



MEMORANDUM

DATE: November 10, 2022
TO: Planning Commission
FROM: Jeremiah Robbins, Associate Planner via John Swiecki, Community Development Director
SUBJECT: **Discussion of Adoption of the 2022 California Building Code & Reach Codes**

Introduction

Every three years a new set of construction codes, or California Building Standards Code (CBC), is published by the state. Local adoption of these codes vests the authority to enforce the state codes with the local jurisdiction, as required by state law. The new 2022 CBC will become effective statewide on January 1, 2023. The three-year update cycle is also the time for a city to adopt local modifications, or “reach codes”, if desired. Since CBC adoption and reach codes are contained in Title 15 – Buildings and Construction of the Brisbane Municipal Code (BMC), they are not subject to the Planning Commission’s purview. However, this memo is provided to inform the Commission of the proposed amendments to Title 15 before the City Council considers code adoption later this month. The Codes are still under preparation so this memo provides a preliminary overview of key draft provisions for the Commission’s information.

Background

The California Health and Safety Code allows local jurisdictions to modify the CBC and adopt more stringent requirements or “reach codes”, with the caveats that:

1. The local modifications to the state code must be substantially equivalent to or more stringent than the building standards published in the California Building Standards Code; and
2. The local jurisdiction is required to make specific findings that such changes are reasonably necessary because of local geological, climatic, topographic, and/or environmental conditions.

The last state building code adoption cycle was effective on January 1, 2020, and the City amended BMC Chapter 15.04 to adopt it as well as local modifications to the State Fire Code. The City also adopted reach provisions pertaining to energy conservation and generation and electric vehicle charging infrastructure with the last cycle.

Reach codes provided within Title 15 include the following:

- Fire Prevention
- Water Conservation in Landscaping
- Recycling and Diversion from Construction and Demolition
- Green Building Requirements
- Energy Conservation and Generation
- Electric Vehicle (EV) Charging Infrastructure

Proposed Reach Code Amendments

There are no new reach codes proposed this cycle, rather the amendments for City Council consideration will include the repeal of a reach code that is no longer relevant, i.e., CBC provisions are at least as stringent, and the reorganization of an existing reach code to simplify its adoption.

In summary, the following action is recommended for the City’s existing reach codes related to energy and GHG provided below:

<i>Reach Code</i>	<i>Recommended Action</i>
Onsite Energy Generation	Repeal
EV Charging Infrastructure	Retain
New Buildings Electrification	Retain with minor amendment(s) to narrow scope of permitted exceptions

Onsite Energy Generation, or solar energy generation: Originally adopted in 2016 and modified in 2019, the 2022 CBC will meet or exceed the requirements of this reach code. As it will be obsolete in 2023, staff recommends the it be deleted.

EV Charging Infrastructure reach code: Adopted last cycle, this reach code still exceeds the requirements imposed by the 2022 CBC and it remains more stringent than the most recent model reach code template for EV charging infrastructure. A minor update is proposed to the City’s related EV streamlining ordinance to reference successor legislation recently passed by the State that addressing the timeline, or streamlining requirements, on permits for EV charging infrastructure; no change is proposed to the current EV charging infrastructure standards contained within this reach code.

New Buildings Electrification: Also adopted last cycle, this reach code still exceeds the requirements contained within the 2022 CBC. However, staff recommends eliminating the blanket exceptions for residential and life science buildings contained within the current reach code. This would be in line with more recent reach codes adopted by cities, like San Mateo, Belmont, and San Carlos, that found there is no need for such exceptions. The proposed amendment would grant exceptions only if, “the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method.” If an exception were granted, subject to approval from the Building Official, the applicant would still be required to pre-wire the building to be all-electric as condition of approval.

Other Amendments: Finally, as part of the code adoption, staff will be reviewing other areas of the BMC for consistency with the 2022 CBC. This includes, but is not limited to the Fire Department's review of the local Fire Code and other parts of the CBC. Amendments will be proposed to protect both public and private property within the City by reason of climatic, geological, topographical, and/or environmental conditions identified in the draft ordinance.



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