



## Legislation Text

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**File #:** 13-0946, **Version:** 1

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

Accept the Categorical Exemption (CE-13-059). (Citywide)

Every three years, the State of California adopts new construction codes, known collectively as the California Building Standards Code, to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems. Sections 13143.5, 17922, 17958, and 18941.5 of the California Health and Safety Code require that the latest edition of the California Building Standards Code and Uniform Housing Code apply to local construction 180 days after publication. The 2013 Edition of the California Building Standards Code was adopted by the California Building Standards Commission and published on July 1, 2013. 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. Therefore, State law requires that these codes become effective at the local level on January 1, 2014,

Prior to adoption, State law permits local jurisdictions to amend the State mandated Code in certain circumstances. Pursuant to Sections 17958.5 and 17958.7 of the California Health and Safety Code, 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 jurisdiction.

Staff from the Building and Safety Bureau, Fire Prevention Bureau, Code Enforcement Division, and the Office of Sustainability have reviewed the State codes and are recommending a number of local amendments in order to address concerns of a local nature. The proposed amendments consist of structural, green building standards, fire and life safety, plumbing, and administrative provisions. The majority of the proposed amendments are a continuation of previously adopted amendments from prior code adoption cycles. These amendments are consistent with those adopted by other jurisdictions in the Southern California area as part of the Los Angeles Regional Uniform Code Program. These amendments are adopted to protect the community from the hazards of future earthquakes, to prevent fire related hazards, and to require sustainable construction practices that support the Sustainable City Action Plan.

Title 18 of the Long Beach Municipal Code is the City's code that regulates the construction of buildings and structures. Title 18 is currently based upon the 2010 Edition of the California Building Standards Code and the 1997 Edition of the Uniform Housing Code. As required by State law, Title 18 will be amended to update all references from the 2010 to the 2013 Edition of the California Building Standards Code. As part of the update, three new chapters will be added to Title 18, one chapter will be repealed from Title 18, and one chapter will be repealed from Title 21.

Chapter 21.65 Tenant Relocation and Code Enforcement will be relocated from Title 21 to Title 18 and renamed as Chapter 18.25 with administrative changes. Chapter 18.75 Grading, Excavations, and Fills will be added to provide regulations for grading, excavation and earthwork construction, including fills and embankments. Chapter 18.19 Long Beach Airport Traffic Study Area Traffic Fee and Mitigation Requirements will be deleted at the request of the City Traffic Engineer as the traffic improvements have been completed.

The City is reliant on imported water, importing as much as 40 percent from the Metropolitan Water District. 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. Nearly 36 percent of water usage in the City can be attributed to multi-family residential or mixed-use buildings where water consumption in each individual dwelling unit is not measured.

On November 27, 2012, at the request of the Board of Water Commissioners and the City Council, the Environmental Committee considered a citywide water submetering ordinance and voted to forward the proposed ordinance to the City Council for consideration and inclusion in the triennial building code update.

On January 22, 2013, the City Council heard the recommendation from the Environmental Committee and requested that staff meet with stakeholders to discuss consumer protection provisions to be included in the proposed water submetering ordinance. From March to May of 2013, staff held several meetings with stakeholders (representatives of the Apartment Associations, Building Industry Associations, and Affordable Housing advocates) to discuss the proposed ordinance. At these meetings the housing advocates used a now defunct version of SB750 as talking points for consumer protections. After several robust discussions with all stakeholders, the following actions have resulted: (1) Chapter 18.76 Water Submeters will be added to Title 18 as part of the triennial building code update to provide regulations that encourage water conservation in multi-family dwelling units and mixed-use buildings by requiring the installation of water submeters for individual dwelling units in newly constructed buildings with an implementation date of July 1, 2014, and (2) continue to work with the City Attorney to develop consumer protection provisions/elements of a multi-family residential submetering ordinance and return to the City Council with recommendations per inclusion in a separate chapter of the Long Beach Municipal code.

On November 9, 2010, the City adopted Low Impact Development (LID) requirements to encourage on-site treatment of rainwater and urban runoff in future developments. After implementing LID requirements for new development, staff has determined that several changes are warranted to make the LID requirements equitable and more easily implemented for residential and non-residential development. These changes will affect the projects that are subject to LID by decreasing current triggering standards. This will result in fewer projects being subject to LID requirements, hence reducing the amount of fees imposed.

The proposed amendments to the California Building Standards Code and Uniform Housing Code are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061 (b)(3). A Categorical Exemption (CE-13-059) has been prepared and is attached. The purpose of the State mandated Code update is to provide minimum standards

to safeguard health, safety, and public welfare for all types of construction. Buildings and projects that are subject to CEQA are reviewed prior to the issuance of a building permit.

The proposed amendments were presented and discussed at the July 15, 2013 and September 16, 2013 meetings of the Board of Examiners, Appeals and Condemnation (Board). The amendments have been circulated to industry, local individuals and groups. After receiving public input, the Board adopted the recommendations of the Building Official and Fire Marshal at the September 16, 2013 meeting and referred this item to the City Council for consideration. The proposed amendments are detailed in the attached Ordinance and Resolution.

Public notice to increase awareness of the State-mandated Code included posting information on the Department's website, distributing flyers at the Permit Center public counter, announcing the changes in the Department's newsletter, submitting 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. In addition, community workshops will be scheduled to highlight the provisions of the Statemandated Code for the public.

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 15, 2013, and by Budget Management Officer Victoria Bell on October 21, 2013.

State law requires that the effective date of the Ordinance be January 1, 2014. City Council action is requested on November 5, 2013, in order to comply with this State-mandated deadline.

All costs incurred by the City in permitting new submeters and plumbing systems will be recovered through the collection of existing plan review and permit fees. These fees, assessed as part of the development process, are dependent on the size and valuation of the project.

There will be no job impact as a result of the recommended action.

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 PLUMBING CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA FIRE CODE AND UNIFORM HOUSING 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 IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 13143.5, 17922, 17958.7 AND 18941.5

Approve recommendation.

AMY BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

MICHAEL DUREE  
FIRE CHIEF

APPROVED:

PATRICK H. WEST  
CITY MANAGER