



## AGENDA REPORT SUMMARY

**Meeting Date:** November 15, 2022

**Subject:** Introduce an Ordinance Adopting by Reference the 2022 California Building Codes with Amendments, and Set a Public Hearing on November 29, 2022, for Adoption of the Ordinance

**Prepared by:** Nick Zornes, Development Services Director

**Reviewed by:** Jon Maginot, Assistant City Manager

**Approved by:** Gabriel Engeland, City Manager

**Attachment(s):**

1. Draft Ordinance

**Initiated by:**

City Council

**Fiscal Impact:**

There is no fiscal impact to the City for the creation of this report.

Additional costs could be incurred during the building plan check process as city specific building code regulations will require specialized review from either in-house staff or third-party consultants. Should in-house building division staff be required to facilitate additional plan check review this could necessitate additional staffing resources to conduct the plan review or provide inspection services. Staffing can only be monitored at this time; any additional resources would be needed to be evaluated during implementation of the code during 2023.

**Environmental Review:**

This Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Green Buildings Standards Code within are enacted to provide more protection to the environment, and therefore

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**Reviewed By:**

City Manager

GE

City Attorney

JH

Finance Director

JF

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is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

**Summary:**

- Every three (3) years the California Building Standards Commission updates the California Building Standards Code. Each jurisdiction must adopt the updated California Building Standards prior to the effective date. The 2022 California Building Standards become effective on January 1, 2023.
- State law allows a local jurisdiction to modify or change these codes and establish more restrictive building standards if the local jurisdiction finds that the modifications and changes are reasonably necessary because of local, climatic, geological, or topographical conditions. This ordinance would adopt the statewide codes and local amendments that are intended to enhance and safeguard public health, safety, and general welfare in addition to providing safety to firefighters and emergency responders during emergency operations.
- As directed by City Council on September 6, 2022, the draft ordinance readopts the existing Reach Codes that are in effect today and that are not in conflict with the new 2022 California Building Codes.

**Staff Recommendation:**

Introduce and Waive further reading of Ordinance No. 2022-XX to amend Title 12 Buildings and Construction of the Los Altos Municipal Code.

**Purpose**

Update Title 12 Buildings and Construction of the Los Altos Municipal Code and adopt the 2022 California Building Codes with added local amendments to align the City of Los Altos with codes mandated by the State of California.

**Background**

The 2022 California Building Standards Code, are State mandated construction codes and since 1953 have been required to be updated on a triennial cycle. These codes establish minimum building standards to protect the public welfare and provide uniformity in building law. In order to incorporate the updated version of the California Building Standards Code into the Los Altos Municipal Code, the City Council must adopt an ordinance revising Title 12 Buildings and Construction in the LAMC. Local amendments are included within the draft ordinance, and are allowed by State law, so as long as the local amendments are more restrictive than the State minimums.



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### **Discussion**

California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions. The 2022 California Building Standards Code includes the: California Administration Code, California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Code, California Fire Code, California Existing Building Code, California Green Building Standards Code and the California Referenced Standards Code.

The 2022 California Building Standards Code establishes construction standards to protect the public welfare and provide uniformity in building laws. State law requires updating the Building Codes every three (3) years. The updated 2022 Building Codes go into effect automatically January 1, 2023, regardless of the City taking action or not. However, an ordinance must be adopted in order to incorporate the City's local amendments and the Santa Clara County Fire Department amendments into the Building Codes. Staff is recommending that the City Council adopt the updated California Building Standards Code including previously adopted local amendments.

The City of Los Altos contracts with the Santa Clara County Fire Department to enforce Fire Codes. The Santa Clara County Fire Department has provided their 2022 Fire Code modifications that include a variety of amendments that reflect the local rules they administer amongst the multiple jurisdictions they provide fire services to. All modifications prepared by Santa Clara County Fire Department have been incorporated into the draft ordinance.

Lastly, on September 6, 2022, the City Council accepted staff's recommendation to readopt the existing Reach Codes to remain in effect after January 1, 2023. The local amendments included within the draft ordinance incorporates the existing Reach Code provisions that are not in conflict with the 2022 California Building Standards Code. As directed by the City Council, staff will return early next year with additional amendments to the Los Altos Municipal Code based on the recommendations of the Environmental Commission which were presented at the September 6, 2022, meeting. It is important to note that the vast majority of the draft ordinance before the City Council this evening is consistent with the standard provisions included in the 2022 California Building Codes. Local amendments to the code as it relates to Reach Codes are as follows:

- Increased EV Ready charging for Single Family Residences
- Increased EV Ready percentage requirement for Multi Family Residences
- Electric Only for New Construction Single Family Residences (no remodels included in this provision; consistent with existing Reach Codes)



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**Recommendation/Possible Action:**

1. Move to read the Ordinance by title only and waive the first reading beyond the title.
2. Introduce an Ordinance amending Title 12 Buildings and Construction of the Los Altos Municipal Code, Sections 12.04, 12.08, 12.10, 12.12, 12.16, 12.20, 12.22, 12.24, 12.26, 12.30, 12.32, 12.42 and 12.68 adopting by reference the 2022 CALIFORNIA ADMINISTRATIVE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA RESIDENTIAL CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA PLUMBING CODE, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; 2022 CALIFORNIA MECHANICAL CODE, PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; 2022 CALIFORNIA ELECTRICAL CODE, PUBLISHED BY THE NATIONAL FIRE PROTECTION AGENCY; 2022 CALIFORNIA ENERGY CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA FIRE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA EXISTING BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; 2022 CALIFORNIA HISTORICAL BUILDING CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; AND 2022 CALIFORNIA REFERENCED STANDARDS CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL;
3. Set a public hearing on November 29, 2022, for adoption of the Ordinance, pursuant to California Government Code Section 50022.3.