



# CITY COUNCIL STAFF REPORT



November 8, 2022

## ITEM TITLE

Building and Fire Codes: Adopt Various 2022 California Building and Fire Codes

**Report Number:** 22-0266

**Location:** No specific geographic location

**Department:** Development Services

**Environmental Notice:** The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act ("CEQA") State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

## Recommended Action

Place ordinances on first reading amending Chula Vista Municipal Code chapters 15.06 (Administrative Provisions for the Technical Building Codes), 15.08 (Building Code), 15.09 (Residential Code), 15.10 (Referenced Standards Code), 15.12 (Green Building Standards), 15.14 (Existing Building Code), 15.16 (Mechanical Code), 15.24 (Electrical Code and Regulations), 15.26 (Energy Code), 15.28 (Plumbing Code), and 15.36 (Fire Code). **(First Reading)**

## SUMMARY

The California Building Standards Commission ("CBSC") has mandated that local jurisdiction within the State of California ("State") start enforcing the 2022 Editions of the California building codes on January 1, 2023. The adoption of California building codes is a routine action undertaken by the City in response to State adopted building codes. This action allows the City to incorporate appropriate local amendments into the enforcement program.

## ENVIRONMENTAL REVIEW

The Director of Development Services reviewed the proposed action for compliance with CEQA and determined that the action is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the action is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

On Monday, October 10, 2022, the Board of Appeals and Advisors unanimously recommended adoption of the various 2022 Editions of the California building codes.

## **DISCUSSION**

As mandated by the CBSC, jurisdictions within the State are required to begin enforcing the 2022 Editions of the California building codes on January 1, 2023. Every three years, the State adopts and amends the newest model codes published by the various independent code-developing bodies. New State building codes take effect one-hundred and eighty (180) days after they are published to allow local jurisdictions time to adopt local amendments to the State building codes before they take effect. 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. Local amendments are not effective until adopted by the local jurisdictions and filed with the CBSC.

Most of the proposed local amendments within the proposed ordinances are currently codified in the Chula Vista Municipal Code ("CVMC") and are being proposed for re-adoption. The 2022 California codes are updated editions of the current codes that are enforced locally and throughout the State. Therefore, City staff does not anticipate that it will be difficult for staff or the building industry to incorporate the code requirements into their current practices.

The following are brief discussions on the various ordinances adopting the 2022 building codes and fire code:

### Ordinance A – CVMC Chapter 15.06 -Administrative Provisions for the Technical Building Codes

The proposed ordinance amends Municipal Code Section 15.06.080(B), Work Exempt from Permits, so that our local exemptions are consistent with the exemptions that are in the 2022 building codes. In addition, the proposed ordinance amends a building standard exemption to reduce the exempted fence height from needing a building permit from over 7 feet to over 6 feet, and to over 4 feet for freestanding masonry walls.

### Ordinance B – CVMC Chapter 15.08 - 2022 California Building Code

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.

### Ordinance C – CVMC Chapter 15.09 - 2022 California Residential Code

The proposed ordinance adopts the 2022 California Residential Code. Staff is not proposing any local amendments to the code.

### Ordinance D – CVMC Chapter 15.10 - 2022 California Referenced Standards Code

The proposed ordinance adopts the 2022 California Referenced Standards Code. Staff is not proposing any local amendments to the code.

#### Ordinance E – CVMC Chapter 15.12 - 2022 California Green Building Standards Code

The proposed ordinance adopts the 2022 California Green Building Standards Code and proposes the re-adoption of an existing non-technical local amendment to the current locally adopted Green Building Standards Code authorizing the Building Official to require the applicant to retain the services of a consultant having expertise in green building and/or energy efficiency techniques to review and evaluate complex systems.

#### Ordinance F – CVMC Chapter 15.14 - 2022 California Existing Building Code

The proposed ordinance adopts the 2022 California Existing Building Code. Staff is not proposing any local amendments to the code.

#### Ordinance G – CVMC Chapter 15.16 - 2022 California Mechanical Code

The proposed ordinance adopts the 2022 California Mechanical Code. Staff is not proposing any local amendments to the code.

#### Ordinance H – CVMC Chapter 15.24 - 2022 California Electrical Code

The proposed ordinance adopts the 2022 California Electrical Code and proposes the re-adoption of existing local amendments to the current Electrical Code previously adopted by the City.

#### Ordinance I – CVMC Chapter 15.26 - 2022 California Energy Code

The proposed ordinance adopts the 2022 California Energy Code and proposes the re-adoption of Sections 15.26.020, Outdoor lighting zones, and 15.26.050, Mandatory benchmarking and conservation requirements for multifamily and commercial buildings. Section 15.26.040, Mandatory energy efficiency requirements for additions to single-family homes and condos, is not being proposed for re-adoption. Pursuant to State law, Section 15.26.040 sunsets when the current State code sunsets. Staff anticipates bringing forward similar requirements that are based on the 2022 California Energy Code and are in compliance with the California Energy Commission's approval process at a later date.

#### Ordinance J – CVMC Chapter 15.28 - 2022 California Plumbing Code

The proposed ordinance adopts the 2022 California Plumbing Code and proposes the re-adoption of Section 15.28.020, Residential Graywater Stub-out with a minor change to exclude Accessory Dwelling Units from the requirement.

#### Ordinance K – CVMC Chapter 15.36 - 2022 California Fire Code

The proposed ordinance repeals existing Chapter 15.36 of the CVMC and adopts a new Chapter 15.36 setting forth the 2022 California Fire Code and all local amendments. In addition to the adoption of the 2022 California Fire Code, the ordinance further proposes the re-adoption of existing local amendments with some minor additions and adjustments. Highlights of the new substantive amendments include aligning certain operational permits with the City's adopted Master Fee Schedule, clarifying approved locations of barbeque use, and memorializing the use of an electronic platform to manage fire protection system inspection, testing, and maintenance records. The other minor additions and adjustments are administrative in nature. The 2022 CA Fire Code Amendment Matrix, Attachment 2, outlines specific amendment details.

## **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

## **CURRENT-YEAR FISCAL IMPACT**

There is no current year fiscal impact to the General Fund or the Development Services Fund as a result of this action. There are no increases in fees proposed in this action.

## **ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact to the General Fund or the Development Services Fund as a result of this action.

## **ATTACHMENTS**

1. Board of Appeals and Advisors Meeting Minutes, October 10, 2022.
2. 2022 CA Fire Code Amendment Matrix.

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