



## Legislation Details (With Text)

**File #:** 22-0095      **Version:** 1

**Type:** \*Public Hearing - Staff Report      **Status:** Agenda Ready

**In control:** City Council Regular Meeting

**On agenda:** 11/15/2022      **Final action:**

**Title:** Conduct Public Hearing and Consider Adopting Two Ordinances to Amend Title 9 and Chapter 3.16 of the Manhattan Beach Municipal Code to Adopt the 2022 California Building Standards Code by Reference (Building Code; Residential Code; Fire Code; Electrical Code; Plumbing Code; Green Building Standards Code; Energy Code; Mechanical Code; Existing Building Code; Historical Building Code; Administrative Code; Referenced Standards Code) and Adopt Associated Local Amendments (Community Development Director Tai and Fire Chief Lang).  
(Estimated Time: 1 Hr.)

- A) CONDUCT PUBLIC HEARING
- B) ADOPT ORDINANCE NOS. 22-0008 AND 22-0009
- C) ADOPT RESOLUTION NOS. 22-0143 AND 22-0145

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance No. 22-0008, 2. Resolution No. 22-0143, 3. Ordinance No. 22-0009, 4. Resolution No. 22-0145, 5. PowerPoint Presentation

Date	Ver.	Action By	Action	Result
11/15/2022	1	City Council Regular Meeting	accept	Pass
11/15/2022	1	City Council Regular Meeting	accept	Pass

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Carrie Tai, AICP, Community Development Director  
Mike Lang, Fire Chief  
Ryan Heise, Building Official  
David Shenbaum, Fire Marshal  
Neda Lyle, Senior Plan Check Engineer

**SUBJECT:**  
Conduct Public Hearing and Consider Adopting Two Ordinances to Amend Title 9 and Chapter 3.16 of the Manhattan Beach Municipal Code to Adopt the 2022 California Building Standards Code by Reference (Building Code; Residential Code; Fire Code; Electrical Code; Plumbing Code; Green Building Standards Code; Energy Code; Mechanical Code; Existing Building Code; Historical Building Code; Administrative Code; Referenced Standards Code) and Adopt Associated Local Amendments (Community Development Director Tai and Fire Chief Lang).  
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- 

**RECOMMENDATION:**

Staff recommends that the City Council adopt Ordinance Nos. 22-0008 and 22-0009 and adopt Resolution Nos. 22-0143 and 22-0145.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

The California Building Standards Commission published the most recent edition of Title 24 of the California Code of Regulations, known as the California Building Standards Code, on July 1, 2022, to become effective on January 1, 2023. The California Building Standards Code adoption cycle is a routine rule-making process that occurs every three years in which various State agencies adopt building standards based on model codes. State law requires local governments to enforce the California Building Standards Code. The City must adopt these codes with any local amendments before January 1, 2023.

The California Building Standards Codes include the 2022 California Building, Residential, Fire, Electrical, Plumbing, Green Building Standards, Energy, Mechanical, Existing, Historical, Administrative, and Reference Standards codes. The last complete set of the California Building Standards Code was adopted by the State in 2019 and became effective on January 1, 2020.

On October 18, 2022, the City Council introduced Ordinance Nos. 22-0008 and 22-0009 and set a public hearing date for November 15, 2022 (California Government Code 50022.3, 50022.4).

**DISCUSSION:**

The State of California has adopted the 2022 California Building Standards Codes that must in turn, be adopted or utilized by each city or county. Pursuant to the California Health and Safety Code Sections 17958.5 and 18941.5, the City is able to amend certain provisions due to the unique climatic, geological, and topographical conditions, provided findings of necessity can be made. The administrative sections of the California Building Standards Code do not require justification through findings.

The notable changes from the 2019 to the 2022 California Building Standards Codes have improved the safety and energy efficiency in buildings and provided standardized requirements for new building components. Some of the changes include established requirements for electric-ready homes, expanded the requirements of solar photovoltaic systems and battery storage standards and safety. Updates to the Electric Vehicle charging station requirements have surpassed our existing local municipal code causing the removal of the current local amendment. The California Building Standards Codes have updated and clarified existing code language to account for current industry standards.

Staff is proposing the adoption of the new California Building Standards Codes along with local code amendments, consistent with the current Manhattan Beach Municipal Codes (MBMC) and past practice. The draft [Ordinance No. 22-0008](#) <https://www.manhattanbeach.gov/home/showpublisheddocument/50953/638004145707261800> and [Ordinance No. 22-0009](#)

<https://www.manhattanbeach.gov/home/showpublisheddocument/50955/638004146057482478> in their entirety can be found on the City website. Consistent with the prior amendments adopted by the City, key amendments to our local codes are as follows:

1. Continue to limit the maximum duration of construction permits to four years for construction projects, whereas of the State provision has no definite limit, in order to minimize neighborhood construction impacts and to ensure that new construction is consistent with the most current Building Standards Codes (MBMC Chapter 9.01 Building Code, Administrative).
2. Update and clarify when fire sprinklers are required for all structures (MBMC 9.01.080, 9.03.060, and 3.16.020 Fire Sprinkler Requirements, Climatic and Topographical conditions)
3. Continue to prohibit the use of wood shakes and wood shingles for new roof or re-roof materials due to fire safety concerns (MBMC 9.01.090 Roofing and re-roofing, Climatic condition).
4. Continue the current requirements for undergrounding or stubbing out of utilities for major remodels and new construction to accommodate possible future utility undergrounding (MBMC 9.12.040 Services undergrounding, Administrative).
5. Remove the local amendment to disallow aluminum conductors, as the California Building Standards Code allows these conductors may be used with approval by an outside testing agency.
6. Allow non-corrosive plastic building materials in residential plumbing construction due to our environmental condition as it increases durability (MBMC 9.32.030 ABS and PVC Installation, Climatic condition).
7. Align the requirements of sustainable building measures regarding material conservation and waste management diversion to match current Green Building Standards (MBMC 5.26.020 Diversion requirement for waste generated by construction and demolition, Administrative).
8. Clarify and update the City's current construction rules to align with the current operation standards (MBMC Chapter 9.44 Construction Rules, Administrative).
9. Update and clarify the requirements for solar photovoltaic systems including associated energy storage systems for both residential and commercial buildings (MBMC 3.16.020, Climatic and Topographical conditions).

The majority of the local amendments clarify and update the structural requirements due to potential hazards specific to our community. These amendments are part of the joint effort by 89 jurisdictions within Los Angeles County to develop the Los Angeles Regional Uniform Code Program. The amendments include additional structural engineering design-related provisions for earthquake, wind, and other geologic, topographic, or climatic concerns.

According to California Health and Safety Code Section 17958.7, the City Council must find specific, local needs to support amendments that are more restrictive than the State-adopted model codes. These findings are included in the two resolutions that will accompany the ordinances at second reading. If the City Council adopts the two ordinances and resolutions, all documents will be filed with the California Building Standards Commission.

**PUBLIC OUTREACH:**

An email notice was distributed to the Community Development Department's email list notifying the recipients of this item and the City Council meeting date. Notice of this public hearing was published for two successive weeks in The Beach Reporter (California Government Code 50022.3, 6066).

The notice would inform the public that certified copies of the Ordinances and the referenced Codes are on file for review with the City Clerk for at least 15 days before the public hearing, as required by Government Code 50022.6.

**ENVIRONMENTAL REVIEW:**

The City Council's consideration of the two ordinances amending Title 9 (Building Regulations) and Chapter 3.16 (Fire Code) of the Manhattan Beach Municipal Code has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3), the common sense exemption (formerly the "general rule") that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question can have a significant effect on the environment, the activity is not subject to CEQA, as is the case with this item, which imposes limitations on activities in the City, and will thereby serve to eliminate potentially significant adverse environmental impacts.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**ATTACHMENTS:**

1. Ordinance No. 22-0008
2. Ordinance No. 22-0009
3. Resolution No. 22-0143
4. Resolution No. 22-0145
5. PowerPoint Presentation