



**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT**

11/14/2022

SUBJECT:

Introduction of an Ordinance to Adopt the 2022 Edition of the California Building Standards Code and Fire Code with Local Amendments, including amendments to require building electrification (Reach Codes), underground utility installation, and expanded geotechnical hazard evaluation.

PROPOSED ACTION: Move to take the following actions:

- 1) Introduce by title only and waive the first reading of an Ordinance of the City Council of the City of Pacifica:
 - a. Repealing and replacing Chapters 1 (Building Code), 2 (Mechanical Code), 3 (Plumbing Code), 4 (Electrical Code), 5 (International Property Maintenance Code), 6 (Energy Code), 7 (Green Building Code), 7.5 (Residential Code), 8 (Historical Buildings Code), 8.5 (Existing Buildings Code), 9 (Reference Standards Code) of Title 8 of the Pacifica Municipal Code, to adopt by reference the 2022 California Building Standards (California Code of Regulation, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12) and the 2021 International Property Maintenance Code and making certain amendments thereto;
 - b. Repealing and replacing Article 1 (Fire Code) of Chapter 3 (Fire Protection) of Title 4 of the Pacifica Municipal Code to adopt the 2022 California Fire Code and making certain amendments thereto; and
 - c. Finding adoption of the Ordinance exempt from the California Environmental Quality Act
- 2) Set a public hearing to consider adoption of the Ordinance on November 28, 2022.

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BACKGROUND/DISCUSSION:

Every three years, the California Building Standards Commission adopts new versions of the California Building Standards Code, pursuant to the California Code of Regulations, Title 24. Every city and county is required to adopt ordinances or regulations imposing the same requirements as those contained in the most recently adopted version of the California Building Standards Code. If no such ordinance is adopted, the standards set forth in Title 24 are still imposed on the city or county by default. Sections 17958, 17958.5, 17958.7, and 18941.5 of

the Health & Safety Code provide that a city or county may make amendments to the California Building Standards that are reasonably necessary because of local climatic, geological, or topographical conditions.

California Government Code sections 50022.2 and 50022.3 require that for certain codes that are adopted by reference, the City must conduct the first reading and introduction of the ordinance and then schedule a public hearing for the second reading prior to adoption of the ordinance. Certain notice requirements for the second reading of the ordinance are set forth in Government Code sections 50022.3, which include publication of the notice in a local newspaper prior to the scheduled date of the second reading.

The proposed ordinance, included as Attachment 1, will repeal and re-enact portions of Pacifica Municipal Code (PMC) Title 8 (Building Regulations) and Title 4, Chapter 3, Article 1 (Fire Code), with local amendments. The Building/Fire local amendments are reasonably necessary due to the local climatic, geological, and topographical conditions of the City, as detailed in the required findings and exhibit of the ordinance.

With limited exceptions further detailed, below, the City of Pacifica has consistently over several code cycles adopted the local amendments contained in the proposed ordinance. Such local amendments are typical of the triennial update and are not changing from the existing Code and include but are not limited to amendments to the Building Code, Residential Code, Fire Code, Plumbing Code, and Electrical Code.

New or revised local amendments that warrant further discussion are as follows:

Underground Utilities Installation

A proposed local amendment would modify the California Building Code (CBC) and California Residential Code (CRC) to require installation of underground utilities in all new buildings and when an existing utility line is upgraded. Exceptions to the underground utility installation requirement would include the following:

- 1) It would require the trenching and repaving of any public right-of-way that has been paved within one year from the date the building permit is issued.
- 2) It would require more than 500 feet of trenching to reach a point of connection to existing utility lines having the capacity to serve the residential structure. In such cases, the nearest 500 feet of utility lines to the structure shall be installed underground.
- 3) The servicing utility carrier has issued written notice indicating that undergrounding is either impractical or impossible given the location of the structure, and that the carrier has refused to provide utilities through undergrounded utility lines.

Geotechnical Hazard Assessments

A proposed local amendment would modify the CBC and CRC to require an expanded geotechnical hazard assessment for any site that is located within a geologic or seismic hazard zone mapped by the California Geologic Survey or adopted in the General Plan of the City of Pacifica. The expanded geotechnical hazard assessment would be subject to the following requirements, in addition to any other geotechnical investigation or geohazard investigation required by the CBC or CRC or any other provision of law:

- 1) A registered design professional shall evaluate potential off-site geotechnical hazards, including but not limited to those upslope and/or downslope of the project site, that may have the potential to cause direct injury to persons or damage to property as a result of development of the project.

- 2) When any such hazard(s) is/are identified, the registered design professional shall identify appropriate design features to be incorporated into the project design to minimize the hazard(s) to the maximum extent practicable.
- 3) The building official shall not issue a building permit until any project design feature(s) identified by the evaluation has/have been incorporated into the project plans.
- 4) The evaluation shall be limited to consideration of readily available data obtained from aerial photos, maps, previously prepared geotechnical reports, and observations able to be made from the project site and other publicly-accessible areas in the vicinity of the project site, including but not limited to public rights-of-way and public open spaces. The local amendment shall not require or authorize entry onto neighboring properties for any purpose, including but not limited to obtaining soil borings.
- 5) The registered design professional may seek a waiver from the requirement to construct project design features to minimize potential off-site geotechnical hazards when the construction of such features would be disproportionate to the cost of the overall project. The building official shall consider waiver requests and grant approval if the registered design professional has demonstrated with sufficient written evidence that the cost of design features to minimize potential off-site geotechnical hazards would exceed 20 percent of the overall project cost, such features would not otherwise be required by any other provision of the code, and no other less-costly feature can be incorporated into the project design to reduce the identified hazard(s).

Green Building Standards Code

The City Council first adopted local amendments during the 2019 code adoption process to require all-electric appliances in new buildings with four exceptions. At a study session on September 27, 2022, and during a consideration item on October 24, 2022, the City Council directed staff to prepare revisions to the existing building electrification standards as part of the 2022 code adoption process as well as inclusion of revised electric vehicle (EV) parking standards. A proposed local amendment would incorporate the City Council's direction and would:

- 1) Eliminate the exception from all-electric building construction for:
 - a. Cooking appliances and fire places in residential buildings.
 - b. Public agency owned and operated emergency centers.
 - c. Accessory dwelling units
- 2) Prohibit the installation or use of natural gas for any purpose in an all-electric building constructed after January 1, 2023, excepted as provided in #3, below.
- 3) Continue an exception for for-profit restaurants to install gas cooking appliances subject to certain criteria, including new restaurants in the commercial area of a new mixed-use building constructed after adoption of the 2022 code update.
- 4) Define that a "new construction building" for purposes of electrification requirements would be one constructed pursuant to a building permit issued on or after January 1, 2023.
- 5) Establish EV parking standards for single-family and two-family dwellings that require:

- a. One Level 2 EV Ready circuit ¹
 - b. One Level 1 EV Ready circuit
- 6) Establish EV parking standards for multi-family dwellings that require:
- a. Level 2 EV charging station (EVCS): 15% of dwelling units with parking spaces
 - b. Level 2 EV Ready (low-power²): 85% of dwelling units with parking spaces

The standards also provide a developer option to exempt dwelling units from the EV parking requirements if they are restricted to affordability by lower income households, as defined, pursuant to a legal agreement approved as to form by the City Attorney.

- 7) Establish EV parking standards for non-residential uses that require:
- a. Offices
 - Level 2 EVCS: 20% of off-street parking spaces
 - Level 2 EV Ready: 30% of off-street parking spaces
 - b. Public Parking Lots (Staff Recommendation)
 - Level 2 EVCS: 15% of off-street parking spaces
 - Level 2 EV Ready: 20% of off-street parking spaces
 - c. Overnight Accommodations (Staff Recommendation)
 - Level 2 EVCS: 30% of off-street parking spaces
 - Level 2 EV Ready: 20% of off-street parking spaces
 - d. All Other
 - Level 2 EVCS: 10% of off-street parking spaces
 - Level 2 EV Ready: 10% of off-street parking spaces

Staff recommends introducing the proposed ordinance as drafted and setting a public hearing to consider adoption of the proposed ordinance on November 28, 2022.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA), in that the adoption of State codes and the local amendments therein described do not have the potential for causing a significant effect on the environment, pursuant to Sections 15061(b)(3) and 15378(b)(5) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). The adoption of the proposed ordinance is also exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines as an action by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment.

ALTERNATIVE ACTION:

The Council may decline to adopt local amendments or request modifications, including to the proposed Reach Codes. If the City Council desires to make further substantive amendments beyond those identified in the proposed ordinance, it is unlikely that the proposed ordinance would be implemented by January 1, 2023. While local amendments, including Reach Codes, may be adopted at any time, adoption before the beginning of the triennial code cycle provides

¹ Level 2 charging refers to a 240-volt circuit and results in faster charging as compared to Level 1 charging which uses a 120-volt circuit.

² A "low-power" Level 2 EV Ready setup includes a minimum 4.1 kVA (240 volt, 20-ampere) circuit, as compared to a standard Level 2 EV Ready setup that includes a minimum 8.3 kVA (240 volt, 40-ampere) circuit.

the greatest clarity to potential applicants and simplifies staff administration of applicable regulations following the code update.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

Adoption of the 2022 CBC and local amendments is not related to a City Council priority work plan item. However, adoption of certain local amendments, including Reach Codes, would support the following Council-adopted goals:

Goals

- “Stewardship of City Infrastructure” includes repairing/replacing outdated city facilities, improving streets, stormwater and wastewater infrastructure and responding to impacts of sea level rise and other effects of climate change.
- “Environmental Sustainability” includes stewardship of parks, urban forests and open space, preserving hillsides and beaches, and adaptation to climate change.

In addition, the City of Pacifica’s Climate Action Plan (CAP) Goal 4.1.1 states that the City should “Require Green Building Practices in Both the New Construction and Remodel Market.”

FISCAL IMPACT:

The Fiscal Year 2022-2023 adopted budget included \$25,000 for costs associated with the 2022 California Building Code update. Staff estimates the budgeted amount should be sufficient for analysis and adoption of the state-mandated code and all local amendments identified in this staff report. Council direction to analyze other local amendments has the potential to incur additional costs that were not anticipated in the adopted budget.

ORIGINATED BY:

Planning Department

ATTACHMENT LIST:

Attachment 1 - Draft Ordinance to adopt by reference the 2022 California Building Standards Code and Local Amendments (DOCX)