



Council Agenda Report

Item 5c

Department: Community Development
Cost Center: 4006, 8305
For Agenda of: 11/15/2022
Placement: Consent
Estimated Time: NA

FROM: Michael Codron, Community Development Director
Keith Aggson, Fire Chief

Prepared By: Michael Loew, Deputy Building Official
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SUBJECT: SECOND READING OF ORDINANCE NO. 1723 (2022 SERIES)
AMENDING CHAPTERS 15.02 AND 15.04 (BUILDING REGULATIONS)
OF THE MUNICIPAL CODE

RECOMMENDATION

Adopt Ordinance No. 1723 (2022 Series) entitled, "An Ordinance of The City Council of The City of San Luis Obispo, California, amending Title 15 of the Municipal Code to adopt by reference and amend the latest edition of the California Building Standards Code and adopting findings of fact to support the amendments," which will restructure chapters 15.02 and 15.04 of the Municipal Code and reference the 2022 editions of the California Code of Regulations Title 24, the 1997 editions of the Uniform Housing Code and the Uniform Code for Abatement of Dangerous Buildings, and the 2021 edition of the International Property Maintenance Code, with amendments.

POLICY CONTEXT

Updated building codes ensure the safety of the built environment. This is mandated by State law and adoption and implementation of the codes is supported by goals and policies in the City's Housing Element and Safety Element.

DISCUSSION

On November 1, 2022, the City Council voted to introduce Ordinance No. 1723 (2022 Series), which amends chapters 15.02 and 15.04 of the San Luis Obispo Municipal Code to update the referenced standards to recognize the 2022 edition of California Code of Regulations Title 24 as the local Building Construction and Fire Prevention Code with an effective enforcement date of January 1, 2023. The ordinance also restructures chapter 15.02 and 15.04 but, with exception to six newly proposed amendments, Ordinance No. 1723 (2022 Series) does not alter or change local enforcement beyond what is required by the minimum standards set forth by the State of California.

Typographical Errors

City staff has corrected typographical errors, as described during the staff presentation at the City Council meeting on November 1, 2022. The errors identified were found under sections 15.02.080, 15.02.120, and 15.02.140. At Council's direction, staff also updated amendments to say, "The City of San Luis Obispo," to clearly distinguish the City's locally adopted standards from the County.

Council Direction

During the staff presentation at the City Council meeting on November 1, 2022, Council directed staff to add clarifying language to the newly proposed amendment found under Chapter 15.04.090 Amendment H, Subsection 305.6.3. The additional language requires the Fire Code Official to produce written findings to support the closure of spaces designated as Hazardous Fire Areas, gives examples of findings that would justify the basis for such a decision, and requires the Fire Code Official to obtain written consent from the City Manager if the closure must remain in place longer than 5 days (120 hours). The updated language will read as follow:

305.6.3 Order closing area to entry; Exceptions; Enforcement.

Whenever it is necessary in the interest of public peace or safety, the Fire Chief, with the consent of the owner of any lands designated as a hazardous fire area, may declare such lands closed to entry by any person. Any public highway traversing such a hazardous fire area, shall, however, be excluded from the order of closure, and the closure to entry does not prohibit or curtail the entry or use of the lands by the owner of the lands or his agent, nor the entry by any federal, state, county or city officer upon the closed area in the performance of their official duties. City law enforcement officers shall enforce the order of closure. The Fire Chief shall promulgate written findings supporting the declaration to close an area and setting forth the projected duration of the closure. The findings shall articulate with specificity the basis for the action, considering factors including, but not limited to: weather conditions (wind, temperatures, relative humidity); fuel loading; topography; and community threat. The continuation of any order issued pursuant to this section lasting longer than 5-days (120 hours) shall be reviewed with and approved in writing by the City Manager until the order is rescinded.

Public Engagement

Public engagement has been conducted and will be ongoing throughout implementation as well as after the codes become effective on January 1, 2023. Specifically, the items in this report were discussed and presented at the Developer's Roundtable Zoom Meeting on September 22, 2022, a recording of which has been uploaded to the Community Development webpage. It was also discussed during the quarterly Construction Board of Appeals meeting on October 25, 2022

CONCURRENCE

The Public Works Department concurs with amended flood proofing and grading provisions. The Community Development and Fire Departments jointly prepared and support the proposed ordinance.

ENVIRONMENTAL REVIEW

The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically the CA Health & Safety Code Sections 17958.7 and 18941.5. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant effect on the environment.

FISCAL IMPACT

Budgeted: No

Budget Year: 2022-23

Funding Identified: No

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	\$	\$	\$	\$
State				
Federal				
Fees				
Other:				
Total	\$NA	\$NA	\$NA	\$NA

There are no significant fiscal impacts to report. The adoption of the local amendments does not increase the cost of enforcing the regulations mandated by the State. Furthermore, the current operating budget has the capacity to absorb the costs for new code books and training necessary for staff to be effective in enforcing any new standards.

ALTERNATIVES

The Council may elect to adopt the CA Building Standards Code without some or all the proposed local amendments. This action is not recommended by staff because the Title 24 CCR will become the minimum mandated building and construction standards statewide on January 1, 2023. Choosing not to adopt amendments will result in a decreased level of life safety elements that are necessary to maintain a safe and healthy built environment with the unique topographical, climatic, and geological conditions that exist in the City of San Luis Obispo.

ATTACHMENTS

A - Ordinance No. 1723 (2022 Series)