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ORDINANCE NO. XXXX N.S.

An Ordinance of The City of El Paso De Robles, California, Amending Title 17 of the El Paso De Robles Municipal Code to Adopt by Reference the 2022 Edition of the California Building Standards Code (California Code of Regulations, Title 24), including:

**The 2022 California Administrative Code;
The 2022 California Building Code, including Chapter 1;
The 2022 California Residential Code;
The 2022 California Electrical Code;
The 2022 California Mechanical Code;
The 2022 California Plumbing Code;
The 2022 California Energy Code;
The 2022 California Historical Building Code;
The 2022 California Fire Code, including Chapter 1 and Appendices B and D thereto;
The 2022 California Existing Building Code;
The 2022 California Green Building Standards Code;
The California Referenced Standards Code, 2022 Edition; and
Making Certain Amendments to Title 17**

WHEREAS, in July 2022, the California Building Standards Commission adopted the 2022 Edition of the California Building Standards Code (“CBSC”), effective January 1, 2023, and codified in Title 24 of the California Code of Regulations (“CCR”); and

WHEREAS, the CBSC consists of building standards that regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, electrical systems, plumbing, mechanical systems, and maintenance of all buildings in the state; and

WHEREAS, California Government Code Section 50022.1 *et seq.* authorizes the City of El Paso de Robles (the “City”) to adopt by reference the CBSC, 2022 Edition (Title 24 of the CCR), including certain uniform codes including the 2022 California Administrative Code, the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Electrical Code, the 2022 California Mechanical Code, the 2022 California Plumbing Code, the 2022 California Energy Code, 2022 California Historical Building Code, the 2022 California Existing Building Code, the 2022 California Green Building Standards Code, and the 2022 California Referenced Standards Code; and

WHEREAS, the City now desires to adopt the provisions of the 2022 CBSC; and

WHEREAS, pursuant to sections 17958.7 and 18941.5 of the California Health & Safety Code, the City may adopt local amendments to the CBSC determined by the City Council to be reasonably necessary because of local climatic, geological, or topographical conditions; and

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WHEREAS, the City held a public hearing on December 5, 2023 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the CBSC as amended herein.

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code section 6066; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2. Municipal Code Amendment. Chapter 17.04 of the El Paso de Robles Municipal Code is hereby amended to read in its entirety as follows:

“Chapter 17.04 Uniform Codes

17.04.010 Technical building codes adopted—Copies on file.

The fourteen documents and their respective appendices as outlined herein, one copy of each of which are on file in the office of the city clerk, are hereby adopted by reference as amended in Title 17, and are being marked and designated as the:

1. 2022 California Administrative Code.
2. 2022 California Building Code, including Chapter 1.
3. 2022 California Residential Code.
4. 2022 California Electrical Code.
5. 2022 California Mechanical Code.
6. 2022 California Plumbing Code.
7. 2022 California Energy Code.
8. 2022 California Historical Building Code.
9. 2022 California Fire Code, including Chapter 1, and

Appendix B—Fire Flow Requirements for Buildings; and

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Appendix D—Fire Apparatus Access Roads.

10. 2022 California Existing Building Code.
11. 2022 California Green Building Standards Code.
12. 2022 California Referenced Standards Code.
13. Uniform Housing Code, 1997 Edition, as published by International Conference of Building Officials.
14. Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition as published by International Conference of Building Officials.

17.04.020 Changes or additions to the California Building Code.

- A. Section 105, Permits, is amended and subsections added as follows:

105.1.3 Start of Construction:

For the purpose of enforcement of this code, it shall be interpreted that any movement of soil or preparation for installation of foundation or utilities, other than that allowed under the jurisdiction of an approved grading permit shall signify the start of construction. Prior to start of construction, a valid building permit shall be secured.

105.1.4 Permit Revocation:

Should a permit be secured by check, later to be returned for insufficient funds or closed account, that this shall show just cause for revocation of any permits and posting of a Stop Work Order. In conjunction with posting of a Stop Work Order, the site shall be noticed for abatement.

105.1.5 Street Dedication as a Condition of Issuance of a Building Permit:

No Building Permit shall be issued for the construction, reconstruction or relocation of any building or structure abutting upon a street having a lesser width than that established by resolution of the City Council unless the following requirements in Sections 105.1.6 and 105.1.7 are complied with.

105.1.6 Dedication of Street Right-of-Way:

The owner of the lot shall make a perpetual and irrevocable offer of dedication to the City for public street purposes, and all uses

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appurtenant thereto, of a depth determined by the City Engineer based upon the Circulation Element of the General Plan and Official Plan Lines adopted by the City Council. It shall be the responsibility of the City Engineer to confirm that the required dedication(s) has/have been provided.

105.1.7 Setbacks:

The required setback shall be maintained for all buildings, structures, and improvements, including off-street parking, as measured from the right-of-way width. It shall be the responsibility of the Building Official to confirm that the required setbacks have been provided, based on property monuments established by a licensed surveyor.

B. Section 113, Board of Appeals, is amended and subsections added as follows:

113.1.1 In order to provide for interpretations of steps necessary to implement Title 24 of the California Code of Regulations or the technical codes adopted by the City pertaining to access or accommodations for the physically disabled, and those Chapters of the City of El Paso de Robles Municipal Code where the Board is specifically noted as being the entity responsible for the hearing of appeals, there is hereby established a City of Paso Robles Housing Advisory and Disabled Access Board of Appeals (hereinafter sometimes collectively referred to as "Building Board of Appeals" or "Board of Appeals").

113.1.2 Rules and Regulations.

The Board of Appeals shall adopt reasonable rules and regulations, subject to approval by the City Council, for conducting its business.

113.1.3 Appeals Procedure.

Any person aggrieved by a decision of the Building Official for the City pertaining to orders, decisions, or determinations relative to the application and interpretations of the Uniform Housing Code, Uniform Code for Abatement of Dangerous Buildings, Title 24 of the California Code of Regulations, or the technical codes adopted by the City, pertaining to access or accommodations for the physically disabled, shall have the right to appeal the decision as provided for under this chapter.

Decisions and actions regarding the enforcement of the requirements of Division 13, Part 5.5 of the California Health and Safety Code may be appealed by any person to the Appeals Board for Disabled Access as provided for under this chapter.

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113.1.4 Appeal Hearing Fee.

A fee shall accompany an application for a hearing before the Building Board of Appeals. The purpose of the fee shall be to cover those costs incurred by the City to provide for the appeals process.

Appeal Fees shall be set by resolution, subject to review by City Council. Appeal fees will be reviewed periodically to ensure that the fees charged cover the costs associated with the appeals process.

113.1.5 Timing and form of appeal.

An appeal shall be filed with the Secretary of the Building Board of Appeals within fifteen (15) working days (holidays observed by the City are not working days) after the rendering of the decision affecting the aggrieved person. Grounds for the appeal shall be set forth in writing in a form to be supplied by the secretary in addition to any other supporting materials the appellant may wish to furnish, setting forth the reasons for the appeal.

Any written reports to be made to the Board shall be filed with the Secretary of the Board and shall be made available to the Board and to the public no less than five (5) working days prior to the date set for the hearing. Any City of Paso Robles Department Manager or designee shall have the right to be heard on any matter coming before the Board.

113.1.6 Hearing and decision.

The Secretary of the Board shall set the time and place for a hearing the appeal, and a notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Paso Robles, and notice shall also be given to the appellant by mailing, postage prepaid, at the address provided by the appellant in the letter of appeal at least ten (10) working days before the hearing date. The Board shall render all decisions in writing.

113.2.1 The Board of Appeals shall function as the "Local Appeals Board" and "Housing Appeals Board" as specified in Sections 17920.5 and 17920.6, respectively, of Division 13, Part 1.5 of the California Health and Safety Code. The Board shall also serve as the "local appeals board" specified in section 19957.5 of the California Health and Safety Code, in appeals relating to accommodations for the physically disabled.

The Board shall have no authority relative to interpretation of the administrative provisions of the codes adopted by the City, nor shall the

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Board be empowered to waive requirements of any code adopted by the City.

The authority of the Board shall consist of the ability to consider appeals filed pursuant to this Chapter and give reasonable interpretations of the Chapter and the technical codes. When required to do so, the Board will conduct hearings regarding appeals of notices and/or orders relative to unsafe buildings.

113.3.2 Eligibility.

The Building Board of Appeals shall consist of five members and two (2) alternates; the Disabled Access Board of Appeals shall consist of the five members of the Board of Housing Appeals (two of the members of the board must work in construction and one member shall be a member of the public as required by Health & Safety Code § 19957.5) and shall be supplemented by two (2) additional members, both of whom shall be physically disabled when the appeal pertains to disabled access.

Members selected to hear an appeal shall reflect an area of expertise reflective of the appeal being heard.

Members of the Board of Appeals shall be qualified by experience and training to pass judgment upon matters pertaining to building construction and/or disabled access, as appropriate. Members of the Board of Appeals shall be appointed by and serve at the pleasure of the City Council. Each member of the Board shall comply with applicable provisions of the Political Reform Act of 1974, California Government Code Section 81000 et seq. The Building Official shall be an ex officio member of the Board and shall act as secretary to said Board, but shall have no vote upon any matter before the Board.

Exception:

City employees shall not be eligible to serve on the Board of Appeals.

113.3.3 Term.

Terms of initial appointment shall be for a term of two (2) years for two (2) members and four (4) years for three (3) members. Subsequent appointments shall be for a term of four (4) years.

Terms for initial appointment of disabled members for the Disabled Access Appeals shall be two (2) years for one member and four (4) years for the second. Subsequent appointments shall be for a term of four (4)

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years.

- C. Section 1803.2, Geotechnical Investigations – Investigations Required, is amended to read as follows:

1803.2 Investigations Required

Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5.

Exception: The building official shall be permitted to waive the requirement for a geotechnical investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.

The building official shall be permitted to waive the requirement for a foundation and soils investigation report for one-story, wood-frame, and light-steel-frame additions to Group R, Division 1 and 3 occupancies of 1,000 square feet of floor area or less, or new one-story, wood-frame, and light-steel-frame detached accessory structures 1,000 square feet of floor area or less, or one-story, wood-frame, and light-steel-frame additions to detached accessory structures 1,000 square feet of floor area or less when a licensed architect or engineer provides a foundation design and a site observation report with a statement of site suitability.

Minimum foundation for structures that do not require a soils report may be any one of the following:

1. Minimum 27" deep, 12" wide, with two (2) #5 bars, top and bottom.
2. Foundation design prepared, stamped, and signed by a licensed architect or engineer, specific to the proposed structure and including a statement of site suitability.
3. Alternative design approved by the building official due to the project's minor scope, or evidence observed by site investigation, or substantive information provided by the project owner or their authorized agent.

17.04.021 Changes or additions to the California Residential Code.

- A. Section R401.4, Soil Tests, is amended with a subsection added as follows:

R401.4.1.1.5 Alternate Procedures.

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The governing body of any city, county, or city and county may enact an ordinance prescribing an alternate procedure which is equal to or more restrictive than the procedures specified in Sections R401.4.1.1.1, R401.4.1.1.2 or R401.1.1.3.

The building official shall be permitted to waive the requirement of a foundation and soils investigation report for one-story, wood-frame, and light-steel-frame additions to Group R, Division 1 and 3 occupancies of 1,000 square feet of floor area or less, or new one-story, wood-frame, and light-steel-frame detached accessory structures 1,000 square feet of floor area or less, or one-story, wood-frame, and light-steel-frame additions to detached accessory structures 1,000 square feet of floor area or less when a licensed architect or engineer provides a foundation design and a site observation report with a statement of site suitability.

Minimum foundation for structures that do not require a soils report may be any one of the following:

1. Minimum 27" deep, 12" wide, with two (2) #5 bars, top and bottom.
2. Foundation design prepared, stamped, and signed by a licensed architect or engineer, specific to the proposed structure and including a statement of site suitability.
3. Alternative design approved by the building official due to the project's minor scope, or evidence observed by site investigation, or substantive information provided by the project owner or their authorized agent.

17.04.030 Changes or additions to the California Fire Code.

B. Section 311, Vacant Premises, is amended with a subsection added as follows:

311.1.3 Securing Premises.

The owner, occupant or other persons having under their control of any property, or materials on property, damaged by fire, when access by the public is possible, shall secure the property either by boarding up all openings, fencing, barricading, or other appropriate measures as directed by the Fire Chief within 24 hours of the incident.

C. Section 505, Premises Identification, is amended with subsections added as follows:

505.1.1 Address Identification.

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When the building or group of buildings (five units or more) is served by an alley or interior driveway, the numbers or alphabetical designation shall be displayed on a directory or annunciator board, approved by the Fire Chief, at each driveway or alley entrance. Senior housing, retirement villas, hotel and motel annunciator boards shall be of a Graphic type. The property owner, Homeowner's Association or individual in charge of the property shall be responsible for maintaining the directory.

505.1.2 Rear Door Address Numbers.

All buildings with access via an alley or other similar roadways shall have the address number provide on the rear door of the building or tenant space.

- D. Section 507, Fire Protection Water Supplies, is amended with a subsection added as follows:

507.2.3 Installation Requirements.

Private fire service mains and water tank installation plans shall be reviewed and approved by the Fire Chief prior to installation. The Fire Chief shall conduct field verification for compliance with approved plans prior to the issuance of a Certificate of Occupancy.

Fire Suppression Backflow Devices shall be protected from freezing by one of the following methods:

1. A dedicated 20 amp, 120-volt receptacle, capable of supporting the loads associated with commercially available heat tapes shall be located within five feet of any backflow/check valve assembly.
2. An approved insulated cover providing a minimum resistance factor of R-3. The insulation used must be of a minimum Class III flame spread index, with a smoke density no greater than 450.

- E. Section 903.2 is amended to read as follows:

903.2 Where required.

Unless otherwise required by the Code for a lesser square footage, in the locations described in Sections 903.2.1 through 903.2.12, and Sections 903.2.14 through 903.2.21, approved automatic sprinkler systems shall be provided in all new buildings and structures where the total

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combination of both usable and unusable floor area exceeds 5,000 square feet.

Exceptions:

1. Group R Occupancies per Section 903.2.8 "Exceptions:"

New Construction:

1. The area of mezzanines and additional stories above and below the ground floor shall be included in determining the areas where sprinklers are required. This requirement shall not preclude the installation of any separation walls required by other sections of the Code.
2. The square footage of a building shall be computed using a combination of both usable and unusable floor area. Vent shafts and concealed spaces shall be considered when computing building area. Areas of buildings may not be reduced, subdivided, or compartmentalized into areas less than 5,000 square feet by the installation of separation walls. Courts meeting the requirements of Section 1206 of the California Building Code shall not be included in the calculation.
3. Plans for Fire Sprinkler systems shall be submitted for review prior to inspection of the structural frame.
4. Occupancies within Commercial Zones, in which the type of tenant is not known at the time of permit (i.e. Shell Buildings), shall have the sprinkler system hydraulically designed to a minimum standard of N.F.P.A. #13, Ordinary Hazard Group III.
5. Occupancies within Industrial or Manufacturing Zones, when the type of tenant is not known at the time of construction, shall have the sprinkler system hydraulically designed to a minimum standard N.F.P.A. hazard group, as determined by the Fire Chief.

Existing Construction:

An automatic fire sprinkler system shall be installed in all rooms, buildings, or structures when the following conditions are determined to exist:

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1. In conjunction with any change in the occupancy group assigned the structure under the California Building Code, the floor area exceeds 5,000 square feet.
2. The area of mezzanines shall be included in determining the areas where sprinklers are required. This requirement shall not preclude the installation of any separation walls required by the Code.
3. The square footage of a building shall be computed using outside wall areas. Vent shafts and concealed spaces shall be considered when computing building area. Areas of buildings may not be reduced, subdivided, or compartmentalized into areas less than 5,000 square feet by the installation of separation walls. Courts meeting the requirements of Section 1206 of the California Building Code shall not be included in the calculation.

F. Section 903.3.7 is amended to read as follows:

903.3.7 Fire department connections.

Connections shall be located on the addressed side of the building and within 150 feet of a fire hydrant, with the exact location to be specified by the Fire Chief.

Exception: The Fire Chief may require connections in locations other than the addressed side when necessary due to response needs or unusual building configuration.

G. Section 5608, Fireworks Display, is amended with subsection added as follows:

5608.2 Fireworks Prohibited.

No person shall sell, display for sale, possess, store, or manufacture, use, light, fire, discharge, explode or set off any fireworks, including "Safe and Sane" fireworks anywhere within the city, except as allowed by the Fire Chief.

17.04.040 Changes or additions to the California Electrical Code.

A. Article 230.70, Service Equipment-Disconnecting Means, General, is amended with a subsection added as follows:

230.70.1. All electric services shall have a single main disconnect to disconnect all conductors in a building or structure. In all new construction

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and remodels involving fifty percent or more of the total square footage of the building, when the required disconnect is located within the building or in an area not readily accessible, a shunt trip shall be installed and wired to be activated by a 'Knox Switch' located in a readily accessible location on the exterior of the building as designated by the Fire Chief.

17.04.050 Changes or additions to the California Plumbing Code.

- A. Section 312.0, Protection of Piping, Materials, and Structures, is amended with subsection added as follows:

312.6 Freezing Protection. No water, soil, or waste pipe shall be installed or permitted outside of a building, in attics or crawl spaces, or in an exterior wall unless, where necessary, adequate provision is made to protect such pipe from freezing.

Insulation providing a minimum resistance factor of R-3 or greater is required for all pipes 2" or less in diameter that are located in unconditioned spaces.

Commercial and residential fire suppression systems shall be provided with an insulation cover providing a minimum resistance factor of R-3. The insulation used must be of a minimum Class III flame spread index, with a smoke density no greater than 450.

- B. Section 401.3, Water-Conserving Fixtures and Fittings, is amended with a subsection added as follows:

401.3.1. Equipment installed in automatic and coin operated car washes shall be capable of recycling a minimum of fifty percent (50%) of the water required for their daily operation.

- C. Section 603.3, Backflow Prevention Devices, Assemblies, and Methods, is amended with subsections added as follows:

603.3.13. All new Commercial, Industrial, and Multi-family developments (two units or more) shall protect the city water supply through the installation of a Backflow - Reduced Pressure Device Prevention Device. Approval of the type and location of the device shall be the responsibility of the City Public Works Department.

603.3.14 Existing Commercial, Industrial, and Multi-family developments (two units or more) originally constructed without backflow-reduced pressure devices, shall retrofit and install a backflow-reduced pressure device in conjunction with the issuance of any building or plumbing permit when the value of the work associated with the permit

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exceeds \$2500.00. Approval of the type and location of the device shall be the responsibility of the City Public Works Department.

- D. Section 608.2, Excessive Water Pressure, is amended with a subsection added as follows:

608.2.1. For potable water services up to and including one and one half (1-1/2) inch (38.1 mm) regulators, provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Approved regulators with integral by-passes are acceptable.

As a result of excessive water pressures found within the City of El Paso de Robles, pressure regulators complying with 608.2 above shall be installed on all new construction, and on all remodels consisting of changes to, or increases of the floor space in excess of 50% of the existing gross square footage.

- E. Section 612, Residential Fire Sprinkler Systems, is amended with a subsection added as follows:

612.1.1. Passive purge fire sprinkler systems are a type of residential fire sprinkler system that serves a single toilet in addition to the fire sprinklers. The toilet shall be on a remote portion of the sprinkler system, or the system shall be designed as a loop so that the water moves through a majority of the fire sprinkler system piping when the toilet is flushed. Passive purge system non-metallic pipe and fittings shall be designed to withstand a working pressure of not less than 130 psi (8.9 bar) at 120 degrees (49C).

17.04.060 Building permit fees.

Building permit fees shall be as established in the city master fee schedule, as adopted by the City Council.

17.04.070 Penalty for violation.

Any person who violates any of the provisions of this chapter, or fails to comply with any order made thereunder, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor.”

SECTION 3. Municipal Code Amendment. Section 17.12.010 of the El Paso de Robles Municipal Code is hereby amended to read in its entirety as follows:

“17.12.010 Protective enclosures for swimming pools, etc.

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A. Every person who owns or is in possession of any lot or premises on which there is situated a swimming pool, or pool, any structure intended for swimming or recreational bathing, including in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, non-portable wading pools, fish ponds, wading pools or any other outside body of water created by artificial means designated or used for swimming or other immersion purposes by men, women or children, any portion of which body of water is one and one-half feet or more in depth and in which the surface area of water does not exceed ten thousand square feet, public swimming pools operated for the use of the general public with or without charge, or for the use of the members and guests of a private club, (public swimming pool does not include a swimming pool located on the grounds of a private single-family home), shall maintain a fence, wall, or other structure on the lot or premises completely surrounding such body of water to make same inaccessible to children. Such fence, wall, or other structures shall comply with Article 2, commencing with Section 115920 of the State Health and Safety Code, relating to swimming pools as follows:

1. The top of the barrier shall be at least five feet above the grade measured on the side of the barrier that faces away from the swimming pool;
2. Any openings, gaps, or voids, if any, in the barrier shall not allow passage equal to or greater than a four inch diameter sphere;
3. Solid barriers which do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions excepting tooled masonry joints;
4. If the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-eight inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-quarters inches in width. If there are decorative cutouts, they shall not exceed one and three-quarters inches in width;
5. If the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members if forty-eight inches or more, spacing between vertical members shall not exceed four inches. If there are decorative cutouts within vertical members, spacings or openings within the cutouts shall not exceed one and three-quarters inches in width;
6. The maximum mesh size for chain link or wire fences shall be two inches structure. The wire shall not be less than twelve gauge;

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7. If the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters inches;
8. Each access gate shall comply with the requirements of subsections (A)(1) through (A)(7) of this section, inclusive, and shall be equipped to accommodate a locking device.
 - a. Pedestrian-access gates shall open outward away from the pool and shall be self-closing and self-latching.
 - b. Gates other than pedestrian-access gates shall have a self-latching device. If the release mechanism of the self-latching device is located less than fifty-four inches from the bottom of the gate, the release mechanism shall be located on the pool side of the gate and the barrier shall have no opening greater than one-half inch maximum dimension within eighteen inches of the release mechanism.
9. The foregoing provisions shall apply to all permanent and to all portable or temporary structures including those designed or used for swimming or other immersion purposes by men, women, or children irrespective of the nature of the materials used in the construction and or the design thereof and irrespective of the length of time of use of such portable or temporary structure.
 - a. A pool located on a lot with a single-family dwelling or duplex may be protected by a fence around the pool or a fence around the entire lot; the walls of any such building may be used for a partial or complete enclosure of the pool. All other pools shall be protected by a fence around the pool itself.
 - b. In lieu of a permanent fence being required prior to starting construction, a temporary enclosure may be installed at time of excavation. Height and gate requirements for temporary enclosures shall be the same as those for permanent fences. The temporary enclosure is to be removed and the permanent enclosure installed in conjunction with installation of the finish decking around the pool or prior to final inspection.”

SECTION 4. Municipal Code Amendment. Chapter 17.18 of the El Paso de Robles Municipal Code is hereby amended to read in its entirety as follows:

“Chapter 17.18 – Amendments to the California Existing Building Code, Appendix A, Chapter A1

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17.18.010 California Existing Building Code.

The California Existing Building Code, Appendix A, Chapter A1 entitled Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings, with the amendments set forth in this chapter, is adopted.

17.18.020 Scope.

Section A102 entitled "Scope" is amended for A102.1 to read as follows and subsection A102.3 is added as follows:

Section A102 Scope

A102.1 General. The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A102.1. Except as provided herein, all other provisions of the California Building Code shall apply.

A102.3 Exceptions. The provisions of this chapter shall not apply to detached one- or two-family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes.

17.18.030 Definitions.

Section A103 entitled "Definitions" is amended to include the following additional definitions:

1. "Qualified Historical Building" means any structure included on the National Register of Historic Buildings or the state list of Significant Historic Buildings.
2. "Qualified Zones" means that zone or geographic area referenced under the State [California] Building Code establishing the potential earthquake hazard of a given area.
3. "Seismic Retrofit" means all work necessary to comply with the requirements of this chapter.

The above definitions shall be in addition to those contained in the California Building Code and International Existing Building Code Section A103.

17.18.040 Administrative provisions.

A new Section A115 entitled "Administrative Provisions" is added to read as follows:

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Section A115 Administrative provisions

A115.1 Compliance requirements.

A115.1.1 Structural analysis. The owner of each building within the scope of this chapter shall, upon service of an order and within the time limits set forth in this chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this chapter, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

A115.1.2 Twelve-month compliance requirements. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this chapter shall obtain one of the following from the Building Official:

1. A building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the building to comply with this chapter; or
2. A letter from the Building Official stating that he or she concurs with a structural analysis, which demonstrates that the building meets the minimum requirements of this chapter and therefore does not require seismic retrofitting; or
3. A permit for the demolition of the building. Issuance of a permit for demolition of a building shall be subject to compliance with the provisions of Chapter 17.16 (Demolition of Buildings and Structures) of the City of El Paso de Robles Municipal Code.

In order to meet the deadline set forth above, owners of buildings within the scope of this chapter must submit structural analyses, plans for structural alteration of the building, and/or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this chapter.

A115.1.3 Thirty-month compliance requirements. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this chapter shall complete construction of structural alterations or complete demolition of the building, as applicable.

A115.2 Historical buildings. Alterations or repairs to qualified historical buildings shall comply with the State Historical Building Code (Title 24, Building Standards, Part 8), in addition to this chapter.

A115.3 Order.

A115.3.1 Service. The building official shall issue an order as provided in this

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section to the owner of each building within the scope of this chapter. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards of this chapter. The order shall be accompanied by a copy of Section A115.1, which sets forth time limits for compliance.

A115.4 Recordation.

1. At the time that the Building Official serves the order as provided in Subsection A115.3.1, the Building Official shall also file with the San Luis Obispo County Clerk-Recorder's Office a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this chapter has not been demonstrated.

2. If the building is either 1) demolished, 2) found not to be within the scope of this chapter or 3) is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the Building Official shall file with the San Luis Obispo County Clerk-Recorder's Office a form terminating the status of the subject building as being classified within the scope of this chapter.

A115.5 Appeal. Appeals or requests for modifications from any determinations, actions, or orders by the Building Official pursuant to this chapter shall be made to the Building Board of Appeals. Such appeal shall be filed with the Building Board of Appeals within sixty (60) days of the rendering of the decision being appealed. Such appeal shall be made in writing on appropriate forms provided therefore by the Building Official and the grounds thereof shall be stated clearly and concisely.

A115.6 Enforcement.

A. If the owner in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Chapter within the time limits set forth in Section A115.1, the Building Official shall verify that the recorded owner of this building has been properly served.

B. If the order has been served on the record owner, then the Building Official may order that the entire building, or any portion thereof, be vacated and that the building, or any portion thereof, remain vacated until such order has been complied with.

C. If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated or such additional time as

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may have been granted, the building is hereby declared a public nuisance, and the Building Official shall order abatement of the building.

D. Any person who violates any provision of this chapter is guilty of a misdemeanor and is subject to the penalty as provided for in Section 1.02.010 of the City of El Paso de Robles Municipal Code.

E. Appeals or requests for modifications from any determinations, actions, or orders by the Building Official pursuant to this section shall be handled in the manner set forth in Section A115.5.

A115.7 Full strengthening required prior to time frames set forth in Section A115.1. The Building Official shall require full compliance with the minimum seismic standards contained within this chapter before the time frames set forth in Section A115.1 upon the occurrence of any one of the following conditions:

1. Any change or conversion of an unreinforced masonry structure from its existing use to that of a more intensive use;

2. The remodel of a structure covered by this chapter, in an amount equaling fifty percent of the structure's value as determined using the latest edition of the Building Standards Valuation, published by the International Conference of Building Officials; and/or

3. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this chapter prior to the normal service date for such building.

A115.8 Certificate of compliance.

1. In accordance with Chapter 3, Section 70(d)(3) of the Revenue and Taxation Code, the Building Division shall, upon the completion of a seismic retrofit, file a certificate of compliance with the County Assessor's Office on or before the following April 15th.

2. The certificate of compliance shall establish that the work associated with the seismic retrofit was the result of a local ordinance related to seismic safety, and therefore shall not add value to the assessment role.

A115.9 Requirements for structural alteration plans - structural engineering.

The following construction information shall be included in the structural alteration plans submitted to the Building Official pursuant to Section A115.1 of this chapter:

1. Dimensioned floor and roof plans showing existing walls and the size and

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spacing of floor and roof framing member and sheathing materials. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned or drawn to scale on the plans;

2. Dimensioned wall elevations showing openings, thicknesses, heights, the type of veneer, its thickness, and its bonding and/or ties to the structural wall masonry;

3. The extent and type of existing wall anchorage to floors and roof when used in the design;

4. The extent and type of parapet corrections which were previously performed, if any; and

5. Repair details, if any, of cracked or damaged unreinforced masonry walls.

A115.10 Material requirements.

A115.10.1 General. All materials permitted by this chapter, including their appropriate allowable design values substantiated by testing, may be utilized to meet the requirements of this chapter.

A115.10.2 Existing materials. All existing materials utilized as part of the required vertical load-carrying or lateral force-resisting system shall be tested or shall be repaired or removed and replaced with new materials.

A115.11 Upgrade design—requirements for expanded or continued use of a structure.

1. Except as modified herein, the analysis and design relating to the alteration of, or addition to, an existing building shall be in accordance with the California Building Code.

2. Contractors providing structural upgrades shall be licensed by the State of California in the trade(s) being performed to accomplish the upgrade.

3. Design documents and specifications pertaining to structural upgrades shall be prepared by an architect, structural engineer or civil engineer specializing in structural work, licensed by the State of California to practice as such.

4. Design documents and specifications shall comply with this chapter.

A115.12 Special requirements for qualified historical buildings.

A115.12.1 Purpose and Intent of this Section A115.11. The purpose and intent of this Section A115.11 shall be to minimize the effects of seismic strengthening on the

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exterior appearance of qualified historical buildings.

A115.12.2 Review by the City of El Paso de Robles Development Review Committee. Plans for seismic upgrading of qualified historical buildings shall be reviewed by the Development Review Committee. The basis of review shall be the design guidelines established by this chapter and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Properties, with the following special requirements:

1. Features of architectural or historical significance shall be retained and reattached, braced or stabilized, as required by applicable codes and/or the Building Official.
2. In-wall anchors shall be used on qualified historical buildings instead of through-wall anchors, especially on the principal facade.
3. Through-wall anchors on other facades may be permitted, provided that their locations and treatment are approved by the Development Review Committee.
4. Closure of historic openings on the principal facade shall not be permitted and shall be discouraged on secondary facades. If closure of such openings on secondary facades is unavoidable, the materials used shall be compatible with the existing exterior materials of the secondary facade wall.
5. Historic parapets shall be braced rather than removed.
6. Historic architectural veneer posing a safety hazard shall be stabilized and re-anchored to the building.

A115.12.3 Building Exterior.

1. In order to minimize the effect on the exterior appearance of a qualified historical building, plans showing proposed shear-test locations shall be submitted for review and approval by the Community Development Director or his or her designee, prior to any testing of the structure taking place.
2. Repairs after testing shall match the original adjacent existing building facade materials.

A115.13 Buildings with brick veneers, cornice work and/or parapets.

A115.13.1 Buildings constructed prior to 1972. The owner of each building constructed prior to 1972 with a brick veneer shall, upon service of an order and within the time limits set forth in this chapter, cause an analysis to be made of the veneer by an engineer or architect licensed by the state to practice as such and have such veneer examined to determine if it is anchored to the building structure in a manner consistent

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with the anchorage requirements contained in this chapter.

1. The owners of buildings within the scope of this Subsection shall be served written orders in the manner set forth in Sections A115.3 informing them of the requirements of this Subsection.

2. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this Subsection shall obtain from the Building Official a building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the brick veneer to comply with this Subsection.

3. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this Subsection shall complete anchoring of the brick veneer to meet the anchoring requirements of this chapter.

In order to meet the deadline set forth above, owners of buildings within the scope of this Subsection must submit structural analyses and plans for structural alteration of the building, and/or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this Chapter.

A115.13.2 Buildings from which brick veneers, cornice work, and/or parapets were removed as a result of the December 22, 2003 earthquake. Each owner of a building from which brick veneers, cornice work and/or parapets were removed as a result of the December 22, 2003 earthquake shall replace said veneers, cornices, and/or parapets.

1. The owners of buildings within the scope of this Subsection shall be served written orders in the manner set forth in Sections A115.3 informing them of the requirement to replace said veneers, cornices, and/or parapets. Said order shall inform building owners that veneers, cornice work and/or parapets shall be replaced with materials providing the same architectural/historical features originally removed.

2. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this Subsection shall obtain from the Building Official a building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the brick veneer, cornice, and/or parapet to comply with this Subsection.

3. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this Subsection shall complete all replacement work.

In order to meet the deadline set forth above, owners of buildings within the scope of this Subsection must submit structural analyses and plans for structural

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alteration of the building and/or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this Chapter.

A115.13.3 Appeals. Appeals of orders specified in this Section A115.12 shall be handled in the manner set forth in Section A115.5.

A115.14 Report to City Council. Within thirty (30) days of the deadlines established in Sections A115.1 and A115.12, the Building Official shall make a written report to the City Council explaining the status of compliance for each building served notice as set forth in Section A115.3.”

SECTION 5. Justifications for Local Amendments. The City Council hereby finds that the changes and modifications to the California Building Code, Residential Code, Fire Code, Electrical Code, Plumbing Code, and Existing Building Codes in Sections 17.04.020, 17.04.021, 17.04.030, 17.04.040, 17.04.050, 17.18.020, 17.18.030, and 17.18.040 of the El Paso de Robles Municipal Code are reasonably necessary because of the City’s local climate, characterized by hot, dry summers, often resulting in drought conditions, followed by strong winds, often resulting in hazardous fire conditions, and heavy winter rains, often resulting in expansive soil conditions; the City’s geological characteristics in that the area is characterized by geological instability; location in South-Central California; and the topography of the City.

The City Council hereby further finds that certain modifications to the State Building, Residential, Fire, Electrical, Plumbing, and Existing Building Codes in Sections 17.04.020, 17.04.021, 17.04.030, 17.04.040, 17.04.050, 17.18.020, 17.18.030, and 17.18.040 of the El Paso de Robles Municipal Code are administrative in nature and are necessary to allow the uniform application of the codes by procedures suited to the size and nature of the City’s staff and administrative agencies by means suited to the City’s experience with local climatic, geological, and topographical conditions, and to provide sufficient staff support for the time-consuming inspections and analysis required by the City’s fire and geological hazards.

Accordingly, the City Council finds the modifications in this Ordinance to the State Building Code, Residential Code, Fire Code, Electrical Code, Plumbing Code, and Existing Building Code to be necessary for the protection of the public health, safety, and welfare. The City Council hereby adopts all findings set forth in Exhibit “A” to this Ordinance.

SECTION 6. Filing. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission pursuant to section 17958.7 of the California Health and Safety Code.

SECTION 7. CEQA. The City Council finds that the adoption of the California Building Standards Code and these local amendments thereto is exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guideline section 15061(b)(3) (the commonsense exemption). The action is largely administrative in nature and designed to

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improve and not degrade environmental quality such that there is no possibility that adopting this Ordinance would adversely affect the environment in any manner that could be significant.

SECTION 8. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect any remaining provision hereof. The City Council of the City of El Paso de Robles hereby declares that it would have adopted this Ordinance despite any partial invalidity of its provisions.

SECTION 9. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage and adoption, consistent with California Government Code section 36937.

SECTION 10. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

INTRODUCED at a regular meeting of the City Council held on December 5, 2023, for first reading by the City Council of the City of El Paso de Robles, and adopted on the ___ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk

APPROVED AS TO FORM:

City Attorney

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Exhibit A

Findings to Support Local Amendments to the 2022 Edition of the California Building Standards Code

Pursuant to California Health & Safety Code sections 17958.5, 17958.7, and 18941.5, this Exhibit A to Ordinance No. ___ of the City of El Paso de Robles sets forth the City Council's express findings and determinations justifying the City's local amendments to the 2022 Edition of the California Building Standards Code as reasonably necessary because of local climatic, geologic, and/or topographic conditions.

Amendments to California Building Code (CBC)

Municipal Code Section	CBC Section Added or Amended	Substance of Amendment (full text in Ordinance No. ____)	Justification (see key below)
Sec. 17.04.020	105.1.3	Requirement to secure valid building permit prior to soil preparation or movement, installation of foundation or utilities.	B1
	105.1.4	Permit revocation	A
	105.1.5	No building permit for structures abutting streets less than a certain width without Council resolution unless street dedication requirements are met.	B1, B2
	105.1.6	Dedication of street right-of-way.	A
	105.1.7	Setbacks	B1, B2
	113.1.1	Establishing Housing Advisory and Disabled Access Board of Appeals	A
	113.1.2	Requirement to adopt rules and regulations for conduct of business	A

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	113.1.3	Appeals procedure	A
	113.1.4	Appeal hearing fee	A
	113.1.5	Timing and form of appeal	A
	113.1.6	Hearing and decision	A
	113.2.1	Function as local appeals board	A
	113.3.2	Eligibility for Board of Appeals	A
	113.3.3	Term for Board of Appeal members	A
	1803.2	Establishing authority for building official to make exceptions to soils testing requirements	B1

Amendments to California Residential Code (CRC)

Municipal Code Section	CRC Section Added or Amended	Substance of Amendment (full text in Ordinance No. ____)	Justification (see key below)
Sec. 17.04.021	R401.4.1.1.5	Alternate procedures for requiring soil tests	B1

Amendments to California Fire Code (CFC)

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Municipal Code Section	CFC Section Added or Amended	Substance of Amendment (full text in Ordinance No. ____)	Justification (see key below)
Sec. 17.04.030	311.1.3	Requirement of owner to secure premises damaged by fire	B2
	505.1.1	Signage on buildings served by alleys or interior driveway	A
	505.1.2	Rear door address numbers	A
	507.2.3	Requirement to review private fire service mains and water tank installation plans	B2
	903.2	Automatic sprinkler systems, where required	B2
	903.3.7	Fire department connection locations	B2
	5608.2	Fireworks prohibited	B2

Amendments to California Electrical Code (CEC)

Municipal Code Section	CEC Section Added or Amended	Substance of Amendment (full text in Ordinance No. ____)	Justification (see key below)
Sec. 17.04.040	230.70.1	Service Equipment disconnecting means	B2

Amendments to California Plumbing Code (CPC)

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Municipal Code Section	CPC Section Added or Amended	Substance of Amendment (full text in Ordinance No. ____)	Justification (see key below)
Sec. 17.04.050	312.6	Making explicit requirement to winterize pipes two inches or less in diameter	B1, B3, B4
	401.3.1	Car wash water recycling minimum requirements	B3
	603.3.13	Requirement for backflow-reduced pressure prevention devices in new developments	B2
	603.3.14	Requirement to retrofit backflow devices on existing units	B2
	608.2.1	Requirement to prevent pressure on building side of regulators exceeding main supply pressure	B2
	612.1.1	Minimum working pressure for passive purge fire sprinkler systems	B2

Amendments to California Existing Buildings Code (CEBC)

Municipal Code Section	CEBC Section Added or Amended	Substance of Amendment (full text in Ordinance No. ____)	Justification (see key below)
Sec. 17.18.020	A102.1	General scope of chapter	A
	A102.3	Exception for detached one- and two-family dwellings, apartment houses w/ less than five dwelling units solely for residential purposes	B1, B2

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17.18.030	A103	Added definitions for Qualified Historical Building, Qualified Zones, and Seismic Retrofit.	A
17.18.040	A115.1 (including its subparts)	Administrative compliance provisions	A
	A115.2	Requiring qualifying historical building alterations to comply with State Historic Building Code	B1, B2
	A115.3 (including its subparts)	Orders of building official, notice thereof	A
	A115.4	Recordation of order	A
	A115.5	Appeal of order	A
	A115.6	Enforcement of order	A
	A115.7	Compliance with minimum seismic standards, timeline for	B1
	A115.8	Certificate of compliance	A
	A115.9	Requirements for structural alteration plans	B1, B2
	A115.10 (including its subparts)	Material requirements	B1, B2, B3

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	A115.11	Upgrade design requirements for expanded/continued use of structure	B1, B2
	A115.12 (including its subparts)	Special requirements for qualifying historical buildings	B1, B2
	A115.13 (including its subparts)	Brick veneers, cornice work, parapets	B1
	A115.14	Appeals from special historical building requirements	A
	A115.15	Report to City Council explaining compliance of each building ordered to structurally analyze the building	

Justifications KEY:

A – This is an administrative amendment, which does not modify a building standard as defined in California Health & Safety Code section 18909. The amendment establishes administrative procedures for the effective enforcement of the building standards in the City of El Paso de Robles.

B – This amendment is reasonably necessary because of the following local climatic, geological, or topographical conditions:

1. The City of El Paso de Robles suffers from potential seismic and soils hazards posed by groundshaking, liquefaction, lurch cracking, landslides, erosion, expansive soils due to its local climate and proximity to the San Andreas fault. The City has multiple masonry and brickface structures that are particularly vulnerable to seismic activity.
2. The City of El Paso de Robles contains many older woodframe structures that are particularly susceptible to fire. Dry summer months contribute to increased wildfire risk; much of the Paso Robles PIA is conducive to the spread of wildland fires.
3. The City is prone to flooding when storm flows exceed the transport capacity of creek and river channels, especially since the central portion of the City surrounds the Salinas River and encompasses its floodplain. FEMA Flood Insurance Rate Maps indicate that several areas within current City limits are located within a 100-year floodplain.
4. The City experiences sudden and potentially severe cold weather during winter months, creating unique risks associated with freezing pipelines and related utilities.