

ORDINANCE NO. 4246

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
ADDING CHAPTER 17.52 TO THE HUNTINGTON BEACH MUNICIPAL CODE GREEN
BUILDING STANDARDS CODE

WHEREAS, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, State recycling law, Assembly Bill 341 of 2011 places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires the City to implement a mandatory commercial recycling program; and

WHEREAS, State organics recycling law, Assembly Bill 1826 of 2014 requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires the City to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires the City to implement a mandatory commercial organics recycling program; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities, including the City, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, self-haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets; and

WHEREAS, SB 1383 Regulations require the City to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption; and

WHEREAS, this Ordinance implements the requirements of AB 341, AB 1826, and the SB 1383 Regulations.

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Chapter 17.52.020 is hereby added to read as follows:

Chapter 17.52.020 Compliance with CALGreen Recycling Requirements

(A) For projects covered by CALGreen, the applicants must, as a condition of the City's permit approval, comply with the following:

(1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the three- container collection program offered by the City, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided that the amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(2) New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three-container collection program offered by the City, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(3) Comply with CALGreen requirements and applicable law related to management of construction and demolition debris (C&D), including diversion of Organic Waste in C&D from disposal. Comply with City's municipal code, and all written and published City policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

(B) Persons applying for a permit from the City for new construction and building additions and alternations shall comply with all required components of CALGreen, as amended, if its project is covered by the scope of CALGreen, as amended, July 1, 2019 and effective January 1, 2020, including:

(1) Section 4.410.2 Recycling by Occupants Residential and Section 5.410.1 Recycling by Occupants Non-residential.

(2) For organic waste commingled with construction and demolition debris, Section 4.408.1 Construction Waste Management Residential and Section 5.408.1 Construction Waste Management non-residential.

(3) If, after the adoption of this Chapter, Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of CALGreen are amended in a manner that requires the City to incorporate the requirements in an updated local ordinance, and the amended requirements are more stringent than those required in this Section, the revised requirements of CALGreen Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 shall be enforced.

SECTION 2. CEQA. SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA). The proposed amendments to Chapter 8.21 of the HBMC are consistent with the SB 1383 Regulations and the Program EIR. No mitigation measures identified in the Program EIR are applicable to the City's enactment of the proposed ordinance amendments. Moreover, none of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163, have occurred. Additionally, the proposed ordinance is exempt from CEQA pursuant to Section 15308, Class 8 of the CEQA Guidelines as an action that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate. No unusual circumstances exist that would cause the proposed ordinance to have a significant effect on the environment.

SECTION 3. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. This ordinance shall become effective 30 days after its adoption.


PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 20____.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney 

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager



Director of Public Works

LEGISLATIVE DRAFT

HBMC CHAPTER 17.52

17.52.020 Compliance with CALGreen Recycling Requirements

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- (2) New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three-container collection program offered by the City, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
- (3) Comply with CALGreen requirements and applicable law related to management of construction and demolition debris (C&D), including diversion of Organic Waste in C&D from disposal. Comply with City's municipal code, and all written and published City policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

(B) Persons applying for a permit from the City for new construction and building additions and alternations shall comply with all required components of CALGreen, as amended, if its project is covered by the scope of CALGreen, as amended, July 1, 2019 and effective January 1, 2020, including:

- (1) Section 4.410.2 Recycling by Occupants Residential and Section 5.410.1

Recycling by Occupants Non-residential.

(2) For organic waste conmingled with construction and demolition debris, Section 4.408.1 Construction Waste Management Residential and Section 5.408.1 Construction Waste Management non-residential.

(3) If, after the adoption of this Chapter, Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of CALGreen are amended in a manner that requires the City to incorporate the requirements in an updated local ordinance, and the amended requirements are more stringent than those required in this Section, the revised requirements of CALGreen Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 shall be enforced.