



## Legislation Text

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**File #:** 19-1120, **Version:** 1

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Adopt resolution making express findings and determinations relating to the adoption of more restrictive Code provisions where appropriate;

Every three years, the State of California adopts the latest edition of the California Building Standards Code and Uniform Housing Code (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 and has been in effect since August 22, 1998. 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 permits local jurisdictions to amend the Codes when an express finding and determination is made that such local amendments are reasonably necessary because of local climatic, geological, or topographical conditions that affect the jurisdiction. Additionally, local amendments are reasonably necessary, provided it is 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 California Health and Safety Code, can be enacted without the required express findings and determinations.

Staff from the City of Long Beach (City) Development Services, Fire, Public Works Departments, and the Office of Sustainability, have reviewed the Codes and recommend local amendments to the Long Beach Municipal Code (LBMC). Many of the recommendations are consistent with amendments adopted by other jurisdictions in Southern California as part of the Los Angeles Regional Uniform Code Program. The intent of the proposed amendments is to (1) minimize, prevent and protect the community from natural hazards such as earthquakes, floods, fires, etc., and (2) improve the health and welfare of the community through green building and sustainable construction practices. The recommended amendments are summarized below:

**Title 3, LBMC, Revenue and Finance.** Amend Chapter 3.90 to update references to Chapters 18.15 and 18.16 that were previously Chapters 18.22 and 18.23; and change the title of Chapter 3.90 from “Development Services Center Surcharge” to “Development Permit Center Surcharge.”

**Title 8, LBMC, Health and Safety.** Amend various chapters including Sections 8.56.020.C,

8.76.010.E, 8.76.017.C, 8.76.030 and 8.76.110 to make editorial changes, correct misspelled words, update the department name to “Department of Development Services,” and update abatement notice letters to reflect the current calendar year. It is also recommended that Chapter 8.59, Lot Fencing, be deleted in its entirety as its requirements are addressed in Chapter 18.29 Maintenance of Vacant Lots.

**Title 9, LBMC, Public Peace, Morals and Welfare.** Amend Section 9.37.170 to update the lien notice letter for nuisance abatement efforts to reflect the current calendar year.

**Title 14, LBMC, Streets and Sidewalks.** Amend Chapter 14.32 to update and relocate these provisions to Chapter 18.11 to address building addressing; Chapter 14.08 to update existing public right-of-way occupancy permits; Chapters 14.44 and 14.48 added to codify existing right-of-way encroachment and protective fencing requirements; and, Section 14.04.015 to update regulation for work within public rights-of-way.

**Title 18, LBMC, Building Standards Code.** Amend all references in the Codes from 2016 to 2019. Several administrative amendments are proposed that update existing plan review, inspection, and code enforcement procedures. Chapter 18.11 is added to include provisions for building addressing. Chapters 18.22 and 18.23 are proposed to be relocated to Chapters 18.15 and 18.16. Chapter 18.77 is proposed to be added to codify expediting the issuance of solar photovoltaic permits. Chapter 18.73 is proposed to be deleted in its entirety and replaced with the latest flood design and construction requirements contained in the Codes.

**Title 21, LBMC, Zoning.** Amend Sections 21.33.045 and 21.45.400 to update a reference for Harbor Permits and refer the structural design requirement for roof supporting solar photovoltaic panels to the Codes. These proposed changes to Title 21 were recommended for City Council approval by the Planning Commission at a public hearing held on October 17, 2019.

In an effort to obtain broad consideration from various stakeholders, the proposed amendments, express findings and determinations, and statement of reasons have been presented and discussed with various City advisory bodies and local stakeholders, as indicated below.

- Board of Examiners Appeals and Condemnation (BEAC) - The City’s code review body reviewed the proposed amendments at its meetings on September 17, 2018, October 15, 2018, December 3, 2018, July 15, 2019, August 19, 2019, and September 16, 2019. At its September 30, 2019 meeting, BEAC voted to recommend that the City Council approve proposed amendments.
- Sustainable City Commission (SCC) - The City’s code review body for green and sustainable practices reviewed the proposed amendments and statement of reasons related to the City’s electric vehicle charging policy at its meeting on July 25, 2019. The SCC voted to recommend that the City Council approval of the proposed amendments.

- Planning Commission (PC) - Recommended approval of the amendments to Title 21, Zoning at its meeting on October 17, 2019.
- Industry Partners - Staff reached out directly to local partners for input and feedback on the proposed amendments including the local Long Beach/South Bay Chapter of the American Institute of Architects, 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.
- Public Notice - To increase public awareness of process to amend the Codes, notices have been posted on the Development Service Department's website, flyers have been distributed at the Permit Center in City Hall, information was posted on the City's social networking sites, and email notices have been sent to the Department's "Latest News and Updates" distribution 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.

Public hearing notices were published in the Long Beach Press-Telegram and distributed on October 16, 2019, and no responses were received as of the date of preparation of this report.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), Negative Declaration ND 09-19 was prepared for the proposed amendments (Attachment A). The Negative Declaration was made available for a 30-day public review and comment period that began on October 1, 2019 and ended on October 30, 2019. No public comments were received as of the date of preparation of this report. Any public comment received will be forwarded to the City Council for consideration.

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 29, 2019 and by Budget Analysis Officer Julissa José-Murray on October 23, 2019.

## 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 (EV) charging policy, the CALGreen Code will help to preserve and protect the community and allow the City to realize a healthier and cleaner environment.

On November 3, 2015, the City Council requested that the SCC prepare recommendations

on approaches to expand 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. 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.

State law requires that the Code become effective on January 1, 2020. City Council action is requested on November 12, 2019, to comply with this State-mandated deadline.

This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

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