

**DOCKETED**

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<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
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<b>Filer:</b>	Danuta Drozdowicz
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**SAN RAFAEL**  
THE CITY WITH A MISSION

Agenda Item No: 6.a

Meeting Date: November 18, 2019

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Community Development

Prepared by: Don Jeppson, AIA CBO  
Chief Building Official

City Manager Approval: \_\_\_\_\_

**TOPIC: TRI-ANNUAL BUILDING CODE ORDINANCE AMENDMENTS**

**SUBJECT: ADOPTION OF AN ORDINANCE AMENDING TITLE 12 OF THE SAN RAFAEL MUNICIPAL CODE ADOPTING THE 2019 CALIFORNIA STATE CONSTRUCTION CODES WITH AMENDMENTS**

**RECOMMENDATION:**

Hold a public hearing and adopt the Ordinance adopting by reference the 2019 California State Construction Codes, with local amendments.

**BACKGROUND:**

The State of California Code of Regulations Title 24 construction codes are typically updated and published on a three-year cycle. The California Building Standards Commission publishes the tri-annual codes and State law mandates that these codes become effective throughout California 180 days after the publication date. For this latest cycle, the publication date was July 1, 2019, meaning that the current cycle of State construction codes becomes effective on January 1, 2020. This is done to foster uniformity in fire prevention, life/safety and construction standards statewide. Local jurisdictions are permitted to further amend the published codes based on and to suit local climatic, geological, or topographical conditions.

The proposed ordinance adopts the latest version of California Title 24 construction codes. Specifically, this includes the 2019 California Building Code, 2019 California Residential Code, the 2019 California Mechanical Code, the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2018 International Property Maintenance Code, the 2018 International Pool and Spa Code, the 2019 California Existing Building Code, the 2019 California Green Building Standards Code, and the California Referenced Standard Code with appendices and local amendments. State law mandates that these codes become effective statewide on January 1, 2020, with or without the incorporation of local jurisdiction amendments. Building permit applications filed with the City prior to January 1, 2020 would be subject to the currently-adopted codes and City ordinance.

The purpose of the codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through requirements for structural strength, means of egress, access to persons

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**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

with disabilities, sanitation, adequate lighting and ventilation, and energy conservation; and to provide safety to fire fighters and emergency responders during emergency operations. Below is a summary of each of these codes:

**2019 California Building Code:** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**2019 California Residential Code:** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures not more than three stories above the grade plane in height.

**2019 California Mechanical Code:** The provisions of this code shall apply to the installation, alteration, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings, and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems.

**2019 California Plumbing Code:** The provisions of this code shall apply to the installation, alteration, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, where connected to a water or sewage system, gas system, and all aspects of medical gas system.

**2019 California Electrical Code:** The provisions of this code shall apply to the installation and removal of electrical conductors, equipment, and raceways; signaling and communications conductors, equipment, and raceways; and optical fiber cables and raceways to public and private properties, including yards, lots, parking lots, buildings, structures, mobile homes, recreational vehicles, and floating buildings.

**2018 International Property Maintenance Code:** The provision of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**2018 International Pool and Spa Code:** The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools, and spas. The pools and spas covered by this code are either permanent or temporary and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. The purpose of this code is to establish minimum standards to provide a reasonable level of safety and protection of life, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location and maintenance or use of pools and spas.

**2019 California Existing Building Code:** The provisions of this code provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change

of occupancy, addition and relocation of existing buildings. This code shall apply to the repair, alteration, change of occupancy, addition and relocation of all existing buildings, regardless of occupancy.

**2019 California Historical Building Code:** The provisions of this code provide regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties. The intent is to facilitate and provide cost effective solutions for the preservation and continuing use of historical buildings or properties, while providing reasonable safety for building occupants and access for persons with disabilities.

**2019 California Energy Code:** The provisions of this code shall set minimum efficiency requirements for new and renovated buildings, assuring reductions in energy use and emissions over the life of the building.

**2019 California Green Building Standards Code:** The provisions of this code improve public health, safety and general welfare by enhancing the design and construction of buildings through use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices.

**2019 California Referenced Standard Code:** The provisions of this code provide constructions standards.

The ordinance was introduced at the City Council meeting on November 4, 2019, but the public hearing on the proposed ordinance has been set for this meeting per the procedure for adopting codes by reference set forth in Government Code Sections 50022.1 through 50022.10.

**ANALYSIS:**

Most of the proposed local amendments are carried over from previous years. Existing Title 12 is replaced with a new format that should be easier for users to read compared to the previous format. This change in Title 12 supports goals in the Permit Simplicity Initiative and has the support of the Marin Builders Association. A couple of new provisions are added, including street addressing and reducing square footage in efficiency dwellings. The reduction of square footage in efficiency dwellings supports the initiative in Planning to facilitate smaller junior or accessory dwelling units.

Regarding the 2019 California Green Building Code, the ordinance has been drafted to recommend adoption of the Cal Green standards with the higher Tier 1 standards recommended for new construction only. This recommendation is consistent with the City Council's action [with the last code adoption](#). On average, the 2019 California Energy Code changes will increase the cost of constructing a new home by about \$9,500. However, this will save \$19,000 in energy and maintenance costs over 30 years. [CalGreen website](#) has additional information on costs and comparisons to previous adopted codes. Further review of the proposed Marin County Reach Codes is needed before staff can bring a recommendation to the City Council. Marin County Reach Codes are local modifications to the energy code to promote additional efficiencies and standardize policies. Staff may bring a recommendation to adopt the Marin County Reach Codes to the City Council some time in 2020 for consideration.

**COMMUNITY OUTREACH:**

A notice was published in the Marin Independent Journal notifying the public of the purpose and timing of these proceedings. In addition, staff has discussed the proposed code amendments to the representatives of the Marin Builders Association (MBA). MBA has no comments, concerns or recommended changes to the code amendments.

**FISCAL IMPACT:**

There is no fiscal impact associated with this action.

**ENVIRONMENTAL REVIEW:**

It has been determined that the proposed ordinance amendments are covered by the 'general rule' that the California Environmental Quality Act (CEQA) applies only to projects which have the potential to cause a significant, physical environmental impact. Pursuant to CEQA Section 15061(b)(3), the ordinance amendments are not subject to environmental review.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Adopt the proposed Ordinance.
2. Decline to adopt the Ordinance. Should the City Council decide to postpone or decline to adopt the Ordinance, the State codes will become effective on January 1, 2020, without the benefit of the recommended local amendments.

**RECOMMENDED ACTION:**

Adopt the ordinance.

**ATTACHMENT:**

1. Ordinance
2. Public Hearing Notice
3. Summary Ordinance