



## Legislation Text

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**File #:** 2020-0348, **Version:** 2

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**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

**Supervisory District(s):** Countywide

**Title:**

Final adoption of an ordinance amending Chapter 7 Building Code Amendments for Emergency Housing

**Recommended Action:**

Adopt Ordinance Amending Chapter 7 of the Sonoma County Code as directed by the Board at the public hearing on August 18, 2020.

**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:**

On August 18, 2020, at a public hearing, the Board of Supervisors introduced the proposed ordinance to update Sonoma County Code Chapter 7 of the 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 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 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.

On July 1, 2019, the State of California published the California Building Code (CBC) and the California Residential Code (CRC). The State obligates local jurisdictions, such as the County of Sonoma, to implement

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. On January 1, 2020, State codes went into effect, 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.

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 jointly declared a Homeless State of Emergency.

On December 17, 2019, the Board of Supervisors of the County of Sonoma and the Board of Commissioners of the Sonoma County Community Development Commission passed a resolution jointly declaring those conditions and findings 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.

This proposed ordinance amends CBC Appendix O Emergency Housing and CRC Appendix X Emergency Housing to provide Sonoma County more flexibility in the floor area per occupant, the use of tents as emergency housing 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. The proposed ordinance reduces the minimum interior floor area from seventy (70) square feet to sixty (60) square feet for one occupant and reduces the interior floor area from fifty (50) square feet to forty (40) square feet for each additional occupant.

County staff reviewed several potential housing scenarios including using tents as temporary structures. Tents as temporary structures are regulated under California Building Code Section 3103 - Temporary Structures and if erected for under 180 days, the California Fire Code. A building permit would be required for a temporary structure greater than 120 square feet and used for the gathering of ten or more people. Tents under these criteria do not require a building permit. The California Building Code Appendix O and California Residential Code Appendix X require raised floors for tents to be considered emergency housing.

The two options relative to utilizing tents are 1) as temporary structures under the California Building Code Chapter 31, Section 3103 or 2) as emergency housing under the California Building Code Appendix O. CBC Chapter 31 would limit the time frame to 180 days whereas CBC Appendix O would necessitate raised floors with the time line extending to the duration of the declared housing crisis. Accessibility requirements are applicable to temporary structures (Chapter 31, section 3103.1.1) and emergency housing (Appendix O, section O107). If the Board decides to authorize the use of tents as emergency housing, staff and County Counsel recommend doing so in accordance with the California Building Code's requirements as set forth in the proposed ordinance. This would require the site to be accessible, including the tent structures and toilet facilities. It would also require the tents to be placed on raised platforms such as wooden floors to protect people during the rainy season. Following these emergency housing shelter requirements for tents would

allow the tents to be used for emergency housing longer than 180 days, and it would protect people during the rainy season.

The concept of alternatives to the design, materials, and/or methods of building code standards is well documented within the model building codes. The two appendixes for emergency housing do not have a provision recognizing alternatives. To afford more flexibility, staff are proposing a provision allowing alternatives provided the alternative provides a reasonable equivalent to the standards contained within the appendix.

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.

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.

During June 2020, staff conducted community engagement via electronic outreach. Staff communicated with Burbank Housing, Catholic Charities, the Community Development Commission, the Engineering Contractors Association, the North Coast Builders Exchange, Saint Vincent DePaul, and Sonoma County General Services. These organizations were provided the draft ordinance and draft staff report. After a three week comment period no recommendations or suggestions were submitted.

#### **Recommendations:**

At the public hearing on August 18, the Board approved staff's recommended amendments. Specifically, the Board directed staff to amend 7-13(I) 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:**

08/18/2020: Public hearing to consider the proposed ordinance  
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 - Clean Copy of Ordinance

Attachment B - CEQA Exemption

Attachment C - Strikeout Version of California Building Code Appendix O

Attachment D - Strikeout Version of California Residential Code Appendix X

**Related Items “On File” with the Clerk of the Board:**