



Legislation Text

File #: 16-1006, **Version:** 1

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 (“State”) adopts the latest edition of the California Building Standards Code and Uniform Housing Code (herein referred to collectively as the “Code”) to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems. The 2016 Edition of the California Building Standards Code was adopted by the California Building Standards Commission and published on July 1, 2016. The 1997 Edition of the Uniform Housing Code, which is the last edition, 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. The California Health and Safety Code (HSC) Sections 17958, 18938(b) and 18941.5(a) require that the latest edition of the Code apply to local construction 180 days after publication. Therefore, State law requires that the Code become effective at the local level on January 1, 2017.

Prior to the adoption and enforcement of the Code at the local level, State law permits local governments to amend the Code in certain circumstances. Pursuant to HSC Sections 13143.5(a) and (b), 17958.5, 17958.7 and 18941.5(b), such amendments can only be enacted when an express finding and determination is made that such amendments are reasonably necessary because of local climatic, geological, or topographical conditions that affect the local government. Local amendments, ordinances and regulations necessary to implement civil, administrative, or criminal procedures and remedies to enforce the Code, that do not establish Building Standards as defined in the HSC Section 18909(c), 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 and the Office of Sustainability have reviewed the Code and are recommending a number of local amendments in order to address concerns of a local nature. The proposed amendments consist of structural, fire and life safety, green building and sustainability, and administrative provisions or procedures. The 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 governments 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 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 2013 Edition of the Code. As required by State law, Title 18 will be amended to update all references from the 2013 Edition to the 2016 Edition of the Code. Additionally, two new chapters will be added and one existing chapter will be replaced in its entirety in Title 18. Chapter 18.49 (Existing Building Code) will be added to the Code that will regulate construction work in existing buildings and structures. Chapter 18.50 (Historical Building Code) will be added to the Code that will regulate construction in qualified historical buildings or structures. Chapter 18.76 (Water Submeters), enacted during the 2013 triennial code update, will be deleted to avoid conflict with State Senate Bill 7 in the 2015-2016 Regular Session and the California Health and Safety Code Section 17922.14 relating to the installation of water meters or submeters. The deleted chapter will be replaced with Chapter 18.76 (Expedited and Streamlined Permitting Process for Electric Vehicle Charging Stations) to comply with State Assembly Bill 1236 in the 2015-2016 Regular Session and the California Government Code Section 65850.7 relating to local ordinances for electric vehicle charging stations.

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 Code as part of the development review process. Staff has reviewed those portions of Title 21 that require updating or clarification to maintain consistency with the Code. The proposed changes to Title 21 clarify and update definitions (e.g., decks, balconies, rebuild and demolition), refine the height limit exception for solar collectors, extend entitlement expiration dates, and add a reference to Title 18 regarding electric vehicle charging. In addition, Chapter 21.42 (Landscaping Standards) will be updated to comply with the State's Model Water Efficient Landscape Ordinance approved by the California Water Commission on July 15, 2015. The proposed changes to Title 21 were approved by the Planning Commission on October 6, 2016.

Title 12 of the LBMC is the City's code that regulates the drilling and redrilling for, and the production of, petroleum so that these activities may be conducted in conformance with State statutes, in harmony with other uses of land within the City, and to minimize the economic effect of lessening land values in areas wherein drilling and redrilling for the production of petroleum constitutes an activity which is at variance with the then predominate land use. Title 12 will be amended to update all references to the appropriate State regulations, clarify administrative provisions and procedures necessary to carry out and enforce this title, and establish other land use requirements.

Title 10 of the LBMC is the City's code that regulates vehicles and traffic. Chapter 10.46 (Abandoned Vehicles) will be amended to improve the existing process that City staff utilizes in reducing blight within neighborhoods.

Title 8 of the LBMC is the City's code that regulates the various uses and activities throughout the City to safeguard and protect the health and safety of the community. Chapter 8.76 (Property Maintenance) will be amended to (1) address unapproved materials used on walls,

fences or hedges that create blight within neighborhoods; and (2) clarify the City department responsible for ensuring compliance.

Title 3 of the LBMC is the City's code that regulates revenue and finance. Chapter 3.90 (Development Services Center Surcharge) will be amended to delete an obsolete reference to Chapter 18.19 that no longer exists.

The proposed amendments, express findings and determinations, and statement of reasons detailed were presented and discussed at the May 16, 2016, June 20, 2016, July 18, 2016, August 15, 2016, August 29, 2016 and September 19, 2016, meetings of the Board of Examiners, Appeals and Condemnation ("Board"). Input was received from the public and members of the Board. The Board approved the recommendations of the Building Official, Fire Marshal, Planning Manager, Code Enforcement Manager and Sustainability Coordinator at their September 19, 2016 meeting and has forwarded this approval to the City Council for their consideration. Additionally, as previously stated, the Planning Commission approved the recommended revisions to Title 21 on October 6, 2016.

Public notice to increase awareness of the Code included posting information on the Department's website and newsletter, distributing flyers at the Development Permit Center's public counter, multiple press releases, posting information on the City's social networking sites (Facebook, Twitter, etc.), sending the news via E-Blasts using various email distribution lists, and posting in local newspapers. Also, public hearing notices were distributed on November 1, 2016 and November 8, 2016, and no responses were received as of the date of preparation of this report.

The proposed amendments are exempt from the provisions of the California Environmental Quality Act (CEQA). The purpose of the State-mandated Code is to provide minimum standards to safeguard health, safety and public welfare for all types of development. The amendments to Title 21 qualify as a Categorical Exemption (Exhibit A - CE-16-211) in that they clarify provisions that govern existing facilities, constitute minor alternations in land use limitations, and are considered actions by a regulatory agency to protect the environment and natural resources. The amendments to Titles 3, 8, 10, 12, and 18 qualify as a Categorical Exemption (Exhibit B - CE-16-224) in that they are considered an action by a regulatory agency to protect the environment.

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 31, 2016 and by Budget Analysis Officer Julissa Jose-Murray on October 25, 2016.

SUSTAINABILITY

State law requires the adoption of the 2016 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 or updated Model Landscaping Ordinance, Construction and Demolition Debris Recycling Ordinance, Green Building Ordinance, Low Impact Development Standards, and Expedited and Streamlined Permitting Process for Solar PV Systems, the CALGreen Code will help to preserve and protect the community to realize a healthier, cleaner and more viable environment for the City.

On April 1, 2015, Governor Jerry Brown issued Executive Order B-29-15 (EO). The EO directed the California Department of Water Resources to update the Model Water Efficient Landscape Ordinance (MWELO) in response to the continued drought conditions California is facing. The City is required to adopt, implement and report on the MWELO. Chapter 21.42 Landscaping Standards will be updated to comply with the MWELO. The Planning Bureau will be responsible for the enforcement of the MWELO, including but not limited to, approval of a permit and plan check or design review of a project, and the Building and Safety Bureau will be responsible for the necessary inspections for the compliance with the MWELO.

To address the impact of imminent water supply shortage as the result of a Statewide, multi-year drought, critically low levels in key State reservoirs and significant pumping restrictions on imported water supplies from the State Water Project, it is necessary to increase water conservation efforts to ensure sufficient water resources are available for current and future residents of the City. In coordination with the Long Beach Water Department, proposed amendments to Chapter 18.47 will encourage water conservation in mixed-use buildings by requiring the installation of water meters for residential and nonresidential occupancies to help building owners or tenants to allocate water costs based upon water consumption and create a financial incentive to conserve water.

On November 3, 2015, the City Council requested that the Sustainable City Commission prepare recommendations on approaches to expand electric vehicle (EV) charging infrastructure in Long Beach. On March 24, 2016, the Sustainable City Commission 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.

State law requires that the Code become effective on January 1, 2017. City Council action is requested on November 15, 2016, in order to comply with this State-mandated deadline.

A total of four positions will be needed to implement the MWELO and expanded EV charging infrastructure programs. Therefore, the following positions were added in the Development Services Fund (EF 337) in the Development Services Department (DV) as part of the Fiscal Year 2017 Adopted Budget: a Planning Aide in the Planning Bureau, and a Combination Building Inspector Aide, a Combination Building Inspector, and an Electrical Plan Checker in the Building and Safety Bureau. The cost of these positions will be offset by fees charged for the services they will provide. The local job impact is unknown at this time.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ADOPTING AND MAKING EXPRESS FINDINGS AND DETERMINATIONS RELATING TO THE ENACTMENT OF ADMINISTRATIVE AMENDMENTS, AND, WHERE APPROPRIATE, MORE RESTRICTIVE BUILDING STANDARDS CODE PROVISIONS THAN THOSE OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA MECHANICAL CODE, UNIFORM HOUSING CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA FIRE CODE, CALIFORNIA EXISTING BUILDING CODE, AND CALIFORNIA HISTORICAL BUILDING CODE; FINDING THAT SAID AMENDMENTS AND MODIFICATIONS TO THE CODES ARE REASONABLY NECESSARY BECAUSE OF THE LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS EXISTING IN LONG BEACH; AND INSTRUCTING THE DIRECTOR OF DEVELOPMENT SERVICES AND THE FIRE CHIEF TO TRANSMIT SAID FINDINGS AND DETERMINATIONS TO THE CALIFORNIA BUILDING STANDARDS COMMISSIONS, THE CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT, AND THE STATE HISTORICAL BUILDING SAFETY BOARD IN ACCORDANCE WITH SECTIONS 17958.7, 18941.5 AND 18959 OF THE CALIFORNIA HEALTH AND SAFETY CODE

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