



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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## MEMORANDUM

DATE: DECEMBER 10, 2019

TO: HONORABLE BOARD OF SUPERVISORS

FROM: MIKE OLIPHANT, CHIEF BUILDING OFFICIAL

SUBJECT: PROPOSED ADOPTION OF THE 2019 CALIFORNIA CODE OF REGULATIONS, PARTS: 1-12.

### **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. The 2019 Edition of the California Building Standards Code was adopted by the California Building Standards Commission and published on July 1, 2019. 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, 2020.

### **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.

On November 12, 2019, the Board of Supervisors introduced and waived first reading of the ordinance proposed to amend the County's Chapter 18.04 to adopt the 2019 Codes by reference. The Board also set the date of December 10, 2019, as the date for the required noticed public hearing.

At the Board's November 12, 2019, meeting, the Board of Supervisors asked staff to review the ability of the County to amend the Codes related to topics including occupancy standards and ADA accessibility. Staff will discuss these issues in further detail at the December 10, 2019, meeting.

### **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.

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 proposing carrying through amendments made to the 2016 California Building Code Vol. II, related to signs and agricultural buildings.

### **Notable Proposed Amendments**

All previous changes to the 2016 California Building Codes are proposed to be 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; 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 18.04.025 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.

#### 2019 California Building Codes:

- 2019 California Administrative Code
- 2019 California Building Code Volume I & II
- 2019 California Residential Code
- 2019 California Electrical Code
- 2019 California Mechanical Code
- 2019 California Plumbing Code
- 2019 California Energy Code
- 2019 California Historical Building Code
- 2019 California Fire Code
- 2019 California Existing Building Code
- 2019 California Green Building Standards Code
- 2019 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 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 and Enforcement)

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 and Outdoor Combustion and Ventilation Design)

- **Section 18.04.035 Modifications to the 2019 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 2019 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 2019 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 2019 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 2019 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 2019 California Fire Code**

This section remained unchanged, other than updating the code edition from 2016 to 2019. All other amendments were carried through from the 2016 Code adoption.

### **Changes to the 2019 California Building Code**

The 2019 California Building Code has undergone changes from the 2016 edition; these changes are part of the Codes and are not amendments to any County Ordinance. A few noteworthy changes are:

- All new Residential projects of 3 or less habitable stories shall have Photovoltaic panels as required by the 2019 Title 24, Part 6, CA Energy Code.
- Exterior Walls shall be: 1. Noncombustible material or 2. Ignition Resistant material as required by the 2019 CBC sec. 707A.3
- When an exterior deck has an impervious material, the floor must provide a positive drainage of water as required by the 2019 CBC 2304.12.2.5

### **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 2019 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.