

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA
AMENDING CHAPTER 15.08 OF THE CHULA VISTA
MUNICIPAL CODE, BUILDING CODE, ADOPTING
THE CALIFORNIA BUILDING CODE, 2022 EDITION
AND LOCAL AMENDMENTS THERETO

WHEREAS, the California Building Standards Commission requires jurisdictions within the State to begin enforcing the 2022 Editions of the California building codes on January 1, 2023; and

WHEREAS, local jurisdictions are permitted to adopt local amendments to the State building codes before they take effect; and

WHEREAS, local amendments cannot be less restrictive than the State building codes and must be based on findings that the amendments are necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the proposed ordinance adopts the 2022 California Building Code and proposes the re-adoption of existing local amendments to the current Building Code adopted by the City.

The City Council of the City of Chula Vista does ordain as follows:

Section I. Chapter 15.08

That chapter 15.08 of the Chula Vista Municipal Code is hereby amended to read as follows:

**Chapter 15.08
BUILDING CODE**

Sections:

15.08.010 California Building Code, 2019 Edition, adopted by reference.

15.08.020 Subsection 705.11 is amended to add an exception to the requirement for parapets.

15.08.030 Subsection 1510.6.4 is added to Section 1510.6 to require equipment enclosures on roofs.

15.08.010 California Building Code, 2019 2022 Edition, adopted by reference.

There is hereby adopted by reference the California Building Code, 2019–2022 Edition, known as the California Code of Regulations, Title 24 part 2, including Appendix

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~~and~~ Appendix I, and Appendix P, as adopted by state agencies, and excluding Chapter 1, Division II of that document as copyrighted by the International Code Council, and the California Building Standards Commission. Said document is hereby adopted as the Building Code of the City of Chula Vista for regulating the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, use, height, and area of all buildings and structures in the City, excepting such portions as are hereinafter deleted, modified, or amended. Chapter 15.06 of the Chula Vista Municipal Code shall serve as the administrative, organizational and enforcement rules and regulations for this ~~Chapter~~chapter.

15.08.020 Subsection 705.11 is amended to add an exception to the requirement for parapets.

Exception 7 is hereby added to Subsection 705.11 of the California Building Code, as it applies in Chula Vista, and shall read as follows:

Exception 7. Conversion of existing Group R occupancies to offices.

15.08.030 Subsection ~~15101511~~.6.4 is added to Section ~~15101511~~.6 to require equipment enclosures on roofs.

Subsection ~~15101511~~.6.4 is hereby added to Section ~~15101511~~.6 of the California Building Code, as it applies in Chula Vista, and shall read as follows:

Subsection ~~15101511~~.6.4 Equipment Enclosure. Operating equipment, including piping and ducts located on the roof of a building, shall be shielded from view from public thoroughfares, and private and public parking lots. Equipment enclosures shall not be constructed so as to trap flammable or combustible vapors.

Exception: Solar collectors. Does not include structural supporting members.

Section II. Findings and Declaration

The City Council specifically and expressly finds and declares that sections 15.08.020 and 15.08.030 are necessary due to local topographical conditions. As a result of the geographical layout of the City of Chula Vista, the City Council deems it aesthetically important to shield roof equipment enclosures from public view. Also, exempting conversion of existing Group R occupancies to offices from subsection 705.11 of the California Building Code is an important historical exemption contained in the Chula Vista Municipal Code from years past and the City Council deems this exemption necessary to preserve local topographical conditions.

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Section III. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section IV. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section V. Effective Date

This ordinance will take effect and be in force thirty days after final passage but not before January 1, 2023.

Section VI. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Laura C. Black, AICP
Director of Development Services

Glen R. Googins
City Attorney