



Legislation Text

File #: 22-1291, Version: 2

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Sections 8.96.040, 8.96.050, 8.96.080, 8.96.090, 8.96.100, 8.96.110, 8.96.120, 8.96.130, and 8.96.210, read and adopted as read. (Citywide)

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 2022 Edition of the California Building Standards Code was adopted by the California Building Standards Commission and published on July 1, 2022. 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 adopted Codes become effective at the local level on January 1, 2023.

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; and 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.

City of Long Beach (City) staff from multiple departments and bureaus including the Development Services Department's (Department) Building and Safety and Code Enforcement Bureaus, the Fire Department's Fire Prevention Bureau, and the Public Works Department have reviewed the Codes and recommend the proposed local amendments. Many of the proposed amendments 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 proposed amendments are summarized below.

- *Title 8, Long Beach Municipal Code (LBMC), Health and Safety.* Amend Sections 8.96.040, 8.96.080, 8.96.090, 8.96.100, 8.96.110, 8.96.120, and 8.96.210 to be consistent with the latest Municipal National Pollutant Discharge Elimination System (NPDES) Permit. Section 8.96.130 is proposed to be updated to consolidate the

stormwater requirements currently in Chapter 18.61 into Chapter 8.96 of the LBMC.

- Title 18, LBMC, Building Standards Code. Amend all references in the Codes from 2019 to 2022. Several administrative amendments are proposed that update existing plan review, inspection, and code enforcement procedures. Chapter 18.10 is proposed to be updated to clarify the duties and regulations of the Board of Examiners, Appeals and Condemnation (BEAC). Chapter 18.61 is proposed to be removed and the contents relocated and updated to Chapter 8.96 to consolidate the City's stormwater requirements to one location. Chapter 18.66 is proposed to be deleted to remove duplicative accessibility regulations that are provided for in Chapter 11B of the California Building Code. Chapter 18.74 is proposed to be updated to make editorial changes to improve the application of the Low Impact Development (LID) requirements. Chapter 18.76 is proposed to be updated to comply with Assembly Bill 970 to streamline the permitting process for the installation of electric vehicle charging stations. Chapter 18.77 is proposed to be updated to comply with Senate Bill 379 to streamline the permitting process for the installation of solar energy systems and energy storage systems. Chapter 18.79 is proposed to be amended to clarify the methane gas mitigation requirements.

In accordance with California Environmental Quality Act (CEQA) Guidelines, the proposed Ordinance amendments are exempt from CEQA. The purpose of the City's adoption of the 2022 Edition of the California Building Code Standards is to update the minimum development standards to safeguard the public health, safety, and general welfare for all types of buildings and structures. The amendments to Title 18 are exempt, pursuant to Section 15305 (Class 5 - Minor Alterations to Land Use Limitations) of the CEQA Guidelines and none of the exceptions in Guideline Section 15300.2 apply, and the action is further exempt pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15061 (b)(3) (Common Sense Exemption), as the amendments will not result directly or indirectly in significant environmental impacts (CE22-144).

In compliance with City policy to solicit broad public input and consideration of various amendments and their components, the proposed Ordinances and Resolution have been presented to the public and discussed as indicated below.

- Board of Examiners Appeals and Condemnation: The City's code review body reviewed the proposed amendments at its meetings on March 21, April 18, May 16, August 15 and 29, and September 19 on 2022. On September 19, 2022, BEAC voted to recommend approval of the proposed amendments to the City Council.
- Industry Partners: City 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 the process to amend the Codes, notices have been posted on the Development Services Department's website; flyers have been distributed at the Permit Center in City Hall; information has been posted on the City's social networking sites (Facebook, Twitter, etc.); and email blasts have been sent to the Department's "Latest News and Updates" distribution group. Future community workshops may be scheduled to highlight the provisions of the State-mandated Codes for the public after their adoption.

During the discussions with BEAC and others some sustainability topics beyond the scope of this update were raised. The Department is continuing work on building electrification, decarbonization and other climate related measures on a separate tract and will return to the City Council to discuss those items in the future. In compliance with City and State regulations, public hearing notices specific to this Triennial Update were published in the Press Telegram and distributed on October 18, 2022, and no responses were received as of the date of the preparation of this report.

This matter was reviewed by Retired Annuitant Attorney Michael J. Mais on September 21, 2022 and by Revenue Management Officer Geraldine Alejo on October 11, 2022.

Sustainability

State law requires the adoption of the 2022 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, Construction and Demolition Debris Recycling, and Green Building Ordinances, Low Impact Development Standards, Streamlined Permitting Process for Electric Vehicle Charging Stations, and Streamlined Permitting Process for Solar Energy Systems and Energy Storage Systems, the CALGreen Code will help to preserve and protect the community and allow the City to realize a healthier, cleaner and more viable and sustainable environment for the City.

State law requires that the Code become effective on January 1, 2023. City Council action is requested on November 1, 2022, in order 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.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 8.96.040, 8.96.050, 8.96.080, 8.96.090, 8.96.100, 8.96.110, 8.96.120, 8.96.130, AND 8.96.210

CHRISTOPHER KOONTZ
ACTING DIRECTOR
DEVELOPMENT SERVICES

XAVIER ESPINO
FIRE CHIEF

ERIC LOPEZ

DIRECTOR OF PUBLIC WORKS

APPROVED:

THOMAS B. MODICA
CITY MANAGER