



Monterey County

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Board Report

Legistar File Number: ORD 17-005

April 18, 2017

Introduced: 4/3/2017

Version: 1

Current Status: Agenda Ready

Matter Type: Ordinance

Public hearing to consider adoption of an ordinance:

- a. To make express findings that County amendments to the 2016 California Building Standards Code are reasonably necessary due to local climatic, geological or topographical conditions; and
- b. To repeal the 2013 California Building Standards Code with County amendments and adopt the 2016 California Building Standards Code with County amendments.

RECOMMENDATION:

Adopt an ordinance (**Attachment A**):

- a. To make express findings that County amendments to the 2016 California Building Standards Code are reasonably necessary due to local climatic, geological or topographical conditions; and
- b. To repeal the 2013 California Building Standards Code with County amendments and adopt the 2016 California Building Standards Code with County amendments.

SUMMARY:

By state law, the 2016 edition of the California Building Standards Code and other regulations adopted pursuant to Health and Safety Code Section 17922 became effective in each local jurisdiction throughout California on January 1, 2017. These replace the 2013 state code. 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 2013 California Buildings Standards Code with local amendments and to adopt the 2016 California Building Standards Code with local amendments. On March 14, 2017, the Board of Supervisors introduced the ordinance, waived reading, and set a public hearing on April 18, 2017 to consider adoption of the ordinance. Since that time, staff has received comments recommending changes to the draft ordinance language. If the Board wishes to make amendments to the draft ordinance, then adoption of the ordinance as revised must be postponed by law to a subsequent regular Board meeting. Staff recommends adoption of the ordinance as written at this time, as further explained below.

DISCUSSION:

The proposed ordinance adopts the entirety of the 2016 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 2016 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*); and
- Part 12 - Reference Standards Code.

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 the 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.

Staff has met with stakeholders from the building industry to present the changes (specifically the local amendments) for their review and comment. They suggested two edits. The proposed edits and staff response to each are as follows:

- * Section 18.01.030.B (page 9 of ordinance) adds subsection 104.12, stating in relevant part:” The Building Official is authorized to review and approve license applications for qualified trade persons for annual permits, special inspectors and approved fabricators.” The stakeholders suggested removing the word “annual” from the above text.

Staff recommendation: Do not accept this change. The word “annual” is appropriate, as the term “qualified trade persons for annual permits” refers to a category of persons that are referenced in the 2016 California Building Code, Section 105.1.1 which provides as follows: “ *Annual permits. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.* ” Therefore, staff recommends no change be made.

- * Section 18.01.050 (page 15 of ordinance) adds Section 109, which provides in relevant part, “*The Building Official may determine a minimum building permit valuation by calculation using the most current issue of Building Valuation Data offered by the International Code Council. Due to Monterey County’s proximity to the*

San Francisco Bay Area and the higher complexity and cost of construction in this area, a regional valuation modifier of 1.25 consistent with other jurisdictions in the Bay Area shall be used.” The comment questions the use of the San Francisco Bay Area regional valuation modifier of 1.25 and advocates using a major estimating resource like Dodge and Saylor which lists project costs in the Salinas/Monterey area at 1.125 (90% of the Bay Area).

Staff recommendation: Do not change the ordinance at this time. The ordinance carries forward the San Francisco’s valuation modifier from the current County Code. The Board can direct staff to research the proposed change and return to the Board with an amendment to this section if the research warrants a change; however, staff recommends not holding up adoption of the entire ordinance while staff researches this one point.

If the Board wishes to amend the draft ordinance, then consideration of adoption of the ordinance is required by law to be postponed to a subsequent regular meeting of the Board. Since the ordinance contains the local amendments for many chapters of Title 18, staff recommends going forward with adoption of the ordinance as written so that the local amendments can go into effect, with direction to staff to research the one requested change relating to the measure of valuation if the Board desires to explore that suggestion.

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.

Staff time related to the amendment and adoption of the ordinance are a normal cost of operations. Staff time is charged to the FY2017 adopted General Fund 001, Building Services Appropriation Unit RMA011 budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Board of Supervisors FY 15-16 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)

RMA 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 2016 Building Standards Code with local amendments will allow for efficient and effective County buildings services that are updated in conformity with updated state standards.

Check the related Board of Supervisors Strategic Initiatives:

Economic Development

Administration

Health & Human Services

Infrastructure

Public Safety

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Approved by: Carl P. Holm, AICP, RMA Director (Acting Building Services Chief)

The final ordinance is attached as Attachment A. A copy of the ordinance showing the changes from current Title 18 of the Monterey County Code is Attachment B. During the Board's consideration of the ordinance, the 2016 California Buildings Standards Code will be lodged with the Clerk of the Board and is also available for inspection at the Resource Management Agency.

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

Attachment A - Ordinance (Clean Version)

Attachment B - Ordinance (Redline Version)