

ORDINANCE NO. 2022-015

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SAN BUENAVENTURA ADOPTING BY REFERENCE THE
2022 EDITION OF THE CALIFORNIA MECHANICAL CODE
AND AMENDING CERTAIN PROVISIONS THEREOF
THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY**

The City Council of the City of San Buenaventura does ordain as follows:

SECTION 1: FINDINGS. The City Council finds that certain local climatic, geological, or topographical conditions exist as follows:

A. Climatic. The City has: 1) periods of high temperatures accompanied by low humidity and high winds each year. These conditions could create an environment in which the fire department may have great difficulty in controlling fires occurring in hillside brush areas as well as structures not having built in fire protection; 2) periods of intense rainfall, which create the need for special drainage precautions; 3) moist coastal air and some corrosive native soil.

B. Geological. The City has: 1) areas with expansive soils and hillsides that are subject to mudflows and unstable conditions. Special foundation considerations and soils analyses requirements must be in place to provide a reasonable degree of structural integrity for buildings constructed in these areas; 2) several earthquake faults that, when active, will impose unique lateral loads on structures in the City. Special lateral structural design criteria are needed to resist these lateral loads imposed by active earthquake faults in the City; 3) Earthquakes will block/damage roads and limit the Fire Department's ability to access and fight fires. Built-in fire protection systems will provide the initial firefighting services until the Department can arrive on site; 4) areas of corrosive water and areas of very hard potable water. Special piping materials and provisions for on-site water treatment must be made.

C. Topographical. The City has: 1) Existing hillside and flat land developments require special drainage precautions Structures are subject to water damage without special requirements addressing site drainage; 2) many older City streets are very narrow and difficult for the Fire Department to stage equipment, clear wildland and fight fires. Hillside conditions may also inhibit ocean views.

D. Administrative. Administrative changes are those made to either sections of the State Building Standards Codes that are not specifically adopted by a State agency or that are needed to coordinate the State Codes with the City's local Charter and Municipal Code. Administrative amendments shall not result in waiving or reducing the State Building Standards Codes regulations nor create new building standards.

E. After due consideration, the City Council finds and determines that these local climatic, geological, and topographical conditions make modifications and changes

to the 2022 Edition of the California Mechanical Code reasonably necessary to provide sufficient and effective protection of life, health, and property. A summary the applicable findings as they relate to each local amendment is attached hereto as Exhibit "A," incorporated herein by this reference.

SECTION 2: AMENDMENT TO CODE. Chapter 12.130 of Division 12 of the San Buenaventura Municipal Code ("SBMC") is amended in its entirety to read as follows:

"Chapter 12.130 Mechanical Standards

Section 12.130.010. Adoption of the California Mechanical Code, 2022 Edition.

Pursuant to Government Code sections 50022.1 to 50022.8, inclusive, Part 4 of Title 24 of the California Code of Regulations, known as the California Mechanical Code, 2022 Edition ("CMC"), including Appendices B and C thereof, and standards contained therein, is adopted by reference, subject to changes set forth in this Chapter. One true copy of said Code is on file in the Office of the Building Official and is available for public inspection as required by law."

Section 12.130.020. Amendments.

After due consideration, the City Council finds and determines that due to the need to establish administrative procedures to enforce the CMC, that certain administrative changes to the California Mechanical Code, 2022 Edition, are needed to clarify the role of the City's Building Official and the process of appeals from the Building Official's decisions, and therefore, the CMC is modified, amended, added to, and changed as set forth below:

Section 107.0 is replaced in its entirety including Sections 107.1 and 107.2 to read as follows:

107.0. *Appeals.* Appeals of the decision of the Building Official enforcing this code shall be filed and acted upon in accordance with Section 113 of the California Building Code as adopted by the City of San Buenaventura in Section 12.115.020 of the San Buenaventura Municipal Code.

Note: For administrative purposes, wherever the term "Authority Having Jurisdiction" is used in the CMC, it shall be understood to meaning "Building Official" or his/her designee.

SECTION 2: CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code Section 21000 *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Section 15000 *et seq.*, the "State CEQA Guidelines") because it

because it does not meet the definition of a "project" under Public Resources Code § 21065 and, to the extent it is determined by a court of competent jurisdiction to be a project, is covered by the common sense exception under 14 California Code of Regulations § 15061(b)(3) as it consists only of minor revisions and clarifications to an existing code of construction-related regulations and specification of procedures related thereto and will not have the effect of deleting or substantially changing any regulatory standards or findings required therefor. This ordinance is an action being taken for enhanced protection of the environment and does not have a reasonably foreseeable direct or indirect physical change on the environment or the potential to cause significant effects on the environment.

SECTION 3: SAVINGS CLAUSE. Repeal of any provision of the SBMC or any other city ordinance herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4: SEVERABILITY. If any part of this Ordinance is deemed invalid by a court of competent jurisdiction, the City Council intends that said invalidated part is severable and that such decision will not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 5: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance is repealed or is deemed invalid by a court of competent jurisdiction, such action will render this Ordinance void and cause such SBMC Ordinance previously in effect prior to amendment by this Ordinance to remain in full force and effect for all purposes.

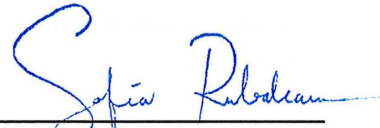
SECTION 6: EFFECTIVE DATE. This Ordinance will take effect on the 30th day following its final passage and adoption or January 1, 2023, whichever is later.

The foregoing Ordinance was adopted by the City Council of San Buenaventura on November 28, 2022 and ordered published by posting the following vote:

Ayes: Councilmembers Sanchez-Palacios, Brown, Johnson, Halter, Deputy Mayor Schroeder, and Mayor Rubalcava

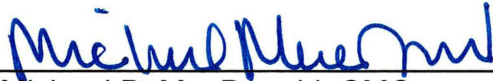
Noes: None

Absent: Councilmember Friedman



Sofia Rubalcava
Mayor

ATTEST:



Michael B. MacDonald, CMC
City Clerk



APPROVED AS TO FORM:
Andy Heglund
City Attorney

 12/1/2022

Miles Hogan
Senior Assistant City Attorney

Exhibit "A"

After due consideration, the City Council finds and determines that these local climatic, geological, and topographical conditions make modifications and changes to the CMC reasonably necessary to provide sufficient and effective protection of life, health, and property. The CMC is therefore modified, amended, added to, and changed based on the following findings and as further set forth below:

CODE SECTION	AMEND	ADD	DELETE	California Building Code Local Amendment, Title/Description	FINDINGS
107	X			Coordinates appeals processes with the Building Code	Admin

