



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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BUILDING AND SAFETY BUREAU

September 19, 2016

BOARD OF EXAMINERS, APPEALS AND CONDEMNATION

City of Long Beach
California

RECOMMENDATION:

Recommend the City Council adopt an ordinance amending Titles 8, 10, 12, 18 and 21 of the Long Beach Municipal Code related to the 2016 Edition of the California Building Standards Code and the 1997 Edition of the Uniform Housing Code.

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 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 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 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, 2017.

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 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, topographical or environmental conditions that affects the jurisdiction. Amendments that are necessary for local 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 finding and determination.

Staff from the Building and Safety Bureau, Fire Prevention Bureau, Code Enforcement Division, Planning Bureau and the Office of Sustainability have reviewed the Codes 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. Many of these proposed amendments are consistent with those adopted by other 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 to (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 is the City's code that regulates the construction of buildings and structures. Title 18 is currently based upon the 2013 Edition of the Codes. As required by State law, Title 18 will be amended to update all references from the 2013 Edition to the 2016 Edition of the Codes. Additionally, three new chapters will be added to and one existing chapter will be deleted from Title 18. Chapter 18.49 Existing Building Code will be added to adopt the State mandated code that regulates construction work in existing buildings and structures. Chapter 18.50 Historical Building Code will be added to adopt the State mandated code that regulates construction in qualified historical buildings or structures. Chapter 18.78 Expedited and Streamlined Permitting Process for Electric Vehicle Charging Stations will be added to comply with the State Assembly Bill 1236 in the 2015-2016 Regular Session and Section 65850.7 to the California Government Code relating to local ordinances for electric vehicle charging stations. Chapter 18.76 Water Submeters was enacted during the 2013 triennial code update will be deleted due to the lack of State legislation that would provide consumer protection for tenants.

Title 12 of the Long Beach Municipal Code is the City's code that regulates the drilling and re-drilling 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 re-drilling 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, to clarify administrative provisions and procedures necessary to carry out and enforce this title, and to establish other land use requirements.

Title 21 of the Long Beach Municipal Code 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 Title 21 for provisions that relate to the Codes that require updating or clarification to maintain consistency with the Codes. 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 chargers. 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.

Title 8 of the Long Beach Municipal Code 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 10 of the Long Beach Municipal Code 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 towing inoperable vehicles and reducing blight within neighborhoods.

The proposed amendments to the Codes are exempt from the provisions of the California Environmental Quality Act ("CEQA"). The purpose of the State mandated Codes is to provide minimum standards to safeguard health, safety and public welfare for all types of development. Developments that are subject to CEQA are reviewed prior to the issuance of a construction permit. Two Categorical Exemptions (CE-16-211 and CE-16-224) have been prepared and are attached.

The proposed amendments, express findings and determinations, and statement of reasons detailed in the attached documents (Exhibits A, B, C, D and E) 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"). Inputs were received by both the public and members of the Board. If the Board approves the recommendations of the Building Official, Fire Marshal, Planning Manager, Code Enforcement Officer and Sustainability Coordinator, a draft Ordinance and Resolution will be prepared and this item will be referred to the City Council for their consideration.

Public notice to increase awareness of the Codes included posting information on the Department's website, distributing flyers at the Development Permit Center's 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 State-mandated Codes for the public and staff.

This matter was reviewed by Art Sanchez on September 14, 2016.

SUSTAINABILITY

State law requires the adoption of the 2016 Edition of the California Green Building Standards Code ("CALGreen"), 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 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 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, a proposed amendment 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 forwarded back to the City Council a set of 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 Long Beach Municipal Code.

TIMING CONSIDERATIONS

State law requires that the effective date of the Ordinance be January 1, 2017. City Council action is requested on November 15, 2016. The Board action is requested on September 19, 2016, in order to comply with this State mandated deadline.

FISCAL IMPACT

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 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.

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

TRUONG HUYNH, PE, CBO
GENERAL SUPERINTENDENT OF DEVELOPMENT SERVICES

DAVID KHORRAM, PE, CBO
SUPERINTENDENT OF BUILDING AND SAFETY

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BEAC-SR Triennial Code Adoption FY17.docx

Attachments: Exhibit A – Local Adoption of the Latest California Building Standards Code and Uniform Housing Code Dated June 20, 2016
Exhibit B – Local Adoption of the Latest California Building Standards Code and Uniform Housing Code Dated July 18, 2016
Exhibit C – Local Adoption of the Latest California Building Standards Code and Uniform Housing Code Dated August 15, 2016
Exhibit D – Local Adoption of the Latest California Building Standards Code and Uniform Housing Code Dated August 29, 2016
Exhibit E – Local Adoption of the Latest California Building Standards Code and Uniform Housing Code Dated September 19, 2016
Categorical Exemption (CE-16-211)
Categorical Exemption (CE-16-224)