



DATE: December 19, 2022

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Jessica Power, Fire Marshal
Jerome Hoberg, Chief Building Official
Charles Lucas, Deputy Building Official

SUBJECT: Adoption of Urgency Ordinance and/or Introduction (First Reading) of Ordinance of the City of Petaluma Adopting the 2022 Edition of the California Building Standards Code, California Code of Regulations Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, 12, including the Fire Code, Amending Local Amendments Thereto (Sections 17.04.010, 17.040.20, 17.20.010-17.20.070) Based on Local Climatic, Geological and Topographic Conditions, the 2021 International Property Maintenance Code Regarding the Building and Fire Codes and adopting the 2021 International Property Maintenance Code and Finding This Action Categorically Exempt Under CEQA Guidelines Section 15061(b)(3)

RECOMMENDATION

It is recommended that the City Council adopt an urgency ordinance and/or introduce an ordinance repealing Sections 17.04.010, and .020 of the Petaluma Municipal Code, entitled “California Codes based on International Codes for Construction and Regulation of Buildings and Structures” and adding new Sections 17.04.010 and .020., adopting by reference the 2022 edition of the California Building Standards Code, California Code of Regulations Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, 12, amendments thereto based on local climatic, geological and topographic conditions, and the 2021 International Property Maintenance Code. It is also recommended that the City Council adopt the attached urgency ordinance and introduce an Ordinance repealing Sections 17.20.010, .040, .050, and .060 of the Petaluma Municipal Code, entitled Fire Code” and adding new Sections 17.20.010, .040, .050, .060 and .070., adopting by reference the 2022 edition of the California Building Standards Code, California Code of Regulations Title 24, Parts 9 amendments thereto based on local climatic, geological and topographic conditions and the 2021 International Fire Code.

BACKGROUND

Each three years the State of California updates the required Building Code. Since the last triennial update in 2019, Building Code Officials, Fire Officials, and other interested parties have convened

before the State Building Standards Commission to make recommendations for amendments to the previously adopted 2019 California Building Standards Codes (Title 24).

The resulting 2022 California Building Standards Code is largely based on the 2021 editions of the International Building Codes but are heavily modified with California amendments. The Plumbing and Mechanical Codes are based upon the 2021 International Association of Plumbing and Mechanical Officials (IAPMO) Codes which have also been modified with California amendments. The 2022 California Electrical Code is based on the 2020 edition of the National Electrical Code. Prior to the effective date of January 1, 2023, local jurisdictions have an opportunity to prepare amendments and additions to the codes to reflect local conditions. The Building Department has prepared the attached Ordinance that includes local amendments and additions to the referenced sections of the California Building Standards Code based on the findings of local climatic, geological and topographic conditions.

The California Fire Code is Part 9 of these regulations. The Fire Code establishes regulations for abating fire hazards for all buildings and their uses and is based on the 2021 edition of the International Fire Code. Prior to the effective date of January 1, 2023, local jurisdictions have an opportunity to prepare amendments and additions to the codes to reflect local conditions. The Fire Department has prepared the attached Ordinance that includes local amendments and additions to the referenced sections of the California Building Standards Code based on the findings of local climatic, geological and topographic conditions.

The attached Ordinances repeal and replace the related Title 24 sections including the Building and Fire Code chapters in Title 17 of the Municipal Code, with new Code chapter, including a new numbering system and new local amendments.

DISCUSSION

Building Code Updates

The state adopted 2022 edition of the Building Standards Code includes extensive updates across the entire Title 24 codes. New laws, clarifications of intent, changes to requirements, and improved safety responses to changing the built environment are accomplished through this process on a triennial basis. With each triennial update there is a significant learning curve for staff to become familiar with and implement new code sections and staff is enrolled in a series of seminars to review code updates.

The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Over 30 years, the 2022 Energy Code is estimated to provide \$1.5 billion in consumer benefits to reduce 10 million metric tons of GHGs, equivalent to taking nearly 2.2 million cars off the road for a year. The 2022 Energy Code update builds off the 2019 code requiring onsite generation by solar PV on new homes with expanded solar standards and the move to onsite energy storage that will help Californians save on utility bills while bolstering the grid. The 2022 Energy Code update revises energy efficiency standards for newly constructed buildings,

as well as additions and alterations to existing buildings. The CEC engaged in a lengthy public process leading up to adoption of the proposed 2022 standards.

The 2022 Energy Code extends solar requirements and introduces battery storage standards for the following building types:

- High-rise multifamily (apartments and condos)
- Hotel-motel
- Tenant space
- Office, medical office, and clinics
- Retail and grocery stores
- Restaurants
- Schools
- Civic (theaters, auditoriums, and convention centers)

The 2022 Energy Code establishes combined solar PV and battery standards for businesses. Systems are sized to maximize onsite use of solar energy and avoid electricity demand during times when the grid must use gas-powered plants. The update code improves efficiency standards for building envelope, various internal systems, and grid integration equipment.

The 2022 CALGreen updates include significant changes to support the implementation of California governors' executive orders (EO) to achieve the goals of having over 1.5 million zero-emission vehicles (ZEVs) on California roadways by 2025, 5 million ZEVs on California roadways by 2030, and in-state sales of passenger cars and trucks will be 100 percent ZEVs by 2035. California is the first state in the country with a building code that requires electric vehicle charging stations to be installed in new construction. Other key 2022 CALGreen amendments include: updating clean air vehicle parking space percentages in the voluntary tiers; relocating regulations for thermal insulation, acoustical ceiling and wall panels from voluntary to mandatory; and moving thermal insulation Tier 2 regulations to Tier 1.

With this code adoption, CalGreen will require a step up to Tier I as mandatory for all projects subject to this code. This will improve the level of sustainability. CalGreen electrical vehicle spaces and charger requirements have increased. The requirements for single family will be for a 40-amp circuit with wiring and overcurrent protection to be installed. The receptacle or charger type will be installed by the homeowner, which provides the homeowner the option of which type of charging system they prefer. Tier I requirements have increased from 5% to 15% for multi-family projects with the size limitation of the project removed. A new section requiring EV parking for Hotel and Motels has been added to the code with the number of spaces based on the tables A4.106.8.1 and 2.

The 2021 International Property Maintenance Code is adopted above the state building code contained in Title 24 in order to support the code enforcement officer operations.

While the state code includes significant updates encouraging electric ready construction, the City of Petaluma's local all-electric continues to be more expansive than the state requirements. That ordinance remains in effect as Petaluma Municipal Code Section 17.09.

As part of the attached ordinance a local amendment is proposed to maintain and expand Petaluma's adoption of CalGreen Tier 1 to apply to both new construction and alterations and additions.

Fire Code Update

The majority of the changes to the Fire Code Ordinance include numbering changes to align with the 2022 California Fire Code changes. Three sections of NFPA 13D and 13R were removed from the ordinance, as they now reside in the model code. One section was added. This section provides clarity for reference to any local policies relating to application of code sections within the City of Petaluma.

Copies of the 2022 CCR Title 24 and 2021 IPMC are available for review at the Petaluma Building Department. The 2022 CCR Title 24 is also available on the BSC's website: <https://www.dgs.ca.gov/BSC/Codes>. The 2021 IPMC is available on the International Code Council's website: <https://codes.iccsafe.org/content/IPMC2021P1>

Per Health and Safety Code Section 17958.7, each jurisdiction may draft requirements that are more restrictive than that mandated by the CCR Title 24 due to local topographic, geological, or climatic conditions. In accordance with Health and Safety Code Section 17958, City Council must make the findings contained in the proposed ordinance that such changes are reasonably necessary due to local climatic, geological, or topographical conditions. The proposed ordinance amends the local amendments listed in Sections 17.04.010, 17.040.20, 17.20.010-17.20.070 of the Petaluma Municipal Code to align with changes in the 2022 Building Code and to incorporate some administrative clean-up.

Timing Considerations Relative to Ordinance Adoption

Staff has included both urgency and non-urgency ordinances with this agenda item for Council action. An urgency ordinance must be approved by a unanimous vote of the Councilmembers present. The urgency here is that the 2022 Building Standard Codes become law on January 1, 2023, regardless of whether an agency has adopted the Building Standards Code or not. Accordingly, if the urgency ordinance is not adopted the City won't be able to enforce and mandate its local amendments which were previously amended for the health and safety of Petaluma citizens due to the geographical, topographical and climatic conditions of the City. If both the urgency and regular ordinance are adopted, the urgency ordinance would terminate upon the effective date of the regular ordinance.

PUBLIC OUTREACH

This agenda item appeared on the City's tentative agenda document on December 5, 2022 which was a publicly-noticed meeting.

COUNCIL GOAL ALIGNMENT

The proposed action supports the following City Council Goals, Objectives, and Workplan Items: A Safe Community that Thrives OBJECTIVE 1: maintain and enhance public safety and prepare

for emergencies and disasters, through crime and fire prevention and traffic safety. Workplan Item #78. Improve public safety through proactive crime and fire prevention activities.

CLIMATE ACTION/SUSTAINABILITY EFFORTS

The California Energy Commission (CEC) estimates that over 30 years the 2022 Energy Code will reduce 10 million metric tons of GHGs – equivalent to taking nearly 2.2 million cars off the road for a year.

For single-family homes, the CEC estimates that the 2022 Energy Code change from using natural gas furnaces to electric heat pumps to heat new homes for most climate zones reduce net CO2 emissions by 16,230 mTon/yr compared to the 2019 Energy Code, the equivalent of taking 3,641 gas cars off the road each year.

The 2022 Energy Code will encourage an increased use of efficient electric heat pumps while establishing electric-ready requirements for new homes, expanding solar photovoltaic and battery storage standards, strengthening ventilation standards, and more. It is estimated that the adoption of the 2022 Energy Code will:

- Increase on-site renewable energy generation from solar
- Increase electric load flexibility to support grid reliability
- Reduce emissions from newly constructed buildings
- Reduce air pollution for improved public health
- Encourage adoption of environmentally beneficial efficient electric technologies

Additionally, as mentioned above, the 2022 CALGreen updates include significant changes to electric vehicle sections to support the implementation of California governors' executive orders (EO) to achieve the goals of having over 1.5 million zero-emission vehicles (ZEVs) on California roadways by 2025, 5 million ZEVs on California roadways by 2030, and in-state sales of passenger cars and trucks will be 100 percent ZEVs by 2035.

ENVIRONMENTAL REVIEW

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines because the activity has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) of the CEQA Guidelines because the activity is not a "project" as defined in Section 15378) of the CEQA Guidelines. The proposed amendments are not a CEQA project because they are continuing administrative or maintenance activities, such as general policy and procedure making in accordance with CEQA Guidelines Section 15378(b)(2), and organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment in accordance with CEQA Guidelines Section 15378(b)(5).

If the Ordinance was a "project" pursuant to CEQA it would be exempt pursuant to CEQA Section 15061(b)(3) (common sense exemption) since This action involves updates and revisions to

existing regulations consistent with State law and will not result in any direct or indirect physical changes to the environment. The proposed amendments are also exempt from CEQA in accordance with Section 15307 of the CEQA Guidelines as an action taken by the City as authorized by state law to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment, in accordance with the findings in the attached ordinance. The proposed amendments are also exempt from CEQA in accordance with Section 15308 of the CEQA Guidelines as an action taken by the City as authorized by state law to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment in accordance with the findings in the attached ordinance.

Additionally, most of the regulatory standards imposed by this ordinance apply to interior modifications. Proposed modifications to the interior of a home do not constitute a project subject to CEQA because such changes are not visible or perceptible outside the home. (*Martin v. City and County of San Francisco* (2005) 135 Cal. App. 4th 392.)

FINANCIAL IMPACTS

There are no direct fiscal impacts to the City resulting from the adoption of this Ordinance. The cost to administer the Ordinance is recovered through permit fees.

ALTERNATIVES

If no action is taken, the California Codes will be adopted for us by default by the State of California. This means that only the sections of the Codes that the State adopts will be applicable in the City of Petaluma, and there would be no local ordinances. If the urgency ordinances are not adopted the City would not be able to enforce the amendments to its local ordinances until thirty days after the second reading. If the urgency ordinance is adopted it will take effect on January 1, 2023 and expire upon the effective date of the regular ordinance adopted concurrently.

ATTACHMENTS

1. Urgency Ordinance of the California Building Standards (excluding Fire Code)
2. Urgency Ordinance of the California Fire Code
3. Introduction (First Reading) of the California Building Standards
4. Introduction (First Reading) of the California Fire Code