



October 11, 2022

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Public Hearing Regarding Adoption of the 2022 Ventura County Building Code Ordinance (VCBC) and Codes Adopted by Reference Therein, Including Local Amendments to these Codes; and Including but Not Limited to, New Local Provisions for Construction in Hazardous Fire Areas, and Requirements for All-Electric Appliances and Equipment, In Lieu of Natural Gas, for New Buildings, with Some Exceptions; Determine the Project Exempt from the California Environmental Quality Act

RECOMMENDATIONS

1. Open a Public Hearing, introduce and read in title only the attached Ventura County Building Code Ordinance, receive public testimony, waive further reading by a majority vote, and continue the matter, together with the Resolution adopting express findings regarding modifications of the California and International Codes (Exhibit 4), for final adoption on November 1, 2022.
2. At a second Public Hearing on November 1, 2022, receive public testimony and adopt the proposed Ventura County Building Code Ordinance to become effective on January 1, 2023; adopt Resolutions of express findings regarding modifications of the California and International Codes which regulate building design and construction subject to the State Building Standards Law and the State Housing Law, and direct that the findings be filed with the California Building Standards Commission.
3. At the second Public Hearing, determine that the proposed VCBC Amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3) and 15308, and that no exceptions set forth in CEQA Guidelines section 15300.2 preclude use of the Class 8 categorical exemption.
4. Direct the Clerk of the Board to publish Ordinance summaries as required by law.

Fiscal/Mandates Impact

Mandatory: Yes
Source of Funding: Fees
Funding Match Required: No
Impact on Other Departments: Minimal

Summary of Revenues and Costs

	<u>FY 2022-23</u>	<u>FY 2023-24</u>
Costs:	\$ -	\$ 100,000
Direct	\$ -	\$ 100,000
Indirect-Agency/Dept.	Minimal	\$ -
Indirect-County CAP	<u>\$ -</u>	<u>\$ -</u>
Total Costs	\$ -	\$ 100,000
Net Costs:	\$ -	\$ -
Recovered Indirect Costs:	\$ -	\$ -

The enforcement of the new provisions is expected to generate additional workload estimated to be one full-time equivalent position at an annual cost of approximately \$100,000. This cost will be offset by Building Permit fee revenue under the existing adopted Fee Schedule. Projected permit activity and existing staffing will be reviewed to determine the impact and if needed, will return to your Board for additional resources and/or new allocation. Minimal additional costs will also be incurred for the printing and purchase of the new Ventura County Building Code, as well as for training of staff. The costs for printing and staff training are already reflected in the current adopted budget for FY22-23.

Background

The California Building Standards Code (CBSC) forms the primary authority under which local building departments in California regulate the design, construction, use, and occupancy of buildings and structures. The California Health and Safety Code requires that every city and county utilize virtually the same building construction standards as those adopted by the State.

State law allows for cities and counties to amend these standards when needed to address local conditions, provided that findings are made by their governing bodies that the amendments are for good cause (Exhibit 3). The Ventura County Building Code (VCBC) is a compilation of standards, model codes and the most current CBSC, and together with local amendments, these are used for regulating the design and construction of buildings and structures in the unincorporated areas of Ventura County. The VCBC addresses all applicable structural,

architectural, plumbing, electrical, and mechanical system installation requirements. It also includes standards for making buildings energy-efficient, and for making certain buildings accessible to persons with disabilities, as required by existing law.

The Building and Safety Division's recommended amendments described herein are part of the process prescribed by State law. The amendments proposed for the 2022 Ventura County Building Code Ordinance (VCBC) in its final draft form as Exhibit 1, and the legislative version is Exhibit 2.

The State regulatory agencies update the CBCS every three years and require that California cities and counties update their codes on that same three-year cycle. The new State codes were published on July 1, 2022. They become effective in all California jurisdictions January 1, 2023. The building code currently in effect for Ventura County is the 2019 VCBC, which was adopted by the Board of Supervisors on November 5, 2019. The proposed ordinance will update the 2019 VCBC to become the 2022 VCBC by adopting these State codes by reference, including certain amendments, where permitted by State law. The new standards and amendments are intended to keep current with the industry and maintain uniformity with nearby cities and counties.

Discussion of Proposed Amendments

There are three key proposed amendments in two issue areas that are summarized below as well as some additional minor editorial and administrative changes proposed to improve clarity. The key amendments include those related to 1) fire safety and 2) a requirement for all-electric appliances in new construction. Both of these proposed amendments would aid in addressing local climatic, geologic, or topographic conditions in Ventura County by addressing both the fire hazard, characterized by steep hillsides and canyons combined with hot dry conditions and Santa Ana winds that can lead to large wildland fires that destroy buildings, as experienced during the Thomas and Woolsey Fires of 2017 and 2018 and also address climate change and its effects by drafting amendments that can help reduce the production of greenhouse gases by appliances and equipment in new construction. These are both described in detail below:

1) Fire Safety Amendments

The proposed amendments include several important new technical provisions for fire safety that, if adopted, will be unique to Ventura County. These include provisions for the design and construction of new buildings constructed near large undeveloped hillsides in Hazardous Fire Areas, as defined by the Ventura County Fire Department, as well as retrofitting requirements for existing buildings in those areas generally constructed prior to 2008. Exhibit 8 contains additional information regarding the need for adopting preventive measures for construction in these areas.

Buildings in Hazardous Fire Areas constructed near tall hillsides. The provisions for protection of buildings constructed near tall slopes are intended to create a buffer/separation zone of 30 feet between a building and a large slope/hillside considered to be vulnerable to the rapid spread of wildland fire. The provisions would only apply to properties in Hazardous Fire Areas (as defined by the Ventura County Fire Department)

where the adjacent slope has a vertical height exceeding 100 feet. The provisions contain exceptions that would allow buildings to be constructed closer than 30 feet to a slope, if desired by the property owner, when the exterior walls and windows near the slope are designed and constructed to resist the intrusion of heat and flames from a significant hillside fire, for one hour. Other exceptions would also apply. The Board of Supervisors expressed interest in this provision during the adoption of the 2019 VCBC and asked staff to return to the Board with the appropriate code language for consideration.

Retrofitting buildings constructed prior to 2008 Building Code provisions. The provisions for retrofitting existing buildings constructed prior to 2008 are intended to gradually reduce the vulnerability of buildings during wildland fires by requiring some retrofits to be completed during construction work already being done to a building for another large project for an existing building, such as an addition or remodel. The provisions would only apply to existing buildings located in areas designated by the Ventura County Fire Department as Hazardous Fire Areas. The retrofits involve work such as replacing combustible wood shake roofing or siding with ignition resistant materials, like tile roofs and stucco siding. It can also involve the enclosing of exposed combustible roof eaves and/or the replacement of attic and underfloor vents with smaller openings that will prohibit the intrusion of flying embers into a combustible attic or underfloor area. The requirements for ignition-resistant materials already exist in the current State and local codes for new construction. The proposed new provisions would require retrofits for existing buildings that do not already meet these standards. The cost of the required retrofits would be capped at 10 percent of the cost of the main project, i.e., the addition or the alteration, but would require that, at a minimum, attic and underfloor vents having larger than 1/8-inch openings be replaced with vents having smaller openings that prevent the intrusion of embers. This minimum retrofit requirement for vents may exceed the 10% retrofit cap for some smaller remodel projects however they will bring significant improvement to the home in resisting ignition from flying embers during wildland fires.

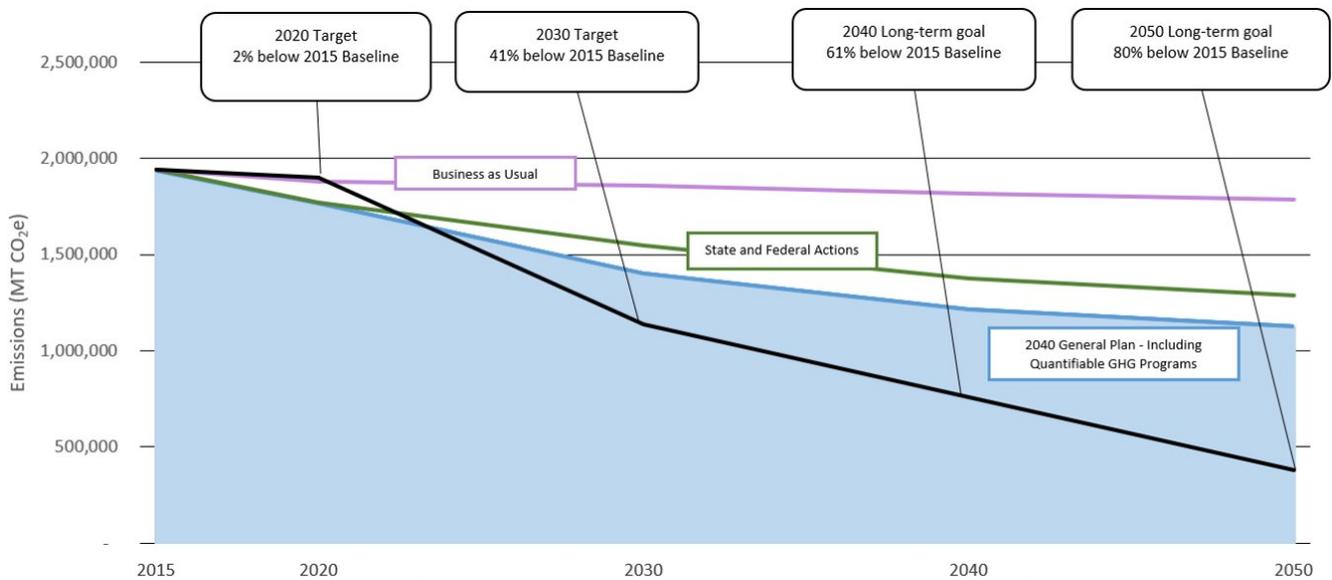
Generally, the proposed amendments related to fire hazards will increase the cost of new construction of new buildings, new additions, and new large remodeling projects by approximately 10 percent, or less. This increase will affect projects in Hazardous Fire Areas, where the original building was constructed prior to 2008 with combustible exterior finishes. It will also affect new construction projects where the building is proposed to be placed closer than 30 feet to a large undeveloped hillside.

2) All Electric Appliances for New Construction

The provisions for all-electric buildings would require that new buildings be constructed with all-electric appliances and equipment, with few exceptions. Water heaters, heaters, cooking ranges and ovens would have to be all-electric. Natural gas would be prohibited in new construction with limited exceptions outlined in Exhibit 1, in Article 10, Sections 4.509.2 (residential buildings) and 5.509.2 (non-residential buildings). These provisions are intended to reduce the emission of greenhouse gases, which are one of the products of combustion in gas-fired equipment. These provisions for all-electric new buildings are consistent with the County’s General Plan which was adopted by your Board in 2020. The General Plan includes Implementation Programs COS-S (Building Code Update) and HAZ-AA (Prohibit Natural Gas Infrastructure in New Residential and New Commercial Development) which requires that the County include provisions to prohibit natural gas infrastructure in new development as part of the VCBC.

The provisions for all-electric buildings is part of the County’s greenhouse gas emissions reduction strategy as outlined in the Climate Action Plan (Appendix B) of the General Plan. An Appendix of supporting documents is also included in Exhibit 9. As shown in Figure 1 below, the blue line indicates that Ventura County is on track to meet and exceed state-mandated reductions of greenhouse gas emissions. However, by 2030, reduction measures at the state, federal, and County levels may fall short of meeting the long-term forecasted legislative-adjusted emission reduction goals. Key reduction measures such as the proposed all-electric provisions are an important component to aid in meeting the long-term reduction targets.

Figure 1: Community Legislative-Adjusted Business-as-Usual Greenhouse Gas Emissions Forecast and Reduction Targets and Goals



Source: Ventura County 2040 General Plan, Appendix B. Climate Change, Figure B-2, page B-14.

Additional Proposed Amendments

The proposed amendments also maintain certain existing technical amendments from the current VCBC that are still in use, and which are still needed for design and construction of new buildings. The administrative provisions for the Building Permit process and enforcement provisions have proven to be effective as prescribed in the current VCBC and remain mostly unchanged as proposed for the 2022 VCBC. These proposed amendments include minor editorial and administrative changes that make the provisions easier to follow.

In addition to the proposed amendments to the State codes, the proposed VCBC includes the adoption of two updated model codes that were originally adopted in 2019. The 2021 International Property Maintenance Code is necessary for the enforcement of provisions to mitigate substandard buildings and unsafe conditions. The 2021 International Swimming Pool and Spa Coded for enforcing pool safety provisions for private swimming pools.

Additionally, the 2022 VCBC will continue previously adopted amendments to the State codes for grading, private sewage disposal systems, construction of Owner-Built Rural Dwellings, and procedures for safety assessment of buildings destroyed or damaged by natural disasters or other incidents. The proposed 2022 VCBC also includes adoption of appendix chapters from the 2021 International Building Code to include new or updated provisions for construction of 3D-printed buildings, and measures for radon control in new residential buildings, as well as rodent control measures for non-residential buildings.

The Building and Safety Division has collaborated with each of the County departments and agencies, including the VC Fire Department, Planning Division, Environmental Health Division, and the Public Works Agency, to ensure the provisions in the 2022 VCBC are aligned with other State and County codes, ordinances, and regulations enforced by them.

A copy of the proposed 2022 VCBC and Exhibits are available in the Clerk of the Board's office and at the Building and Safety counters in both the Simi Valley District Office and in the Hall of Administration in Ventura.

California Environmental Quality Act:

Exhibit 5 reflects County staff determinations that the proposed 2022 VCBC is categorically exempt from CEQA environmental impact review pursuant to Title 14, section 15061(b)(3) of the State CEQA Guidelines as it can be seen with certainty that there is no possibility that this ordinance may have a significant negative effect on the environment, as well as categorically exempt pursuant to Title 14, section 15308 of the State CEQA Guidelines as the proposed 2022 VCBC consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment. County staff has also determined that no exceptions set forth in State CEQA Guidelines in section 15300.2

preclude use of the Class 8 categorical exemption (Exhibit 5). Documentation supporting these CEQA exemptions is also contained in the Appendix of Supporting Documents (Exhibit 9).

Public Review Process:

A draft copy of the 2022 VCBC and the proposed amendments were posted on the Building and Safety website in July 2022 for public review and comment. In addition, bilingual notices were sent to stakeholders inviting them to attend either of two public workshops held in August 2022 to receive information and provide public feedback on the proposed amendments. A list of stakeholders notified about the proposed code changes before your Board today is included herewith as Exhibit 6. Spanish interpretive services were made available at both workshops and both workshops were recorded and posted on the Building and Safety website for those who could not attend the live presentations. Finally, the general public and Building and Safety customers were invited to attend the workshops via notices posted at the Building and Safety public counters in Ventura and Simi Valley, as well as via a press release available in both English and Spanish, and by notices posted on the Building and Safety website, and at the Public Information Bulletin Board at the Hall of Administration main entrance.

The proposed 2022 VCBC reflects many of the suggestions and feedback received from the public to date. Public Comments are included as Exhibit 7.

This item has been reviewed by the County Executive Office, the Auditor Controller's Office and County Counsel. If you have any questions concerning this matter, please call me at (805) 654-2787.



Ruben M. Barrera, Building Official
Resource Management Agency
Building and Safety Division

Exhibits:

- Exhibit 1: Proposed 2022 Ventura County Building Code – Clean copy
- Exhibit 2: Proposed 2022 Ventura County Building Code – Legislative Version
- Exhibit 3: Express Findings of Need for Adoption of Local Amendments to the State Codes
- Exhibit 4: Resolution Adopting Express Findings Regarding Modification of Codes Subject to the State Housing Law
- Exhibit 5: CEQA Notice of Exemption
- Exhibit 6: List of Groups and Organizations Notified About the Proposed 2022 VCBC
- Exhibit 7: Public Comments
- Exhibit 8: Wildfire Hazards; 2040 General Plan
- Exhibit 9: Appendix of Supporting Documents Showing Benefits of Reducing Greenhouse Gases; 2040 General Plan