



SARATOGA CITY COUNCIL

MEETING DATE: November 2, 2022

DEPARTMENT: Community Development Department

PREPARED BY: Keith Weiner, Building Official

SUBJECT: Adoption of the 2022 California Building Standards Code with Local Modifications

RECOMMENDED ACTION:

- (1) Conduct a public hearing.
- (2) Introduce and waive the first reading of the attached ordinance adopting and modifying the referenced codes; and
- (3) Direct staff to place the ordinance and the attached resolution making findings regarding proposed modifications to the referenced codes on the consent calendar for adoption on November 16, 2022

BACKGROUND:

Every three years the State of California updates the State Building Code and related codes. The attached ordinance would adopt the State codes with local modifications. In particular, on [September 21, 2022](#), the City Council directed staff to move forward with certain Building Reach Codes as proposed by Silicon Valley Clean Energy and Valley Water. The City Council directed staff to include provisions to advance the electrification measures adopted in the last code by (1) restricting the use of gas for cooking appliances only within a building (the exception for outdoor gas appliances remains in effect); (2) eliminating the option for gas fireplaces indoors and gas dryers; (3) removing exception for new ADUs; (4) modifying the requirements for electric vehicle chargers to be more specific in regard to the level of charger (amperage and voltage of circuit) and include requirements for parking lot improvements and requirements for the number of chargers installed in multi-family housing projects; and (5) including water conservation measures consisting of installation of graywater ready plumbing systems and installation of hot water recirculation systems in new construction.

As background, the construction of residential, commercial, and various other structures in California is regulated by Title 24 of the California Code of Regulations, also known as the California Building Standards Code (“CBSC”). These regulations establish construction standards to protect the public welfare and provide uniformity in building laws. State law requires updates to the Building Codes every three years. The updated Building Codes go into effect statewide on January 1, 2023, regardless of the City taking any action or not.

The CBSC is enforced by local governments through the building permit process. All construction in the State must comply with the CBSC unless the city or county in which the construction occurs has adopted local modifications to the CBSC by ordinance. Modifications are allowed only to address local climatic, geological, or topographical conditions based on specific findings. The attached ordinance makes key provisions of the CBSC a part of the Saratoga Code and modifies the CBSC as needed to reflect local conditions in Saratoga.

DISCUSSION:

The CBSC is compiled and published by the California Building Standards Commission. The specific codes cities must enforce includes: the Building Code, Residential Building Code, Plumbing Code, Fire Code, Mechanical Code, Energy Code, and Electrical Code. City staff, in consultation with the Santa Clara County Fire Department and other local West Valley Building Officials, have reviewed the 2022 California Building Standards Code and recommend that:

1. The City adopt the 2022 California Code of Regulation Title 24, California Building Standards Commission Part 1 (California Administrative Code), Part 2 (Building Code volumes 1 and 2), Part 2.5 (California Residential Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 8 (California Historic Building Code), Part 9 (California Fire Code), Part 10 (California Existing Building Code), Part 11 (California Green Building Standards Code), Part 12 (California Reference Standards Code) by reference;
2. The City adopt certain appendices to the California Building, Plumbing, Mechanical, and Fire Codes (these take effect only if adopted by the City);
3. The City adopt various modifications to the 2022 California Building Standards Code that are reasonably necessary because of local climatic, geological, and topographical conditions; and
4. The City adopt the 2022 California Fire Code by reference and make modifications to that Fire Code recommended by the Fire Chief and Fire Marshal as being reasonably necessary because of local climatic, geological, and topographical conditions.

The proposed modifications are consistent with those adopted by other jurisdictions in the area. The City must make findings regarding its modifications to the uniform codes and those findings are included in the resolution that would be adopted concurrently with the code modifications.

The specific provisions adopted and modified by the ordinance are listed below and summarized in more detail in the Resolution with matrix. (Attachment A) Proposed modifications to the Green Building Code and Fire Code are discussed below.

2022 CA Green Building Code—The 2022 California Green Building Code is adopted in Article 16-49 of the Saratoga City Code. The modifications made to the State’s 2022 Green Building Code are detailed in the draft ordinance. The notable revisions require all new buildings to have electric appliances with the exception of the cooking appliance, the cooking appliance may use natural gas but must have a prewired circuit available so that an electrical appliance could be installed at a later date; specific level EV Chargers installed in single family and multifamily

dwelling and at existing parking lots when applicable renovations are made; and the water conservation measures that Council directed staff to include.

2022 CA Fire Code—The 2022 California Fire Code and Appendices are adopted and modified in Article 16-20 of the Saratoga City Code. The modifications made to the 2022 California Fire Code in Article 16-20 (“Fire Code”) are detailed in the draft ordinance.

ENVIRONMENTAL DETERMINATION:

The proposed modifications to the City Code are Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline sections 15305 - Minor Alteration to Land Use Limitations, and 15061(b)(3) - The general rule that CEQA applies only to projects which have the potential of causing a significant effect on the environment.

ATTACHMENTS:

- A. Resolution with Matrix
- B. Ordinance

REVISIONS AND UPDATES:

The draft ordinance was revised on November 1, 2022 to include corrections from Santa Clara County Fire Department to the Building, Fire and Residential Codes concerning fire sprinkler requirements, deleting amendments to Chapter 3 of the Fire Code, adding previously omitted provisions for EV charging requirement for multi-family dwellings and existing buildings, and correcting typographical and formatting errors.

Changes are shown in the attachment.