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DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: JANUARY 24, 2017

TO: HONORABLE BOARD OF SUPERVISORS

FROM: MICHAEL LOCKETT, CHIEF BUILDING OFFICIAL

SUBJECT: PROPOSED ORDINANCE AMENDING TITLE 18 OF THE MENDOCINO COUNTY CODE
RELATED TO THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE;
AND MAKING OTHER TECHNICAL AND ADMINISTRATIVE REVISIONS TO TITLE 18

BACKGROUND:

Every three years, the State of California ("State") adopts the latest edition of the California Building Standards Code (herein referred to collectively as the "Codes") to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems (see Exhibit I). The 2016 Edition of the California Building Standards Code was adopted by the California Building Standards Commission and published in July 1, 2016. Sections 17958 and 18941.5 of the California Health and Safety Code require that the latest edition of the Codes apply to local construction 180 days after publication; thus, State law requires that the Codes become effective at the local level on January 1, 2017 (see Exhibit II).

ADOPTION PROCEDURE:

Government Code Section 50022.2 *et seq.* provides a procedure for the adoption of codes by reference. After the first reading of the title of the adopting ordinance and the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the Board shall schedule a public hearing, which shall be published once a week for two successive weeks in a newspaper of general circulation. After the hearing, the Board may amend, adopt or reject the adopting ordinance.

Staff gave an informational presentation to the Board on December 19, 2016, at which time the Board inquired about certain building standards required by the 2016 codes.

Staff has returned to the Board for the first reading of the ordinance and to set a public hearing date, which is anticipated to be in February 2017. Staff will notice the hearing date in accordance with the State statutes referenced above.

SUMMARY:

Prior to the adoption and enforcement of the Codes at the local level, State law permits jurisdictions to amend the Codes in certain circumstances. Pursuant to Sections 17958.5. and 17958.7 of the California Health and Safety Code, such amendments can only be enacted when an express finding and determination is made that such amendments are reasonably necessary because of local climatic, geological, topographical or environmental conditions that affect the jurisdiction. Amendments that are necessary for local administrative clarification and do not modify Building Standards as defined in Section

18909(c) of the California Health and Safety Code can be enacted without the required express finding and determination (see Exhibit III).

Staff from the Department of Planning and Building Services have reviewed the Codes and are recommending a number of amendments. Many of the proposed amendments have been carried through from the previous code cycle.

The proposed amendments are as follows:

- 1) Administrative Amendments – Some amendments have been proposed to establish administrative regulations pertaining to the performance of plan check, the issuance of permits, the collection of fees, new definitions and other administrative standards.
- 2) Life Safety Amendments – Generally this topic covers standards related to structural design, egress standards, and limitation of building heights and/or building areas. At this time, staff is carrying through amendments made to the 2013 California Building Code Vol. II, related to signs, agricultural buildings and hose bibb requirements.

Notable Proposed Amendments to Title 18:

All previous changes to the 2013 California Building Codes were carried through from the previous code adoption, which included the adoption and amendments to the California Building Code Appendix C (Agricultural Buildings) related to agricultural building sizes and exemptions, and Appendix H (Signs) related to permit exemptions and engineering requirements; amendments to the California Residential Code, Mechanical Code, Electrical Code and Plumbing Code related to the expiration of permits; California Plumbing Code amendment related to hose bib requirements for R-3 and R-1 buildings; and amendments to the California Fire Code related to defining the Chief Building Inspector [Chief Building Official] as fire chief in certain circumstances.

Amendments Currently Proposed:

- **Section 18.04.010 Definitions.**
Staff is recommending the addition and revision of definitions to reflect updated code, state law, and/or County class specification language.
- **Section 18.04.025 California Codes Adopted.**
Staff is recommending the amendment of this section to reflect the new California Building Code editions, and the adoption of Appendix Chapters of the building codes. The below introduces the new California Building Codes, and the new Appendix Chapters Staff is recommending for adoption.

2016 California Building Codes:

- 2016 California Administrative Code
- 2016 California Building Code Volume I & II
- 2016 California Residential Code
- 2016 California Electrical Code
- 2016 California Mechanical Code
- 2016 California Plumbing Code
- 2016 California Energy Code
- 2016 California Historical Building Code
- 2016 California Fire Code
- 2016 California Existing Building Code
- 2016 California Green Building Standards Code
- 2016 California Referenced Standards Code

California Building Code ("CBC") Appendix Chapters:

- Appendix C (Agricultural Buildings)
- Appendix G (Flood-resistant Construction)
- Appendix H (Signs)
- Appendix I (Patio Covers)

California Residential Code ("CRC") Appendix Chapters:

- *Appendix E (Manufacture Housing Used as Dwellings)*
- *Appendix H (Patio Covers)*
- *Appendix J (Existing Building and Structures)*
- *Appendix K (Sound Transmission)*
- *Appendix R (Light Straw-Clay Construction)*
- *Appendix S (Strawbale Construction)*
- *Appendix V (Swimming Pool Safety Act)*

California Electrical Code ("CEC") Appendix Chapters:

- *Annex H (Administration)*

California Plumbing Code ("CPC") Appendix Chapters:

- *Appendix A (Recommended Rules for Sizing the Water Supply System)*
- *Appendix B (Explanatory Notes on Combination Waste and Vent Systems)*
- *Appendix D (Sizing Storm Water Drainage Systems)*
- *Appendix I (Installation Standards)*
- *Appendix J (Combination of Indoor & Outdoor Combustion Air)*

CBC Appendix Chapters C and H were carried through from the previous code cycle. However, the new appendix chapters *italicized* and underlined are new appendix chapters staff is proposing. It is important to note that the new appendix chapters do not create new requirements, nor do they cause new monetary constraints on projects. The new appendix chapters merely provide standards for design and construction of projects that aid design professionals and contractors satisfy code minimums. Other appendix chapters provide standards for current code requirements or State laws affecting buildings and construction.

- **Section 18.04.035 Modifications to the 2016 California Building Code ("CBC").**
Staff is recommending the amendment of Section R105.3.2 of the California Building Code related to the time limitations of applications for permits, and amends CBC Section 105.5 related to the expiration of permits. The timelines set previously did not change; the proposed changes provide new language that allows for extensions to issued permits that are undergoing revisions. This modification is included in all other code's administrative provisions.
- **Section 18.04.040 Modifications to the 2016 California Residential Code ("CRC").**
This section amends Section R105.3.2 of the California Residential Code related to the time limitations of applications for permits, and amends CRC Section 105.5 of the related to the expiration of permits. The timelines set previously did not change, the proposed changes provides new language that allows for extensions to issued permits that are undergoing revisions.
- **Section 18.04.045 Modifications to the 2016 California Electrical Code ("CEC").**
This section amends the adopted Annex (Appendix) H, Section 80.19 (E) and incorporates language regarding application and permit expiration which was amended and adopted on the previous code cycle.

This section also deletes the following Sections in the CEC Annex:

- Section 80.15 Electrical Board is deleted. Currently the Board of Building and Housing Appeals serves as the "Board of Appeals," per Section 18.04.030 of this title.
- Section 80.23 Notice of Violations, Penalties, Subsection (B)(3) is deleted. There is already an existing established mechanism that addresses penalties for Notice of Violations.
- Section 80.27 Inspectors Qualifications, Sections 80.27 through 80.35 is deleted. These sections are unnecessary since inspector qualifications are already addressed in the County's Class Specifications.

- **Section 18.04.050 Modifications to the 2016 California Mechanical Code (“CMC”).**
This section amends Section 104.3.3 of the California Mechanical Code related to the time limitations of applications for permits, and amends CMC Section 104.4.3 related to the expiration of permits. The timelines set previously did not change, the proposed changes provides new language that allows for extensions to issued permits that are undergoing revisions.
- **Section 18.04.055 Modifications to the California Plumbing Code (“CPC”).**
This section amends Section 103.3.3 of the CPC related to the time limitations of permits, and revises two CPC Sections to the new numbering sequence.
- **Section 18.04.060 Modifications to the California Fire Code**
This section remained unchanged, other than updating the code edition from 2013 to 2016. All other amendments were carried through from the 2013 Code adoption.
- **Section 18.08.010 Environmental Impact Reports.**
No changes to this requirement. This language was moved from the previous Section 18.04.015, and placed under “Construction Permits and Inspection Fees,” which makes the section easier to access.
- **Section 18.08.012 Prior to the Issuance of a Building Permit.**
This is a new section which establishes the authority to refer newly submitted projects to County agencies. This is common and current practice by cities and counties; by codifying it, it further clarifies and enhances collaboration with all agencies.
- **Section 18.08.014 Placement of Permit.**
This is a new section which clarifies when and where a permit is placed on a job site. This requirement is stipulated in the building codes; however the building code does not specify where the permit is to be placed. This will also assist Planning, Building, Code Enforcement, outside agencies, and members of the public identify permitted work throughout the County.
- **Section 18.08.030 – Valuation.**
The only change to this section was including a reference to RSMeans Square Foot Cost Book as a tool to consistently gather accurate and regional valuation data for construction projects. Currently project valuations are gathered through the International Code Council’s valuation data which is published periodically, and is a nationwide average. This new change will not affect the current building permit fees. This new change will simply clarify the secondary mechanism used to gather such data. Currently, this section stipulates “*the Planning and Building Services Department may use valuation data so published.*”

Changes to the 2016 California Building Code (see Exhibit V):

The 2016 California Building Code has undergone subtle changes from the 2013 edition; these changes are part of the Codes and are not amendments to any County Ordinance. A few noteworthy changes are:

- **Accessory Structures**
The maximum height for accessory structures has been increased from two to three stories above grade. Technical requirements have been removed from the definition, and accessory structures are now permitted to be unlimited in area.
- **Minimum Habitable Room Area**
The requirement for one habitable room with a minimum floor of 120 square feet has been removed from the code. *Note: recently passed Senate Bill 1069 (land use/zoning) which loosens restrictions on building accessory dwelling units, together with the new building code minimum habitable room area could pave the way for the construction of “tiny homes.”*
- **Electric Vehicle (EV) Charging Infrastructure**
Requires that new single- and two- family dwellings and town houses are EV charger station ready.

- ***Arc-Fault Circuit-Interrupter (“AFCI”) Protection.***
Generally AFCI protection of electrical outlets is required within bedrooms, living rooms, hallways, etc. However, AFCI protection of the kitchen and laundry area will now be required.
- ***Smoke Alarms.***
Smoke alarms are now required within 20 feet of permanently installed cooking appliances.
- ***Change of Use or Occupancy***
A change in the building’s use, or a portion of a building’s use, with no change in its occupancy classification now requires that a new certificate of occupancy be issued.

Exhibit V provides a summary of changes to the building codes. This document is now available at the Mendocino County Planning and Building website and the public front counter, in an effort to provide customers with a first-hand look at the changes.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The adoption of this ordinance exempt from the California Environmental Quality Act (“CEQA”). Section 15061(b)(3) of the State CEQA Guidelines exempts activities where it can be seen with certainty that there is no possibility that the activity may have a significant impact on the environment. The 2016 uniform codes will be required to be applied by State law. There is no possibility that these changes will cause a significant impact on the environment.

ALTERNATIVE ACTIONS CONSIDERED:

The Board may direct staff to propose an adoption of the State Codes with fewer, or no, local amendments; or take no action. “No action” would result in the continuation of obsolete references within Title 18, which may be confusing to the public or in conflict with mandated State regulation. However, even under the “no action” alternative, the State mandated codes would still be applied by the Department of Planning and Building Services.