



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: OCTOBER 22, 2019**

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

SUBJECT: ORDINANCES ADOPTING THE 2019 EDITION OF CALIFORNIA CODE OF REGULATIONS TITLE 24, THE CALIFORNIA BUILDING STANDARDS CODE WITH LOCAL AMENDMENTS THERETO, ADOPTION OF AN ORDINANCE AMENDING CHAPTER 9.48 REGARDING UNIFIED HAZARDOUS MATERIALS PROGRAMS, ADOPTION OF A RESOLUTION MAKING EXPRESS FINDINGS FOR LOCAL AMENDMENTS, AND A RESOLUTION ESTABLISHING FEES FOR APPEALS OF DECISIONS OF THE BUILDING OFFICIAL AND BUILDING MODIFICATION/ALTERNATIVE MATERIALS REVIEW

ISSUES:

1. Adopt a Resolution making the necessary express findings as required by state law to support local amendments to the 2019 edition of California Code of Regulations Title 24, the California Building Standards Code;
2. Introduce and subsequently adopt Ordinances adopting the 2019 edition of California Code of Regulations Title 24, the California Building Standards Code with local amendments thereto;
3. Introduce and subsequently adopt an Ordinance amending Chapter 9.48 of the Riverside Municipal Code, Unified Hazardous Materials Programs; and
4. Adopt a Resolution establishing a fee for appeals of decisions of the Building Official and Building Modification/Alternative Materials Review.

RECOMMENDATIONS:

That the City Council:

1. Adopt a Resolution (Attachment 1) making the necessary express findings as required by state law to support local amendments to the 2019 edition of California Code of Regulations Title 24, the California Building Standards Code;
2. Introduce and subsequently adopt Ordinances (Attachments 2 and 3) adopting the 2019 edition of California Code of Regulations Title 24, the California Building Standards Code with local amendments thereto;

3. Introduce and subsequently adopt an Ordinance (Attachment 4) amending Chapter 9.48 of the Riverside Municipal Code, Unified Hazardous Materials Programs; and
4. Adopt a Resolution (Attachment 5) establishing a fee for appeals of decisions of the Building Official and Building Modification/Alternative Materials Review.

BACKGROUND:

In accordance with Health and Safety Code Section 17958, the California Building Standards Commission adopts the newest version of the California Building Standards Code, also known as California Code of Regulations, Title 24, every three years. The adopted building codes are based on the most recent version of the national model codes distributed by the International Code Council (ICC), and amended by the various state agencies that regulate construction and life safety in the State of California.

The triennial code update is intended to provide greater levels of building performance and efficiency, fire and life safety, accessibility, and structural integrity through the use of the most recent engineering, materials and construction practices. When the state formally adopts the triennial codes, local municipalities have 180 days from the date of publishing to review, amend and adopt those codes as needed prior to the state's mandated effective date of January 1, 2020.

DISCUSSION:

Significant statewide changes:

The most impactful code change is the mandate to require installation of new solar photovoltaic (PV) systems when low-rise residential construction is proposed. Previous code only required the infrastructure to support solar be installed under certain conditions. This change affects all newly proposed single family residences, their accessory structures, and any non-transient multifamily residential construction to a maximum three stories in height including, but not limited to, apartments and condominiums. The State's Energy Commission estimates that installing solar PV systems adds an average of \$10,500 in construction costs for a single-family home but generates about \$16,000 in energy savings.

Other notable code changes include new language to address occupied roofs in mixed-use and multifamily development, greenhouse use clarifications to protect health and safety, a new occupant load limitation of ten for lodging houses (bed & breakfast, etc.), and the regulation of cooking facilities in dormitories. Lastly, new appendix chapters have been added to better regulate tiny homes and emergency housing needs across the state.

Riverside local amendments to the Building Code:

Local government has the ability to amend the state codes to better address local conditions that may affect the built environment. Express findings are necessary and local amendments must always be more restrictive. Staff proposes to amend and adopt the new emergency housing regulations should a local emergency occur, along with the added tiny home standards, to help facilitate the housing needs of the community.

Staff also proposes several administrative amendments to help improve our permit processing. The amendments provide greater levels of flexibility when dealing with construction projects and include the introduction of a board of building appeals process for appeals of the Building Official, in accordance with Title 24, adding updated language for the processing of permit extensions and refunds, and for the expiration of permits. In creating the appeals process, fees need to be established to recover staff time needed to process such appeals. Staff is also seeking reimbursement for time spent researching and making determinations on proposed building modifications through alternative means and methods requests. Both the appeal process and alternative materials are listed in Chapter 3.30 of the Riverside Municipal Code. The attached resolution amends the Fees and Charges Resolution and sets forth reasonable costs for those services.

Riverside local amendments to the Fire Code:

In reviewing the California Fire Code, staff discovered current regulations that had not been adopted at the local level. Staff now proposes to include these regulations which pertain to upholstered furniture, decorative vegetation and materials, artificial decorative vegetation in new and existing buildings, and clearances from ignition sources. Staff is also including language for deliberate or negligent burning, open flame cooking devices, emergency lock down plans, and adding a permit requirement for emergency responder radio coverage systems, while adding clarifications for residential fire sprinkler systems. Other minor changes were included to coordinate older code sections, numbering sequences, and existing language with the forthcoming fire code update.

Finally, in reviewing the Health and Safety Code pertaining to the Unified Hazardous Material Programs, staff discovered several minor changes that were necessary. These changes include an update and clarification on required electronic reporting systems and the elimination of enforcement regarding the California Accidental Release Prevention Program, which has been assigned to the Riverside County Department of Environmental Health. Staff also clarified the requirements for the enforcement of California Fire Code Hazardous Materials Management Plans and Inventory Statements, and included information on the requirement for cellular communication facility disclosures.

The attached Resolution and Ordinances include all of the City's express findings and local amendments as permitted by Health and Safety Code 17958.5.

The Fire Chief concurs with the recommendations in this report.

FISCAL IMPACT:

There is no fiscal impact associated with these actions.

Prepared by: David Welch, Community & Economic Development Director

Certified as to

availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer

Approved by: Rafael Guzman, Assistant City Manager

Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Resolution
2. Building Ordinance
3. Fire Ordinance
4. Hazardous Materials Ordinance
5. Fees and Charges Resolution