

Special Notice / Hearing: 10-Day Notice
Vote Required: Majority

To: Honorable Board of Supervisors
From: Steve Monowitz, Community Development Director
Subject: Adoption of the 2022 California Building Standards Code and Division VII (Building Regulations) of the San Mateo County Ordinance Code

RECOMMENDATION:

Recommendation to:

- A) Open Public Hearing to consider adoption of the 2022 California Building Standards Code and Division VII (Building Regulations) of the San Mateo County Ordinance Code
- B) Close public hearing
- C) Find that adoption of the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15308 and 15061(b)(3); and
- D) Introduce an ordinance (1) repealing the 2019 California Building Standards Code with all local amendments, and Division VII of the San Mateo County Ordinance Code, and County Ordinance No. 4824; and (2) adopting the latest (2022) editions of the California Building Standards Code: 2022 California Building Code (Title 24, Part 2); 2022 California Residential Code (Title 24, Part 2.5); 2022 California Fire Code (Title 24, Part 9); 2022 California Historical Building Code (Title 24, Part 8); 2022 California Existing Building Code (Title 24, Part 10); 2022 California Mechanical Code (Title 24, Part 4); 2022 California Electrical Code (Title 24, Part 3); 2022 California Plumbing Code (Title 24, Part 5); 2022 California Energy Code (Title 24, Part 6); 2022 California Green Building Standards Code (Title 24, Part 11); 2018 International Property Maintenance Code; 2022 California Reference Standards Code (Title 24, Part 12); and (3) adopting a new Division VII (Building Regulations) of the San Mateo County Ordinance Code, and waive reading of the ordinance in its entirety.

BACKGROUND:

Proposal: The Planning and Building Department (Department), in collaboration with the Office of Sustainability (Sustainability), proposes the adoption of the 2022 California Building Standards Code pursuant to State law, and corresponding amendments to the San Mateo County Ordinance Code, Division VII (Building Regulations), in addition to

local amendments to the California Building Standards Code to address specific concerns within unincorporated San Mateo County.

State Code Requirements: The California Building Standards Commission has adopted the 2022 California Building Standards Code based on the International Building Code (IBC), International Residential Code (IRC), International Fire Code (IFC), International Existing Building Code (IEBC), Uniform Mechanical Code (UMC), Uniform Plumbing Code (UPC), and National Electrical Code (NEC). The State adopts and publishes construction codes on three-year cycles. The International Code Council (ICC) and the International Association of Plumbing and Mechanical Officials (IAPMO) develop construction and public safety codes on a triennial basis.

Local jurisdictions are generally required to enforce the regulations adopted by the State. However, the County may establish more restrictive building standards deemed reasonably necessary because of local climatic, geological or topographical conditions. The County's local amendments must be readopted every three years in conjunction with the State's triennial updates.

The Department and Sustainability are proposing local standards that continue amendments adopted in the previous update cycle (2019), and proposes new amendments, as discussed below. In order to take effect, all such amendments must be submitted to the California Building Standards Commission.

DISCUSSION:

As detailed below, the County's local amendments proposed for this triennial cycle include both substantive and administrative changes. The adopting ordinance is provided as **Attachment 1**.

The substantive changes revise the local method by which the need for fire sprinklers is determined; revise the way in which pool safety requirements are applied; and include updates to local energy code requirements that exceed State code standards, known as Reach Codes. All substantive changes must be accompanied by findings of fact based on local climatic, geologic, and/or topographic conditions that justify the proposed amendment. The findings of fact justifying the proposed amendments are detailed in Attachments 1 and 3.

The administrative changes consist of re-adoption of Division VII (Building Regulations) of the San Mateo County Ordinance Code.

A. Proposed Substantive Local Amendments

1. Amendments to Existing Local Fire Sprinkler Requirements

The proposed substantive amendments to the County's local fire sprinkler requirements include:

- An amended definition for "Substantial Alteration";

- Addition of one prescribed condition requiring fire sprinkler systems in existing buildings; and
- The expanded application of one already existing prescribed condition requiring fire sprinklers for one and two-family residential buildings; and
- Deletion of the “Building Safety Score” and four other prescribed criteria requiring fire sprinklers in existing buildings.

The Building Safety Score, a risk scoring matrix process used to determine if automatic fire sprinkler systems are required in existing buildings when building permits for alterations and additions are applied for, was proposed and adopted during the last Code update adoption cycle (2019) in an attempt to make the determination process less arbitrary and more equitable. However, since its implementation, questions and issues raised indicate the Building Safety Score has not met its original intent and has, instead, resulted in greater inequity and confusion for residents and their design professionals. Representatives from all of the fire districts serving the unincorporated areas of the County concur the Building Safety Score and the four other specified criteria (identified in **Attachment 1**) have been problematic and they are in support of the proposed changes, as detailed in Section 9113 of **Attachment 1**. These changes provide greater clarity about when automatic fire sprinkler systems are required in existing buildings and will thereby make the permit application review process more transparent and less arbitrary.

The local climatic, geologic, and topographic conditions that justify these proposed substantive amendments to local sprinkler requirements are described in detail in **Attachment 3**.

2. Modification to California Building Code Section 3109 (Pool Safety)

This substantive amendment modifies California Building Code Section 3109, also known as the California Swimming Pool Safety Act (Health and Safety Code §§ 115920 – 115929), to require an enclosure (a barrier fence around the pool or spa or the yard containing the pool or spa) to serve as the primary pool/spa drowning prevention safety feature, adds specific requirements regarding how an enclosure is constructed, and organize the requirements for clarity. (See Section 9107 of **Attachment 1**.)

The County has many high-density neighborhoods where families with young children live and where swimming pools and spas, if not adequately protected, can present a drowning hazard. State law currently allows swimming pool and spa builders to choose from two drowning prevention safety features, with an enclosure being one of those options. An enclosure, which is a barrier built to very specific criteria, is the only one of the two prescribed options offering full-time, passive protection for young children susceptible to drowning and near drowning accidents. If built correctly, enclosures do not require frequent actions by pool/spa owners to ensure that they are in-place and functioning correctly. Further, enclosures have been mandated as the primary swimming pool/spa safety feature by many, if not most, of the neighboring local jurisdictions for many years, as well as by many other cities and counties throughout the

state. Thus, by requiring enclosures to be the primary means of pool/spa drowning protection, this amendment will align the County with such jurisdictions.

The local climatic, geologic, and topographic conditions that justify these proposed substantive amendments to local pool safety requirements are described in detail in **Attachment 3**.

3. Amendments to Reach Codes

Part 1: Electrical Vehicle Infrastructure and Building Electrification

The proposed substantive amendments include adoption and integration of updated local Reach Codes within the California Green Building Standards Code and repeal of County Ordinance No. 4824, which established the County's current local Reach Codes.

Specifically, the proposed substantive amendments would require additional electric vehicle charging infrastructure (EVCI) for the construction of new buildings. The 2022 California Green Building Standards Code update (Title 24, Part 11) increased requirements for electric vehicle charging infrastructure in new construction. To reflect these requirements and address the significant increase in registered plug-in vehicles within San Mateo County, the following electrical vehicle (EV) infrastructure would be required:

- For all new single-family construction, two EV spaces—one space with Level 2 chargers and the other with Level 1 chargers;
- For new multifamily dwelling units, 15% of parking spaces must be provided with Level 2 EV Charging Stations, and the remaining 85% must be Low Power Level 2 EV Ready;
- For new office construction, 20% of spaces must have Level 2 EV chargers, 30% must have Level 1 EV chargers, and an additional 30% of spaces must be Level 2 EV capable.
- For new commercial construction, 10% of the parking spaces must be equipped with Level 2 EV charging stations and an additional 10% of spaces must be Level 2 EV charging capable.

Further, the proposed substantive amendments include “all-electric” requirements for all new residential and non-residential buildings. This would require specific end-uses to install electric appliances—including space heating, water heating, clothes-drying, and cooking—rather than natural gas appliances, with limited exceptions. Natural gas usage in buildings is one of the largest sources of greenhouse gas (GHG) emissions. Executive Order 55-18 established a statewide policy to achieve carbon neutrality by 2045, Senate Bill 100 requires a 100% clean electric grid by 2045, and the County's own Community Climate Action Plan established a goal of reaching carbon neutrality by 2040. Passing a Reach Code that prohibits or disincentivizes natural gas infrastructure will enable San Mateo County to work towards achieving its climate goals. The text of

the proposed amendments is available in Sections 9210, 9218, and 9219 of **Attachment 1**.

The local climatic, geologic, and topographic conditions that justify these proposed substantive amendments to local EV infrastructure and building electrification are described in detail in **Attachment 3**.

Part 2: Construction and Demolition Debris

The proposed substantive amendments also modify, clarify, delete, and add language to various definitions and requirements contained within the California Green Building Code related to Construction and Demolition Waste to align the Code with the County's current approach to regulating and managing waste generated from construction and demolition projects. The full text of these changes can be found in Section 9210, 9212, and 9217 of **Attachment 1**.

The local climatic, geologic, and topographic conditions that justify these proposed substantive amendments to local construction and demolition waste are described in detail in **Attachment 2**.

B. Proposed Administrative Amendments

In addition to the above substantive amendments, the proposed ordinance also re-adopts Division VII (Building Regulations) of the San Mateo County Ordinance Code. Unlike substantive amendments to the State building codes, findings of fact are not required for the adoption of administrative amendments. These administrative provisions address matters such as permit requirements, application procedures, the number of plan sets required, permit term limits, and similar procedures.

The proposed adoption and/or amendments to the San Mateo County Building Regulations include the following topics: (1) adopting the 2022 California Building Standards Code, California Building Code, Section 9100; (2) adopting California Residential Code, Section 9110; (3) adopting California Fire Code, Section 9120; (4) adopting California Historical Building Code, Section 9150; (5) adopting California Existing Building Code, Section 9160; (6) adopting California Mechanical Code, Section 9170; (7) adopting California Electrical Code, Section 9180; (8) adopting California Plumbing Code, Section 9190; (9) adopting California Energy Code, Section 9200; (10) adopting California Green Building Standards Code, Section 9210; adopting International Property Maintenance Code, Section 9220.

The County Attorney's Office has reviewed and approved the ordinance as to form.

ENVIRONMENTAL REVIEW:

Adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines section 15308 as an action by the County for the protection of the environment, and under section 15061(b)(3) on the grounds that the proposed standards are more stringent than the State standards, there are no reasonably foreseeable adverse environmental impacts and there is no

possibility that the activity in question may have a significant adverse effect on the environment.

FISCAL IMPACT:

None

ATTACHMENTS:

1. 2022 Draft Ordinance
2. Local Conditions and Findings – Fire sprinklers
3. Local Conditions and Findings – Pool Safety and Reach Codes