



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

NORA VARGAS  
First District

JOEL ANDERSON  
Second District

TERRA LAWSON-REMER  
Third District

NATHAN FLETCHER  
Fourth District

JIM DESMOND  
Fifth District

**DATE:** January 25, 2023 and February 8, 2023

**02**

**TO:** Board of Supervisors

### SUBJECT

**ADOPT AN ORDINANCE REPEALING AND REENACTING THE COUNTY BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL, ENERGY EFFICIENCY, GREEN BUILDING CODES, AND RELATED CEQA EXEMPTION (TRIENNIAL COUNTY BUILDING CODE UPDATE) (1/25/2023 – FIRST READING; 2/8/2023 – SECOND READING) (DISTRICTS: ALL)**

### OVERVIEW

National building codes were developed in response to natural disasters like fires and earthquakes. Building sciences and construction engineering advancements allowed codes to evolve beyond reducing risks. Today's codes establish minimum standards to ensure homes and buildings are designed and constructed to protect public health, safety, community welfare, and are sustainable. Planning & Development Services (PDS) helps establish, use, and enforce up-to-date building codes through the review of proposed plans, issuance of building permits, and onsite construction inspections. These ongoing efforts, including regular code updates, enhance building resiliency, public welfare, and help build a culture of preparedness.

The California Building Standards Code (State Model Code) strives to ensure public health, safety, and general welfare through provisions addressing structural strength and stability, emergency exiting, fire prevention, electrical hazards, sanitation, air and water quality, energy efficiency, accessibility, and sustainability of buildings and structures. Structures designed and built to these standards, as compared to those built to lesser standards, have an increased likelihood of maintaining their structural integrity in a disaster, giving building occupants sufficient time to escape, providing safety to emergency responders, and protecting lives.

Every three years, the State of California (State) updates the State Model Code by repealing the existing code in its entirety and adopting and publishing an updated State Model Code. The 2022 edition of the State Model Code was published on July 1, 2022 and became effective on January 1, 2023.

The amendments to the State Model Code, known as the County Building Code, allow San Diego County to provide additional layers of safety and protection for our residents, provided it can be shown, to the State, that changes are necessary for local climactic, geological, or topographical

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conditions. The State Model Code allows modifications provided they do not lessen any of the requirements provided in the base State Model Code. While past local amendments have resulted in changes such as increased safety, they do typically increase construction costs. Potential local amendments are discussed with stakeholders during outreach to solicit feedback on impacts. Pool safety amendments are an example of climactic and geological changes to the State Model Code. Southern California has a high number of pools due to the weather; pool accidents have been recognized as a local issue. Amendments were made to require additional safety precautions above the State requirements.

Today's requested actions include the readoption of prior local amendments still applicable after the 2022 State Model Code updates and modifications to ensure local amendments are still in line with changes made to the State Model Code. Today's amendments are focused on these routine updates and addition of the Appendix P to the 2022 State Model Code (Emergency Housing and Shelter) and do not introduce additional changes to the State Model Code. In parallel, PDS has several ongoing efforts under the Regional Decarbonization Framework and Climate Action Plan Update related to items like green energy use and building sustainability could provide the opportunity for additional local amendments to the Code through future Board actions.

Pursuant to State law, the new local amendments requested today include Federal Emergency Management Agency (FEMA) requirements related to increasing flood resiliency and promoting public safety based on recent discussions with FEMA. At the request of FEMA, this update explicitly identifies requirements for alterations to buildings be designed and/or located to prevent water entry or accumulation.

Additional local amendments proposed include the adoption of Appendix P within the State Model Code allowing acceptable County Building Code options to address a shelter crisis arising from a declared local, state, or federal disaster (including homelessness or any disaster). The County continues to promote building shelters and housing for individuals experiencing homelessness. On August 11, 2018 (06), the Board adopted a shelter crisis declaration for unincorporated communities, which is in effect today. Additionally, on January 26, 2022 (05), the Board adopted Zoning Ordinance amendments streamlining certain locations for emergency housing. If adopted, local amendments contained in the County Building Code apply to unincorporated communities for which the County of San Diego (County) has jurisdiction.

Today's request is the first reading to consider the adoption of the proposed ordinance, which contains local amendments to the State Model Code. If the Board takes the action recommended today, then on February 8, 2023, the Board can consider and adopt the proposed ordinance.

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**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

**On January 25, 2023:**

1. In accordance with California Environmental Quality Act Guidelines Section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption (on file with the Clerk of the Board).
2. Approve the express findings demonstrating the County of San Diego amendments to the California Building Standards Code (State Model Code) are reasonably necessary because of local climatic, geological or topographical conditions, pursuant to Health and Safety Code Section 17958.7 (Attachment A, on file with the Clerk of the Board).
3. Approve the introduction of the Ordinance (first reading), read the title and waive further reading of the Ordinance (Attachment B, on file with the Clerk of the Board), titled:

AN ORDINANCE REPEALING AND REENACTING THE COUNTY BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL, ENERGY, AND GREEN BUILDING CODES AND ADOPTING AN ORDINANCE FOR SUBCONTRACTOR TRANSPARENCY IN COUNTY PERMITS

**If, on January 25, 2023, the Board takes action as recommended, then on February 8, 2023:**

1. Consider and adopt the Ordinance Repealing and Reenacting the County Building, Residential, Electrical, Plumbing, Mechanical, Energy Efficiency, and Green Building Codes – Triennial County Building Code (second reading).
2. Upon adoption of the ordinance, direct the Clerk of the Board to provide a certified copy of the adopted ordinance repealing and reenacting the County Building, Residential, Electrical, Plumbing, Mechanical, Energy Efficiency, and Green Building Codes (Triennial County Building Code) together with the associated findings (Attachments A - D) to the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833 pursuant to Health and Safety Code Section 17958.7.

**EQUITY IMPACT STATEMENT**

Regular adoption and updates to the County Building Code help increase transparency and create uniform standards applied equally across all unincorporated communities. Local amendments to the State Model Code create customized changes to address our local community's public health and safety. Local Amendments expand beyond statewide transparency and accountability efforts through local stakeholder engagement: including direct feedback from vulnerable communities and those closest to the communities they serve.

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According to the California Energy Commission (based on 2022 State Model Code development public workshops, commission hearings, and responses to public comments), extensive community input, including from underserved communities and those directly impacted by changes (homeowners and home-builders), shaped the development of the State Model Code. The State Model Code helps reduce disproportionate equity impacts faced by vulnerable communities. The new 2022 Energy Code helps address some of the disproportionate impacts of climate change with new standards to reduce air pollution and improve indoor air quality to address public health.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed action to consider the adoption of the County Building Code will result in sustainability enhancements in terms of health/well-being, equity, economy, and environment. The actions requested align with multiple County Sustainability Goals, including engaging the community, providing just and equitable access, transitioning to a green, carbon-free economy, protecting health and wellbeing, protecting water, and reducing pollution and waste. Uniform construction standards provide transparency and clarity for the public. Updated construction codes provide equitable access to healthier and safer homes and businesses. The new standards help increase green jobs, increase energy efficiency, encourage building electrification, promote electrical vehicle adoption, and increase electric vehicle infrastructure contributing to decarbonization of the transportation sector. Additionally, the new onsite renewable energy generation and energy storage requirements contribute to grid resiliency and decarbonization. These new building standards reduce energy consumption, reduce indoor water consumption, preserve natural resources, and protect indoor air quality. In addition, proposed wildfire and flood resiliency standards safeguard public health and well-being while reducing demand on first responders during natural disasters resulting from climate change.

Based on available data from the State, these new requirements in the State Model Code contribute towards adoption of renewable energy, grid reliability, reduced emissions, reduced air pollution, and encourage electrification, which support the County's Sustainability Goals and greenhouse gas reduction initiatives, including the Regional Decarbonization Framework and the Climate Action Plan Update. According to the State, over the next 30 years, the 2022 code updates are estimated to provide \$1.5 billion in consumer benefits and reduce 10 million metric tons of greenhouse gas, equivalent to taking nearly 2.2 million cars off the road for a year.

### **FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

While there is an increased cost for certain new residential construction (heat pump technology, electric ready wiring for future electric appliances, and better ventilation) and certain new commercial construction (mandatory solar and energy storage) as a result of a new requirement established by the State, the California Energy Commission (CEC) found that the long-term

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savings resulting from on-site generation of renewable energy increased energy efficiency. These additional utility energy savings would outweigh the increased construction costs when measured over the useful life of the home or business (measured over 30 years).

## **ADVISORY BOARD STATEMENT**

N/A

## **BACKGROUND**

The primary intent of early building codes was to reduce disaster risks. Over time, building sciences and construction engineering standards broadened this scope to address health, safety, and general community welfare. The first national code was enacted and known as the 1927 Uniform Building Code. California adopted this code but expanded fire and earthquake requirements to address regional needs better known as the State Model Code, which is evaluated regularly through triennial code updates.

Today's State and County building codes are a robust set of minimum standards that address a variety of construction disciplines, including structural integrity, fire resistance, exiting, lighting, sanitation and ventilation, accessibility, sustainability, and construction materials, to name a few. Planning & Development Services (PDS) helps unincorporated county residents navigate the building permitting and construction inspection process to meet these complex codes.

PDS staff review plans for privately initiated land development projects to ensure the plans meet the standards outlined in the State and County building codes. Staff also conduct milestone inspections during the construction of buildings and other projects. It is common for staff to identify deficiencies in both proposed plans and construction that need corrections to ensure future buildings are designed and built in a way that provides safe, healthy, and sustainable structures for our communities. Last year, PDS staff issued over 18,000 building permits and conducted over 40,000 construction inspections to safeguard the health, safety, and welfare of building occupants.

Every three years, the State of California (State) updates the California Code of Regulations, Title 24, also referred to as the California Building Standards Code (State Model Code). The regulatory framework for this triennial building code adoption is defined through State laws and a combination of various published model codes available for adoption. Additional details on the procedural building code adoption process are outlined below.

### *State Law*

California Health and Safety Code Sections 17958, 17958.5, and 17958.7 provide that the County may adopt local amendments to the State Model Code determined to be reasonably necessary because of local climatic, geological, or topographical conditions. The State Model Code shall be applicable to the County and effective 180 days after publication by the State. If the County adopts changes or modifications, they shall become effective upon the operative date of the ordinance,

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and its filing with the California Building Standards Commission. The 2022 edition of the State Model Code was published on July 1, 2022 and became effective on January 1, 2023.

#### *State Model Codes*

The 2022 edition of the State Model Code is based on model codes published by the International Code Council (ICC), International Association of Plumbing and Mechanical Officials (IAPMO), and National Fire Protection Association (NFPA). Combinations of these model codes are in use or adopted by all 50 states and several U.S. territories. California adopts and amends these model codes to address specific state conditions and implement standards authorized by the state legislature. The majority of the state building standards contained in the 2022 edition of the State Model Code are identical to or minor clarifications of the prior version of the codes, with no substantive changes. Some noteworthy changes in the Energy and Green Building Code sections of the 2022 State Model Code are listed below. The 2022 updated edition, highlighted changes (code additions and removals), and all prior published versions of State Model Code are available online at the following link: <https://codes.iccsafe.org/>.

#### *State Energy Code Updates*

The State Model Code includes Energy Code updates. The California Energy Commission (CEC) considers cost and benefits while developing state Energy Code new standards. The 2022 edition of the Energy Code is determined to be more energy efficient and cost-effective over the life cycle of the improvement, building on California's technology innovations, and encouraging the inclusion of market-ready electrical products in new construction, such as heat pumps for climate control and water heating. The updates also require all new homes to be electric-ready. That means buildings with gas appliances have the electrical panels and wiring to support a switch to electric appliances.

Further advancements and cost reductions will continue to expand electric options for heating, cooking, laundering, and electric vehicle charging to meet all Californians' needs. These are crucial steps in the state's progress toward 100 percent clean electricity and carbon neutrality by midcentury, or earlier. Some of the key changes to the 2022 Energy Code contained in the State Model Code are highlighted below.

New standards for electric heat pumps: Heat pumps are an electric technology used for water and space heating that increases efficiency, reduces greenhouse gas emissions, and enables load flexibility (adjusting energy use to match grid supply for energy grid reliability). New standards for heat pump appliances ensure that the appliances are powered by electricity rather than natural gas. The following requirements removing all gas appliances apply to newly constructed projects after January 1, 2023.

- Single-family homes require heat pump for water or space heating standards along with higher indoor air quality and new ventilation standards (removal of all gas appliances).
- Multifamily homes such as apartment buildings require heat pump space heating standard.

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- Certain businesses require heat pump standards including schools, offices, banks, libraries, retail, and groceries.

New homes to be electric ready: The standards encourage electrification and require single-family homes to be electric-ready to encourage the transition from gas to all electric appliances. The following requirements apply to newly constructed single-family homes after January 1, 2023.

- Electrical circuits for space heating, water heating, cooking/ovens, and clothes dryers.
- Battery storage electric ready standards include all the electrical equipment necessary to support the future installation of a battery. This includes a large enough panel, branch circuits, and transfer switch from grid supply energy to battery storage supply energy during a power outage or to reduce grid energy use.
- Dedicated circuits and panels to easily convert from natural gas to electric appliances in the future
- Note: While the new state requirements allow for certain gas appliances, new home builders could elect to implement full electrification with an estimated \$2,000 to \$3,000 savings per unit (resulting from the removal of gas appliances and gas infrastructure). This option utilizes the State-mandated electric-ready standards above to transition from gas to all electric appliances.

New Solar and Storage Requirements for Certain Non-Residential Uses: Previous code cycle introduced mandatory residential solar requirements. The 2022 Energy Code extends prior codes' residential solar requirements and introduces battery storage standards to the following building types:

- High-rise multifamily (apartments and condos)
- Hotel-motel
- Tenant space
- Office, medical office, and clinics
- Retail and grocery stores
- Restaurants
- Schools
- Civic (theaters, auditoriums, and convention centers)

To facilitate battery storage building permits, both residential and non-residential can be processed electronically, and qualify for expedited plan check.

According to the CEC, the 2022 Energy Code benefits include: increasing on-site renewable energy generation from solar; increasing electric load flexibility to support grid reliability; reducing emissions from newly constructed buildings; reducing air pollution for improved public health; and encouraging adoption of environmentally beneficial efficient electric technologies. Over the next 30 years, the 2022 Energy Code is estimated to provide \$1.5 billion in consumer

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benefits and reduce 10 million metric tons of greenhouse gas, equivalent to taking nearly 2.2 million cars off the road for a year.

#### *Green Building Code Updates*

The State Model Code also includes California Green Building Code (also known as “CalGreen”) updates. CalGreen mandatory requirements encourage the adoption of electric vehicles (EV) through mandatory EV Ready (panel capacity, raceway, and branch circuit for future EV charging), EV capable (EV Ready plus conduit, wiring, and junction box for future EV charging), EV Supply Equipment (EVSE) requirements (fully installed equipment for EV charging). The 2022 edition of CalGreen expands beyond the residential EV Ready requirements first introduced in 2019 with new mandatory EV charging requirements for nonresidential construction including provisions for medium- and heavy-duty vehicles for grocery, retail, and warehouse building types. In addition, newly constructed multi-family dwellings, hotels and motels have new EV-capable, EV-ready, and EVSE-installed requirements based on the total number of parking spaces proposed as a part of the project. The chart below (CalGreen TABLE 5.106.5.3.1) helps to illustrate the new standards based on the total number of parking spaces.

TOTAL NUMBER OF ACTUAL PARKING SPACES	NUMBER OF REQUIRED EV CAPABLE SPACES	NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE)
0-9	0	0
10-25	4	0
26-50	8	2
51-75	13	3
76-100	17	4
101-150	25	6
151-200	35	9
201 and over	20 percent of total	25 percent of EV capable spaces

#### *Adoption of Local Administrative Provisions*

Chapter 1, Division II, of the California Building Code, while not part of the California Building Standards Code (State Model Code), includes additional administrative provisions available for adoption by local jurisdictions. The proposed ordinance adopts portions of these provisions and modifies, adds, and deletes sections as necessary to carry out the intent and purpose of the County Building Code. The proposed ordinance also preserves prior local amendments and Board direction still reaching beyond the State and applicable to the 2022 State Model Code.

#### *Summary of Prior County Amendments to State Model Code*

The majority of the County’s local amendments to State building standards in the proposed ordinance are identical to, or minor clarifications of, local amendments in past ordinances previously approved by the Board and include:

- Additional and enhanced child-drowning prevention measures for residential swimming pools (effective in the County since 1998).



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- Clarified provisions for means of egress providing safer access and escape routes in the event of fire and other emergencies from one- and two-family dwelling units and accessory structures (effective in the County since 2011).
- Features in new single-family residential construction accommodating future installation of solar photovoltaic and electric vehicle charging systems (effective in the County since 2015).
- Increased indoor water efficiency in new residential construction with installation of water-efficient appliances and water-conserving kitchen faucets (effective in the County since 2020).
- Allowances for construction of nonresidential and multi-family structures in FEMA-mapped alluvial fan flood areas. The allowance for construction requires elevation of qualifying structures above base flood depth to ensure such structures remain safe and functional during flood events (effective in the County since 2020).
- Clarified and reorganized County provisions applicable to patio covers (effective in the County since 2020).
- Amendments for subcontractor disclosures to promote contractor transparency, workforce protection, and contracting equity through construction (effective in the County since 2022).

Beyond minor grammatical and formatting revisions, new local amendments in the proposed ordinance are limited to:

- FEMA updates to identify requirements for alterations to buildings to be designed and/or located to prevent water entry or accumulation.
- Adoption of Appendix P (2022 State Model Code) for emergency housing options to address a shelter crisis arising from a declared disaster.

Since 2004, the County has taken several proactive steps to go beyond the State Model Codes and increase fire safety and wildfire prevention as a direct response to local wildfires experienced in 2003 and 2007. Most of California’s jurisdictions adopt the State Model Codes (more commonly known as “Chapter 7A”), considered progressive building code models for fire protection and wildfire prevention at the national level. Faced with a higher risk of wildfires, the County has taken several historic prior actions to go beyond the State codes to further strengthen wildfire protection for future communities in fire safety enhancements, which include:

- All new construction in moderate, high, and very high fire severity designation (defined by the State) must meet the high fire severity construction standards for fire resistance and mediation standards (adopted by the County in response to the 2003 and 2007 wildfires).
- Ignition-resistant construction materials and measures for structures located in wildland-urban interface fire areas: related to fire severity zones defined under the State Fire

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Hazard Severity definition (adopted by the County in response to the 2003 and 2007 wildfires).

- Automatic fire sprinkler system installations (effective in the County since 2008).
- Restrictive attic ventilation requirements, including the prohibition of open attic ventilation, corrosion-resistant noncombustible metallic mesh, and measures to reduce risk of embers entering homes (effective in the County since 2020).

With each triennial code cycle, the State Model Code improves in terms of increasing fire safety and closes the gap compared to the County Building Code. For example, automatic fire sprinkler system installations, required by the County Building Code since 2008, are now a part of the State Model Code. Even as the State Model Code continues to improve in fire safety with each update, the County Building Code still go beyond State codes in the following focus areas:

- All new construction must meet the high fire severity construction standards (adopted by the County in response to the 2003 and 2007 wildfires)
- Ignition-resistant construction materials and measures for structures located in wildland-urban interface fire areas (adopted by the County in response to the 2003 and 2007 wildfires).
- Ignition-resistant ventilation enhancement and requirements for the roof, foundation, and gabled door vents on structures located in wildland-urban interface fire areas (adopted by the County in 2020 in response to recent wildfires).
- Ignition-resistant eave construction enhancement and ignition-resistant eave construction measures for structures located in wildland-urban interface fire areas (adopted by the County in 2020 in response to recent wildfires).
- Ignition-resistant exterior wall protection and enhanced ignition-resistant exterior wall protection construction material and measures for structures located in wildland-urban interface fire areas (adopted by the County in 2020 in response to recent wildfires).
- More information about the wildland-urban interface areas and a summary of County fire safety efforts are available online (PDS Form 664) at the following link:

<http://www.sdcpds.org>

County PDS and Fire staff reviewed both recent State code changes and all prior local building code amendments in furtherance of Board direction to continue strengthening wildfire protection in existing and future communities in the unincorporated area. Prior local amendments considered for readoption focus on strengthening fire safety measures in construction, including stricter building requirements in the fire code for homes built in high-fire-risk areas. County staff consulted other jurisdictions that recently went through severe fire events and found they did not make modifications to the State model fire code Chapter 7A. Utilizing this feedback from the community outreach and the input from the local fire protection experts, staff do not propose additional fire hardening requirements for this code update. Although there are no new fire safety

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changes proposed in this code update, since most jurisdictions across California rely only on the State Model Codes fire protections, readoption of prior fire safety actions ensures that the County Building Code continues to go beyond State code baseline in protecting our communities from wildfires.

*Summary of New County Amendments to State Model Code*

California Health and Safety Code Section 18941.5 allows the County to amend the California Building Standards Code (State Model Code) if the provisions established by such Local Amendments meet or exceed the State standards. The following two items being requested are new local amendments to the State Model Code contained in the County Building Code. Amendments considered today do not include additional measures in energy conservation and electrification that staff is examining as part of the ongoing Regional Decarbonization Framework (RDF) and Climate Action Plan (CAP) Update development. Future RDF implementation in the unincorporated area and at County facilities through future CAP measures provides opportunities for further local amendments through future Board actions.

*Federal Emergency Management Agency (FEMA)*

FEMA requires that electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities for a building be designed and/or located to prevent water entry or accumulation, to increase flood resiliency and promote public safety. While County staff already review for these items, FEMA is now requiring the County to update its ordinance to explicitly reflect this requirement through additions to the County Building Code. Including this language in the County Building Code helps to educate applicants and owners through added transparency. Today's ordinance update codifies existing practices and adds requirements that building alterations be designed and/or located to prevent water entry or accumulation.

*Emergency Housing and Shelter Ordinances*

New local amendments also include the adoption Appendix P of the State Model Code (Attachment E), which provides additional guidance when reviewing emergency shelter building construction and life safety. This building code section can only be utilized for emergency shelters when a declaration of a shelter crisis is in place. For example, local, State, or federal levels can declare a crisis status (including but not limited to homelessness or any disaster). A shelter crisis declaration for unincorporated communities has been in place since August 11, 2018 (06).

The County continues to promote the building of shelters and housing for individuals experiencing homelessness. On January 26, 2022 (05) the Board adopted Zoning Ordinance amendments which, in specified locations, exempted County and other State or federal government agencies' emergency shelter, and transitional and supportive housing facilities from the County zoning regulations. Additionally, the exemption from the zoning regulations applied to these types of shelters and housing facilities that are County owned and operated facilities. This action allows the County departments responsible for locating shelter and housing facilities to (1) utilize currently owned properties (i.e., parks, libraries, resource centers), (2) purchase properties, or (3)

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offer financial assistance to a third party to provide additional sheltering and housing options for persons experiencing homelessness. Though this action exempted these shelter and housing facilities from County zoning regulations, other County regulations such as compliance with the General Plan, and Federal and State requirements apply.

Adoption of Appendix P does not change the zoning requirements for an emergency shelter. Instead, all appropriate notification, review, and approval processes would still be in place to establish a shelter. Sites selected to accommodate new emergency housing under this section must meet all other County, Federal, and State requirements. Today's request to adopt Appendix P addresses the County Building Code requirements for emergency housing and shelter crisis arising from a declared disaster.

#### *Stakeholder Outreach*

Stakeholder outreach included engaging with community members, community planning groups, environmental stakeholder groups, construction and building stakeholders, labor advocates, and union stakeholders. Staff reached out to these stakeholders to discuss prior local amendments, proposed local amendments, and State mandatory changes contained in the 2022 State Model Codes. In this outreach, County PDS and Fire staff shared draft ordinance language and discussed how the County Building Code and County Consolidated Fire Code will be used as a transparency tool and how it could best serve their groups.

The environmental stakeholder groups, including the San Diego Building Electrification Coalition, expressed interests in adopting energy conservation (beyond the State energy efficiency standards) and electrification codes (beyond the State electric-ready standards and eliminating natural gas infrastructure). These groups are aware of the County's ongoing efforts under the Regional Decarbonization Framework and development of the new Climate Action Plan examining energy conservation and electrification reach code options extending beyond the State baselines. They also recognized the research, development, and code adoption timing necessary to develop state-required studies that adopt energy-related reach codes. In addition, they expressed interest in immediate and incremental steps toward electrification and energy conservation. In advance of the County's ongoing efforts toward energy conservation and electrification, today's requested actions make progress on building electrification: including the State's mandatory electric ready standards and removal of all gas appliances for new residential development. The County will continue highlighting the benefits of electrification and savings associated with the transition away from fossil fuel appliances.

The labor and union stakeholders included Southwest Carpenters Union, Communications Workers of America, San Diego Building Construction Trades, LiUNA Local 89, and Plumbers and Pipe Fitters UA 230. These groups were interested in ensuring that projects continue to accommodate all options under the current code (including appliances requiring additional gas plumbing). The Plumbers and Pipe Fitters UA 230 expressed concerns that eliminating gas or fossil fuels appliances from new construction would eliminate labor and unionized jobs. Today's

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requested action adopts the State Model Code which encourages electrification but does not mandate removal of gas infrastructure or gas appliances for new construction. According to the State, energy and green building, code updates encourage the creation of new green jobs associated with solar, energy storage, electric-ready appliances, and EV charging infrastructure requirements.

The construction and building stakeholders included the National Electrical Contractors Association, National Black Contractors Association, Building Industry Association (BIA), Associated General Contractors (AGC), Associated Builders and Contractors, and the Building Innovation Group. These stakeholders expressed concerns that the 2022 State Model Code can add time and cost to projects. They also noted that additional local requirements extending beyond state requirements add time and cost to projects. Today's requested actions adopt the State Model Code, which analyzed costs and benefits, finding that incremental upfront costs associated with the new State requirements resulted in net utility saving, higher energy efficiency, and overall societal benefits. Under the new State requirements, new construction projects could elect to utilize the electric-ready State mandates to transition to all electrical appliances with reported potential net savings per unit.

#### **ENVIRONMENTAL STATEMENT**

This project is exempt from CEQA pursuant to the State CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment because the proposed adoption and amendments do not result in any physical changes to the environment as indicated in the Notice of Exemption (on file with the Clerk of the Board). Staff has reviewed the changes and finds no risk of environmental impact. Therefore, the project is exempt from CEQA.

#### **LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

The County's Strategic Initiative of Sustainability included in the 2023-2028 Strategic Plan, seeks to unify the County's efforts in environmental preservation, quality of life, economic development, education, and recreation. The action requested today will support the County's goals of maintaining high standards for quality of life by maintaining building and fire safety in the unincorporated area and will assist economic development by facilitating consistent enforcement and interpretation of the County Building, Residential, Electrical, Plumbing, Mechanical, Energy Efficiency, and Green Building Codes (County Building Code).

Respectfully submitted,



SARAH E. AGHASSI  
Deputy Chief Administrative Officer

**SUBJECT:** ADOPT AN ORDINANCE REPEALING AND REENACTING THE COUNTY BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL, ENERGY EFFICIENCY, GREEN BUILDING CODES, AND RELATED CEQA EXEMPTION (TRIENNIAL COUNTY BUILDING CODE UPDATE) (1/25/2023 – FIRST READING; 2/8/2023 – SECOND READING) (DISTRICTS: ALL)

**ATTACHMENT(S)**

Attachment A – California Health and Safety Code Section 17958 Express Findings

Attachment B – Adopt An Ordinance Repealing and Reenacting the County Building, Residential, Electrical, Plumbing, Mechanical, Energy Efficiency, and Green Building Codes (Triennial County Building Code Update) (Clean Copy)

Attachment C – Adopt An Ordinance Repealing and Reenacting the County Building, Residential, Electrical, Plumbing, Mechanical, Energy Efficiency, and Green Building Codes (Triennial County Building Code Update) (Strikeout Information Copy)

Attachment D – Action Sheet

Attachment E – Appendix P – Emergency Housing (State Model Code)