

September 19, 2022

BOARD OF EXAMINERS, APPEALS AND CONDEMNATION  
City of Long Beach  
California

**RECOMMENDATION:**

Support the proposed amendments to Titles 8 and 18 of the Long Beach Municipal Code related to the 2022 Edition of the California Building Standards Code and the 1997 Edition of the Uniform Housing Code and forward to the City Council for their consideration.

**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 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, which 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 (“HSC”), 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, 2023.

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 HSC, such local amendments can only be enacted when an express finding and determination is made that such local amendments are reasonably necessary because of local climatic (which includes environmental), geological, or topographical conditions affecting the jurisdiction. California Building Standards Law permits local amendments that are reasonably necessary provided the amendment is a more restrictive building standard. State Housing Law permits local amendments that are necessary provided the amendment is equivalent or 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 HSC can be enacted without the required express finding and determination.

Staff from the Building and Safety Bureau, Fire Prevention Bureau, Code Enforcement Bureau and Public Works’ Stormwater Division have reviewed the Codes and are recommending local amendments to address local concerns. The proposed amendments consist of structural, fire and life safety, green building and sustainability, and

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administrative provisions. A 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 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 (2) improve the health and welfare of the community.

Title 8 of the LBMC regulates health and safety. Amend Chapter 8.96 to be consistent with the Municipal National Pollutant Discharge Elimination System (NPDES) Permit. The proposed amendment to Chapter 8.96 also updates and consolidates the various stormwater requirements in Chapters 8.96 and 18.61 of the LBMC into one location.

Title 18 of the LBMC regulates the construction of buildings and structures. Title 18 is currently based upon the 2019 Edition of the Codes. As required by State law, the proposed amendments to Title 18 update all references in the Codes from 2019 to 2022. Several administration amendments are proposed to Title 18 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. Chapter 18.61 is proposed to be removed and the contents relocated and updated to Chapter 8.96 to consolidate the stormwater requirements to one location. Chapter 18.66 is proposed to be deleted to remove accessibility regulations that are already 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 LID requirements. Chapter 18.76 is proposed to be updated to comply with Assembly Bill 970 to expedite 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 expedite 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 compliance with City policy to offer broad consideration of the proposed amendments, the proposed amendments, express findings and determinations, and statement of reasons detailed in the attached documents (Exhibits A, B, C, D, E, and F) have been presented and discussed at the March 21, 2022, April 18, 2022, May 16, 2022, August 15, 2022, August 29, 2022, and September 19, 2022 meetings of the Board of Examiners, Appeals and Condemnation (BEAC), the City's code review body. In addition, staff has reached out to 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 (herein collectively referred to as "Industry Partners") for input or feedback regarding the proposed amendments or upcoming changes to the State-mandated Codes. Input was received from the public, Industry Partners, and members of the BEAC. If BEAC supports the proposed amendments as recommended by the Building Official, Fire Marshal, Code Enforcement Officer and Stormwater Officer, a draft Ordinance and Resolution will be prepared and referred to the City Council for consideration.

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Public notices to increase awareness of the State-mandated Codes have been included on the Department's website; flyers have been distributed at the Permit Center; information has been posting on the City's social networking sites (Facebook, Twitter, etc.); and E-mail blasts have been sent to the Department's "Latest News and Updates" group. Future community workshops will be scheduled to highlight the provisions of the State-mandated Codes for the public after its adoption.

This matter was reviewed by Deputy City Attorney Arturo Sanchez on August 18, 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 Ordinance, Construction and Demolition Debris Recycling Ordinance, Green Building Ordinance, 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 to realize a healthier, cleaner and more viable environment for the City.

TIMING CONSIDERATIONS

State law requires that the effective date of the Ordinance be January 1, 2023. City Council action is requested on November 1, 2022. The Board action is requested on September 19, 2022 in order to comply with this State mandated deadline.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION

Approve recommendation.

Respectfully submitted,

TRUONG HUYNH, P.E., C.B.O.  
GENERAL SUPERINTENDENT OF DEVELOPMENT SERVICES

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ATTACHMENTS: Exhibit A – 2022 Code Adoption Presentation – BEAC v20220322  
Exhibit B – 2022 Code Adoption Presentation – BEAC v20220418  
Exhibit C – 2022 Code Adoption Presentation – BEAC v20220516  
Exhibit D – 2022 Code Adoption Presentation – BEAC v20220815  
Exhibit E – 2022 Code Adoption Presentation – BEAC v20220829  
Exhibit F – 2022 Code Adoption Presentation – BEAC v20220919