



## Legislation Details (With Text)

**File #:** #22-481      **Version:** 1      **Name:**

**Type:** ORDINANCES      **Status:** Second Reading

**File created:** 11/30/2022      **In control:** City Council

**On agenda:** 12/19/2022      **Final action:** 12/19/2022

**Title:** PUBLIC HEARING ON AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING CHAPTER 15.04 OF THE SAN PABLO MUNICIPAL CODE BY ADOPTING BY REFERENCE THE 2022 CALIFORNIA ADMINISTRATIVE CODE; 2022 CALIFORNIA BUILDING CODE VOLUMES 1 AND 2, AS AMENDED; 2022 CALIFORNIA RESIDENTIAL CODE, AS AMENDED; 2022 CALIFORNIA ELECTRICAL CODE; 2022 CALIFORNIA MECHANICAL CODE; 2022 CALIFORNIA PLUMBING CODE; 2022 CALIFORNIA ENERGY CODE, AS AMENDED; 2022 CALIFORNIA HISTORICAL BUILDING CODE; 2022 CALIFORNIA FIRE CODE WITH AMENDMENTS ADOPTED BY THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT; 2022 CALIFORNIA EXISTING BUILDING CODE; 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE; 2022 CALIFORNIA REFERENCED STANDARDS CODE; AND THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED; AND DETERMINING THAT ADOPTION OF THESE AMENDMENTS IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

CEQA: This proposed action is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines section 15061(b)(3) (i.e., the "common sense" exemption) in that its purpose to provide minimum standards to safeguard life, limb, health, property, and public welfare of construction and its adoption will not have the effect of deleting or substantially changing any regulatory standards or findings and it can be determined with certainty that the adoption of the proposed amendments to the Municipal Code has no potential for causing a significant effect on the environment. In addition, adoption of these amendments is exempt from review under CEQA Guidelines section 15308 because the project is an action being taken by a regulatory agency where the process involves procedures for the protection of the environment that do not have the potential to cause significant effects on the environment.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance Adopting 2022 Building Fire Electrical Plumbing etc Codes\_CLEAN for Legister.121222, 2. Proof of Publication NTC Building etc Codes 120922 public hrg, 3. PRS - Adoption of the 2022 Calif Code of Regs 121922

Date	Ver.	Action By	Action	Result
12/19/2022	1	City Council	waived first reading and introduced	Pass

**PREPARED BY:** OSCAR DAVALOS

**DATE OF MEETING:** 12/19/22

**SUBJECT:**

PUBLIC HEARING ON AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING CHAPTER 15.04 OF THE SAN PABLO MUNICIPAL CODE BY ADOPTING BY REFERENCE THE 2022 CALIFORNIA ADMINISTRATIVE CODE; 2022 CALIFORNIA BUILDING CODE VOLUMES 1 AND 2, AS AMENDED; 2022 CALIFORNIA RESIDENTIAL CODE, AS AMENDED; 2022 CALIFORNIA ELECTRICAL CODE; 2022 CALIFORNIA MECHANICAL CODE; 2022 CALIFORNIA PLUMBING CODE; 2022 CALIFORNIA ENERGY CODE, AS AMENDED; 2022 CALIFORNIA HISTORICAL BUILDING CODE; 2022 CALIFORNIA FIRE CODE WITH

AMENDMENTS ADOPTED BY THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT; 2022 CALIFORNIA EXISTING BUILDING CODE; 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE; 2022 CALIFORNIA REFERENCED STANDARDS CODE; AND THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED; AND DETERMINING THAT ADOPTION OF THESE AMENDMENTS IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

CEQA: This proposed action is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines section 15061(b)(3) (i.e., the “common sense” exemption) in that its purpose to provide minimum standards to safeguard life, limb, health, property, and public welfare of construction and its adoption will not have the effect of deleting or substantially changing any regulatory standards or findings and it can be determined with certainty that the adoption of the proposed amendments to the Municipal Code has no potential for causing a significant effect on the environment. In addition, adoption of these amendments is exempt from review under CEQA Guidelines section 15308 because the project is an action being taken by a regulatory agency where the process involves procedures for the protection of the environment that do not have the potential to cause significant effects on the environment.

### **CITY MANAGER RECOMMENDATION**

Conduct Public Hearing; waive first reading; introduce Ordinance

### **COUNCIL PRIORITY WORKPLAN STATEMENT**

Major Policy Area: Improve Public Safety Policy #500. employ integrated efforts to reduce blight. Priority Work Plan FY 2021-23, effective March 1, 2021 through Resolutions 2021-026, 2021-089, 2021-128, 2022-147, 2022-155 and 2022-160.

### **PUBLIC HEARING NOTICE**

A public hearing notice was published in the West County Times (West Contra Costa edition of the East Bay Times) newspaper on December 9, 2022.

### **REQUESTED ACTION**

The City Council is requested to hold a public hearing on the proposed amendments to the Municipal Code identified in the attached draft Ordinance; then to waive the reading of the ordinance and read by title only; and introduce the attached Ordinance including any further revisions. Unless there is an objection from the City Council, the Ordinance as introduced will be placed on the consent calendar at a future meeting for adoption (second reading).

### **BACKGROUND**

The construction and maintenance of residential, commercial, and other buildings in California is regulated by Title 24 of the California Code of Regulations, also known as the California Building Standards Code (“CBSC”) and consisting of the California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Building Code, California Fire Code, California Green Building Code Standards, and California Referenced Standards Code. These regulations establish construction standards to protect the public’s welfare and provide uniformity in building laws. State law requires that the Building Codes be updated every three years. The updated Building Codes go into effect statewide on January 1, 2023. The CBSC is enforced by local governments through the building permit process. All construction in the State must comply with the CBSC, subject to any local modifications made to the CBSC by the city or county in which the construction is to occur. Modifications are allowed only to address local climatic, geological, or topographical conditions, and the local government must make express findings that such conditions justify its modifications.

The attached Ordinance (Attachment A) adopts the CBSC and 2021 International Property Maintenance Code as part of the San Pablo Municipal Code, modifies the CBSC as needed to reflect local conditions in San Pablo based on local climatic, geological, or topographical conditions, or to remove unnecessary fire prevention requirements in the City's codes that duplicate those in County Ordinance 2022-34 and enforced by Contra Costa County Fire Protection District in the City of San Pablo and other jurisdictions with the District's jurisdiction.

### **SUMMARY OF AMENDMENTS**

A summary of the major amendments to be made follows by section.

**Title:** The title has been changed to reflect the adoption of the 2022 California Building Codes, as amended, and the adoption of the 2021 International Property Maintenance Code, as amended.

**15.04.010 California Building Code and International Property Maintenance Code adoption by reference.** Amended to expand on how each of the model codes are modified with California specific requirements consistent with the California Code of Regulations Title 24. Each Code is amended to include only those appendices that will be adopted by the City of San Pablo.

**15.04.020 - Amendments, additions and deletions.** This section is expanded to include all of the amendments needed to clarify specific policies to interpret the Code:

#### ***California Building Code, Chapter 1, Division II, Scope and Administration***

- (1) New Section 105.3.2.1 is added to clarify the plan review expiration time and the proper disposal of the plans after the case expiration.
- (2) New Section 105.5.2 is added to specify the fee and procedure for permits expiring in less than a year and for those expiring after a year or longer.
- (3) New Section 109.4.1 is added to clarify the policy for charging an Investigation Fee for work conducted without a permit.
- (4) Section 109.6 is amended to establish a written refund policy.
- (5) New Section 109.7 is added to clarify the reinspection fee policy.

#### ***California Residential Code, Chapter 1, Division II, Scope and Administration***

- (1) New Section R105.3.2.1 is added to clarify the plan review expiration time and the proper disposal of the plans after the case expiration.
- (2) New Section R105.5.1 is added to specify the fee and procedure for obtaining a new permit after expiration of an original permit.
- (3) Section R108.5 is amended to establish a written refund policy.
- (4) New Section R108.6.1 is added to clarify the policy for charging an Investigation Fee for work conducted without a permit.

(5) New Section R108.7 is added to clarify the reinspection fee policy.

### **2021 International Property Maintenance Code (IPMC)**

To enhance the City's ability to reduce blight and enforce minimum property maintenance standards for commercial and residential properties, staff is proposing adopting the 2021 International Property Maintenance Code. The new Code will incorporate the Property Maintenance provisions of the International Code Series. These standards will apply to all properties and will complement the Residential Health & Safety and Nuisance standards that are already contained in the Municipal Code.

(1) Section 102.3 of the IPMC is amended to clarify that the applicable Building, Plumbing, Mechanical, Electrical, Green and Energy codes for repairs, additions or alterations to a structure, or changes of occupancy are the San Pablo Municipal Code (SPMC) and the California Building Code (CBC) Series and not the International Code Series.

(2) New Section 102.3.1 of the IPMC is added to clarify that whenever the IPMC refers to other codes, those other codes shall mean the SPMC and the CBC.

(3) Section 302.4 of the IPMC is amended to establish a maximum specific height for certain grasses, weeds and other uncultivated herbaceous vegetation of 8" (eight inches) over which the growth may constitute a nuisance and/or safety hazard. This provision is consistent with regulations found in other jurisdictions and can help to control fire hazard, blight, and other safety hazards.

(4) Section 304.14 of the IPMC is amended to add that during the entire year every door, window and other outside opening required for ventilation of habitable rooms, food preparation area, food service area or area where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens.

Exception: Screens shall not be required where other *approved* means of insect control, such as air curtains or insect repellent fans, are employed.

(5) Section 308.3.1 of the IPMC - Disposal of Garbage. is amended to comply with the requirements of the Bay Area Air Quality Management District by omitting the use of a garbage incinerator as a means of garbage disposal.

(6) Section 602.4 of the IPMC is amended to add clarifying language specifying when heat for indoor occupiable work space shall be provided.

### **California Energy Code**

The changes to the California Energy Code were made to propose all new construction to be built "all electric." Moving to all electric for new construction will help to achieve improved energy sustainability and help in the reduction of greenhouse gases by reducing reliance on natural gas. To accommodate certain conditions that may represent a hardship for residents and business owners, the proposed Ordinance allows use of natural gas in the following circumstances:

- All Portions of Scientific Laboratory Buildings.

- All Residential buildings may contain non-electric Cooking Appliances and Fireplaces.
- All public agency owned and operated emergency centers.
- Non-residential buildings containing a for-profit restaurant open to the public or an employee kitchen may apply to install gas-fueled cooking appliances based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source.

These changes are consistent with forthcoming State law and with recent Code language adopted by Contra Costa County, the City of Richmond, the City of Hercules, Alameda County, the City of Albany, the City of Berkeley, the City of Alameda, and the City of Oakland. A total of 68 jurisdictions in California have adopted these or similar Code provisions as of November 18, 2022, according to the Sierra Club.

**15.04.030 Building Board of Appeals.** This section was added to the code as a part of Ordinance 2022-001 (amendments to Residential Health & Safety section). The section was renumbered without substantive change to accommodate a new section.

**15.04.040 Permit fees.** This section was renumbered without substantive change.

**15.04.050 Violation and Penalty.**

This section was renumbered without substantive change.

**15.04.060 Withholding of Permit.**

This section was renumbered without substantive change.

**SECTION 3. MODIFICATIONS IN THE CODE REQUIREMENTS.**

Section 3 was added to justify modifications to the International Property Maintenance and California Building Codes because of local climatic, geological or topographical conditions specific to the City of San Pablo. As the entity responsible for fire protection in San Pablo, the Contra Costa Fire District submitted its own findings during the Countywide 2022 California Fire Code adoption, as amended. For that reason, staff recommends that the unnecessary fire protection requirements set forth in the City's code be removed.

The California Health and Safety Code Sections 17958.5 and 17958.7 authorize the City to make changes or modifications in the requirements contained in the codes adopted by reference in Section 1 of this Ordinance as the Council determines are necessary because of local conditions. The changes are mentioned in section 15.04.020 - Amendments, additions and deletions.

**CONCLUSION**

Staff recommends that the City Council review the proposed amendments, take public testimony, and introduce the attached ordinance which, if adopted at a future meeting, would amend the Municipal Code to update it to the most recent editions of the California Building Codes and to adopt the International Property Maintenance Code, as amended.

**FISCAL IMPACT**

There will be no direct fiscal impact to the City as a result of this amendment. However, to the extent that new construction and renovations in San Pablo meet current codes, the longevity and value of these improvements will be enhanced and will help to support the San Pablo tax base and local

economy.

**ATTACHMENTS:**

- A. Proposed Ordinance Adopting the 2022 California Building Codes as amended and the 2021 International Property Maintenance Code as amended.
- B. Legal Notice