

September 30, 2019

BOARD OF EXAMINERS, APPEALS AND CONDEMNATION
City of Long Beach
California

RECOMMENDATION:

Support the proposed amendments to Titles 3, 8, 9, 14, 18 and 21 of the Long Beach Municipal Code related to the 2019 Edition of the California Building Standards Code and the 1997 Edition of the Uniform Housing Code to the City Council for their consideration.

DISCUSSION

Every three years, the State of California ("State") adopts the latest edition of the California Building Standards Code and Uniform Housing Code (herein referred to collectively as the "Codes") to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems. The 2019 Edition of the California Building Standards Code was adopted by the California Building Standards Commission and published on July 1, 2019. The 1997 Edition of the Uniform Housing Code was adopted by the California Department of Housing and Community Development as provided for in the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 5, Section 32. Sections 17958, and 18941.5 of the California Health and Safety Code ("HSC") require that the latest edition of the Codes apply to local construction 180 days after publication. Therefore, State law requires that the Codes become effective at the local level on January 1, 2020.

Prior to the adoption and enforcement of the Codes at the local level, State law does permit local jurisdictions to amend the Codes in certain circumstances. Pursuant to Sections 17958.5 and 17958.7 of the HSC, such local amendments can only be enacted when an express finding and determination is made that such local amendments are reasonably necessary because of local climatic (which include environmental), geological, or topographical conditions that affects the jurisdiction. California Building Standards Law permits local amendments that are reasonably necessary provided it is a more restrictive building standard. State Housing Law permits local amendments that are necessary provided it is equivalent or a more restrictive building standard. Local amendments that are necessary for administrative clarification and do not modify Building Standards as defined in Section 18909(c) of the HSC can be enacted without the required express finding and determination.

Staff from the Building and Safety Bureau, Fire Prevention Bureau, Code Enforcement Bureau, Planning Bureau, Department of Public Works and the Office of Sustainability have reviewed the Codes and are recommending several local amendments to address local concerns. The proposed amendments consist of structural, fire and life safety, green building and sustainability, and administrative provisions. A majority of the proposed amendments are a continuation of previously adopted amendments from prior code adoption cycles. Furthermore, many of these proposed amendments are consistent with those adopted by other local jurisdictions in the Southern California area as part of the Los Angeles Regional Uniform Code Program. It is the intent and purpose of the proposed amendments to (1) minimize, prevent and protect the community from natural hazards (e.g., earthquakes, floods, fires, etc.) and (2) improve the health and welfare of the community through green and sustainable construction practices that support the Sustainable City Action Plan.

Title 3 of the LBMC is the City's code that regulates revenue and finance. The proposed amendments to Chapter 3.90 are to update references to Chapters 18.15 and 18.16 that were previously Chapter 18.22 and 18.23 and to change the title of Chapter 3.90 from "Development Services Center Surcharge" to "Development Permit Center Surcharge".

Title 8 of the LBMC is the City's code that regulates health and safety. The proposed amendments to Sections 8.56.020.C, 8.76.010.E, 1.76.017.C, 8.76.030 and 8.76.110 are to make editorial changes to correct misspelled words, update the department name to "Department of Development Services", and update notice letters related to abatement to reflect the current calendar year. Chapter 8.59 Lot Fencing is proposed to be deleted in its entirety as those requirements are addressed Chapter 18.29 Maintenance of Vacant Lots.

Title 9 of the LBMC is the City's code that regulates public peace, morals and welfare. The proposed amendment to Chapter 9.37 is to update the lien notice letter for nuisance abatement to reflect the current calendar year.

Title 14 of the LBMC is the City's code that regulates streets and sidewalks. Chapter 14.32 is proposed to be updated and relocated to Chapter 18.11 to address building addressing. The proposed amendments to Chapter 14.08 to update existing public right of way requirements related to right of way occupancy permits. Chapters 14.44 and 14.48 are proposed to be added to codify existing right of way encroachment and protective fencing requirements. Section 14.04.015 is proposed to update works within or on streets or public right of ways.

Title 18 of the Long Beach Municipal Code (LBMC) is the City's code that regulates the construction of buildings and structures. Title 18 is currently based upon the 2016 Edition of the Codes. As required by State law, the proposed amendments to Title 18 are to update all references in the Codes from 2016 to 2019. Several administration amendments are proposed to Title 18 to update existing plan review, inspection and code enforcement procedures. Chapter 18.11 is proposed to be added to address building addressing. Chapters 18.22 and 18.23 are proposed to be relocated to Chapter 18.15 and 18.16. Chapter 18.77 is proposed to be added to codify existing expedited permitting

BOARD OF EXAMINERS, APPEALS AND CONDEMNATION

September 30, 2019

Page 3 of 5

of solar photovoltaic requirements. The proposed amendments to Chapters 18.61 and 18.74 are to update existing storm water requirements and low impact development standards to be consistent with the latest Storm Water Permit issued by the Los Angeles Regional Water Quality Control Board. Chapter 18.73 is proposed to be deleted in its entirety and replaced with latest flood design and construction requirements contained in the Codes.

Title 21 of the LBMC is the City's zoning code that regulates land use development within the City. Title 21 contains regulations applied in concert with the Codes as part of the development review process. Staff has reviewed those portions of Title 21 that require update or clarification to maintain consistency with the Codes. The proposed amendments to Sections 21.33.045 and 21.45.400 are to update a section reference for Harbor Permits and refer the structural design requirement for roof supporting solar photovoltaic panels to the Codes.

In compliance with City policy to offer broad consideration of the proposed amendments, the proposed amendments, express findings and determinations, and statement of reasons detailed in the attached documents (Exhibits A, B, C, D, E, and F) have been presented and discussed at the September 17, 2018, October 15, 2018, December 3, 2018, July 15, 2019, August 19, 2019, September 16, 2019, and September 30, 2019 meetings of the Board of Examiners, Appeals and Condemnation (BEAC), the City's code review body. The proposed amendments and statement of reasons related to the City's electric vehicle charging policy (Exhibit G) have been presented and discussed at the July 25, 2019 meeting of the Sustainable City Commission (SCC), the City's code review body for green and sustainable practices. In addition, staff have reach out to the local Long Beach/South Bay Chapter of the American Institute of Architect, the local office of the California Apartment Association, the Structural Engineers Association of Southern California, the Los Angeles/Ventura Chapter of the Building Industry Association, and the Downtown Long Beach Alliance (herein collectively referred to as "Industry Partners") for input or feedback regarding the proposed amendments or upcoming changes to the State-mandated Codes. Inputs were received by the public, Industry Partners, and members of the BEAC and SCC. SCC at their July 25, 2019 meeting voted to support the proposed amendments and recommended approval to the City Council for consideration. If BEAC supports the proposed amendments as recommended by the Building Official, Fire Marshal, Planning Manager, Code Enforcement Officer and Sustainability Coordinator, a draft Ordinance and Resolution will be prepared and referred to the City Council for consideration.

Public notices to increase awareness of the State-mandated Codes have been included on the Department's website; flyers have been distributed at the Permit Center; information has been posting on the City's social networking sites (Facebook, Twitter, etc.); and E-mail blasts have been sent to the Department's "Latest News and Updates" group consisting of 1,033 subscribers. Future community workshops will be scheduled to highlight the provisions of the State-mandated Codes for the public after its adoption.

This matter was reviewed by Deputy City Attorney Sarah Green on TBD.

SUSTAINABILITY

State law requires the adoption of the 2019 Edition of the California Green Building Standards Code (CALGreen Code), which will require residential and nonresidential buildings to be designed and constructed utilizing sustainable construction practices. Coupled with the City's existing Model Landscaping Ordinance, Construction and Demolition Debris Recycling Ordinance, Green Building Ordinance, Low Impact Development Standards, Expedited Permitting Process for Solar Photovoltaic Systems, and the proposed electric vehicle charging policy, the CALGreen Code will help to preserve and protect the community to realize a healthier, cleaner and more viable environment for the City.

On November 3, 2015, the City Council requested that the SCC prepare recommendations on approaches to expand electric vehicle (EV) charging infrastructure in Long Beach. On March 24, 2016, the SCC submitted to the City Council EV charging policy recommendations, including building code revisions, developed from policy research of best practices within other California municipalities completed by the Office of Sustainability. On May 3, 2016, the City Council received the EV recommendations and directed that they be incorporated into the triennial code update to Title 18 of the LBMC. On July 25, 2019, the SCC voted to support the proposed amendments to the EV charging policy.

TIMING CONSIDERATIONS

State law requires that the effective date of the Ordinance be January 1, 2020. City Council action is requested on November 19, 2019. The Board action is requested on August 19, 2019, in order to comply with this State mandated deadline.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

TRUONG HUYNH, P.E., C.B.O.
GENERAL SUPERINTENDENT OF DEVELOPMENT SERVICES

BOARD OF EXAMINERS, APPEALS AND CONDEMNATION

September 30, 2019

Page 5 of 5

Attachments: Exhibit A – 2019 Code Adoption Presentation – BEAC v20181015
Exhibit B – 2019 Code Adoption Presentation – BEAC v20181203
Exhibit C – 2019 Code Adoption Presentation – BEAC v20190715
Exhibit D – 2019 Code Adoption Presentation – BEAC v20190819
Exhibit E – 2019 Code Adoption Presentation – BEAC v20190916
Exhibit F – 2019 Code Adoption Presentation – BEAC v20190930
Exhibit G – 2019 Code Adoption Presentation – SCC v20190725