



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 11/26/2013  
Agenda Placement: 9F  
Set Time: 10:45 AM PUBLIC HEARING  
Estimated Report Time: 30 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Pete Parkinson - Interim Director  
Planning, Building and Environmental Services  
**REPORT BY:** DARRELL MAYES, CHIEF BUILDING OFFICIAL - 259-8230  
**SUBJECT:** California Building Standards Code Adoption

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### **RECOMMENDATION**

Interim Director of Planning, Building and Environmental Services and the Chief Building Official request the following:

1. First reading of an ordinance with the intent to adopt the 2013 California Building Standards Code as promulgated and approved by the California Building Standards Commission including amending various chapters of Title 15 of the Napa County Code as provided; and
2. Adoption of a resolution finding that certain local amendments are necessary because of local climatic, geological or topographical conditions within Napa County.

### **EXECUTIVE SUMMARY**

The State of California and the Building Standards Commission has updated and officially adopted the 2013 California Building Standards Code in July of this year, and it becomes effective and mandatory on January 1, 2014. The proposed ordinance and resolution would adopt the Building Standards Code as required by state law, as well as make local amendments to the Building Standards Codes justified by local conditions within Napa County. State law allows local jurisdictions to amend the codes as long as the amendments are no less restrictive than the California Building Standards Code.

### **PROCEDURAL REQUIREMENTS**

#### **A. ORDINANCE**

1. Open Public Hearing.
2. Staff reports.
3. Public comments.

4. Close Public Hearing.
5. Clerk reads the Ordinance Title.
6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.
7. Motion, second, discussion and vote on intention to adopt the ordinance.

## B. RESOLUTION

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item.

## FISCAL IMPACT

Is there a Fiscal Impact?                      No

## ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: **Categorical Exemption Class 8:** It has been determined that this type of action does not have a significant effect on the environment and is exempt from the California Environmental Quality Act because the action is designed to assure the maintenance, restoration, enhancement, or protection of the environment are exempt from review. [See Class 8 which may be found in the guidelines at CCR section 15321.] **General Rule.** Since the California Building Codes would go into effect even absent County action, It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

## BACKGROUND AND DISCUSSION

The State of California and the California Building Standards Commission (CBSC) officially adopted the 2013 California Building Standards Codes, also known as Title 24, in July of this year. The new codes become mandatory on January 1, 2014. The Title 24 codes are updated and adopted every three years. This allows for the codes to improve and adjust to the newest materials, methods of construction and technological advances in the industry and in response to natural disasters. The list below identifies the Title 24 Codes and the model codes upon which they are based, as applicable:

1. 2013 California Building Code (Title 24, Part 2), based on 2012 International Building Code (ICC).
2. 2013 California Residential Code (Title 24, Part 2.5), based on the 2012 International Residential Code (ICC).
3. 2013 California Electrical Code (Title 24, Part 3), based on the 2011 National Electrical Code (NFPA).
4. 2013 California Mechanical Code (Title 24, Part 4), based on the 2012 Uniform Mechanical Code (IAPMO).
5. 2013 California Plumbing Code (Title 24, Part 5), based on the 2012 Uniform Plumbing Code (IAPMO).
6. 2013 California Administrative Code (Title 24, Part 1).
7. 2013 California Energy Code (Title 24, Part 6).
8. 2013 California Historical Building Code (Title 24, Part 8).
9. 2013 California Existing Building Code (Title 24, Part 10).
10. 2013 California Green Building Standards Code (Title 24, Part 11).
11. 2013 California Referenced Standards Code (Title 24, Part 12).

Compliance with the State Building Codes is mandatory pursuant to California Health and Safety Code Sections 17960 and 17961. The fundamental purpose of building codes is to ensure that buildings and structures are constructed to minimum standards for the intended use and to protect the life, health and safety of people who will inhabit and use such buildings and structures.

With the adoption of the proposed ordinance and local amendments (Napa County Code Chapter 15, "Buildings and Construction"), Napa County will comply with State law as well as accommodating local conditions and procedures.

Approval of the proposed ordinance and code amendments is considered exempt from the California Environmental Quality Act under CEQA Guidelines 15061(b)(3) and 15321.

#### Summary of Changes

The Planning, Building and Environmental Services Department, together with the Napa County Fire Marshal, reviewed the new codes over the last few months and evaluated potential impacts on building industry practices in Napa County. Commercial, industrial and non-residential construction requirements in the 2013 California Building Code are not likely to result in significant changes in the way buildings are constructed. This is also true for residential construction as this will be the second code cycle for the mandatory California Residential and Green Building Codes (known as "CalGreen") that were first adopted in the 2010 code adoption cycle. Architects, Engineers, Contractors and other building design professionals have experience with these codes for the last three years, which should make for a much smoother transition than the last code cycle.

However, there is one significant change to the applicability requirements in 2013 California Green Building Code that will impact some projects. The 2010 CalGreen Code applied only to new residential and non-residential buildings. The 2013 California Green Building Code will expand CalGreen requirements to include residential alterations and additions that increase either the volume or area of a dwelling. The 2013 CalGreen requirements will also apply to non-residential additions of 1,000 square feet or more and alterations with a value of \$200,000 or higher. In addition, the mandatory minimum energy conservation requirements in the 2013 code have increased such that new residential buildings are expected to use 25 percent less energy compared to buildings built under the 2010 code.

The California Green Building Code contains three (3) levels of compliance for sustainable construction practices. The first level are the "Mandatory Measures," which are the minimum requirements under the state code and were adopted by Napa County in the 2010 code cycle. The state code also provides for optional Tier 1 and Tier 2 energy efficiency standards for cities and counties wishing to require higher levels of compliance. Jurisdictions wishing to amend CalGreen to a higher level of energy conservation must first complete a study of the cost effectiveness of implementing the higher standard and obtain approval from the California Energy Commission (CEC). Napa County elected to adopt the minimum Mandatory Measures with the 2010 code and staff recommends continuing that practice with the 2013 codes. The County may want to consider increasing energy efficiency standards once the Climate Action Plan is adopted and once adequate tools are available to thoroughly analyze the cost effectiveness of the higher tiers.

#### Summary of Local Amendments

Local agencies are permitted to adopt amendments to the State Code if they can make certain findings (see below) and as long as the local amendments are no less restrictive than State Code. Planning, Building and Environmental Services Department and the County Fire Marshal's office are not proposing any new amendments at this time. However, with one exception (see item 1 below) staff proposes to retain the local amendments approved at the last code cycle. Staff also proposes several minor changes to several local amendments and County Code sections, mainly dealing with appeals of determinations of the Building Official (items 2 - 6 below).

1. Section 15.04.070.C, "Early Pay Option". Staff recommends deleting this Section. This section was adopted in 2010 in response to the recession and provides customers with the option of paying "early" for their permit, including payment of fees in effect at the time, and taking up to two years (instead of the standard one year) to start construction. The Early Pay Option has never been utilized and staff recommends deleting it.
2. Section 15.04.100 B and C. Board of Appeals. Staff recommends modifying this section to clarify that the decisions of the "Unified Board of Appeals" (the entity designated to decide appeals of determinations made by the Building Official) are final and may not be appealed to the Board of Supervisors as otherwise provided in Chapter 2.88 of the County Code.
3. Section 15.08.04.E is recommended for minor revision to clarify that only building permits that directly affect a portion of the property with a code violation will be denied unless the violation is corrected. The existing language is overly broad and not consistent with case law.
4. Section 15.08.04.G is recommended for amendment to clarify that the prohibition on issuing building permits while an appeal is pending applies only where the building permit relies upon a discretionary decision (such as a use permit or lot line adjustment) that is under appeal. This is consistent with the Board's intent when this provision was adopted in 1991, including clarifying that the section does not apply to an appeal of the building permit itself.
5. Section 15.08.075 is added to clarify that all permit decisions made under the administrative provisions of this Chapter (Sections 15.08.020, 15.08.040 and 15.08.070) are final and may not be appealed in the manner set forth in Section 2.88 of this code. This does not affect appeals regarding the application of code requirements and interpretations of building permit conditions or materials usage, which remain appealable to the Unified Board of Appeals.
6. Section 15.08.100 is added to clarify that all grading permit decisions made under Section 15.08.100 are final and may not be appealed in the manner set forth in Chapter 2.88 of this code.

#### **SUPPORTING DOCUMENTS**

- A . Resolution
- B . Ordinance (redlined version)
- C . Ordinance (Clean)

CEO Recommendation: Approve

Reviewed By: Molly Rattigan