



Legislation Text

File #: 2022-0702, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Nathan Quarles, (707) 565-1146 and Steve Mosiurchak (707) 565-1380

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

1:45 P.M. Building and Fire Triennial Code Update

Recommended Action:

Adopt a resolution introducing, reading the title of, and waiving further reading of proposed Ordinances Amending Chapters 7, 7A, and 13 of the Sonoma County Code, and direct the Clerk of the Board to set a Public Hearing for December 6, 2022, to consider adoption of the ordinances, accepting by reference the 2022 edition of the California Model Codes with local amendments.

Executive Summary:

This action is to make amendments to Chapters 7, 7A, and 13 of the Sonoma County Code (SCC) to address changes to the California Code of Regulations, Title 24, Parts 1-12, commonly referred to as the "model codes", which govern the design and construction of structures and the maintenance of life safety systems within structures for fire prevention. The State model codes were amended and adopted in January of this year. The State published the model codes on July 1, 2022, and they will become effective on January 1, 2023. Local jurisdictions may adopt local amendments that are equal to or more stringent than the model codes if reasonably necessary due to local climatic, geographical, and topographical conditions. Local amendments must be filed with the California Building Standards Commission along with findings upon adoption of the ordinance prior to becoming effective, but do not require approval from the Commission before becoming effective. The proposed ordinances represent adoption of the model codes with local amendments to Chapters 7 (building), 7A (regulations for limited density owner-built rural dwellings) and 13 (fire) of the County Code.

This agenda item also includes a discussion on reach codes, or regulations that exceed the State model codes. Energy reach codes are the most prominent, however, the concept of reach codes can also apply to fire prevention. Energy reach codes vary by jurisdiction with the main components being higher energy efficiency construction, 100% electric dwellings, a photovoltaic (PV) system matching the energy needs of the dwelling and a battery backup system to match the dwelling. Local jurisdictions must adopt specific findings about the cost effectiveness of the reach codes obtain approval from the California Energy Commission prior to the reach codes becoming effective.

In April and September of 2022, the Board of Supervisors conducted workshops related to REACH energy codes, tiny homes, and emergency housing. The Board provided staff direction to draft regulations for the Board's consideration that 1) require 100% electric dwellings for new dwellings with exceptions; 2) amend the

zoning code to allow for tiny homes as temporary housing units; 3) allow the option of waterless toilets; 4) require Electrical Vehicle Infrastructure Training Program (EVITP) certifications for County sponsored and/or County funded electrical vehicle charging stations; and 5) omit language in the building code's emergency housing appendices that restrict these appendices to County only projects.

The land use regulations for tiny homes as temporary housing units are not part of the current Board package because they are not building code amendments. Rather they are proposed amendments to the zoning code, which are required to be considered by the Planning Commission prior to Board consideration of them. Staff will bring the proposed zoning code changes to allow tiny homes as temporary housing to the Planning Commission who will then provide recommendations to the Board of Supervisors regarding adoption. It is anticipated that the proposed zoning code changes will go before the Planning Commission in early 2023. Building code changes for the construction of tiny temporary homes are being proposed now in anticipation of future possible changes to the zoning code that would allow use of those structures for temporary housing units.

In addition to the 100% electric homes and zoning codes, there are numerous building code modifications that are needed for Sonoma County. These include a permit exemption based on fence heights, a requirement for Class A roofs, and a modification for the placement of anchor bolts, for example. These are detailed below in the section for local amendments to the building code.

A core group of fire service agencies including county fire districts and cities met and collaborated to create a uniform fire code for Sonoma County. The working group held six meetings since June 2022 with the goal of aligning with the model fire code and to return the code back in line with state minimum standards and to reduce conflicts from other state mandates. By undertaking this collaborative effort, all jurisdictions within the County will have essentially the same fire code language, thus creating uniformity among all fire codes within Sonoma County.

Discussion:

Sonoma County Code Chapter 7 - Building Regulations

Model Codes and Local Amendments:

The International Code Council (ICC) revises and publishes model building codes on a three-year cycle. The State of California amends the ICC codes and various state agencies adopt the model codes also in a three-year cycle, but roughly six months behind ICC.

The model codes include main branches of construction such as the building code, fire code, residential, plumbing, mechanical, and electrical codes. Also included are model codes dealing with energy consumption and efficiency, green building and waste reduction, historic buildings, and existing buildings. The formal names include the California Building Code, the California Fire Code, etc.

The California Building Standards Code was published on July 1, 2022, and local jurisdictions are obligated to implement the State codes, as adopted by the State within 180 days after State publication. Local jurisdictions can make local amendments that are equal to or more stringent than State codes, but local jurisdictions cannot relax the State codes. The State codes go into effect on January 1, 2023, regardless of whether local amendments are adopted and become effective by this date. If local amendments do not become effective on

or before January 1, development applications will be subject to State code until local amendments become effective.

On November 8, 2022, the proposed ordinance with local amendments will be introduced. On December 6, 2022, the Board will hold a hearing to adopt the proposed ordinance. If adopted, local amendments will become effective on January 5, 2023. Details of the proposed changes are presented later in this staff report.

Model Code Changes:

The State's 2022 model codes have made substantial changes as compared to the 2019 model codes. The major changes include requiring all new dwellings to be electric ready. This includes single-family as well as multi-unit dwellings. Electric ready includes installing the infrastructure (conduit, wiring, electrical panel, and space) for electric appliances such as stove tops, clothes dryers, energy storage, and heat pumps.

The State's 2022 model codes also require photovoltaics and energy storage (batteries) for non-dwelling structures. Non-dwelling structures include schools, office buildings, retail shops, warehouses, and groceries.

Board Directed Local Amendments to the Building Codes:

Staff recommend amending Sonoma County Code section 7-13 in accordance with Board direction received during the September 2022 building code workshop. These amendments include requiring 100% electric dwellings with exceptions; allowing the option of waterless toilets; requiring EVITP certifications in certain instances; and modifying the emergency housing appendices to omit language that restricts these appendices to County only projects.

SCC section 7-13(J)(2) is proposed to be added. Section 7-13(I)(2) requires all new single-family dwellings, including Accessory Dwelling Units, to be 100% electric with no other source of fuel or energy except for the following: dwelling structures that satisfy the criterion of the California Energy Code section 150.1(c)14 exception 1, or exception 2; natural gas or propane ignitor cooktops (no pilot lights); fossil fuel generators; ADUs attached to a mixed fuel single-family dwelling and that mixed fuel system is to be used for the ADU. Section 150.1(c)14 is the energy code section for the requirement of photovoltaic panels and exception 1 is when solar access is restricted to less than 80 square feet of the dwelling roof.

SCC section 7-13(G)(2) is proposed to add waterless toilets as an option to the requirement that all dwellings have an adequate number of flush toilets.

SCC section 7-23 is proposed to be added. Section 7-23 requires electrical contractors to have the specified number of workers hold the EVITP certification. The EVITP certification requirement applies to County projects or County funded projects. The provisions require the charging station to be installed by a contractor with the appropriate license classification (electrical contractor) and at least one electrician on each crew, at any given time, who holds an EVITP certification or for projects that install a charging port supplying 25 kilowatts or more have at least 25% of the total electricians working on the crew for the project, at any given time, who hold EVITP certification.

-SCC section 7-13(C)(38) and 7-13(D)(9) are proposed to omit language in the emergency housing appendices that restricts the use of these appendices to County-owned or County-sponsored projects.

Administrative Local Amendments to the Building Codes:

This item proposes to update SCC section 7-13 to address several administrative and technical amendments. These include:

- recognize the 2022 versions of the model codes,
- the time limit of building applications and permits and appeal provisions,
- adding projects that are exempt from needing a building permit,
- adding a requirement for Class A roofs for all structures,
- adding a provision to place anchor bolts prior to pouring of the foundation, and
- amendments to ensure the building codes are consistent with the fire code.

SCC section 7-13(A) currently recognizes the 2019 model building codes is proposed to be modified to recognize the 2022 versions of the model codes.

SCC section 7-13(B)(3) addressing the time limit of an issued permit is proposed to be edited to be consistent with state law and the 2022 model codes. SCC section 7-19 proposes to modify the “abandonment” definition to be consistent with and implement the time limit of an issued permit.

SCC section 7-13(C)(2) details the types of projects that are exempt from needing a building permit. These need to be re-adopted each code cycle.

SCC section 7-13(C)(37) adds a requirement for Class A roofs for all structures with exceptions for greenhouses, patio covers and similar structures. Like the permit exemptions, this needs to be re-adopted into local code each code cycle.

SCC section 7-13(D)(7) adds a requirement to place foundation anchor bolts in foundations prior to pouring concrete. The 2022 model codes do allow for the placement of foundation anchor bolts after the concrete is poured but before it is set. Staff’s recommendation is to not follow the 2022 model codes in this respect but to require the traditional method of placing foundation anchor bolts. The traditional method is to affix the anchor bolts to the rebar within the forms prior to pouring the concrete.

Various amendments throughout SCC section 7-13(C) and 7-13(D) are proposed to ensure consistency between local fire code amendments and the building codes.

Sonoma County Code Chapter 26 - Zoning Regulations

Board Directed Local Amendments for Housing Units:

In September 2022, the Board provided direction to pursue “tiny homes” as a housing solution. Tiny homes range from small (less than 400 square feet) dwellings or manufactured homes to recreational vehicles, park trailers, travel trailers and similar transportable housing units. The small dwellings and manufactured homes

are regulated by the residential code with implementation by the local jurisdiction. These structures are considered a permanent dwelling.

Construction of the transportable housing units is regulated under the residential building code and implemented by the State Department of Housing and Community Development. As the local jurisdiction, Permit Sonoma proposes to regulate the land use and connection of the transportable housing unit to utilities, water supply and wastewater systems. The model codes do not recognize the transportable housing units as permanent dwellings.

The Board's direction was to regulate tiny homes in two categories: as permanent dwellings and as temporary housing. The Board further directed that temporary housing include two sub-types: transportable housing units and conversions of existing non-dwelling structures.

Tiny homes as permanent dwellings are proposed to be regulated through the model residential code and through plan review and inspection services. All the typical infrastructure requirements and regulations would apply as permanent dwellings.

Temporary Transportable Housing Units

Tiny homes as transportable housing units are proposed to be regulated as temporary housing units through the model residential building code with HCD as the lead for construction, and Permit Sonoma as the lead for land use zoning code compliance and on-site infrastructure as outlined below.

Construction (Existing Building Code):

- an American National Standards Institute placard, sticker or certification shall be affixed to the transportable housing unit

Land Use (Future Possible Zoning Code changes):

- one temporary housing unit per parcel.
- unit placed on a legal parcel that is 6,000 square feet or larger.
- residential use only.
- excludes use as a vacation rental unit.

Wastewater Options (Future Possible Zoning Code and Existing Code):

- enter into a contract for hold and haul or
- demonstrate capacity in the on-site wastewater treatment system or
- connect to a sanitary facility

Water Supply Options (Existing Code):

- connect to an on-site water supply, or
- connect to a water district

Utilities (Existing Code):

- connection to electrical and gas supplies per model residential code

It is anticipated the zoning provisions will be implemented through a temporary (TEM) permit, issued pursuant to future changes of the zoning code, should they be adopted and through various building permits as needed. The TEM permit will address the land use issues through future proposed changes to the zoning code and the building permits will address construction (ANSI certificate) and connections. The TEM permit is proposed to be valid for five years upon occupancy and re-evaluated near the end of the five-year term.

Temporary Conversion of Existing Non-dwelling Structures

The second sub-type of temporary housing unit is the conversion of non-dwelling structures to temporary housing units. Examples could include a garage, pool house, art studio or similar existing structure that was permitted in the past. Some of these structures are conditioned and some are not. To convert for human occupancy, various levels of conversions will be required depending on the original occupancy of the existing structure. Some structures may only need portable appliances such as space heaters, air conditioners, plug in ovens, etc., and others may require more elaborate conversions.

The proposed approach is similar to the above for transportable housing units in that building permits may be needed, depending on the existing structure and connections, and a TEM permit would also be required. In this case, the TEM would not only address land use, but would also address the viability of the structure as being fit for occupancy as a temporary housing unit. The TEM would document the findings from a licensed contractor who is certifying the structure is habitable and safe to occupy. Staff are proposing a habitability inspection with checklist style form to document the inspection. This approach is like the approach currently being used for the accessory dwelling unit enforcement extension request pursuant to policy 7-0-21 <https://permitsonoma.org/policiesandprocedures/7-0-21> accessory dwelling unit enforcement extension request. The checklist form would be slightly different and needs to be created, but still completed by a licensed contractor who has conducted the habitability inspection.

Zoning Code Adoption and Use

The zoning code provisions are proposed to be amended into SCC section 26-88-010. As zoning regulations, the proposed land use provisions will be presented to the Planning Commission at the first available hearing which is anticipated to be in January 2023. The Planning Commission will review, consider, and make recommendations to the Board of Supervisors. It is anticipated that proposed zoning code amendments could be forwarded to the Board of Supervisors in April 2023. Assuming adoption by the Board of Supervisors, the zoning code and TEM permit would be in effect 30 days after adoption.

The proposed zoning code will go through the regular review and evaluation by staff and the Planning Commission. General plan consistency, potential CEQA issues, and other potential implications will be evaluated. The best-case scenario is the proposed zoning code could be in effect in May 2023. However, if the

proposal is not consistent with the general plan or requires a CEQA evaluation, the timing could be extended.

The intent is to use the TEM permit for both the transportable housing units and the temporary conversion of existing non-dwelling structure. Both temporary housing units would be subject to the future zoning code should the zoning code be amended.

Sonoma County Code Chapter 7A - Regulations for Limited Density Owner-Built Rural Dwellings

One administrative change is being proposed to address a change in paragraph numbering.

Sonoma County Code Chapter 13 - Sonoma County Fire Safety Ordinance

The Sonoma County Fire Prevention Division has fire code authority for all new residential construction in the unincorporated areas and for most new commercial construction, which was delegated to the County Fire Marshal by the fire districts (SCC section 13-15) and has authority for both residential and commercial construction within County Service Area #40 (CSA #40). Each fire district in Sonoma County is responsible for enforcing the fire code for existing business occupancies. Several fire districts contract with the County to perform inspection and enforcement services (Schell-Vista Fire Protection District (FPD), Graton (FPD), Occidental (FPD), Timber Cove (FPD) and Cazadero CSD). Incorporated cities are responsible for adopting and enforcing their own fire and building codes for both residential and commercial buildings. Additionally, Sonoma County is responsible for the review and inspection required by Title 14 of the Natural Resources Code, Division 1.5, Chapter 7, Subchapter 2, as delegated by California Department of Forestry and Fire Protection, for all new construction located in the State Responsibility Area (SRA).

Beginning in June 2022, the Sonoma County Fire Marshal and the Sonoma County Fire Prevention Officers have held six working group meetings to continue their effort in having a uniform Fire Code between the incorporated cities and unincorporated area of the county protected by a Fire District. The group has agreed to keep alignment with the model code as it relates to the maintenance provisions and to reduce the number of fire code operational permits relative to previous code cycles. The purpose is to return the code back in line with state model code minimums and to reduce conflicts with other state mandates. California Free Access Fire Code: <https://codes.iccsafe.org/content/CAFC2022P1>

Along with the County's Permit and Resource Management Department, the Fire Marshal staff worked with a core group of fire service agencies to make local amendments to the California Fire Code. The fire service agencies included representatives from: Sonoma Valley, Santa Rosa Fire Department, Petaluma Fire Department, Rohnert Park Department of Public Safety, Sebastopol Fire Department, Healdsburg Fire Department, and a fire district representative. Several meetings were conducted for all interested persons over a period of eight months. By undertaking this collaborative effort, all jurisdictions within the county will have essentially the same language contained in their fire codes, thus creating uniformity among all fire codes within the county. The proposed fire code ordinance is attached to this summary report.

Other Considerations

Code Enforcement

Permit Sonoma's is seeking Board direction on an amnesty program for temporary housing units. One recommendation is to cease enforcement action until the proposed zoning code amendments are heard by

the Planning Commission and by the Board of Supervisors.

Dashboard Tracking of Temporary Housing Units

Permit Sonoma currently tracks a range of permits and processing times. Our performance data website can be found here: <https://permitsonoma.org/performance> . Permit Sonoma will add temporary housing units once the permit is in place.

Occupancy Conversions to Dwellings

Local building officials have the flexibility to use the code in effect at the time of an occupancy conversion. Since the housing crisis recognized Sonoma County has been using this flexibility to permit occupancy conversions to dwellings. Staff are working on a policy to document this approach.

Recommendations

Adopt a resolution introducing, reading the title of, and waiving further reading of proposed Ordinances amending Chapters 7 and 13 of the Sonoma County Code, and direct the Clerk of the Board to set a Public Hearing for December 6, 2022, to consider adoption of the ordinances, accepting by reference the 2022 edition of the California Model Codes with local amendments,

Prior Board Actions:

09/15/2020: The Board adopted revisions amending the Building Code for Emergency Housing

12/02/2019: The Board adopted revisions to Chapters 7 and 13

11/01/2016: The Board adopted revisions amending Chapter 7, 7A, 7A and 7D

11/01/2016: The Board adopted Resolution #16-0417

10/20/2015: The Board adopted revisions amending Chapter 7

11/05/2013: The Board adopted revisions amending Chapter 7 and 7D2

11/05/2013: The Board adopted revisions amending Chapter 13

11/02/2010: The Board adopted revisions amending Chapter 7 and 7A

05/04/2010: The Board adopted revisions amending Chapter 13

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

Not Applicable

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Attachment A: Board Resolution

Attachment B: Draft Chapters 7 (Building) and 7A (Limited Density Owner-Built Rural Dwellings) Ordinance Amendments

Attachment C: Draft 2022 Chapter 13 Fire Safety Ordinance Amendments

Attachment D: Draft CEQA Exemption

Attachment E: Staff PowerPoint

Related Items "On File" with the Clerk of the Board:

Attachment B: Building Code Ordinance Amendment-Redlined

Attachment C: Draft 2022 Chapter 13 Fire Safety Ordinance Amendments-Redlined
Chapter 13 of the Municipal Code Fire Safety Ordinance Version 6296 and Incorporated Changes 6318