



# City of Costa Mesa

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 22-915

**Meeting Date:** 11/1/2022

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**TITLE:**

**SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING TITLE 5, BUILDINGS AND CONSTRUCTION AND TITLE 7, FIRE PROTECTION AND PREVENTION, OF THE COSTA MESA MUNICIPAL CODE TO ADOPT THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, AS LOCALLY AMENDED, AND THE ORANGE COUNTY GRADING AND EXCAVATION CODE**

**DEPARTMENT:** ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/  
BUILDING DIVISION

**PRESENTED BY:** ZIAD DOUDAR, BUILDING OFFICIAL AND JON NEAL, FIRE  
MARSHAL

**CONTACT INFORMATION:** ZIAD DOUDAR, (714) 754-5604

**RECOMMENDATION:**

Staff recommends the City Council give second reading to and adopt Ordinance 2022-XX, which amends Title 5, Buildings and Construction, and Title 7, Fire Protection and Prevention, of the Costa Mesa Municipal Code to adopt the 2022 Edition of the California Building Standards Code, as locally amended, and the current edition of the Orange County Grading and Excavation Code.

**BACKGROUND:**

The State's Health and Safety Code (Section 17958) mandates that the California Building Standards Commission adopt and publish the California Building Standards Code (Title 24 California Code of Regulations) every three years. The California Code of Regulations, Title 24, with the 2022 Editions of the California Building Standards Code incorporating the below-listed model codes, becomes effective on January 1, 2023. The City regularly adopts these State codes, as amended, every three years.

**ANALYSIS:**

Staff has prepared an Ordinance adopting the 2022 Edition of the California Building Standards Code, with various amendments as described in this staff report, and repealing references to the prior editions of the model codes. The Ordinance also approves the current edition of the Orange County Grading and Excavation Code including any associated supplements.

Staff is recommending adoption of the 2022 Edition of the California Building Standards Code, with local amendments to the following three components:

- 2022 California Building Code
- 2022 California Residential Code
- 2022 California Fire Code

Such amendments are necessary to ensure that the City's adopted Building Code standards respond to local climatic and geographic conditions in Costa Mesa. The Ordinance incorporates the necessary amendments to reflect these local conditions.

### **October 18, 2022 First Reading**

A public hearing was held and the draft Resolution and Ordinance were presented to the City Council at its October 18, 2022 regular meeting. After receiving public comments and deliberating, the Council adopted Resolution 2022-XX setting forth findings with respect to local climatic and geographic conditions within the City of Costa Mesa to allow certain local amendments to the California Building Code, California Residential Code, and California Fire Code. The City Council also gave first reading to Ordinance No. 22-XX as recommended by staff, amending Title 5, Buildings and Construction, and Title 7, Fire Protection and Prevention, of the Costa Mesa Municipal Code to adopt the 2022 Edition of the California Building Standards Code, as locally amended, and the current edition of the Orange County Grading and Excavation Code, with the following modification (refer to Attachment 2):

#### **Title 7, Chapter II, Section 1207.4.1**

1207.4.1 Electrical disconnects. Where the ESS disconnecting means is not within sight of the main electrical service disconnecting means, placards or directories shall be installed at the location of the main electrical service disconnecting means indicating the location of stationary storage battery system disconnecting means in accordance with the California Electrical Code. ~~The ESS disconnecting means shall be within 36-inches of the main electrical service disconnecting means. The ESS disconnecting means shall be labeled "ESS Emergency Stop".~~

In addition, the motion for approval included a staff recommended correction to include Chapter 57 (CFC), 58 (CFC) and 80 (CFC) by reference in the Resolution; these Chapter references were included in the Ordinance but inadvertently left out of the Resolution.

The Council approved the Resolution and gave first reading to the Ordinance by a vote of 4-1. The October 18, 2022 staff report and video are available at the following links:

Staff Report:

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=5886148&GUID=DA02CF13-404D-4ACF-B57C-046E30180737>

Video:

[https://costamesa.granicus.com/player/clip/3911?view\\_id=14&redirect=true&h=11ed816d9cec9cc0e2f6f39b5876469f](https://costamesa.granicus.com/player/clip/3911?view_id=14&redirect=true&h=11ed816d9cec9cc0e2f6f39b5876469f)

The above-referenced modification has been incorporated into Ordinance No. 2022-XX, which is provided as an attachment to this report. If the City Council approves the second reading and adopts the Ordinance, the Ordinance will become effective January 1, 2023.

**ALTERNATIVES:**

The City Council may adopt the 2022 Edition of the California Building Standards Code with the amendments and the current edition of the Orange County Grading and Excavation Code as recommended by staff, with or without modifications. If the City Council does not adopt the 2022 Codes, then by default the new Building Codes as shown in the California Code of Regulations will take effect on January 1, 2023, without local amendments.

**FISCAL REVIEW:**

The adoption of the proposed Ordinance will not have any fiscal impact on the City's budget.

**LEGAL REVIEW:**

The City Attorney has reviewed and approved the Ordinance as to form.

**CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the following City Council Goal:

- Strengthen the Public's Safety and Improve the Quality of Life

**CONCLUSION:**

Staff recommends the City Council approve the second reading and adopt Ordinance No. 2022-XX, which modifies the Costa Mesa Municipal Code to adopt the 2022 Edition of the California Building Standards Code, as locally amended, and the current edition of the Orange County Grading and Excavation Code for implementation in the City of Costa Mesa. If the City Council approves the Ordinance, it will become effective on January 1, 2023.