



# City Council Memorandum

*City of Arts & Innovation*

**TO: HONORABLE MAYOR AND CITY COUNCIL**      **DATE: NOVEMBER 22, 2022**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT**      **WARDS: ALL**  
**DEPARTMENT**  
**FIRE DEPARTMENT**

**SUBJECT: PUBLIC HEARING TO ADOPT A RESOLUTION MAKING THE NECESSARY EXPRESS FINDINGS FOR LOCAL AMENDMENTS; ORDINANCES ADOPTING THE 2022 EDITION OF CALIFORNIA CODE OF REGULATIONS TITLE 24, THE CALIFORNIA BUILDING STANDARDS CODE BY REFERENCE WITH LOCAL AMENDMENTS; ORDINANCES AMENDING RIVERSIDE MUNICIPAL CODE TITLE 9 - CHAPTER 9.48 - UNIFIED HAZARDOUS MATERIALS PROGRAMS; AND TITLE 16 - CHAPTER 16.36 - PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS**

## **ISSUES:**

Consider adoption of a Resolution to support local amendments to the 2022 edition of California Code of Regulations Title 24, the California Building Standards Code, and adopt the State's update to the California Code, via the following Ordinances:

- a. Building and Fire Ordinances adopting the 2022 Edition of California Code of Regulations Title 24, the California Building Standards Code by reference, with local amendments;
- b. Amending Title 9 - Chapter 9.48 of the Riverside Municipal Code, Unified Hazardous Materials Programs; and
- c. Amending Title 16 - Chapter 16.36 of the Riverside Municipal Code, Public Safety Radio Amplification Systems.

## **RECOMMENDATIONS:**

That the City Council:

1. Conduct a Public Hearing;
2. Adopt a Resolution making the necessary express findings to support local amendments to the 2022 edition of California Code of Regulations Title 24, the California Building Standards Code; and
3. Adopt the following Ordinances:
  - a. Building and Fire Ordinances adopting the 2022 Edition of California Code of Regulations Title 24, the California Building Standards Code by reference, with local

amendments;

- b. Amending Title 9 - Chapter 9.48 of the Riverside Municipal Code, Unified Hazardous Materials Programs; and
- c. Amending Title 16 - Chapter 16.36 of the Riverside Municipal Code, Public Safety Radio Amplification Systems.

## **BACKGROUND:**

The California Building Standards Commission adopts a new version of the California Building Standards Code, also known as California Code of Regulations Title 24, every three years. The adopted building standards include 13 parts and are based on the most recent versions of the national “model” codes distributed by the International Code Council (ICC) which are used throughout the country and around the world.

The triennial code update aims to improve building performance and efficiency, fire and life safety, accessibility, sustainability, resiliency, and structural integrity using the most recent engineering, materials, and construction practices. When the State formally adopts and subsequently publishes the newest building codes, local municipalities have 180 days from the date of publishing to review, amend, and adopt the latest building codes prior to the state’s mandated effective date of January 1, 2023.

When adopting codes by reference, Government Code Section 50022.3 requires an introduction and first reading of the newly proposed ordinances followed by a public hearing prior to their adoption. This differs from the more traditional ordinance adoption process. The introduction and first reading occurred at the City Council meeting held on October 18, 2022. During the meeting, the City Council directed staff to conduct the public hearing prior to December 1, 2022, to help ensure the adoption of the new codes with local amendments aligns with the state mandated effective date of January 1, 2023.

## **DISCUSSION:**

Local jurisdictions can amend the State Building Standards Code to better address local hazards that affect the region. Express findings are required when certain climatic, geological, or topographical conditions exist, providing local amendments are more restrictive than the state codes. Historically, the City of Riverside has made the necessary express findings to amend the state building and fire codes to provide higher levels of safety, based on the local conditions and susceptibility to earthquake, flooding and fire. The City’s express findings are included in a Resolution as required by Health & Safety Code 17958.5 (Attachment 1).

Local administrative amendments to the State Building and Fire Codes are common to establish policies and procedures related to the permitting, plan check and inspection process, and other administrative activities. During this triennial code cycle, staff is proposing various code amendments to better serve our community and help protect our built environment. The proposed administrative amendments refine current code to provide the Building Official and Fire Marshal greater levels of flexibility, reduce redundancy, and help clarify policy as needed, including the expiration of permits and plan reviews, as an example. Additionally, new exceptions are introduced, and various clean up language is also proposed.

Draft ordinances with exhibits have been prepared and include the local administrative and technical amendments proposed by the Building Official and Fire Marshal. Specifically, this includes:

1. Building and Fire Ordinances to adopt the 2022 Edition of California Code of Regulations Title 24, the California Building Standards Code by reference, with local amendments (Attachments 2 and 3);
2. An Ordinance amending Title 9 - Chapter 9.48 - Unified Hazardous Materials Programs (Attachment 5); and
3. An Ordinance amending Title 16 - Chapter 16.36 - Public Safety Radio Amplification Systems (Attachment 6).

### Statewide Code Changes

Some of the more significant statewide changes include furthering sustainability and resiliency through various Green and Energy Code updates. This includes a significant increase in required electric vehicle (EV) charging readiness, supporting infrastructure and service capacity, and a new requirement to install a percentage of charging stations on site.

Also included are first time requirements for solar photo-voltaic (PV) backup power readiness and infrastructure, and perhaps most significant of all, a mandate to require all new residential dwelling units be electric-ready, including service capacity, infrastructure, and space for new electric appliances, should fossil fuel sourced appliances be initially installed. The electric-ready requirement follows past State practice to help ensure industry readiness (like solar PV and electric vehicle charging readiness requirements adopted during previous code cycles) that implement decarbonization strategies.

From a fire code perspective, as wildfires increase in frequency, duration and intensity throughout the state, a significant update to the Wildland Urban Interface Standards was included to address site access, egress, and defensible space to help improve fire response.

### Proposed Local Building Code Amendments: Title 16 - Chapters 16.04 - 16.34

As the state continues to implement new legislation that regulates housing construction, administrative amendments are needed for consistency. This includes adjustments to permit expiration in Chapter 16.04 and exceptions that help promote more affordable housing. Building & Safety is adjusting permit expiration timeframes from 180 days after permit issuance to one year without progress or a successful inspection, to align with state law.

Adjustments to Section 16.04.070 are proposed related to the Board of Building Appeals under certain cases as staff wishes to align with the Fire Prevention Division and utilize a council lead committee (in this case, the Mobility, and Infrastructure Committee) should appeals be received. Language has also been included should the Board wish to solicit specialized expertise for the purpose of input when considering appeals.

A new exception is proposed in Chapter 16.08 that would allow those developing a single-family home, or a new ADU (Accessory Dwelling Unit) and/or JADU (Junior Accessory Dwelling Unit) to be exempt from the requirement of providing a noise study from a licensed design professional by using prescriptive standards established by the Building & Safety Division. This change saves customers time and money (typically a few thousand dollars) and helps promote more affordable

housing.

Staff is also proposing several amendments to Chapter 16.34 - Emergency Housing, that better address flame spread related to building materials, minimum cabin size and occupancy, fire separation distance and general life safety that apply to Emergency Sleeping Cabins. These amendments are necessary to ensure minimum health and safety standards are in place to protect those occupants and employees who serve these facilities. Recent local and statewide fire history related to Emergency Sleeping Cabins has demonstrated a need to reassess minimum standards that align with the adopted building codes, as proposed by staff.

The other Title 16 changes in the Building Ordinance primarily deal with text clean up and alignment with new state law, codes, and removal of outdated chapters that are addressed in the adopted codes. Lastly, adding the California Energy Code and Existing Buildings Code to the Ordinance to clarify they are adopted by reference.

*Proposed Local Fire Code Amendments – Title 9 - Chapter 9.48, Title 16 – Chapters 16.32 and 16.36*

There are no significant changes to the Fire Ordinance - Chapter 16.32. A new Section 321 of the 2022 California Fire Code is recommended for adoption related to Artificial Combustible Vegetation. Adding this section will assist in meeting vegetation management requirements in the fire hazard severity zones related to the wildland urban interface areas.

There are also no significant changes to Chapter 9.48. This section contains clean up language meeting current Health & Safety Code Section 25404(c).

An amendment to Chapter 16.36 - Emergency Radio Responder Coverage, is proposed to reference the 2019 edition of NFPA 1221. This amendment is needed to ensure effective citywide radio coverage of first responders.

*Proposed Local Reach Code Ordinance – Title 16 – Chapter 16.26*

A proposed Local Reach Code Ordinance requiring the electrification of new buildings was introduced during the City Council meeting on October 18, 2022. Due to the importance of public comment and further consideration of this item, the proposed Local Reach Code Ordinance will be scheduled for a Public Hearing at a future date.

The Interim Fire Chief concurs with the recommendations in this report.

**STRATEGIC PLAN ALIGNMENT:**

This item contributes to the following Strategic Priorities and Goals:

**Strategic Priority 2 – Community Well-Being** and **Goal 2.4** – Supports programs and innovations that enhance community safety, encourage neighborhood engagement, and build public trust, and **Goal 2.6** - Strengthen community preparedness for emergencies to ensure effective response and recovery.

**Strategic Priority 4 – Environmental Stewardship** and **Goal 4.6** – Implement the requisite measures to achieve citywide carbon neutrality no later than 2040.

**Strategic Priority 5 – High Performing Government** and **Goal 5.5** - Fosters a culture of safety, well-being, resilience, sustainability, diversity, and inclusion across the city organization.

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The triennial code update is transparent and includes community engagement through various workshops and public meetings, including the Economic Development, Place Making, Branding/Marketing Committee, and the City Council which serve the public interest.
2. **Equity** – The triennial code update represents a consistent, fair, and impartial application of applicable laws and adopted building standards with equitable distribution of services to the entire community.
3. **Fiscal Responsibility** – The triennial code update is neutral towards this cross-cutting thread.
4. **Innovation** – The triennial code update implements new building standards that improve means and methods of construction, enable the latest engineering practices, life safety measures, and allows new materials that help improve and strengthen the City's built environment.
5. **Sustainability and Resiliency** – The triennial code update adopts the latest building standards that advance clean, green technology and resiliency within the built environment through the updated green, building, fire and energy codes.

**FISCAL IMPACT:**

There is no fiscal impact associated with the adoption of this resolution and its related ordinances.

Prepared by: Chris Christopoulos, Acting Community & Economic Development Director

Certified as to availability of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/City Treasurer

Approved by: Rafael Guzman, Assistant City Manager

Approved as to form: Phaedra A. Norton, City Attorney

**Attachments:**

1. Resolution of Express Findings
2. Building Ordinance
3. Fire Ordinance – Chapter 16.32
4. Exhibit A - Chapter 16.32
5. Ordinance - Chapter 9.48
6. Ordinance - Chapter 16.36
7. Public Hearing Notice
8. Presentation