



Council Agenda Report

From: Charlie Moloney, Interim Chief Building Official
Paul Patti, Battalion Chief/Fire Marshal

Subject: Second Reading by Title Only and Adoption of Ordinance Adopting 2022 California Building Standards Code with Local Amendments

CEQA Determination: The City finds that this action is not a project under the California Environmental Quality Act pursuant to State CEQA Guidelines, § 15061, subd. (b)(3).

Date: January 16, 2024

Facts

1. The State of California updates the California Building Standards Code (CBSC) every three years. The California Building Standards Commission adopted the 2022 Edition of the California Building Standards Code, effective January 1, 2023, and codified in Title 24 of the California Code of Regulations.
2. California Government Code Section 50022.1 *et seq.* authorizes the City to adopt by reference the CBSC, 2022 Edition, which also includes certain such uniform codes as 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.
3. Pursuant to California Health and Safety Code Sections 17958.7 and 18941.5, the City may adopt local amendments to the 2022 CBSC that are determined by the City Council to be reasonably necessary because of local climatic, geological, or topographical conditions.
4. Simplifying Title 17, *Building and Construction*, of the Paso Robles Municipal Code (the "Building Ordinance") has removed several barriers to construction and has contributed to the desire to build in Paso Robles.
5. Staff has identified opportunities to further update the Building Ordinance, which would provide additional clarity in the field for City staff, developers, property owners, and residents.
6. On December 5, 2023, the City Council held a public hearing where the proposed ordinance was introduced for first reading.

Options

1. Second reading, by title only, and adoption of Ordinance 1133 adopting the 2022 California Building Code with local amendments;
2. Refer this item back to staff with direction for further analysis.

Analysis and Conclusions

The City Council held a hearing on December 5, 2023 and introduced the ordinance for first reading. Since first reading there have been no substantive changes to the ordinance. The City Council must hold a public hearing for the second reading of the ordinance as required by State Law.

Previous Staff Report Discussion

The 2022 California Building Standards Code became effective statewide on January 1, 2023, and applies to building permit applications submitted from that date forward (permits submitted prior to January 1, 2023, effective date continue to be subject to the 2019 Code). The California Building Code has become more stringent over time and has, in many ways, caught up with the City's Building Ordinance. During the last code adoption process for the 2019 California Building Standards Code, City Staff worked closely with the development community to identify several of the municipal code provisions that were redundant with the 2019 California Building Code. During that process, eight pages of antiquated building security requirements and overly bureaucratic requirements for moving buildings were deleted from the City's Building Ordinance. Language was also simplified to provide more clarity on the existing requirements.

Because the 2022 California Building Standards Code went into effect statewide on January 1, 2023, the City must adopt an ordinance to implement desired local amendments to the California Building Standards Code to address climatic, geological, and/or topographical conditions specific to the City of Paso Robles. It is critical to have the local amendments adopted for clarity and continuity of enforceability. The draft ordinance proposes minor changes to the prior version of the local amendments.

The draft ordinance would make certain changes to Title 17 of the Municipal Code, including:

1. Coordination – updates references from the “2019 California Building Standards Code” to the “2022 California Building Standards Code.”
2. Deletion – deletes existing municipal code provisions that are no longer relevant or are otherwise redundant to the 2022 California Building Standards Code (e.g., permit expiration dates 180 days to 1 year).
3. Soils Exemption – there is a soils/geotechnical investigation requirement that the Building Official can waive under the Building and Residential Codes. The proposed amendment specifies when soil reports are not required, as long as additional criteria are met. A neighboring jurisdiction follows the same guidelines which have the support of soils engineers, civil engineers, and architects. This will help create consistency for developers locally.
4. Plumbing Pipe Insulation – this item was in the previous version of the local amendments because of historic climatic conditions but was previously deleted. Since that time, there has been confusion in the field as to this requirement's continued existence. Restoring a direct reference to this requirement will add clarity for the City and developers.

A redline version of all proposed modifications and justification/clarification for the changes is attached to this staff report for reference. Council may choose to amend, modify, or refer the draft ordinance back to staff. In these scenarios, pushing back the adoption timeline will continue to extend the lapse in the enforceability of the local amendments.

Fiscal Impact

There are no direct fiscal impacts to the City by adopting this ordinance.

Recommendation (Option 1)

1. Introduce for second reading, by title only, Ordinance 1133, 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:
 - a. The 2022 California Administrative Code;
 - b. The 2022 California Building Code, including Chapter 1;
 - c. The 2022 California Residential Code;
 - d. The 2022 California Electrical Code;
 - e. The 2022 California Mechanical Code;
 - f. The 2022 California Plumbing Code;
 - g. The 2022 California Energy Code;
 - h. The 2022 California Historical Building Code;
 - i. The 2022 California Fire Code, including Chapter 1 and Appendices B and D thereto;
 - j. The 2022 California Existing Building Code;
 - k. The 2022 California Green Building Standards Code;
 - l. The California Referenced Standards Code, 2022 Edition; and
 - m. Making Certain Amendments to Title 17.
2. Find the Action Exempt from the California Environmental Quality Act.

Attachments

1. Ordinance 1133
 - a. Exhibit A - Findings to Support Local Amendments
2. Existing Title 17 with Redlined Proposed Changes
3. Public Notice 2023-12-29
4. Public Notice 2024-01-05