chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this chapter shall remain valid. The City Council hereby declares that it would have adopted this chapter, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

## CHAPTER 18.25 TENANT RELOCATION AND CODE ENFORCEMENT

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- 18.25.030 – Definitions.
- 18.25.040 – Eligibility.
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- 18.25.080 – Payment of relocation benefits.
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- 18.25.100 – Immediate vacation.
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- 18.25.150 – Appeals.
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- 18.25.170 – Private right of action.
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## CHAPTER 18.25 TENANT RELOCATION AND CODE ENFORCEMENT

### 18.25.010 – Purpose.

The primary purpose of this chapter is to provide for owner-paid relocation payments and assistance to residential tenants who are displaced due to the City of Long Beach's code enforcement activities.

### 18.25.020 – Findings.

This chapter is enacted in recognition of the following facts and for the following reasons:

- A. Some residential rental units in the City have been found to have severe code violations that threaten the life and safety of occupants. In some circumstances, the hazardous living conditions have required that tenants vacate the structure to allow for extensive repairs or demolition.
- B. These code violations often are caused by negligence, deferred maintenance, or the illegal use of certain structures as dwelling units. These code violations typically constitute a violation of the owner's legal responsibility to the tenants. For example, they may be a breach of the owner's implied warranty of habitability, and could constitute constructive eviction of the tenants from their residence.
- C. The difficulty of finding affordable replacement housing and the burden of incurring moving-related expenses creates a financial hardship for tenants, particularly those who are low income. Financial hardship arises because the tenants generally need a large sum of money to relocate, often including first month's rent, security deposits, moving and storage expenses, and utility deposits. Low income tenants are generally unable to obtain the sums needed to relocate and, as a result, are at an increased risk of becoming homeless.
- D. Relocation assistance is necessary to ensure that displaced tenants secure safe, sanitary and decent replacement housing in a timely manner. The level of payments provided for in this chapter are reflective of actual relocation costs likely to be incurred by displaced households. This is consistent with and in furtherance of the housing element of the City's General Plan.
- E. In the past, affected tenants have turned to local, State and national governmental entities for financial assistance in obtaining replacement housing. However, the resources available to such entities to assist displaced tenants have become increasingly scarce.
- F. It is fair for property owners who fail to properly maintain residential rental properties, or who create illegal residential units, to bear responsibility for the hardship their actions or inaction create for tenants. Relocation of tenants is a necessary element of code enforcement that should be the responsibility of the property owner, and the City should be reimbursed by the responsible owner for all costs which the City incurs in the code enforcement process.
- G. Delayed payment of relocation assistance often imposes extreme hardship upon tenants who must obtain the large sums necessary to relocate. Delayed payments may also require the City to expend funds to provide tenants with financial assistance for relocation. Any requirement to pay relocation assistance should contain disincentives for delayed payment in the form of appropriate penalties.
- H. It is the intent of this chapter to ensure that adequate relocation assistance is available to tenants who face displacement through no fault of their own. It is also the intent to provide assistance in a manner that is as equitable as possible to the tenant, the property owner, and the public at large. The requirement for owners to pay relocation costs under this chapter will facilitate the correction of code violations and will likewise protect the public health, safety, and general welfare of the residents of the City.

- I. This chapter is in the public interest for the reasons stated above. Additionally, it furthers the public interest by helping to remove a potential impediment to code enforcement. The City finds that this chapter also is fair, in that it imposes reasonable costs and penalties on owners who operate contrary to the code enforcement regulations of the City.

18.25.030 – Definitions.

For purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this Section.

- A. "City Manager" means the City Manager of the City of Long Beach, or his or her designee.
- B. "Code enforcement activity" means activity initiated by the City to determine the condition of a building or structure and which requires the property owner to make necessary repairs, to vacate the building, to demolish the structure or structures, or to take other action to bring the property into compliance with applicable State or local zoning, building, fire, health or housing standards regulations.
- C. "Comparable replacement dwelling" shall have the same meaning as that specified in Section 7260 et seq. of the California Government Code, or any successor statute thereto.
- D. "Day" means calendar day.
- E. "Displacement" means the removal of the tenant household from the property due to the issuance of an order to vacate pursuant to Section 18.20.140.
- F. "Department of Development Services" means the Department of Development Services of the City of Long Beach.
- G. "Notice of intent to order building vacated" means an official notice issued by the City in accordance with Section 18.20.020.
- H. "Order to vacate" means an official notice issued by the City in accordance with Section 18.20.110.
- I. "Property owner" means a person, corporation, or any other entity holding fee title to the subject real property.
- J. "Relocation" means the required vacating of a residential rental unit or room by a tenant or household to further the City's code enforcement activity.
- K. "Rental unit" means a dwelling space containing a separate bathroom, kitchen, and living area, including a single-family dwelling or unit in a multifamily or multipurpose dwelling; or, it means a unit in a condominium or cooperative housing project, which is hired, rented, or leased to a tenant or household within the meaning of Section 1940 of the California Civil Code.
- L. "Room" means an unsubdivided portion of the interior of a building including, but not limited to, illegally converted garage spaces, which are used for the purpose of sleeping, and which are occupied by a tenant for at least thirty (30) consecutive days as determined by the Department of Development Services.
- M. "Substandard building" means and includes every building or other structure as defined in Section 18.02.200. For the purposes of this chapter, substandard building or structure shall mean only those buildings that contain rental units or rooms as defined herein.
- N. "Tenant household" means one (1) or more individuals who: (1) have a landlord-tenant relationship with the property owner, by renting or leasing a rental unit or room in a substandard

building; and (2) can demonstrate a landlord-tenant relationship by leases, cancelled rent checks, rent receipts, utility bills, phone bills, or any other evidence of renting or leasing the premises as determined by the Department of Development Services.

- O. "Long Beach Municipal Code" means all ordinances, rules, and regulations of the City of Long Beach regulating maintenance, sanitation, ventilation, light, location, use or occupancy of residential buildings.

#### 18.25.040 – Eligibility.

A tenant household shall be eligible for consideration for relocation assistance under this chapter when tenants in the household are displaced from their rental units or rooms because of the issuance of a "notice of intent to order building vacated" or an "order to vacate" in accordance with Sections 18.20.120 or 18.20.140, or an order of immediate vacation when the structure or premises has been declared "dangerous" in accordance with Section 18.20.210, or their respective successor sections.

#### 18.25.050 – Order to vacate.

As part of the City's code enforcement activity, the Building Official will decide whether repairs or other actions to abate substandard buildings can be reasonably accomplished without relocation of the tenant or household.

If relocation is necessary to abate a substandard building or condition, the Building Official shall issue and serve an "order to vacate" in accordance with Sections 18.20.140 through 18.20.170.

#### 18.25.060 – Notification of tenants and owners.

- A. When the Building Official issues a notice of substandard building, notice of intent to order building vacated or an order to vacate in accordance with Sections 18.20.120 or 18.20.140, the Building Official shall notify the Department of Development Services of the issuance of the orders and the Department of Development Services shall inform the tenant households in writing of the procedure to apply for relocation assistance, what the tenant household's rights are, and who to contact with questions regarding relocation assistance. The Department of Development Services shall also inform the tenant household that the household may request payment of relocation assistance from the City in accordance with Section 18.25.090, if the owner fails, neglects, or refuses to make the required relocation payments in accordance with this chapter. Relocation assistance information shall be provided to tenant households in English, Spanish, Korean and Khmer to insure the information is accessible to limited English proficiency persons.
- B. The Department of Development Services shall also inform the property owner that failure to make required relocation payments within ten (10) days of notice may result in the City making payments on behalf of the owner, and that failure to reimburse the City for all payments made and other costs and penalties incurred shall result in a lien being placed on the owner's property.
- C. The issuance of an order to vacate shall not relieve the property owner of any legal obligations, including any obligation to provide any notice imposed by any provisions of federal, State, or local laws or ordinances.
- D. At the time a notice of substandard building is issued in accordance with Section 18.20.120, the City shall also notify the property owner of the obligation to pay tenant relocation if required repairs are not made within the time specified in the notice of substandard building.

#### 18.25.070 – Issuance of permits.

If an order to vacate is issued, the City shall require the property owner or the owner's authorized agent to obtain building permits to convert, repair, rehabilitate or demolish the dwelling units that are in violation of the building code in the Long Beach Municipal Code.



18.25.080 – Payment of relocation benefits.

- A. The relocation benefits required by this chapter shall be paid by the owner or designated agent to the tenant household in the form of a certified check, cashier's check, or money order, within ten (10) days after the order to vacate is issued and served in accordance with Section 18.20.160. Proof of such payment shall be made to the Department of Development Services. The tenant household shall not be required by the property owner to vacate the premises until relocation payment is made to the tenant and proof thereof is made to the Department of Development Services, unless the building, fire or health official determines that the building or structure is a dangerous building within the meaning of Section 18.02.050 or other applicable codes. The property owner shall also be responsible for reimbursing the City for any relocation payments the City makes or costs the City incurs under this chapter.
- B. If the building, fire or health official determines that the unit or room is dangerous and must be vacated in less than ten (10) days, then the owner shall make required relocation payments to the tenant household in the form of a certified check, cashier's check, or money order, within two (2) business days after the order to vacate is issued and served in accordance with Section 18.20.160. Proof of the payment shall be made to the Department of Development Services.
- C. No relocation benefits pursuant to this chapter shall be payable to any tenant who has caused or substantially contributed to the condition or conditions giving rise to the order to vacate, as determined by the Department of Development Services, nor shall relocation benefits be payable to a tenant if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the Department of Development Services. The Department of Development Services shall make the determination whether a tenant, tenant's guest, or invitee, caused or substantially contributed to the condition giving rise to the order to vacate. Service of a three (3) day notice, notice to terminate or unlawful detainer complaint shall not in and of itself render a tenant household ineligible for relocation benefits under this chapter.
- D. An owner shall not be liable for relocation benefits if the Building Official determines that the building or structure became substandard or dangerous as the result of a fire, flood, earthquake, or other act of God beyond the control of the owner and the owner did not cause or contribute to the condition.
- E. Delay in Payment of Relocation Assistance by Owner. If the owner fails, neglects, or refuses to pay relocation assistance to a displaced tenant, or a tenant subject to displacement, in accordance with this chapter, the City shall also be entitled to recover from the owner an additional amount equal to the sum of one-half (½) the amount so paid or due, but not to exceed ten thousand dollars (\$10,000.00) cumulative per property, as a penalty for failure to make timely payment to the displaced tenant, plus the City's actual costs, including direct and indirect costs of administering the provisions of assistance to the displaced tenant or tenants.

18.25.090 – Relocation eligibility and assistance by City.

- A. The City may assist tenants displaced or to be displaced due to code enforcement activity subject to this chapter by providing information, referral, monitoring, or other advisory assistance. Any tenant household interested in City assistance should contact the Department of Development Services for relocation information. Failure by tenant households to contact the Department of Development Services shall not relieve property owners from their responsibility to provide relocation assistance.
- B. Tenant households shall submit requests for relocation assistance to the Department of Development Services in order to establish the existence of a landlord-tenant relationship. The Department of Development Services shall make a determination as to whether a tenant household is eligible for relocation assistance within three (3) business days of receipt of a

completed request for relocation assistance. If the Building Official has determined that the tenant household must vacate its unit or room in less than ten (10) days, the Department of Development Services shall make a determination as to whether the tenant household is eligible for relocation assistance within two (2) business days of receiving a completed request for relocation assistance. Once an eligibility determination has been made, the Department of Development Services shall immediately provide written notice in English, Spanish, Korean and Khmer to the tenant household, the owner, and the Building Official regarding the eligibility determination and any relocation assistance owed.

- C. If the owner fails, neglects or refuses to pay relocation assistance to a displaced tenant or a tenant subject to displacement, the City may advance all or a portion of the required payments to the tenant. If the City advances relocation assistance, or a portion thereof, the City shall be entitled to recover from the owner any amount so paid to a tenant pursuant to this Section, and the Department of Development Services shall notify the owner of the City's advancement of payment.

For the City to consider such payments, the tenant household must make a request to the Department of Development Services after the owner fails, neglects or refuses to make such required payments.

- D. Any amount paid by the City on behalf of the owner and any applicable penalties and actual costs including incidental enforcement costs shall become delinquent thirty (30) days after notice by the City and may also be placed as a lien against the property of the owner by recording the lien in the office of the County Recorder for Los Angeles County. Any delinquent payments will accrue interest at the rate of twelve percent (12%) per year until paid.
- E. The failure of the owner to pay the amounts to the City set forth in this chapter within the time specified constitutes a debt to the City. To enforce that debt, the City Manager or his or her designee may take any and all appropriate legal action, impose a lien as set forth above, or pursue any other legal remedy to collect such money.

#### 18.25.100 – Immediate vacation.

If the Building Official determines that the building is dangerous and immediate vacation is required, immediate City payment of relocation benefits can be made to tenant households as soon as the tenant household is determined eligible by the Department of Development Services. The tenant household must sign a request for relocation assistance from the Department of Development Services in order to receive immediate relocation payments. Those payments and other related costs shall be a charge against the property owner, and the owner shall reimburse the City for these relocation costs. Additionally, those costs may be collected, if need be, as outlined in Section 18.25.090. The payment of relocation assistance by the City shall be solely predicated upon the availability of City funds.

#### 18.25.110 – Amount of relocation payments.

Each eligible tenant household shall receive monetary relocation assistance in the amount of three thousand three hundred sixty-six dollars (\$3,366.00). Each eligible household with a disabled person displaced under this chapter shall also be entitled to reimbursement for structural modifications to the household paid for by the tenant household at the vacated premises up to a maximum value of an additional two thousand five hundred dollars (\$2,500.00). The Department of Development Services shall increase both of these amounts on a percentage basis as determined by the change in the Consumer Price Index between January 1, 2005 and January 1 of the year in which the application for relocation assistance is filed with the Department of Development Services.

#### 18.25.120 – Evictions to avoid payment of relocation assistance.

Owners shall not evict tenants to avoid their responsibility to pay relocation assistance to tenants under this chapter. Tenants receiving notices to terminate or quit from the property owner or owner's agent within ninety (90) days of a notice of substandard building shall be presumed eligible and entitled to collect relocation assistance pursuant to this chapter. However, this presumption may be rebutted upon a showing by the owner that the tenant has caused or substantially contributed to the condition or conditions giving rise to the order to vacate.

18.25.130 – Move-back option.

A displaced tenant household shall have the option of moving back into the rental unit or room from which it was required to move provided that such rental room or unit was a legally permitted rental room or unit at the time of displacement. If this is not possible, the displaced tenant household shall have the option of moving into an equivalent unit or room in the same building, as soon as it is ready for occupancy. If a tenant household wishes to avail itself of this option, it must inform the owner in writing of its current address at all times during the period of displacement.

The property owner shall notify a displaced tenant household at least thirty (30) days in advance by first class mail of the availability of the unit or room including monthly rent and date of availability. The notice shall inform the tenant household that it has ten (10) days to notify property owner of their intent to move back into the property. Within ten (10) days of receipt of notice of availability of the unit or room, a tenant household wishing to move back shall so notify the owner in writing.

If a tenant household wishing to move back into the unit or room is required to pay a security deposit, the household must be permitted sufficient time to do so. In no event may that time exceed sixty (60) days.

18.25.140 – Certificate of occupancy.

The City shall not give the owner a certificate of occupancy until such time as the owner provides the Department of Development Services and Building Official with written proof that he or she has properly notified all displaced tenant households in writing of their right to return to their unit or room, or an equivalent unit or room in the same building if this is not possible, for the same rent they were paying prior to displacement for a minimum of six (6) months.

The City shall not issue the owner a certificate of occupancy until such time as the Building Official has determined that all necessary repairs have been made to the building.

18.25.150 – Appeals.

Any property owner or tenant household may contest a decision by the Department of Development Services or his or her representative regarding eligibility, relocation payment amounts, or any other determination or claim made under this chapter. To do so, the party shall file a written request for an appeal with the Director of Community Development within ten (10) days of the decision, determination or claim. The Director or his/her designee shall hold a hearing at his/her earliest opportunity and in no event more than fourteen (14) days after the Director receives notice of the appeal. All notices from the Director shall be sent to both the property owner and all tenant households affected by the appeal. The determination of the Director shall be final.

18.25.160 – Penalty.

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor or infraction, as determined by the City Prosecutor. In addition to any penalty imposed for a violation of this chapter, any person violating or causing or permitting the violation of this chapter shall reimburse the City for any administrative costs or expenses the City incurs in administering this chapter. Those amounts may include any provisional relocation assistance provided to tenants, such as temporary housing, moving expenses, relocation payments, public health assistance, transportation, storage or other related services.

The remedies and penalties provided for in this section and chapter shall be in addition to any other available remedies and penalties provided for by the Long Beach Municipal Code or other law.

18.25.170 – Private right of action.

Tenant households subject to displacement and/or their legal representatives shall have standing as third party beneficiaries to file an action against the owner for injunctive relief and/or actual damages pursuant to this chapter.

Nothing herein shall be deemed to interfere with the right of a property owner to file an action against a tenant or nontenant third party for the damage done to the owner's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

18.25.180 – Application to heirs.

The provisions of this chapter shall apply to all property owners and their heirs, assigns and successors in interest.

18.25.190 – Relationship to other laws.

Nothing in this chapter is intended to prevent displaced households from securing any relocation assistance and/or benefits to which they may be entitled under any other local, State or federal law.

18.25.200 – Penalty fund.

Any and all penalties levied and collected by the City pursuant to this chapter shall be placed in a revolving fund and utilized at the sole discretion of the City to advance relocation assistance to tenants or households displaced as a result of code enforcement activities.

18.25.210 – Severability.

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

## CHAPTER 18.40 BUILDING CODE

- 18.40.010 – Adoption.
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- 18.40.050 – Amend CBC Section 201.4—Terms not defined.
- 18.40.060 – Amend CBC Section 302.1—Classification.
- 18.40.070 – Amend CBC Section 1603.1.9—Systems and components requiring special inspections for seismic resistance.
- 18.40.080 – Amend CBC Section 1612.3—Establishment of flood hazard areas.
- 18.40.090 – Amend CBC Section 1612.5—Flood hazard documentation.
- 18.40.100 – Add CBC Section 1613.6—Minimum distance for building separation.
- 18.40.110 – Add CBC Section 1613.7—Modify ASCE 7 Section 12.2.3.1 Exception 3.
- 18.40.120 – Add CBC Section 1613.8—Modify ASCE 7, Section 12.11.2.2.3.
- 18.40.130 – Add CBC Section 1613.10—Suspended ceiling.
- 18.40.140 – Amend CBC Section 1705.3—Concrete construction.
- 18.40.150 – Amend CBC Section 1705.11—Seismic resistance.
- 18.40.160 – Amend CBC Section 1704.5—Structural observations.
- 18.40.170 – Amend CBC Section 1707—Alternate test procedure.
- 18.40.180 – Amend CBC Section 1807.1.4—Permanent wood foundation systems.
- 18.40.190 – Amend CBC Section 1807.1.6— Prescriptive design of concrete and masonry foundation walls.
- 18.40.200 – Amend CBC Section 1809.3—Stepped footings.
- 18.40.210 – Amend CBC Section 1809.7 and Table 1809.7— Prescriptive footings for light-frame construction.
- 18.40.220 – Amend CBC Section 1809.12—Timber footings.
- 18.40.230 – Amend CBC Section 1810.3.2.4—Timber.
- 18.40.240 – Amend CBC Section 2304.11.7—Wood used in retaining walls and cribs.
- 18.40.250 – Add CBC Section 2305.4—Quality of nails.
- 18.40.260 – Add CBC Section 2305.5—Hold-down connectors.
- 18.40.270 – Amend CBC Section 2306.2—Wood-frame diaphragms.
- 18.40.280 – Amend CBC Section 2306.3—Wood-frame shear walls.
- 18.40.290 – Add CBC Section 2307.2—Wood-frame shear walls.
- 18.40.300 – Amend CBC Section 2308.3.4—Braced wall line support.
- 18.40.310 – Amend CBC Section 2308.9.3.1—Alternative bracing.
- 18.40.320 – Amend CBC Section 2308.9.3.2 and Figure 2308.9.3.2—Alternate bracing wall panel adjacent to a door or window opening.
- 18.40.330 – Amend CBC Table 2308.12.4—Braced wall line sheathing.
- 18.40.340 – Amend CBC Section 2304.9.1—Fastener requirements.
- 18.40.350 – Amend CBC Section 2308.12.5—Attachment of sheathing.
- 18.40.360 – Amend CBC Section 2503.1—Inspection.
- 18.40.370 – Amend CBC Section 3307.1—Protection required.
- 18.40.380 – Amend CBC Section 3408.1—Change of occupancy, conformance.
- 18.40.390 – Amend CBC Section 3410.1—Moved structures, general.
- 18.40.400 – Amend CBC Section H101.2 of Appendix H—Signs exempt from permits.
- 18.40.410 – Amend CBC Section H105.2 of Appendix H—Permits, drawings and specifications.
- 18.40.420 – Amend CBC Section H110.1 of Appendix H— General.

## CHAPTER 18.40 BUILDING CODE

### 18.40.010 – Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter the 2013 Edition of the California Building Code, including Appendices C, H, and I, but excluding sections, chapters or appendices pursuant to Section 18.40.040. The California Building Code is Part 2 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is based on the provisions of the 2012 International Building Code (model code) as developed by the International Code Council with necessary California amendments.

The adoption of the 2013 Edition of the California Building Code (herein referred to as "California Building Code") is subject to the changes, amendments and modifications to said code as provided in this chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Building Code. A copy of the California Building Code, printed as code in book form, shall be on file in the office of the City Clerk.

### 18.40.020 – Application.

The provisions of the model code (the International Building Code), which are incorporated into the California Building Code, are applicable to all occupancy groups and uses regulated by the model code. The amendments made by the State agencies to the model code and incorporated into the California Building Code are applicable only to those occupancies or uses that the State agency making the amendments is authorized to regulate, as listed in Chapter 1, Division I of the California Building Code. The Building and Safety Bureau shall only enforce those amendments made by the following State agencies:

- A. The California Energy Commission (CEC) as specified in Section 1.5 of the California Building Code.
- B. The Department of Housing and Community Development (HCD) as specified in Section 1.8 of the California Building Code.
- C. The Division of the State Architect, Access Compliance (DSA/AC) as specified in Section 1.9 of the California Building Code.
- D. The Office of Statewide Health, Planning and Development (OSHPD 3) as specified in Section 1.10 of the California Building Code.
- E. The Office of the State Fire Marshal (SFM) as specified in Section 1.11 of the California Building Code.

### 18.40.030 – Amendments to the adopted code.

The California Building Code is amended and modified as set forth in Sections 18.40.040 through 18.40.420.

### 18.40.040 – Sections, chapters or appendices deleted from the adopted code.

The following sections, chapters or appendices of the California Building Code are deleted: Sections 101 through 116 of Chapter 1, Division II; Section 3412 of Chapter 34; Sections H109.2, H110.3, H110.4, H110.5, H112.4, H113.3, and H113.4 of Appendix H; and Appendices Chapter A, B, D, E, F, G, J and K.

### 18.40.050 – Amend CBC Section 201.4—Terms not defined.

Section 201.4 of the 2013 Edition of the California Building Code is amended to read as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged shall be considered as providing ordinarily accepted meanings.

18.40.060 – Amend CBC Section 302.1—Classification.

The last sentence in Section 302.1 of the 2013 Edition of the California Building Code is amended to read as follows:

Where a structure is proposed for a purpose that is not specifically provided for in this code or about which there is any question, such structure shall be classified, as determined by the Building Official, in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved.

18.40.070 – Amend CBC Section 1603.1.9—Systems and components requiring special inspections for seismic resistance.

Section 1603.1.9 of the 2013 Edition of the California Building Code is amended by changing the reference to "Section 107.1, Chapter 1, Division II" to read "Chapter 18.05 of the Long Beach Municipal Code."

18.40.080 – Amend CBC Section 1612.3—Establishment of flood hazard areas.

Section 1612.3 of the 2013 Edition of the California Building Code is amended to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the City shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Long Beach" dated July 6, 1998, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

18.40.090 – Amend CBC Section 1612.5—Flood hazard documentation.

Section 1612.5 Item 1.1 of the 2013 Edition of the California Building Code is amended by changing the reference to "Section 110.3.3, Chapter 1, Division II" to read "Subsection 18.07.050.A.3 of the Long Beach Municipal Code."

18.40.100 – Add CBC Section 1613.6—Minimum distance for building separation.

Section 1613.6 is added to Chapter 16 of the 2013 Edition of the California Building Code to read as follows:

1613.6 ASCE 7, 12.12.3 Modify ASCE 7 Equation 12.12-1 of Section 12.12.3 to read as follows:

$$\delta_M = C_d \delta_{max} \quad (12.12-1)$$

18.40.110 – Add CBC Section 1613.7—Modify ASCE 7 Section 12.2.3.1 Exception 3.

Section 1613.7 is added to Chapter 16 of the 2013 Edition of the California Building Code to read as follows:

1613.7 ASCE 7, 12.2.3.1, Exception 3. Modify ASCE 7 Section 12.2.3.1 Exception 3 to read as follows:

3. Detached one and two family dwellings up to two stories in height of light frame construction.

18.40.120 – Add CBC Section 1613.8—Modify ASCE 7, Section 12.11.2.2.3.

Section 1613.8 is added to Chapter 16 of the 2013 Edition of the California Building Code to read as follows:

1613.8 ASCE 7, Section 12.11.2.2.3. Modify ASCE 7, Section 12.11.2.2.3 to read as follows:

12.11.2.2.3 Wood Diaphragms. In wood diaphragms, the continuous ties shall be in addition to the diaphragm sheathing. Anchorage shall not be accomplished by use of toe nails or nails subject to withdrawal nor shall wood ledgers or framing be used in cross-grain bending or cross-grain tension. The diaphragm sheathing shall not be considered effective as providing ties or struts required by this section.

For structures assigned to Seismic Design Category D, E or F, wood diaphragms supporting concrete or masonry walls shall comply with the following:

1. The spacing of continuous ties shall not exceed 40 feet. Added chords of diaphragms may be used to form subdiaphragms to transmit the anchorage forces to the main continuous crossties.
2. The maximum diaphragm shear used to determine the depth of the subdiaphragm shall not exceed 75% of the maximum diaphragm shear.

18.40.130 – Add CBC Section 1613.10—Suspended ceiling.

1613.10 Suspended Ceilings. Minimum design and installation standards for suspended ceilings shall be determined in accordance with the requirements of Section 2506.2.1 of this Code and this section.

1613.10.1 Scope. This part contains special requirements for suspended ceilings and lighting systems. Provisions of Section 13.5.6 of ASCE 7-10 shall apply except as modified herein.

1613.10.2 General. The suspended ceilings and lighting systems shall be limited to 6 feet (1828 mm) below the structural deck unless the lateral bracing is designed by a licensed engineer or architect.

1613.10.3 Sprinkler Heads. All sprinkler heads (drops) except fire-resistance-rated floor/ceiling or roof/ceiling assemblies, shall be designed to allow for free movement of the sprinkler pipes with oversize rings, sleeves or adaptors through the ceiling tile. Sprinkler heads and other penetrations shall have a 2 in. (50mm) oversize ring, sleeve, or adapter through the ceiling tile to allow for free movement of at least 1 in. (25mm) in all horizontal directions. Alternatively, a swing joint that can accommodate 1 in. (25 mm) of ceiling movement in all horizontal directions is permitted to be provided at the top of the sprinkler head extension.

Sprinkler heads penetrating fire-resistance-rated floor/ceiling or roof/ceiling assemblies shall comply with Section 714 of this Code.

1613.10.4 Special Requirements for Means of Egress. Suspended ceiling assemblies located along means of egress serving an occupant load of 30 or more shall comply with the following provisions.



1613.10.4.1 General. Ceiling suspension systems shall be connected and braced with vertical hangers attached directly to the structural deck along the means of egress serving an occupant load of 30 or more and at lobbies accessory to Group A Occupancies. Spacing of vertical hangers shall not exceed 2 feet (610 mm) on center along the entire length of the suspended ceiling assembly located along the means of egress or at the lobby.

1613.10.4.2 Assembly Device. All lay-in panels shall be secured to the suspension ceiling assembly with two hold-down clips minimum for each tile within a 4-foot (1219 mm) radius of the exit lights and exit signs.

1613.10.4.3 Emergency Systems. Independent supports and braces shall be provided for light fixtures required for exit illumination. Power supply for exit illumination shall comply with the requirements of Section 1006.3 of this Code.

1613.10.4.4 Supports for Appendage. Separate support from the structural deck shall be provided for all appendages such as light fixtures, air diffusers, exit signs, and similar elements.

18.40.140 – Amend CBC Section 1705.3—Concrete construction.

Section 1705.3 of the 2013 Edition of the California Building Code is amended to read as follows:

1705.3 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

Exceptions: Special inspection shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength,  $f_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa) regardless of the compressive strength specified in the construction documents or used in the footing construction.
2. Continuous concrete footings supporting walls of buildings three stories or less in height that are fully supported on earth or rock where:
  - 2.1. The footings support walls of light-frame construction;
  - 2.2. The footings are designed in accordance with Table 1805.4.2; or
  - 2.3. The structural design of the footing is based on a specified compressive strength,  $f_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.
3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).
4. Concrete patios, driveways and sidewalks, on grade.

18.40.150 – Amend CBC Section 1705.11—Seismic resistance.

Exception 3 of Section 1705.11 of the 2013 Edition of the California Building Code is amended to read as follows:

3. The structure is a detached one- or two-family dwelling not exceeding two stories above grade plane, is not assigned to Seismic Design Category D, E or F and does not have any of the following horizontal or vertical irregularities in accordance with Section 12.3 of ASCE 7:

18.40.160 – Amend CBC Section 1704.5—Structural observations.

Section 1704.5 of the 2013 Edition of the California Building Code is amended to read as follows:

1704.5 Structural observations. Where required by the provisions of Section 1704.5.1 or 1704.5.2, the owner shall employ a structural observer to perform structural observations as defined in Section 1702. The structural observer shall be one of the following individuals:

1. The registered design professional responsible for the structural design, or
2. A registered design professional designated by the registered design professional responsible for the structural design.

Prior to the commencement of observations, the structural observer shall submit to the Building Official a written statement identifying the frequency and extent of structural observations.

The owner or owner's representative shall coordinate and call a preconstruction meeting between the structural observer, contractors, affected subcontractors and special inspectors. The structural observer shall preside over the meeting. The purpose of the meeting shall be to identify the major structural elements and connections that affect the vertical and lateral load resisting systems of the structure and to review scheduling of the required observations. A record of the meeting shall be included in the report submitted to the Building Official.

Observed deficiencies shall be reported in writing to the owner or owner's representative, special inspector, contractor and the Building Official. Upon the form prescribed by the Building Official, the structural observer shall submit to the Building Official a written statement at each significant construction stage stating that the site visits have been made and identifying any reported deficiencies which, to the best of the structural observer's knowledge, have not been resolved. A final report by the structural observer which states that all observed deficiencies have been resolved is required before acceptance of the work by the Building Official.

18.40.170 – Amend CBC Section 1707—Alternate test procedure.

Section 1707 of the 2013 Edition of the California Building Code is amended by changing the reference to "Section 104.11, Chapter 1, Division II" to read "Section 18.03.060 of the Long Beach Municipal Code."

18.40.180 – Amend CBC Section 1807.1.4—Permanent wood foundation systems.

Section 1807.1.4 of the 2013 Edition of the California Building Code is amended to read as follows:

1807.1.4 Permanent wood foundation systems. Permanent wood foundation systems shall be designed and installed in accordance with AF&PA PWF. Lumber and plywood shall be treated in accordance with AWP A U1 (Commodity Specification A, Use Category 4B and Section 5.2) and shall be identified in accordance with Section 2303.1.8.1. Permanent wood foundation systems shall not be used for structures assigned to Seismic Design Category D, E or F.

18.40.190 – Amend CBC Section 1807.1.6— Prescriptive design of concrete and masonry foundation walls.

Section 1807.1.6 of the 2013 Edition of the California Building Code is amended to read as follows:

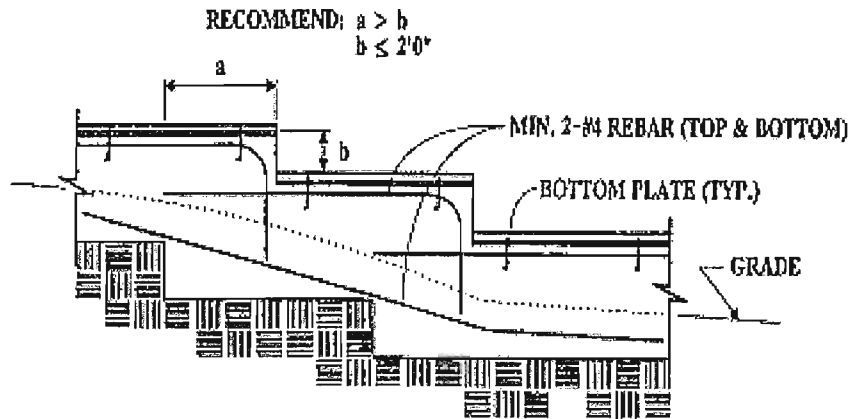
1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

18.40.200 – Amend CBC Section 1809.3—Stepped footings.

Section 1809.3 of the 2013 Edition of the California Building Code is amended to read as follows:

1809.3 Stepped footings. The top surface of footings shall be level. The bottom surface of footings shall be permitted to have a slope not exceeding one unit vertical in 10 units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the surface of the ground slopes more than one unit vertical in 10 units horizontal (10-percent slope).

For structures assigned to Seismic Design Category D, E or F, the stepping requirement shall also apply to the top surface of grade beams supporting walls. Footings shall be reinforced with four 1/2-inch diameter (12.7 mm) deformed reinforcing bars. Two bars shall be placed at the top and bottom of the footings as shown in Figure 1809.3.



**STEPPED FOUNDATIONS**

FIGURE 1809.3  
STEPPED FOOTING

18.40.210 – Amend CBC Section 1809.7 and Table 1809.7— Prescriptive footings for light-frame construction.

Section 1809.7 and Table 1809.7 of the 2013 Edition of the California Building Code are amended to read as follows:

1809.7 Prescriptive footings for light-frame construction. Where a specific design is not provided, concrete or masonry-unit footings supporting walls of light-frame construction shall be permitted to be designed in accordance with Table 1809.7. Prescriptive footings in Table 1809.7 shall not exceed one story above grade plane for structures assigned to Seismic Design Category D, E or F.

**TABLE 1809.7**  
**PREScriptive FOOTINGS SUPPORTING WALLS OF**  
**LIGHT-FRAME CONSTRUCTION** <sup>a, b, c, d, e</sup>

NUMBER OF FLOORS SUPPORTED BY THE FOOTING <sup>f</sup>	WIDTH OF FOOTING (inches)	THICKNESS OF FOOTING (inches)
1	12	6
2	15	6
3	18	8

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm

- a. Depth of footings shall be in accordance with Section 1809.4.
- b. The ground under the floor shall be permitted to be excavated to the elevation of the top of the footing.
- c. Not Adopted.
- d. See Section 1908 for additional requirements for concrete footings of structures assigned to Seismic Design Category C, D, E or F.
- e. For thickness of foundation walls, see Section 1807.1.6.
- f. Footings shall be permitted to support a roof addition to the stipulated number of floors. Footings supporting roof only shall be as required for supporting one floor.

18.40.220 – Amend CBC Section 1809.12—Timber footings.

Section 1809.12 of the 2013 Edition of the California Building Code is amended to read as follows:

1809.12 Timber footings. Timber footings shall be permitted for buildings of Type V construction and as otherwise approved by the Building Official. Such footings shall be treated in accordance with AWPA U1 (Commodity Specification A, Use Category 4B). Treated timbers are not required where placed entirely below permanent water level, or where used as capping for wood piles that project above the water level over submerged or marsh lands. The compressive stresses perpendicular to grain in untreated timber footing supported upon treated piles shall not exceed 70 percent of the allowable stresses for the species and grade of timber as specified in the AF&PA NDS. Timber footings shall not be used in structures assigned to Seismic Design Category D, E or F.

18.40.230 – Amend CBC Section 1810.3.2.4—Timber.

Section 1810.3.2.4 of the 2013 Edition of the California Building Code is amended to read as follows:

1810.3.2.4 Timber. Timber deep foundation elements shall be designed as piles or poles in accordance with AF&PA NDS. Round timber elements shall conform to ASTM D 25. Sawn timber elements shall conform to DOC PS-20. Timber shall not be used in structures assigned to Seismic Design Category D, E or F.

18.40.240 – Amend CBC Section 2304.11.7—Wood used in retaining walls and cribs.

Section 2304.11.7 of the 2013 Edition of the California Building Code is amended to read as follows:

2304.11.7 Wood used in retaining walls and cribs. Wood installed in retaining or crib walls shall be preservative treated in accordance with AWPA U1 (Commodity Specifications A or F) for soil and fresh water use. Wood shall not be used in retaining or crib walls for structures assigned to Seismic Design Category D, E or F.

18.40.250 – Add CBC Section 2305.4—Quality of nails.

Section 2305.4 is added to Chapter 23 of the 2013 Edition of the California Building Code to read as follows:

2305.4 Quality of Nails. In Seismic Design Category D, E or F, mechanically driven nails used in wood structural panel shear walls shall meet the same dimensions as that required for hand-driven nails, including diameter, minimum length and minimum head diameter. Clipped head or box nails are not permitted in new construction. The allowable design value for clipped head nails in existing construction may be taken at no more than the nail-head-area ratio of that of the same size hand-driven nails.

18.40.260 – Add CBC Section 2305.5—Hold-down connectors.

Section 2305.5 is added to Chapter 23 of the 2013 Edition of the California Building Code to read as follows:

2305.5 Hold-down connectors. In Seismic Design Category D, E or F, hold-down connectors shall be designed to resist shear wall overturning moments using approved cyclic load values or 75 percent of

the allowable seismic load values that do not consider cyclic loading of the product. Connector bolts into wood framing shall require steel plate washers on the post on the opposite side of the anchorage device. Plate size shall be a minimum of 0.229 inch by 3 inches by 3 inches (5.82 mm by 76 mm by 76 mm) in size. Hold-down connectors shall be tightened to finger tight plus one half (1/2) wrench turn just prior to covering the wall framing.

18.40.270 – Amend CBC Section 2306.2—Wood-frame diaphragms.

Section 2306.2 of the 2013 Edition of the California Building Code is amended to read as follows:

2306.2 Wood-frame diaphragms. Wood-frame diaphragms shall be designed and constructed in accordance with AF&PA SDPWS. Where panels are fastened to framing members with staples, requirements and limitations of AF&PA SDPWS shall be met and the allowable shear values set forth in Table 2306.2(1) or 2306.2(2) shall only be permitted for structures assigned to Seismic Design Category A, B, or C.

Exception: Allowable shear values where panels are fastened to framing members with staples may be used if such values are substantiated by cyclic testing and approved by the building official.

The allowable shear values in Tables 2306.2(1) and 2306.2(2) are permitted to be increased 40 percent for wind design.

Exception: [DSA-SS, DSA-SS/CC and OSHPD 1, 2 &4] Wood structural panel diaphragms using staples as fasteners are not permitted by DSA and OSHPD.

Wood structural panel diaphragms used to resist seismic forces in structures assigned to Seismic Design Category D, E or F shall be applied directly to the framing members.

Exception: Wood structural panel diaphragms are permitted to be fastened over solid lumber planking or laminated decking, provided the panel joints and lumber planking or laminated decking joints do not coincide.

18.40.280 – Amend CBC Section 2306.3—Wood-frame shear walls.

2306.3 Wood-frame shear walls. Wood-frame shear walls shall be designed and constructed in accordance with AF&PA SDPWS. For structures assigned to Seismic Design Category D, E, or F, application of Tables 4.3A and 4.3B of AF&PA SDPWS shall include the following:

1. Wood structural panel thickness for shear walls shall not be less than 3/8 inch thick and studs shall not be spaced at more than 16 inches on center.
2. The maximum nominal unit shear capacities for 3/8 inch wood structural panels resisting seismic forces in structures assigned to Seismic Design Category D, E or F is 400 pounds per linear foot (plf).

Exception: Other nominal unit shear capacities may be permitted if such values are substantiated by cyclic testing and approved by the building official.

3. Where shear design values using allow stress design (ASD) exceed 350 plf or load and resistance factor design (LRFD) exceed 500 plf, all framing members receiving edge nailing from abutting panels shall not be less than a single 3-inch nominal member, or two 2-inch nominal members fastened together in accordance with Section 2306.1 to transfer the design shear value between framing members. Wood structural panel joint and sill plate nailing shall be staggered at all panel edges. See Section 4.3.6.1 and 4.3.6.4.3 of AF&PA SDPWS for sill plate size and anchorage requirements.
4. Nails shall be placed not less than 1/2 inch in from the panel edges and not less than 3/8 inch from the edge of the connecting members for shear greater than 350 plf using ASD or 500 plf using LRFD. Nails shall be placed not less than 3/8 inch from panel edges and not less than 1/4 inch from the edge of the connecting members for shears of 350 plf or less using ASD or 500 plf or less using LRFD.
5. Table 4.3B application is not allowed for structures assigned to Seismic Design Category D, E, or F.

For structures assigned to Seismic Design Category D, application of Table 4.3C of AF&PA SDPWS shall not be used below the top level in a multi-level building for structures.

Where panels are fastened to framing members with staples, requirements and limitations of AF&PA SDPWS shall be met and the allowable shear values set forth in Table 2306.3(1), 2306.3(2) or 2306.3(3) shall only be permitted for structures assigned to Seismic Design Category A, B, or C.

Exception: Allowable shear values where panels are fastened to framing members with staples may be used if such values are substantiated by cyclic testing and approved by the building official.

The allowable shear values in Tables 2306.3(1) and 2306.3(2) are permitted to be increased 40 percent for wind design. Panels complying with ANSI/APA PRP-210 shall be permitted to use design values for Plywood Siding in the AF&PA SDPWS.

Exception: [DSA-SS 7DSA-SS/CC and OSHPD 1, 2 &4] Wood structural panel shear walls using staples as fasteners are not permitted by DSA and OSHPD.

18.40.290 – Add CBC Section 2307.2—Wood-frame shear walls.

Section 2307.2 is added otf to the 2013 Edition of the California Building Code to read as follows:

2307.2 Wood-frame shear walls. Wood-frame shear walls shall be designed and constructed in accordance with Section 2306.3 as applicable.

18.40.300 – Amend CBC Section 2308.3.4—Braced wall line support.

Section 2308.3.4 of the 2013 Edition of the California Building Code is amended to read as follows:

2308.3.4 Braced wall line support. Braced wall lines shall be supported by continuous foundations.

Exception: For structures with a maximum plan dimension not over 50 feet (15240 mm), continuous foundations are required at exterior walls only for structures assigned to Seismic Design Category A, B or C.

18.40.310 – Amend CBC Section 2308.9.3.1—Alternative bracing.

Section 2308.9.3.1 Item 1 of the 2013 Edition of the California Building Code is amended to read as follows:

1. In one-story buildings, each panel shall have a length of not less than 2 feet 8 inches (813 mm) and a height of not more than 10 feet (3048 mm). Each panel shall be sheathed on one face with 3/8-inch-minimum-thickness (9.5 mm) wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Table 2304.9.1 and blocked at wood structural panel edges. For structures assigned to Seismic Design Category D or E, each panel shall be sheathed on one face with 15/32-inch-minimum-thickness (11.9 mm) wood structural panel sheathing nailed with 8d common nails spaced 3 inches on panel edges, 3 inches at intermediate supports. Two anchor bolts installed in accordance with Section 2308.6 shall be provided in each panel. Anchor bolts shall be placed at each panel outside quarter points. Each panel end stud shall have a tie-down device fastened to the foundation, capable of providing an approved uplift capacity of not less than 1,800 pounds (8006 N). The tie-down device shall be installed in accordance with the manufacturer's recommendations. The panels shall be supported directly on a foundation or on floor framing supported directly on a foundation that is continuous across the entire length of the braced wall line. This foundation shall be reinforced with not less than one No. 4 bar top and bottom.

Where the continuous foundation is required to have a depth greater than 12 inches (305 mm), a minimum 12-inch by 12-inch (305 mm by 305 mm) continuous footing or turned down slab edge is permitted at door openings in the braced wall line. This continuous footing or turned down slab edge shall be reinforced with not less than one No. 4 bar top and bottom. This reinforcement shall be lapped 15 inches (381 mm) with the reinforcement required in the continuous foundation located directly under the braced wall line.

18.40.320 – Amend CBC Section 2308.9.3.2 and Figure 2308.9.3.2—Alternate bracing wall panel adjacent to a door or window opening.

Section 2308.9.3.2 Item 1 of the 2013 Edition of the California Building Code is amended to read as follows:

1. In one-story buildings, each panel shall have a length of not less than 16 inches (406 mm) and a height of not more than 10 feet (3048 mm). Each panel shall be sheathed on one face with a single layer of 3/8 inch (9.5 mm) minimum thickness wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Figure 2308.9.3.2. For structures assigned to Seismic Design Category D or E, each panel shall be sheathed on one face with 15/32-inch-minimum-thickness (11.9 mm) wood structural panel sheathing nailed with 8d common nails spaced 3 inches on panel edges, 3 inches at intermediate supports and in accordance with Figure 2308.9.3.2. The wood structural panel sheathing shall extend up over the solid sawn or glued-laminated header and shall be nailed in accordance with Figure 2308.9.3.2. A built-up header consisting of at least two 2 × 12s and fastened in accordance with Item 24 of

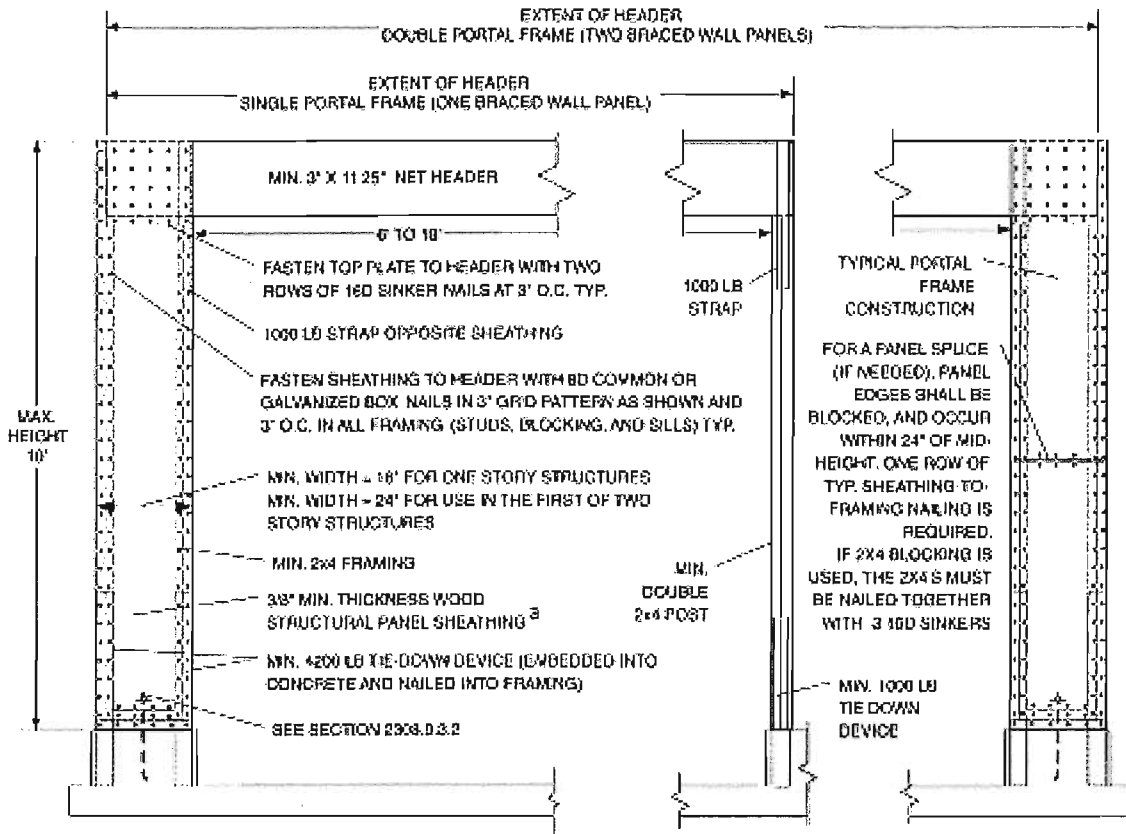
Table 2304.9.1 shall be permitted to be used. A spacer, if used, shall be placed on the side of the built-up beam opposite the wood structural panel sheathing. The header shall extend between the inside faces of the first full-length outer studs of each panel. The clear span of the header between the inner studs of each panel shall be not less than 6 feet (1829 mm) and not more than 18 feet (5486 mm) in length. A strap with an uplift capacity of not less than 1,000 pounds (4,400 N) shall fasten the header to the inner studs opposite the sheathing. One anchor bolt not less than 5/8 inch (15.9 mm) diameter and installed in accordance with Section 2308.6 shall be provided in the center of each sill plate. The studs at each end of the panel shall have a tie-down device fastened to the foundation with an uplift capacity of not less than 4,200 pounds (18 480 N).

Where a panel is located on one side of the opening, the header shall extend between the inside face of the first full-length stud of the panel and the bearing studs at the other end of the opening. A strap with an uplift capacity of not less than 1,000 pounds (4400 N) shall fasten the header to the bearing studs. The bearing studs shall also have a tie-down device fastened to the foundation with an uplift capacity of not less than 1,000 pounds (4400 N).

The tie-down devices shall be an embedded strap type, installed in accordance with the manufacturer's recommendations. The panels shall be supported directly on a foundation that is continuous across the entire length of the braced wall line. This foundation shall be reinforced with not less than one No. 4 bar top and bottom.

Where the continuous foundation is required to have a depth greater than 12 inches (305 mm), a minimum 12-inch by 12-inch (305 mm by 305 mm) continuous footing or turned down slab edge is permitted at door openings in the braced wall line. This continuous footing or turned down slab edge shall be reinforced with not less than one No. 4 bar top and bottom. This reinforcement shall be lapped not less than 15 inches (381 mm) with the reinforcement required in the continuous foundation located directly under the braced wall line.





For SI: 1 foot = 304.8 mm; 1 inch = 25.4 mm; 1 pound = 4.448 N.

- a. For structures assigned to Seismic Design Category D or E, sheathed on one face with 15/32-inch minimum thickness (11.9 mm) wood structural panel sheathing nailed with 8d common nails spaced 6 inches on panel edges, 12 inches at intermediate supports.

**FIGURE 2308.9.3.2  
ALTERNATE BRACED WALL PANEL ADJACENT TO A DOOR OR WINDOW OPENING**

18.40.330 – Amend CBC Table 2308.12.4—Braced wall line sheathing.

Table 2308.12.4 of the 2013 Edition of the California Building Code is amended to read as follows:

**TABLE 2308.12.4  
WALL BRACING IN SEISMIC DESIGN CATEGORIES D AND E  
(Minimum Percentage of Wall Bracing per each Braced Wall Line <sup>a</sup>)**

CONDITION	SHEATHING TYPE <sup>b</sup>	$S_{DS} < 0.50$	$0.50 \leq S_{DS} < 0.75$	$0.75 \leq S_{DS} \leq 1.00$	$S_{DS} > 1.00$
One Story	G-P <sup>c</sup>	43	59	75	100
	S-W <sup>d</sup>	21	32	37	48

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

- a. Minimum length of panel bracing of one face of the wall for S-W sheathing shall be at least 4'-0" long or both faces of the wall for G-P sheathing shall be at least 8'-0" long; h/w ratio shall not exceed 2:1. For S-W panel bracing of the same material on two faces of the wall, the minimum length is permitted to be one-half the tabulated value but the h/w ratio shall not exceed 2:1 and design for uplift is required. The 2:1 h/w ratio limitation does not apply to alternate braced wall panels constructed in accordance with Section 2308.9.3.1 or 2308.9.3.2. Wall framing to which sheathing used for bracing is applied shall be nominal 2 inch wide [actual 1 1/2 inch (38 mm)] or larger members and spaced a maximum of 16 inches on center. Braced wall panel construction types shall not be mixed within a braced wall line.
- b. G-P = gypsum board, portland cement plaster or gypsum sheathing boards; S-W = wood structural panels.
- c. Nailing as specified below shall occur at all panel edges at studs, at top and bottom plates and, where occurring, at blocking:  
 For 1/2-inch gypsum board, 5d (0.113 inch diameter) cooler nails at 7 inches on center;  
 For 5/8-inch gypsum board, No 11 gage (0.120 inch diameter) cooler nails at 7 inches on center;

- For gypsum sheathing board, 1-3/4 inches long by 7/16-inch head, diamond point galvanized nails at 4 inches on center;  
For gypsum lath, No. 13 gage (0.092 inch) by 1-1/8 inches long, 19/64-inch head, plasterboard at 5 inches on center;  
For Portland cement plaster, No. 11 gage (0.120 inch) by 1 1/2 inches long, 7/16-inch head at 6 inches on center;
- d. S-W sheathing shall be a minimum of 15/32" thick nailed with 8d common placed 3/8 inches from panel edges and spaced not more than 6 inches on center and 12 inches on center along intermediate framing members.

18.40.340 – Amend CBC Section 2304.9.1—Fastener requirements.

Section 2304.9.1 of the 2013 Edition of the California Building Code is amended to read as follows:

2304.9.1 Fastener requirements. Connections for wood members shall be designed in accordance with the appropriate methodology in Section 2301.2. The number and size of fasteners connecting wood members shall not be less than that set forth in Table 2304.9.1. Staple fasteners in Table 2304.9.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

Exception: Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

18.40.350 – Amend CBC Section 2308.12.5—Attachment of sheathing.

Section 2308.12.5 of the 2013 Edition of the California Building Code is amended to read as follows:

2308.12.5 Attachment of sheathing. Fastening of braced wall panel sheathing shall not be less than that prescribed in Table 2308.12.4 or 2304.9.1. Wall sheathing shall not be attached to framing members by adhesives. Staple fasteners in Table 2304.9.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

Exception: Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

All braced wall panels shall extend to the roof sheathing and shall be attached to parallel roof rafters or blocking above with framing clips (18 gauge minimum) spaced at maximum 24 inches (6096 mm) on center with four 8d nails per leg (total eight 8d nails per clip). Braced wall panels shall be laterally braced at each top corner and at maximum 24 inches (6096 mm) intervals along the top plate of discontinuous vertical framing.

18.40.360 – Amend CBC Section 2503.1—Inspection.

Section 2503.1 of the 2013 Edition of the California Building Code is amended by changing the reference to "Section 110.3.5, Chapter 1, Division II" to read "Section 18.07.050 of the Long Beach Municipal Code."

18.40.370 – Amend CBC Section 3307.1—Protection required.

Section 3307.1 of the 2013 Edition of the California Building Code is amended to read as follows:

3307.1 Protection required. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected. Said notification shall be delivered not less than ten (10) days prior to the scheduled starting date of the excavation.

The requirements of protection of adjacent property with respect to excavations shall be as provided in Section 832 of the California Civil Code.

Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Building Official with evidence that the adjacent property owner or owners have been given a thirty (30) day written notice of such intent to make an excavation. This notice shall state the depth to which such excavation is intended to be made and when the excavation will commence. This notice shall be by certified mail, return receipt requested.

This section shall not be construed to waive the requirements of the General Safety Orders of the California Department of Industrial Relations, nor the provisions of Section 832 of the California Civil Code concerning the rights of coterminous owners as to excavations.

18.40.380 – Amend CBC Section 3408.1—Change of occupancy, conformance.

Section 3408.1 of the 2013 Edition of the California Building Code is amended to read as follows:

3408.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. Subject to the approval of the Building Official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Except for groups A, E and I occupancies, which were constructed prior to January 9, 1934, and are not within the scope of Chapter 18.68 of the Long Beach Municipal Code, a change of occupancy group or division may be made to another equal or lesser hazard as listed herein. For the purpose of this section, the order of least hazardous group to highest hazardous group is as follows:

- Group U (least hazardous group)
- Groups R-3 and R-3.1
- Group S-2
- Groups B, F, L, M, H and S-1
- Groups R-1, R-2, R-2.1 and R-4
- Groups A, E and I (highest hazardous group)

Every change of use or increased occupant load within the same division of an occupancy group shall require compliance with the provisions of Chapters 3, 10 and 16 of this code applicable to the proposed use or increased occupant load if the Building Official determine that there is an overall increase in hazard to life, limb, health, property or public welfare.

18.40.390 – Amend CBC Section 3410.1—Moved structures, general.

Section 3410.1 of the 2013 Edition of the California Building Code is amended to read as follows:

3410.1 Conformance. Structures moved into or within the City shall comply with the provisions of this code for new structures and Chapter 18.60 of the Long Beach Municipal Code.

18.40.400 – Amend CBC Section H101.2 of Appendix H—Signs exempt from permits.

Section H101.2 of Appendix H of the 2013 Edition of the California Building Code is amended by deleting Item 4.

18.40.410 – Amend CBC Section H105.2 of Appendix H—Permits, drawings and specifications.

Section H105.2 of Appendix H of the 2013 Edition of the California Building Code is amended by changing the reference to "Chapter 1" to read "Chapter 18.04 of the Long Beach Municipal Code."

18.40.420 – Amend CBC Section H110.1 of Appendix H— General.

Section H110.1 of Appendix H of the 2013 Edition of the California Building Code is amended by deleting the last two sentences.

## CHAPTER 18.41 RESIDENTIAL CODE

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- 18.41.100 – Amend CRC Section R403.1.2— Continuous footing.
- 18.41.110 – Amend CRC Section R403.1.3—Seismic reinforcing.
- 18.41.120 – Amend CRC Section R403.1.5—Slope.
- 18.41.130 – Amend CRC Section R404.2— Wood foundation walls.
- 18.41.140 – Add CRC Section R503.2.4—Openings in horizontal diaphragms.
- 18.41.150 – Amend CRC Table R602.3(1)—Fastener schedule for structural members.
- 18.41.160 – Amend CRC Section 602.3.2—Top plate.
- 18.41.170 – Amend CRC Table R602.3(2)—Alternate attachment.
- 18.41.180 – Amend CRC Section R602.10.2.3—Minimum number of braced wall panels.
- 18.41.190 – Amend CRC Table R602.10.3(3)—Bracing requirements.
- 18.41.200 – Amend CRC Table R602.10.4—Bracing methods.
- 18.41.210 – Amend CRC Figure R602.10.6.1—Alternate braced wall panel.
- 18.41.220 – Amend CRC Figure R602.10.6.2—Method PFH.
- 18.41.230 – Amend CRC Table R602.10.5—Minimum length of braced wall panels.
- 18.41.240 – Amend CRC Figure R602.10.6.4—Method CD-PF.
- 18.41.250 – Amend CRC Section R606.12.2.2.3—Reinforcement requirements for masonry elements.
- 18.41.260 – Add CRC Section R803.2.4—Openings in horizontal diaphragms.
- 18.41.270 – Amend CRC Section R1001.3.1—Vertical reinforcing.

## CHAPTER 18.41 RESIDENTIAL CODE

### 18.41.010 – Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter The 2013 Edition of the California Residential Code, excluding sections, chapters or appendices pursuant to Section 18.41.040. The California Residential Code is Part 2.5 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is based on the provisions of the 2012 International Residential Code (model code) as developed by the International Code Council with necessary California amendments.

The adoption of the 2013 Edition of the California Residential Code (herein referred to as "California Residential Code") is subject to the changes, amendments and modifications to said code as provided in this chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Residential Code. A copy of the California Residential Code, printed as code in book form, shall be on file in the office of the City Clerk.

### 18.41.020 – Application.

The provisions of the model code (the International Residential Code), which are incorporated into the California Residential Code, are applicable to all occupancy groups and uses regulated by the model code. The amendments made by the State agencies to the model code and incorporated into the California Residential Code are applicable only to those occupancies or uses that the State agency making the amendments is authorized to regulate, as listed in Chapter 1, Division I of the California Residential Code. The Building and Safety Bureau shall only enforce those amendments made by the following State agencies:

- A. The California Energy Commission (CEC) as specified in Section 1.5 of the California Residential Code.
- B. The Department of Housing and Community Development (HCD) as specified in Section 1.8 of the California Residential Code.
- C. The Division of the State Architect, Access Compliance (DSA/AC) as specified in Section 1.9 of the California Residential Code.
- D. The Office of Statewide Health, Planning and Development (OSHPD 3) as specified in Section 1.10 of the California Residential Code.
- E. The Office of the State Fire Marshal (SFM) as specified in Section 1.11 of the California Residential Code.

### 18.41.030 – Amendments to the adopted code.

The California Residential Code is amended and modified as set forth in Sections 18.41.040 through 18.41.270.

### 18.41.040 – Sections, chapters or appendices deleted from the adopted code.

The following sections, chapters or appendices of the California Residential Code are deleted: Sections R101 through R114 of Chapter 1, Division II; Section R319 of Chapter 3; Section R602.10.9.1 of Chapter 6; Parts IV through VIII; and Appendices A through Q.

### 18.41.050 – Amend CRC Section 201.4—Terms not defined.

Section R201.4 of the 2013 Edition of the California Residential Code is amended to read as follows:

R201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged shall be considered as providing ordinarily accepted meanings.

18.41.060 – Amend CRC Section R301.1.3.2—Woodframe structures.

Section R301.1.3.2 of the 2013 Edition of the California Residential Code is amended to read as follows:

R301.1.3.2 Woodframe structures. The Building Official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of woodframe construction more than two stories and basement in height located in Seismic Design Category A, B or C. Notwithstanding other sections the law, the law establishing these provisions is found in Business and Professions Code Section 5537 and 6737.1.

The Building Official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of woodframe construction more than one story in height or with a basement located in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub> or E.

18.41.070 – Amend CRC Table R301.2(1)—Irregular buildings.

Table R301.2(1) of the 2013 Edition of the California Residential Code is amended to read as follows:

TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>		Weathering <sup>a</sup>	Frost line Depth <sup>b</sup>	Termite <sup>o</sup>					
Zero	85	No	D <sub>2</sub> or E	Negligible	12" - 24"	Very heavy	43	No		0	60

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2( 4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for, the City of Long Beach" dated July 6, 1998, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).

- k. In accordance with Section R30 1.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

18.41.080 – Amend CRC Section R301.2.2.2.5—Irregular buildings.

Items 1, 3 and 5 of Section R301.2.2.2.5 of the 2013 Edition of the California Residential Code are amended to read as follows, including the removal of the exception in each of the items:

1. When exterior shear wall lines or braced wall panels are not in one plane vertically from the foundation to the uppermost story in which they are required.
3. When the end of a braced wall panel occurs over an opening in the wall below.
5. When portions of a floor level are vertically offset.

18.41.090 – Amend CRC Section R401.1—Application, foundation.

Section R401.1 of the 2013 Edition of the California Residential Code is amended to read as follows:

R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding as established by Table R301.2(1) shall meet the provisions of Section R322. Wood foundations shall be designed and installed in accordance with AF&PA PWF.

Exception: The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In buildings that have no more than two floors and a roof.
2. When interior basement and foundation walls are constructed at intervals not exceeding 50 feet (15 240 mm).

Wood foundations in Seismic Design Category D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub> shall not be permitted.

Exception: In non-occupied, single-story, detached storage sheds and similar uses other than carport or garage, provided the gross floor area does not exceed 200 square feet, the plate height does not exceed 12 feet in height above the grade plane at any point, and the maximum roof projection does not exceed 24 inches.

18.41.100 – Amend CRC Section R403.1.2— Continuous footing.

Section R403.1.2 of the 2013 Edition of the California Residential Code is amended to read as follows:

R403.1.2 Continuous footing in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>. The braced wall panels at exterior walls of buildings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> shall be supported by continuous footings. All required interior braced wall panels in buildings shall be supported by continuous footings.

18.41.110 – Amend CRC Section R403.1.3—Seismic reinforcing.

Exception of Section R403.1.3 of the 2013 Edition of the California Residential Code is amended to read as follows:

Exception: In detached one- and two-family dwellings located in Seismic Design Category A, B or C which are three stories or less in height and constructed with stud bearing walls, plain concrete



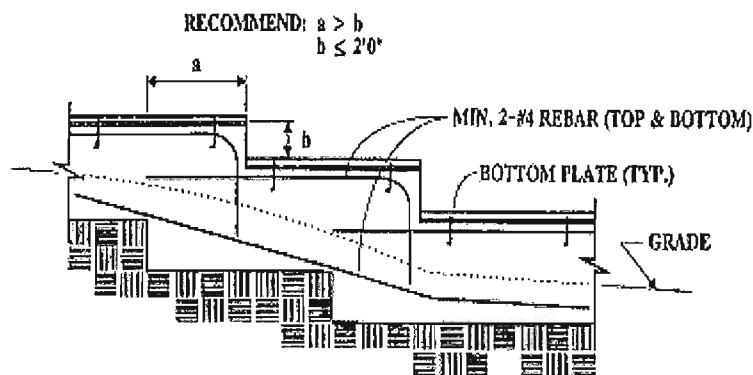
footings without longitudinal reinforcement supporting walls and isolated plain concrete footings supporting columns or pedestals are permitted.

18.41.120 – Amend CRC Section R403.1.5—Slope.

Section R403.1.5 of the 2013 Edition of the California Residential Code is amended to read as follows:

R403.1.5 Slope. The top surface of footings shall be level. The bottom surface of footings shall be permitted to have a slope not exceeding one unit vertical in 10 units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the surface of the ground slopes more than one unit vertical in 10 units horizontal (10-percent slope).

For structures located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>, stepped footings shall be reinforced with four 1/2-inch diameter (12.7 mm) deformed reinforcing bars. Two bars shall be place at the top and bottom of the footings as shown in Figure R403.1.5.



STEPPED FOUNDATIONS

FIGURE R403.1.5  
 STEPPED FOOTING

18.41.130 – Amend CRC Section R404.2— Wood foundation walls.

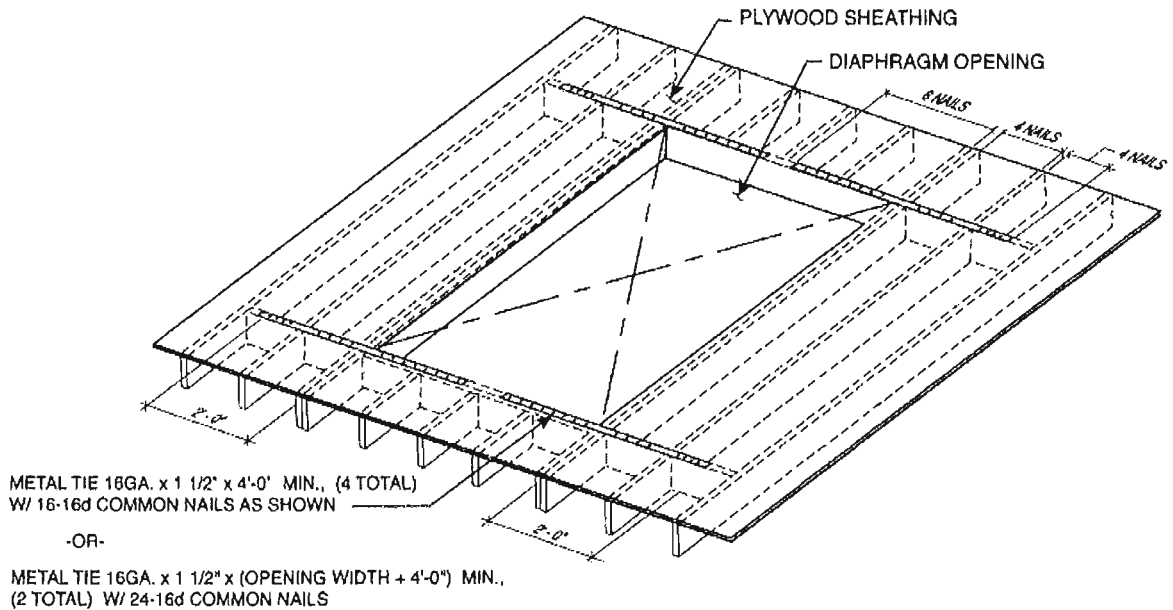
Section R404.2 of the 2013 Edition of the California Residential Code is amended to read as follows:

R404.2 Wood foundation walls. Wood foundation walls shall be constructed in accordance with the provisions of Sections R404.2.1 through R404.2.6 and with the details shown in Figures R403.1(2) and R403.1(3). Wood foundation walls shall not be used for structures located in Seismic Design Category D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>.

18.41.140 – Add CRC Section R503.2.4—Openings in horizontal diaphragms.

Section R503.2.4 is added to Chapter 5 of the 2013 Edition of the California Residential Code to read as follows:

R503.2.4 Openings in horizontal diaphragms. Openings in horizontal diaphragms with a dimension perpendicular to the joist that is greater than 4 feet (1.2 m) shall be constructed in accordance with Figure R503.2.4.



For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

- a. Blockings shall be provided beyond headers.
- b. Metal ties not less than 0.058 inch [1.47 mm (16 galvanized gage)] by 1.5 inches (38 mm) wide with eight 16d common nails on each side of the header-joist intersection. The metal ties shall have a minimum yield of 33,000 psi (227 MPa).
- c. Openings in diaphragms shall be further limited in accordance with Section R301.2.2.2.5.

FIGURE R503.2.4  
OPENINGS IN HORIZONTAL DIAPHRAGMS

18.41.150 – Amend CRC Table R602.3(1)—Fastener schedule for structural members.

Footnote k is added to Lines 37 and 38 of Table R602.3(1) of the 2013 Edition of the California Residential Code to read as follows:

- k. Use of staples in braced wall panels shall be prohibited in Seismic Design Category D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>.

18.41.160 – Amend CRC Section 602.3.2—Top plate.

Exception of Section 602.3.2 of the 2013 Edition of the California Residential Code is amended to read as follows:

Exception: In other than Seismic Design Category D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>, a single top plate may be installed in stud walls, provided the plate is adequately tied at joints, corners and intersecting walls by a minimum 3-inch-by-6-inch by a 0.036-inch-thick (76 mm by 152 mm by 0.914 mm) galvanized steel plate that is nailed to each wall or segment of wall by six 8d nails on each side, provided the rafters or joists are centered over the studs with a tolerance of no more than 1 inch (25 mm). The top plate may be omitted over lintels that are adequately tied to adjacent wall sections with steel plates or equivalent as previously described.

18.41.170 – Amend CRC Table R602.3(2)—Alternate attachment.

Footnote b of Table R602.3(2) of the 2013 Edition of the California Residential Code is amended to read as follows:

b. Staples shall have a minimum crown width of 7/16-inch on diameter except as noted. Use of staples in roof, floor, subfloor, and braced wall panels shall be prohibited in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, or D<sub>2</sub>.

18.41.180 – Amend CRC Section R602.10.2.3—Minimum number of braced wall panels.


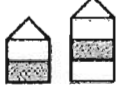




Section R602.10.2.3 of the 2013 Edition of the California Residential Code is amended to read as follows:

R602.10.2.3 Minimum number of braced wall panels. Braced wall lines with a length of 16 feet (4877 mm) or less shall have a minimum of two braced wall panels of any length or one braced wall panel equal to 48 inches (1219 mm) or more. Braced wall lines greater than 16 feet (4877 mm) shall have a minimum of two braced wall panels. No braced wall panel shall be less than 48 inches in length in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, or D<sub>2</sub>.

18.41.190 – Amend CRC Table R602.10.3(3)—Bracing requirements.

Table R602.10.3(3) of the 2013 Edition of the California Residential Code is amended to read as follows:

TABLE R602.10.3(3)  
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY

<ul style="list-style-type: none"> <li>• SOIL CLASS D<sup>b</sup></li> <li>• WALL HEIGHT = 10 FEET</li> <li>• 10 PSF FLOOR DEAD LOAD</li> <li>• 15 PSF ROOF/CEILING DEAD LOAD</li> <li>• BRACED WALL LINE SPACING ≤ 25 FEET</li> </ul>			MINIMUM TOTAL LENGTH (FEET) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE <sup>a</sup>				
Seismic Design Category	Story Location	Braced Wall Line Length (feet)	Method LIB <sup>c</sup>	Method GB <sup>e</sup>	Methods DWB, SFB, PBS, PCP, HPS, CS-SFB <sup>d,e</sup>	Method WSP	Methods CS-WSP, CS-G
C (townhouses only)		10	2.5	2.5	2.5	1.6	1.4
		20	5.0	5.0	5.0	3.2	2.7
		30	7.5	7.5	7.5	4.8	4.1
		40	10.0	10.0	10.0	6.4	5.4
		50	12.5	12.5	12.5	8.0	6.8
		10	NP	4.5	4.5	3.0	2.6
		20	NP	9.0	9.0	6.0	5.1
		30	NP	13.5	13.5	9.0	7.7
		40	NP	18.0	18.0	12.0	10.2
		50	NP	22.5	22.5	15.0	12.8
		10	NP	6.0	6.0	4.5	3.8
		20	NP	12.0	12.0	9.0	7.7
		30	NP	18.0	18.0	13.5	11.5
		40	NP	24.0	24.0	18.0	15.3
		50	NP	30.0	30.0	22.5	19.1
D <sub>0</sub>		10	NP	5.6	5.6	1.8	1.6
		20	NP	11.0	11.0	3.6	3.1
		30	NP	16.6	16.6	5.4	4.6
		40	NP	22.0	22.0	7.2	6.1
		50	NP	27.6	27.6	9.0	7.7
		10	NP	NP	NP	3.8	3.2
		20	NP	NP	NP	7.5	6.4
		30	NP	NP	NP	11.3	9.6
		40	NP	NP	NP	15.0	12.8
		50	NP	NP	NP	18.8	16.0
		10	NP	NP	NP	5.3	4.5
		20	NP	NP	NP	10.5	9.0
		30	NP	NP	NP	15.8	13.4
		40	NP	NP	NP	21.0	17.9
		50	NP	NP	NP	26.3	22.3

(continued)

TABLE R602.10.3(3)—continued  
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY

<ul style="list-style-type: none"> <li>• SOIL CLASS D<sup>b</sup></li> <li>• WALL HEIGHT = 10 FEET</li> <li>• 10 PSF FLOOR DEAD LOAD</li> <li>• 15 PSF ROOF/CEILING DEAD LOAD</li> <li>• BRACED WALL LINE SPACING ≤ 25 FEET</li> </ul>			MINIMUM TOTAL LENGTH (FEET) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE <sup>c</sup>				
Seismic Design Category	Story Location	Braced Wall Line Length (feet)	Method LIB <sup>e</sup>	Method GB <sup>e</sup>	Methods DWB, SFB, PBS, PCP, HPS, CS-SFB <sup>d,e</sup>	Method WSP	Methods CS-WSP, CS-G
D <sub>1</sub>		10	NP	6.0	6.0	2.0	1.7
		20	NP	12.0	12.0	4.0	3.4
		30	NP	18.0	18.0	6.0	5.1
		40	NP	24.0	24.0	8.0	6.8
		50	NP	30.0	30.0	10.0	8.5
		10	NP	NP	NP	4.5	3.8
		20	NP	NP	NP	9.0	7.7
		30	NP	NP	NP	13.5	11.5
		40	NP	NP	NP	18.0	15.3
		50	NP	NP	NP	22.5	19.1
		10	NP	NP	NP	6.0	5.1
		20	NP	NP	NP	12.0	10.2
		30	NP	NP	NP	18.0	15.3
		40	NP	NP	NP	24.0	20.4
		50	NP	NP	NP	30.0	25.5
D <sub>2</sub>		10	NP	8.0	8.0	2.5	2.1
		20	NP	16.0	16.0	5.0	4.3
		30	NP	24.0	24.0	7.5	6.4
		40	NP	32.0	32.0	10.0	8.5
		50	NP	40.0	40.0	12.5	10.6
		10	NP	NP	NP	5.5	4.7
		20	NP	NP	NP	11.0	9.4
		30	NP	NP	NP	16.5	14.0
		40	NP	NP	NP	22.0	18.7
		50	NP	NP	NP	27.5	23.4
		10	NP	NP	NP	NP	NP
		20	NP	NP	NP	NP	NP
		30	NP	NP	NP	NP	NP
		40	NP	NP	NP	NP	NP
		50	NP	NP	NP	NP	NP
	Cripple wall below one- or two-story dwelling	10	NP	NP	NP	7.5	6.4
		20	NP	NP	NP	15.0	12.8
		30	NP	NP	NP	22.5	19.1
		40	NP	NP	NP	30.0	25.5
		50	NP	NP	NP	37.5	31.9

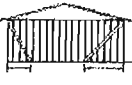
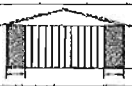


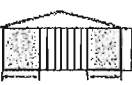

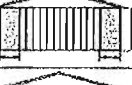


For SI: 1 inch = 25.4 mm, 1 foot = 305 mm, 1 pound per square foot = 0.0479 kPa.

- a. Linear interpolation shall be permitted.
- b. Wall bracing lengths are based on a soil site class "D." Interpolation of bracing length between the S<sub>w</sub> values associated with the Seismic Design Categories shall be permitted when a site-specific S<sub>w</sub> value is determined in accordance with Section 1613.3 of the *California Building Code*.
- c. Method LIB shall have gypsum board fastened to at least one side with nails or screws per Table R602.3(1) for exterior sheathing or Table R702.3.5 for interior gypsum board. Spacing of fasteners at panel edges shall not exceed 8 inches.
- d. Method CS-SFB applies in SDC C only.
- e. Method GB and PCP braced wall panel h/w ratio shall not exceed 1:1 in SDC D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>. Methods DWB, SFB, PBS and HPS are not permitted in SDC D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>.

18.41.200 – Amend CRC Table R602.10.4—Bracing methods.

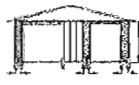

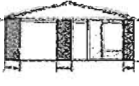

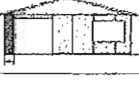

Table R602.10.4 of the 2013 Edition of the California Residential Code is amended to read as follows:

**TABLE R602.10.4  
BRACING METHODS**

METHODS, MATERIAL	MINIMUM THICKNESS	FIGURE	CONNECTION CRITERIA*		
			Fasteners	Spacing	
Intermittent Bracing Method	LJB Let-in-bracing	1 x 4 wood or approved metal straps at 45° to 60° angles for maximum 16" stud spacing		Wood: 2-8d common nails or 3-8d (2 1/2" long x 0.113" dia.) nails Metal strap: per manufacturer	Wood: per stud and top and bottom plates Metal: per manufacturer
	DWB Diagonal wood boards	3/4" (1" nominal) for maximum 24" stud spacing		2-8d (2 1/2" long x 0.113" dia.) nails or 2 - 1 3/4" long staples	Per stud
	WSP Wood structural panel (See Section R604)	1 5/32"		8d common (2 1/2" x 0.131) nails 3/8" edge distance to panel edge 8d common (2 1/2" x 0.131) nails 3/8" edge distance to panel edge	6" edges 12" field 6" edges 12" field
	BY-WSP* Wood Structural Panels with Stone or Masonry Veneer (See Section R602.10.6.5)	7/16"	See Figure R602.10.6.5	8d common (2 1/2" x 0.131) nails	4" at panel edges 12" at intermediate supports 4" at braced wall panel end posts
	SFB Structural fiberboard sheathing	1/2" or 25/32" for maximum 16" stud spacing		1 1/2" long x 0.12" dia. (for 1/2" thick sheathing) 1 3/4" long x 0.12" dia. (for 25/32" thick sheathing) galvanized roofing nails or 8d common (2 1/2" long x 0.131" dia.) nails	3" edges 6" field
	GB Gypsum board	1/2"		Nails or screws per Table R602.3(1) for exterior locations Nails or screws per Table R702.3.5 for interior locations	For all braced wall panel locations: 7" edges (including top and bottom plates) 7" field
	PBS Particleboard sheathing (See Section R605)	3/8" or 1/2" for maximum 16" stud spacing		For 3/8", 6d common (2" long x 0.113" dia.) nails For 1/2", 8d common (2 1/2" long x 0.131" dia.) nails	3" edges 6" field
	PCP Portland cement plaster	See Section R703.6 for maximum 16" stud spacing		1 1/2" long, 11 gage, 7/16" dia. head nails or 7/8" long, 16 gage staples 9	6" o.c. on all framing members
	HPS Hardboard panel siding	7/16" for maximum 16" stud spacing		0.092" dia., 0.225" dia. head nails with length to accommodate 1 1/2" penetration into studs	4" edges 8" field
	ABW Alternate braced wall	3/8"		See Section R602.10.6.1	See Section R602.10.6.1

(continued)

TABLE R602.10.4—continued  
BRACING METHODS

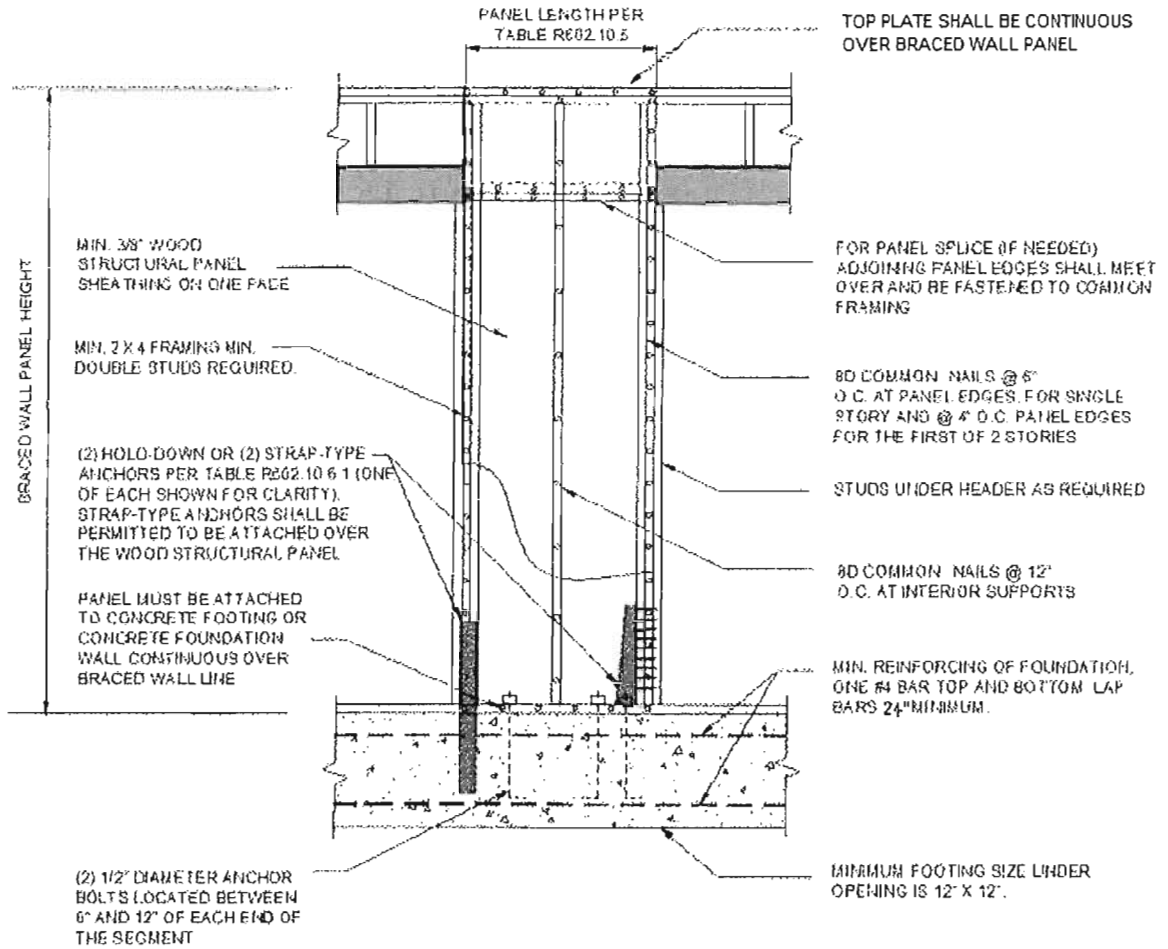
METHODS, MATERIAL	MINIMUM THICKNESS	FIGURE	CONNECTION CRITERIA*		
			Fasteners	Spacing	
Intermittent Bracing Methods	PFH Portal frame with hold-downs	$\frac{3}{8}$ "		See Section R602.10.6.2	See Section R602.10.6.2
	PFG Portal frame at garage	$\frac{7}{16}$ "	6" edges 12" field 	See Section R602.10.6.3	See Section R602.10.6.3
Continuous Sheathing Methods	CS-WSP Continuously sheathed wood structural panel	$\frac{15}{32}$ "		8d common ( $2\frac{1}{2}$ " x 0.131) nails $\frac{3}{8}$ " edge distance to panel edge	6" edges 12" field
	CS-G <sup>h,c</sup> Continuously sheathed wood structural panel adjacent to garage openings	$\frac{15}{32}$ "		See Method CS-WSP	See Method CS-WSP
	CS-PF Continuously sheathed portal frame	$\frac{15}{32}$ "		See Section R602.10.6.4	See Section R602.10.6.4
	CS-SFB <sup>d</sup> Continuously sheathed structural fiberboard	$\frac{1}{2}$ " or $\frac{25}{32}$ " for maximum 16" stud spacing		$1\frac{1}{2}$ " long x 0.12" dia. (for $\frac{1}{2}$ " thick sheathing) $1\frac{3}{8}$ " long x 0.12" dia. (for $\frac{25}{32}$ " thick sheathing) galvanized roofing nails or 8d common ( $2\frac{1}{2}$ " long x 0.131" dia.) nails	3" edges 6" field

For SI: 1 inch = 25.4 mm, 1 foot = 305 mm, 1 degree = 0.0175 rad, 1 pound per square foot = 47.8 N/m<sup>2</sup>, 1 mile per hour = 0.447 m/s.

- a. Adhesive attachment of wall sheathing, including Method GB, shall not be permitted in Seismic Design Categories C, D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>.
- b. Applies to panels next to garage door opening when supporting gable end wall or roof load only. May only be used on one wall of the garage. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, roof covering dead load may not exceed 3 psf.
- c. Garage openings adjacent to a Method CS-G panel shall be provided with a header in accordance with Table R502.5(1). A full height clear opening shall not be permitted adjacent to a Method CS-G panel.
- d. Method CS-SFB does not apply in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> and in areas where the wind speed exceeds 100 mph.
- e. Method applies to detached one- and two-family dwellings in Seismic Design Categories D<sub>0</sub> through D<sub>2</sub> only.
- f. Methods GB and PCP braced wall panel h/w ratio shall not exceed 1:1 in SDC D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>. Methods LJB, DWB, SFB, PBS, HPS and PFG are not permitted in SCD D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>.
- g. Use of staples in braced wall panels shall be prohibited in SDC D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>.

18.41.210 – Amend CRC Figure R602.10.6.1—Alternate braced wall panel.

Figure R602.10.6.1 of the 2013 Edition of the California Residential Code is amended to read as follows:



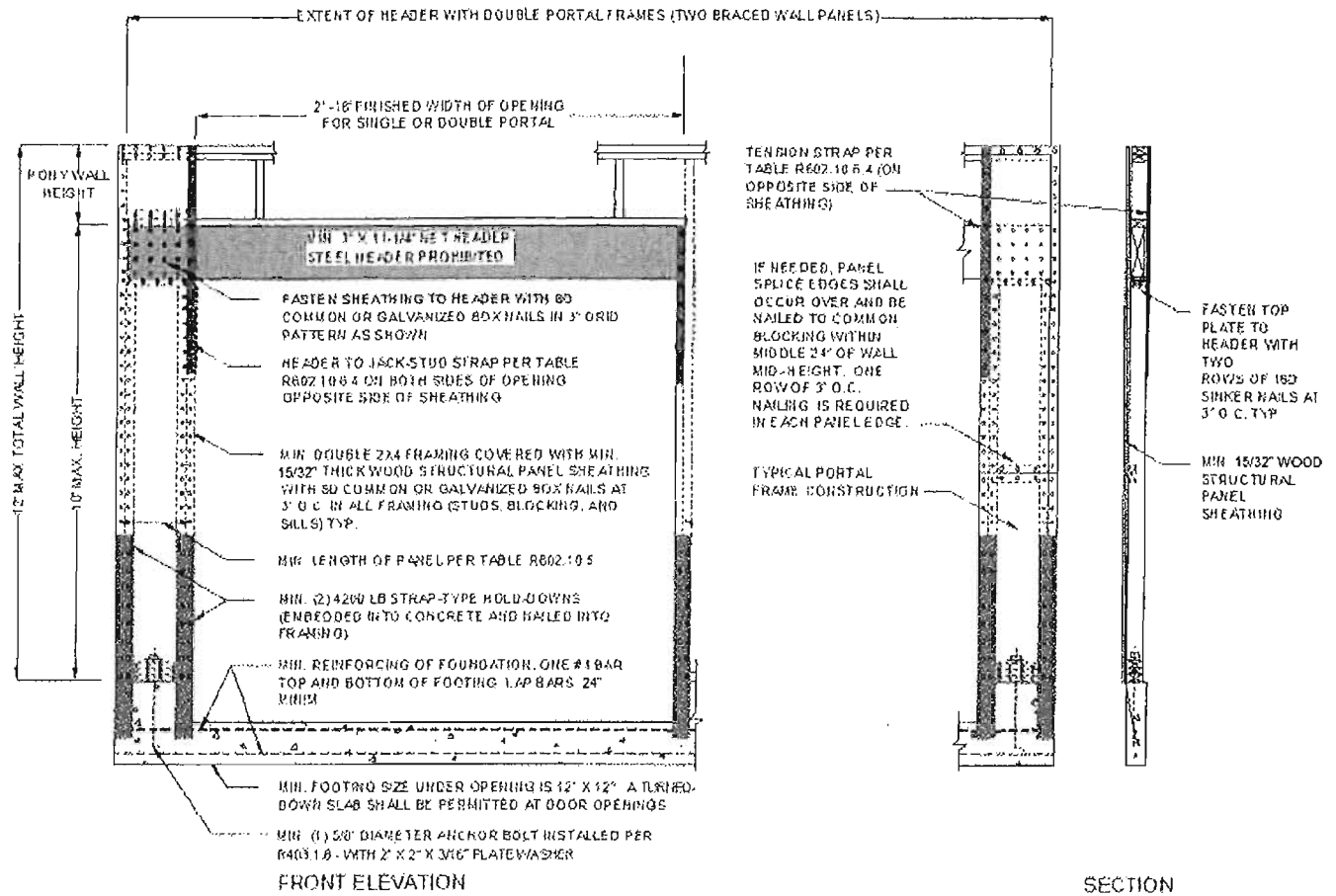
For SI: 1 inch = 25.4 mm.

**FIGURE R602.10.6.1  
METHOD ABW—ALTERNATE BRACED WALL PANEL**

18.41.220 – Amend CRC Figure R602.10.6.2—Method PFH.

Figure R602.10.6.2 of the 2013 Edition of the California Residential Code is amended to read as follows:





For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

**FIGURE R602.10.6.2  
METHOD PFH—PORTAL FRAME WITH HOLD-DOWNS  
AT DETACHED GARAGE DOOR OPENINGS**

18.41.230 – Amend CRC Table R602.10.5—Minimum length of braced wall panels.

Table R602.10.5 of the 2013 Edition of the California Residential Code is amended to read as follows:

TABLE R602.10.5  
MINIMUM LENGTH OF BRACED WALL PANELS

METHOD (See Table R602.10.4)		MINIMUM LENGTH* (Inches)					CONTRIBUTING LENGTH (Inches)
		Wall Height					
		8 feet	9 feet	10 feet	11 feet	12 feet	
DWB, WSP, SFB, PBS, PCP, HPS, BV-WSP		48	48	48	53	58	Actual <sup>b</sup>
GB		48	48	48	53	58	Double sided = Actual Single sided = 0.5 × Actual
LIB		55	62	69	NP	NP	Actual <sup>b</sup>
ABW	SDC A, B and C, wind speed < 110 mph	28	32	34	38	42	48
	SDC D <sub>1</sub> , D <sub>2</sub> and D <sub>3</sub> , wind speed < 110 mph	32	32	34	NP	NP	
PFH	Supporting roof only	24	24	24	24 <sup>c</sup>	24 <sup>e</sup>	48
	Supporting one story and roof	24	24	24	27 <sup>c</sup>	29 <sup>e</sup>	48
PFG		24	27	30	33 <sup>d</sup>	36 <sup>d</sup>	1.5 × Actual <sup>b</sup>
CS-G		24	27	30	33	36	Actual <sup>b</sup>
CS-PF		24	24	24	24 <sup>c</sup>	24 <sup>c</sup>	Actual <sup>b</sup>
CS-WSP, CS-SFB	Adjacent clear opening height (inches)						Actual <sup>b</sup>
	≤ 64	24	27	30	33	36	
	68	26	27	30	33	36	
	72	27	27	30	33	36	
	76	30	29	30	33	36	
	80	32	30	30	33	36	
	84	35	32	32	33	36	
	88	38	35	33	33	36	
	92	43	37	35	35	36	
	96	48	41	38	36	36	
	100	—	44	40	38	38	
	104	—	49	43	40	39	
	108	—	54	46	43	41	
	112	—	—	50	45	43	
	116	—	—	55	48	45	
	120	—	—	60	52	48	
	124	—	—	—	56	51	
	128	—	—	—	61	54	
132	—	—	—	66	58		
136	—	—	—	—	62		
140	—	—	—	—	66		
144	—	—	—	—	72		

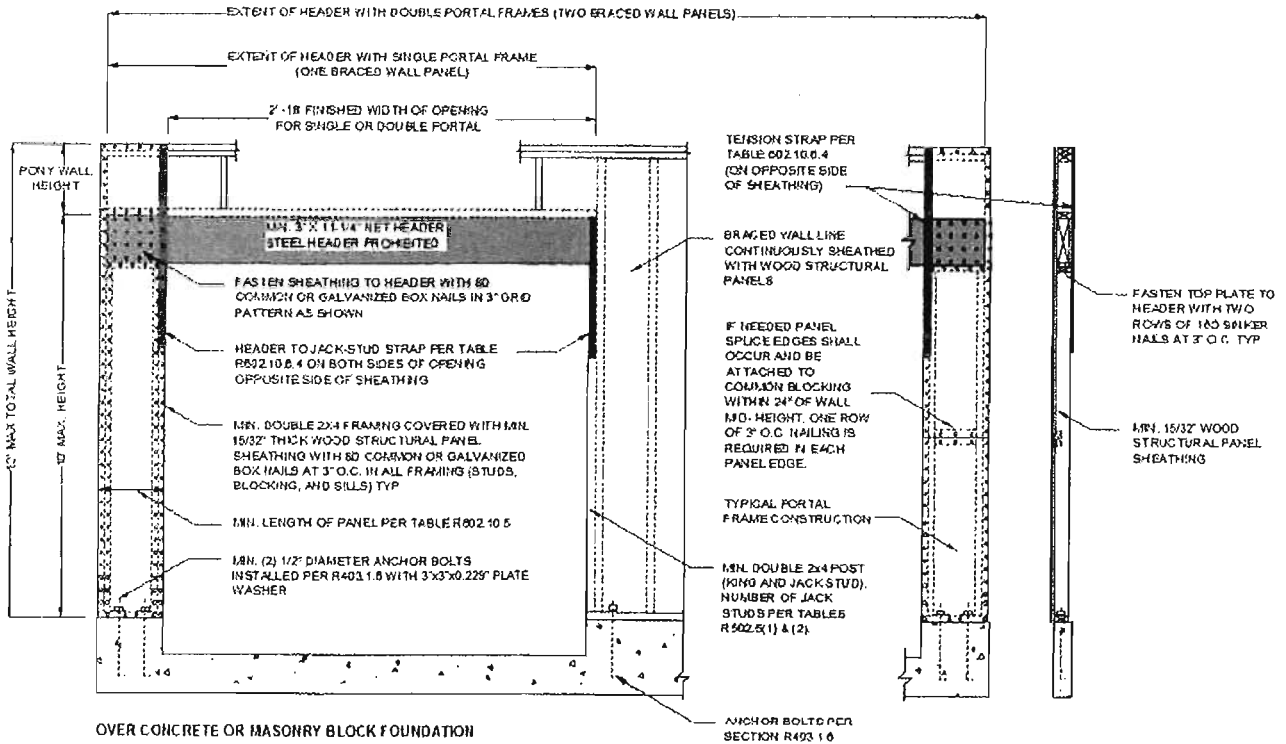
For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 mile per hour = 0.447 m/s.

NP = Not Permitted.

- a. Linear interpolation shall be permitted.
- b. Use the actual length when it is greater than or equal to the minimum length.
- c. Maximum header height for PFH is 10 feet in accordance with Figure R602.10.6.2, but wall height may be increased to 12 feet with pony wall.
- d. Maximum opening height for PFG is 10 feet in accordance with Figure R602.10.6.3, but wall height may be increased to 12 feet with pony wall.
- e. Maximum opening height for CS-PF is 10 feet in accordance with Figure R602.10.6.4, but wall height may be increased to 12 feet with pony wall.

18.41.240 – Amend CRC Figure R602.10.6.4—Method CD-PF.

Figure R602.10.6.4 of the 2013 Edition of the California Residential Code is amended to read as follows:



For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

**FIGURE R602.10.6.4**  
**METHOD CS-PF—CONTINUOUSLY SHEATHED PORTAL FRAME PANEL CONSTRUCTION**

18.41.250 – Amend CRC Section R606.12.2.2.3—Reinforcement requirements for masonry elements.

Section R606.12.2.2.3 of the 2013 Edition of the California Residential Code is amended to read as follows:

R606.12.2.2.3 Reinforcement requirements for masonry elements. Masonry elements listed in Section R606.12.2.2.2 shall be reinforced in either the horizontal or vertical direction as shown in Figure R606.11(3) and in accordance with the following:

1. Horizontal reinforcement. Horizontal joint reinforcement shall consist of at least one No. 4 bar spaced not more than 48 inches (1219 mm). Horizontal reinforcement shall be provided within 16 inches (406 mm) of the top and bottom of these masonry elements.
2. Vertical reinforcement. Vertical reinforcement shall consist of at least one No. 4 bar spaced not more than 48 inches (1219 mm). Vertical reinforcement shall be within 8 inches (406mm) of the ends of masonry walls.

18.41.260 – Add CRC Section R803.2.4—Openings in horizontal diaphragms.

Section R803.2.4 is added to Chapter 8 of the 2013 Edition of the California Residential Code to read as follows:

R803.2.4 Openings in horizontal diaphragms. Openings in horizontal diaphragms shall conform with Section R503.2.4.

18.41.270 – Amend CRC Section R1001.3.1—Vertical reinforcing.

Section R1001.3.1 of the 2013 Edition of the California Residential Code is amended to read as follows:

R1001.3.1 Vertical reinforcing. For chimneys up to 40 inches (1016 mm) wide, four No. 4 continuous vertical bars adequately anchored into the concrete foundation shall be placed between wythes of solid masonry or within the cells of hollow unit masonry and grouted in accordance with Section R609. Grout shall be prevented from bonding with the flue liner so that the flue liner is free to move with thermal expansion. For chimneys more than 40 inches (1016 mm) wide, two additional No. 4 vertical bars adequately anchored into the concrete foundation shall be provided for each additional flue incorporated into the chimney or for each additional 40 inches (1016 mm) in width or fraction thereof.