Legislation Details (With Text)

File #:	2020-0160			
Type:	Regular Calendar Item	**Status:**	Agenda Ready	
File created:	2/10/2020	**In control:**	Permit and Resource Management	
On agenda:	4/21/2020	**Final action:**		
Title:	9:45 AM - Building Code Amendments for Emergency Housing			
Sponsors:	Permit and Resource Management			
Indexes:				
Attachments:	1. Summary Report.pdf, 2. Attachment A -- Board Resolution.pdf, 3. Attachment B -- Draft Ordinance and Emergency Housing Standards.pdf, 4. Attachment E -- California Residential Code Appendix X.pdf, 5. Attachment C -- Notice of CEQA Exemption.pdf, 6. Attachment D -- California Building Code Appendix O.pdf			

Date	Ver.	Action By	Action	Result

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Permit and Resource Management Department
Staff Name and Phone Number: Nathan Quarles, 565-1146
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:
9:45 AM - Building Code Amendments for Emergency Housing

Recommended Action:
A) Conduct a public hearing to consider an ordinance to amend the state model code updates for building and fire safety specific to emergency housing.
B) Adopt a Resolution introducing, reading the title of, and waiving further reading of a proposed Ordinance Amending Chapter 7 of the Sonoma County Code, to modify model code language specific to emergency housing.

Executive Summary:
This action is to amend Chapter 7 of the Sonoma County Code (SCC) to effect changes to the California Code of Regulations, Title 24, Part 2, California Building Code, Appendix O, Emergency Housing and to the California Code of Regulations, Title 24, Part 2.5, California Residential Code, Appendix X, Emergency Housing which governs the design, construction and the maintenance of emergency housing. The intent is to make minor changes to standards that provide for the health and safety of emergency housing and shelter while providing the jurisdiction with more flexible standards than provided by the California Code of Regulations. In particular, amendments are proposed to provide Sonoma County more flexibility in the minimum floor area of emergency sleeping cabins and to allow alternatives that are reasonably equivalent to the requirements in the model codes.

Discussion:
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 Code (CBC) and the California Residential Code (CRC) were published on July 1, 2019, and local jurisdictions were 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, but local jurisdictions cannot relax the State codes. The State codes went into effect January 1, 2020, regardless of local amendments. Sonoma County did make local amendments before the January 1, 2020 deadline; however, amendments to the CBC Appendix O Emergency Housing and CRC Appendix X Emergency Housing were not included at that time.

California Government Code section 8698.1(b) allows local jurisdictions, during a declared housing emergency, to suspend State regulations and to enact similar standards provided public health and safety is ensured.

The Board of Supervisors of the County of Sonoma and the Board of Commissioners of the Sonoma County Community Development Commission jointly declared a Homeless State of Emergency on October 9, 2018.

The Board of Supervisors of the County of Sonoma and the Board of Commissioners of the Sonoma County Community Development Commission passed a resolution on December 17, 2019, jointly declaring those conditions and finds from the fall of 2018 are still relevant and in effect today. The December 2019 resolution further directs County staff to coordinate the establishment of a temporary navigation center and shelter alternative.

CBC Appendix O Emergency Housing and CRC Appendix X Emergency Housing are proposed to be amended to provide Sonoma County more flexibility in the minimum floor area of emergency sleeping cabins and to allow alternatives that are reasonably equivalent to the requirements in the model codes. Minimum floor area is a concern due to the inability to find emergency sleeping cabins meeting the current minimum standard in the timeframe necessary to address the homeless crisis in Sonoma County.

County staff reviewed local amendments made by the cities of Berkeley, Los Angeles, Oakland, and San Jose, the County of Santa Clara, and the City and County of San Francisco. The goal was to learn the extent of modification made by other local jurisdictions and to evaluate those modifications to assist in guiding Sonoma County's amendments.

Local amendments addressing emergency housing must be provided to the California State Department of Housing and Community Development along with findings, upon adoption of the ordinance. Local amendments are permitted to vary from the State's model code language if a housing emergency is declared and the local amendments reasonably ensure public health and safety.

Options:
No Action: In the absence of a local jurisdiction amending emergency housing, the local jurisdiction must enforce the existing CBC Appendix O and CRC Appendix X. The existing model codes provide the County less flexibility in finding solutions to emergency shelters.

Adopt Revised CBC Appendix O and CRC Appendix X: The Board can adopt the proposed modifications to the CBC Appendix O and CRC Appendix X. The proposed ordinance modifies specific provisions of the State's model codes as discussed above. This follows the path taken in several other jurisdictions to help provide emergency sleeping cabins to protect the health and safety of the occupants. Upon submittal to the State, the State Department of Housing and Community Development will review these ordinances.

Recommendations:
7-13(I) proposes local amendment to the CBC Appendix O Emergency Housing and to the CRC Appendix X Emergency Housing to provide Sonoma County flexibility relative to floor area of emergency sleeping cabins and to ensure adequate health and safety of the occupants. Staff recommends adoption of the proposed ordinance.

Prior Board Actions:
12/17/2019: The Board adopted Resolution #0570
12/02/2019: The Board adopted Resolution #6295
12/02/2019: The Board adopted revisions amending Chapter 7, 7A, 7C and 7D
11/01/2016: The Board adopted revisions amending Chapter 7, 7A, 7C 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:
There are no known fiscal impacts

Narrative Explanation of Staffing Impacts (If Required):
There are no known staffing impacts

Attachments:
Attachment A - Board Resolution
Attachment B - Draft Ordinance to Amend Emergency Shelter Building Code Requirements
Attachment C - Draft CEQA Exemption
Attachment D - California Building Code Appendix O Amendment - Redlined
Attachment E - California Residential Code Appendix X Amendment - Redlined

Related Items "On File" with the Clerk of the Board:
n/a