



## Item No. {{item.number}} Town of Atherton

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### **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: MIKE GREENLEE, CHIEF BUILDING OFFICIAL**

**DATE: NOVEMBER 16, 2022**

**SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE TO  
AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE  
ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING  
STANDARDS CODE, RETAINING EXISTING MODIFICATIONS.**

### **RECOMMENDATION**

Adopt the ordinance amending Title 15 of the Atherton Municipal Code and direct the Building Official to file the amendments with State of California as required by law.

### **BACKGROUND**

Utilizing nine-point criteria as provided for in state statute, the California Building Standards Commission (CBSC), through a public hearing process, considers amendments and revisions to the Model Codes from State Regulatory Agencies every three years. Upon CBSC approval, the amended Model Codes are published, and become a part of Title 24 of the California Code of Regulations which are in effect 180 days after publication.

The 2022 California Building Standards Codes that will take effect throughout California on January 1, 2023 (Health and Safety Code (HSC) Section 18938). The Codes specified in the California Code of Regulations, are mandated by the State of California and the Building Official is required to administer and enforce those codes.

The amending of certain portions of Title 15 of the Town of Atherton Municipal Code is necessary to maintain consistency among the new building codes, procedures and terminology and the Town's existing regulations.

Provisions within California statute (HSC Sections 17958.7 and 18941.5 (b)) allow local agencies the authority to establish more restrictive building standards when reasonably necessary because

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of local climatic, geologic, or topographical conditions but not the authority to reduce the minimum standards established by the California Code of Regulations.

The more restrictive modifications and findings carry forward the current more restrictive fire sprinkler requirements were adopted by the Menlo Park Fire District, which provides fire protection to Atherton and neighboring communities. The specific factors that require and bring forward the more extensive requirements for the installation of fire sprinklers were identified with findings by the Board of the Menlo Park Fire Protection District. Similar finding are set forth in Section 1 of the attached Ordinance.

### **Adoption**

Government Code Section 50022.2 and Health and Safety Code section 17922 requires that local agencies adopt the Building Codes. Because Staff is also recommending re-adopting an administrative appendix by reference and a more restrictive modification to the code by ratifying the Menlo Park Fire Regulations the adopting procedure outlined in Government Code Section 50022.3 should be followed.

Copies of the codes are available at the Town's Permit Center offices during regular hours.

### **FISCAL IMPACT**

None.

### **GOAL ALIGNMENT**

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area F – Be Forward-Thinking, Well-Managed, and Well-Planned

### **POLICY FOCUS**

The recommendations within this staff report and proposed municipal code amendments are consistent with Town policies.

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders –to include, but be not limited to, media outlets, school districts, Menlo Park Fire Protection District, service providers (water, power, and sewer), and regional elected officials.

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**COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item has not been before a Town Committee or Commission

**ATTACHMENTS**

1. Ordinance Amendming Title 15 of the Atherton Municipal Code
2. Menlo Park Fire Protection District Ordiance

