



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 11/01/2022

ITEM NO: 12

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DATE: October 27, 2022  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Introduce an Ordinance, by Title Only, Effecting Amendments Repealing and Replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the New 2022 California Building and Fire Codes, as Amended, Including Reach Codes. Town Code Amendment Application A-22-003. Project Location: Town Wide. Applicant: Town of Los Gatos.

**RECOMMENDATION:**

Introduce an Ordinance (Attachment 1), by title only, effecting amendments repealing and replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the new 2022 California Building and Fire Codes, as amended, including reach codes.

**BACKGROUND:**

Historically, the State of California adopts a set of International Model Codes including the International Building Code (IBC) with California specific amendments which form the basis of the regulatory environment for building construction. The California Code of Regulations (CCR), Title 24, is published in its entirety every three years by order of the California legislature, with supplements published in intervening years.

The California legislature delegated authority to various State agencies, boards, commissions, and departments to create building regulations to implement the State's statutes. These building regulations and standards have the force of law. California's current adopted version of the 2018 IBC is the 2019 California Building Code (CBC).

**PREPARED BY:** Robert Gray  
Building Official

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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BACKGROUND (continued):

For 2022, the State of California Building Standards Commission adopted 12 new parts for the CCR, Title 24. Local jurisdictions are required to enforce these new Codes as written by January 1, 2023 or adopt a local ordinance that enacts these Codes with local or regional amendments based on climatic, geological, and topographical conditions, with findings that support the local amendments.

The Town must take action to incorporate this new set of Codes with any recommended amendments into the Town Code. In cooperation with Code Officials around the region, Town staff has developed local amendments to the California Codes that are uniform across multiple jurisdictions throughout the Santa Clara Valley, Peninsula, East Bay, and Monterey Bay areas to enhance regional consistency.

On June 2, 2022, Town Staff and representatives from Silicon Valley Clean Energy presented Council with recommendations on proposed Electrification Reach Codes for the 2022 Code cycle. The recommendations consisted of:

1. Increased electric vehicle requirements in both residential and non-residential;
2. All electric construction requirements in both residential and non-residential with exceptions for commercial cooking; and
3. Definition for substantial renovations/alterations to clarify new construction and qualifying projects.

Council unanimously approved staff's recommendations and the necessary Code references and language have been incorporated into the relevant sections of this Ordinance.

DISCUSSION:

The new 2022 CCR, Title 24 will go into effect on January 1, 2023. The Town of Los Gatos must adopt these new State Codes by repealing and replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town Code. The new 2022 CBC and 2022 California Fire Code (CFC) are somewhat different from the current 2019 CBC and CFC so repealing and replacing the Town Code Chapters in their entirety and incorporating our local amendments is the cleanest process for adoption.

14 State agencies review and propose amendments to the International Model Codes to reflect California fire and building requirements. California amendments to the International Model Codes enhance the public health and safety standards for all occupancies throughout

DISCUSSION (continued):

the State. Energy efficiency standards, Wildland-Urban Interface standards, seismic standards, and accessibility standards are among the amendments which increase the building and fire standards for buildings within the State. The State has significantly amended the IBC and International Fire Code (IFC) to meet State building requirements. The Town will be adopting these new Codes with amendments that will create clarity and increased safety due to our seismically sensitive area and other unique conditions.

The 2022 CCR, Title 24 has 12 Parts which the Town needs to adopt:

- Part 1 California Administrative Code
- Part 2 California Building Code, Volumes 1 & 2
- Part 2.5 California Residential Code
- Part 3 California Electrical Code
- Part 4 California Mechanical Code
- Part 5 California Plumbing Code
- Part 6 California Energy Code
- Part 8 California Historical Building Code
- Part 9 California Fire Code
- Part 10 California Existing Building Code
- Part 11 California Green Building Standards Code – CALGreen
- Part 12 California Referenced Standards Code

In addition to adoption of 12 Parts of the CCR, Title 24, the Town is proposing to adopt the 2021 International Property Maintenance Code as published by the International Code Council. This Code provides procedures for the maintenance, repair, and demolition of existing buildings.

California Health and Safety Code Sections 17958 and 17958.5 allow the Town to make modifications or changes to the State Building Standards Codes based on findings that the changes are reasonably necessary because of local climatic, geological, geographical, or topographical conditions. The findings are in the legislative section of the draft ordinance.

PUBLIC OUTREACH:

Public input has been requested through the following media and social media resources:

- An eighth-page public notice in the newspaper;
- The Town’s website home page, What’s New;
- The Town’s Facebook page;
- The Town’s Twitter account;

PUBLIC OUTREACH (continued):

- The Town’s Instagram account;
- The Town’s NextDoor page; and
- An email to approximately 160 interested parties, including architects, engineers, and contractors inviting comments on the Draft Ordinance.

PUBLIC COMMENT:

At the time this staff report was prepared, no public comments have been received.

CONCLUSION:

Staff recommends that the Town Council:

1. Make the findings for modifying the 2022 California Building and Fire Codes (Attachment 1); and
2. Introduce the Ordinance by Title Only, Effecting Amendments Repealing and Replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the New 2022 California Building and Fire Codes, as Amended, Including Reach Codes. (Attachment 1).

ALTERNATIVES:

Alternatively, the Town Council may:

1. Introduce the Ordinance by Title Only, Effecting Amendments Repealing and Replacing Chapter 6, Building Regulations, and Chapter 9, Fire Prevention and Protection, of the Town of Los Gatos Municipal Code with the New 2022 California Building and Fire Codes, as Amended, Including Reach Codes with modifications; or
2. Continue consideration of the Ordinance to a date certain with specific direction.

COORDINATION:

The Community Development Department coordinated with the Town Attorney’s Office and Santa Clara County Fire Department in the preparation of this Ordinance.

FISCAL IMPACT:

None.

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SUBJECT: Town Code Amendments – Building and Fire Codes

DATE: October 27, 2022

ENVIRONMENTAL ASSESSMENT:

Adoption of this ordinance is not a project subject to CEQA, because it can be seen with certainty that it will not impact the physical environment. (CEQA Guidelines Section 15378.) If adoption of this ordinance were a project, it would be categorically exempt from CEQA as an action by a regulatory agency for the protection of natural resources (CEQA Guidelines Section 15307) and the environment (CEQA Guidelines Section 15308).

Attachment:

1. Draft Ordinance