



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ORD 22-041

November 08, 2022

Introduced: 10/26/2022

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

Introduce, waive reading, and set December 6, 2022, at 1:30 p.m. as the date and time for a public hearing to consider adoption of an ordinance:

- a. To make express findings that County amendments to the 2022 California Building Standards Code are reasonably necessary due to local climatic, geological or topographical conditions; and
- b. To repeal the 2019 California Building Standards Code with County amendments and adopt the 2022 California Building Standards Code with County amendments.

RECOMMENDATION:

Introduce, waive reading, and set December 6, 2022, at 1:30 p.m. as the date and time for a public hearing to consider adoption of an ordinance:

- a. To make express findings that County amendments to the 2022 California Building Standards Code are reasonably necessary due to local climatic, geological or topographical conditions; and
- b. To repeal the 2019 California Building Standards Code with County amendments and adopt the 2022 California Building Standards Code with County amendments.

SUMMARY:

The International Code Council (ICC) revises and publishes model building codes on a three-year cycle. In about a six-month period after ICC publication, the State of California, through a variety of its agencies, adopts the ICC codes with amendments. The model codes include main branches of construction such as the building, fire, residential, plumbing, mechanical, and electrical codes. Also included are the model codes dealing with energy consumption and efficiency, green building and waste reduction, historic buildings and existing buildings. The formal names include the California Building Code, the California Fire Code, etc. The California model building codes were published on July 1, 2022 and will become effective January 1, 2023.

The State of California affords local jurisdictions 180 days to make any local amendments that are reasonably necessary due to local conditions including climate, geography, and topography. If no local amendments are adopted, local jurisdictions can adopt the model codes without modification. Local amendments that are equal to or more stringent than state provisions can be made; however, local jurisdictions cannot relax state codes. Local amendments must be filed with the State's Building Standards Commission and the California Energy Commission. Amendments or changes to the model codes are administered by the State's Building Standards Commission. Amendments or changes to the energy codes are administered by the State's California Energy Commission.

The 2022 code edition will replace the 2019 code volumes. As indicated, the County may make changes or modifications in the state-mandated standards upon express findings that the changes or modifications are “reasonably necessary because of local climatic, geological or topographical conditions” (Health and Safety Code sections 17958.7, 18941.5). Accordingly, the proposed ordinance amends several chapters of Title 18 of the Monterey County Code to repeal the 2019 California Buildings Standards Code with local amendments and to adopt the 2022 California Building Standards Code with local amendments (**Attachment A**).

DISCUSSION:

During the 2021 Triennial Code Adoption Cycle, California state agencies reviewed the most recent edition of national model codes and standards and made amendments and additions to most parts of the California Building Standards Code, Title 24 of the California Code of Regulations (Title 24). The state has produced a publication (**Attachment B**) containing information regarding substantive changes related to the 2022 edition of Title 24.

Specific to Part 6 California Energy Code, the 2022 Energy Code builds on California’s technology innovations, encouraging inclusion of market-ready electric products in new construction, such as heat pumps for climate control and water heating. The update also requires all new homes be electric-ready. That means buildings with gas stoves have the electrical panels and wiring to support a switch to electric stoves. Further advancements and cost reductions will continue to expand electric options for heating, cooking, laundering, and EV charging to meet all Californians’ needs. These are crucial steps in the state’s progress toward 100 percent clean electricity and carbon neutrality by midcentury, or earlier. A summary of the proposed 2022 Energy Code updates is provided in **Attachment C**.

The Sustainability Program will be asking the Board of Supervisors to consider, during a separate presentation, if it would like to see more advanced codes (i.e., reach codes) focused on the electrification of buildings. As such, a discussion and/or recommendation on reach codes is not provided herein.

The proposed ordinance adopts the entirety of the 2022 California Building Standards Code into the Monterey County Code, including certain administrative and enforcement provisions, with County amendments based on Monterey County’s unique local climate, geography, and topography.

The following publications will be adopted by reference and incorporated in Title 18 of the Monterey County Code, except as expressly amended: The 2022 edition of Title 24, California Code of Regulations (“CCR”) consisting of the following Parts:

- Part 1 California Administrative Code
- Part 2 California Building Code
- Part 2.5 California Residential Building Code
- Part 3 California Electrical Code
- Part 4 California Mechanical Code
- Part 5 California Plumbing Code
- Part 6 California Energy Code

- Part 8 California Historical Building Code
- Part 9 California Fire Code
- Part 10 California Existing Building Code
- Part 11 California Green Building Standards Code (*CALGreen Code*)
- Part 12 Reference Standards Code

Note that there were no significant updates to the California Historical Building Code, Part 8 of Title 24, and Part 7 is vacant. There were no changes to Part 8 because the State Historical Building Safety Board adopted the 2022 California Historical Building Code by carrying forward existing provisions from the 2019 edition without further amendment.

All of these “Parts” make up the Building Code. The ordinance also includes locally adopted standards such as a Property Maintenance Code.

The amendments to the local Fire Code reflect a consensus among all fire districts regarding code content. Thus, the amended local Fire Code applies across division lines, eliminating need for multiple codes. Fire Codes are part of the Building Code, subject to interpretation by the County’s Building Official. Monterey County defers inspection of fire codes to the responsible fire district/agency.

OTHER AGENCY INVOLVEMENT:

County Counsel has approved the ordinance as to form.

FINANCING:

Building permit fees are based on estimated construction valuation. Staff does not anticipate any change in revenue as a result of these Code changes.

Funding for staff time associated with this project is included in the FY2022-23 Adopted Budget within Community Development General Fund 001, Appropriation Unit HCD002, Unit 8543.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Board of Supervisors Strategic Initiatives include objectives to:

- Improve efficiency and effectiveness of County services (Administration).
- Improve health and quality of life the County supported policies, programs and services (Health and Human Services)
- Create a safe environment (Public Safety)

HCD has Key Performance Measures to implement the Board’s Strategic Initiatives by improving the permit process. Building Codes are designed for public safety and environmental sustainability. The adoption of the 2022 Building Standards Code with local amendments will allow for efficient and effective County buildings services that are updated in conformity with updated state standards.

- Economic Development
- Administration
- Health & Human Services

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Infrastructure

Public Safety

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Approved by: Erik Lundquist, AICP, Housing and Community Development Director, x5154

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The following attachments on file with the Clerk of the Board:

Attachment A - Ordinance

Attachment B - 2022 Title 24 California Code Changes

Attachment C - 2022 Building Energy Efficiency Standards Summary