

1 WHEREAS, the adoption of Appendix N was intended to adopt the California Building Code
2 appendix regarding Emergency Housing Standards, which due to a restructuring of the 2019
3 Building Code, is now Appendix O; and

4 WHEREAS, adopting the revised Emergency Housing Standards of the California Residential Code
5 and the California Building Code (collectively, the “Emergency Housing Standards”) is necessary
6 and appropriate to correct a prior clerical error and effectuate the intent of the City Council, and

7 WHEREAS, the City Council has determined that strict compliance with the standard provisions of
8 these Emergency Housing Standards for public facilities open to the homeless would prevent,
9 hinder, or delay the mitigation of the effects of the shelter crisis; and

10
11 WHEREAS, local amendments are necessary to address the threat to public health, safety, and
12 welfare of the general public and homeless individuals living in the City without shelter by
13 increasing the number of emergency shelter beds available in the City, thereby providing shelter to
14 additional individuals whose health, safety, and welfare are threatened by their unsheltered status.

15 NOW, THEREFORE, BE IT ORDAINED that the Council of the City of Chico does hereby adopt
16 the following ordinance amending Title 16R of the City of Chico Municipal Code:

17 SECTION 1. Findings. As provided for in Government Code Section 8698 et seq., the Council of
18 the City of Chico expressly finds the proposed modifications to Appendix X of the California
19 Residential Code and Appendix O of the California Building Code decreasing the minimum interior
20 floor area of emergency sleeping cabins to 64 square feet for two occupants, and an additional 50
21 square feet for each additional occupant, is reasonably necessary to address the threat to public
22 health, safety, and welfare of the general public and homeless individuals living in the City without
23 shelter. The harsh summer and winter conditions, as well as the high risk of dangerous air quality
24 levels due to wildfires in and around the City places the health and lives of the increasing
25 unsheltered homeless population at risk and makes it reasonably necessary to adopt these
26 amendments to the Emergency Housing Standards, and without such amendments the standards of
27 Appendix X and Appendix O cannot be met. The proposed amendments would also extend the use
28 of limited emergency shelter resources and provide additional shelter to more homeless individuals.

1 Strict compliance with the standard provisions of the Emergency Housing Standards for public
2 facilities open to the homeless would prevent, hinder, or delay the mitigation of the effects of the
3 City's shelter crisis. The proposed amendment to the local building code, applicable during a shelter
4 crisis, will assist in meeting emergency housing demands for individuals needing essential, safe, and
5 sanitary shelter and diversion from homelessness and would expeditiously move homeless
6 individuals out of harsh environs.

7 SECTION 2. City Code Amendment. The City Council of the City of Chico hereby amends Title
8 16R of the City of Chico Municipal Code as follows:

9 **Chapter 16R.02 Building Standards**

10 **Section:**

11 **16R.02.010 Adoption of Standards.**

12 **16R.02.010 Adoption of Standards.**

13
14
15 A. Basic Building Standards. The following regulations, hereby adopted by reference and
16 incorporated herein, shall constitute the basic building standards of the city and shall apply
17 to and govern the construction, alteration, moving, demolition, repair, use, and occupancy of
18 any building or structure in the city in accordance with the provisions of
19 Section 16.06.020 of this code.

20 1. All regulations adopted in the 2019 California Building Code ("CBC"), as promulgated
21 in Part 2, Volumes 1 and 2, Appendix H (Signs), Appendix J (Grading) and Appendix ~~NO~~
22 (Emergency Housing), as amended herein, of Title 24 of the California Code of Regulations,
23 including all regulations adopted in the CBC amending or repealing a volume, chapter, section or
24 appendix of the International Building Code ("IBC"), which regulations shall take precedence
25 over the amended or repealed volume, chapter, section or appendix of the IBC; and

26 2. All regulations adopted in this chapter, including any regulations adopted in this chapter
27 which amend or repeal a volume, chapter, section or appendix of either the IBC or CBC, shall
28

1 take precedence over the amended or repealed volume, chapter, section or appendix of the IBC
2 or CBC.

3 B. Existing Building Code. The following regulations, hereby adopted by reference and
4 incorporated herein, shall constitute the minimum standards to promote public safety and
5 welfare, including those regulations adopted to reduce the risk of death or injury that may result
6 from the effects of earthquakes on existing unreinforced masonry bearing walls.

7
8 1. All regulations set forth in the following volumes, chapters, sections, parts or appendices
9 of the 2019 CBC Part 10 of Title 24 based on the 2018 International Existing Building Code:

- 10 a. Appendix A Chapters A1, A3, and A4; and
11 b. Appendix A Chapter A6 Referenced Standards.

12 C. Historic Building Code. The following regulations, hereby adopted by reference and
13 incorporated herein, shall constitute the standards for the preservation, restoration, rehabilitation,
14 relocation or reconstruction of buildings or properties designated as qualified historical buildings
15 or properties.

16
17 1. All regulations set forth in the following volumes, chapters, sections, parts or appendices
18 of the 2019 CBC Part 8 of Title 24:

- 19 a. Chapter 8-1, excluding Section 8-104, entitled "Review and Appeals";
20 b. Chapter 8-2 through 8-10; and
21 c. Appendix A.

22 D. California Code of Regulations, Title 24, Part 2, California Building Code, Appendix O,
23 Emergency Housing is hereby adopted in full, subject to the modifications thereto which are set
24 forth below:

25
26 **AO103.2.1 New additions, alterations, and change of occupancy.** New additions, alterations, and
27 change of occupancy to existing buildings shall comply with the requirements of the California
28 Building Standards Code effective at the time of addition, alteration, or change of occupancy. The

1 requirements shall apply only to and/or within the specific area of the addition, alteration, or change
2 of occupancy.

3 **Exceptions:**

4
5 1. Existing buildings and structures used for emergency housing and emergency housing
6 facilities may not be required to comply with the California Energy Code, as determined by
7 the enforcing agency.

8 2. Change in occupancy shall not mandate conformance with new construction requirements
9 set forth in the California Building Standards Code, provided such change in occupancy
10 meets the minimum requirements set forth in this appendix.

11 **AO103.3 Occupant load.** Except as otherwise stated in this appendix, the maximum occupant load
12 allowed in buildings and structures used as emergency housing shall be determined by the enforcing
13 agency, but the interior floor area shall not be less than 64 square feet (6.5 m²) for two occupants.
14 Where more than two persons occupy the building/structure, the required floor area shall be
15 increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of two. The interior floor
16 area shall not exceed 400 square feet (37 m²), excluding lofts.

17 **Exceptions:**

18 1. Tents.

19
20 2. Recreational vehicles and park trailers designed for human habitation that meet the
21 requirements in the Health and Safety Code, Sections 18009.3 and 18010, as applicable.

22 **SECTION O111**

23
24 **ALTERNATIVES AND MODIFICATIONS**

25 **AO111.1 Alternatives and modifications.** Alternative compliance and/or modifications that are
26 reasonably equivalent to the requirements in this appendix may be granted by the Local
27 Administrative Authority in individual cases when dealing with buildings or structures used for
28 emergency housing.

1 SECTION 3. City Code Amendment. The City Council of the City of Chico hereby amends Title
2 16R of the City of Chico Municipal Code as follows:

3
4 **Chapter 16R.12 Residential Standards**

5
6 **Section:**

7 **16R.12.010 Adoption of Standards.**

8
9 **16R.12.010 Adoption of Standards.**

10 A. Basic Residential Standards. The following regulations, hereby adopted by reference and
11 incorporated herein, shall constitute the residential standards of the city and shall apply to and
12 govern the construction, alteration, movement, enlargement, replacement, repair, equipment, use and
13 occupancy, location, removal and demolition of detached one- and two-family dwellings and
14 townhouses, as designated and defined in the 2019 California Residential Code.

15
16 B. All regulations adopted in the 2019 California Residential Code ("CRC"), as promulgated in
17 Part 2.5 of Title 24 of the California Code of Regulations including Appendix H, and Appendix
18 X (Emergency Housing), as amended herein, and all regulations adopted in the CRC amending or
19 repealing a volume, chapter, section or appendix of the 2019 International Residential Code ("IRC"),
20 which regulations shall take precedence over the amended or repealed volume, chapter, section or
21 appendix of the IRC.

22 C. California Code of Regulations, Title 24, Part 2.5, California Residential Code, Appendix X,
23 Emergency Housing is hereby readopted in full, subject to the modifications thereto which are set
24 forth below:

25
26 **AX103.2.1 New additions, alterations, and change of occupancy.** New additions, alterations, and
27 change of occupancy to existing buildings shall comply with the requirements of the California
28 Building Standards Code effective at the time of addition, alteration, or change of occupancy. The

1 requirements shall apply only to and/or within the specific area of the addition, alteration, or change
2 of occupancy.

3 **Exceptions:**

4
5 1. Existing buildings and structures used for emergency housing and emergency housing
6 facilities may not be required to comply with the California Energy Code, as determined by
7 the enforcing agency.

8 2. Change in occupancy shall not mandate conformance with new construction requirements
9 set forth in the California Building Standards Code, provided such change in occupancy
10 meets the minimum requirements set forth in this appendix.

11 **AX103.3 Occupant load.** Except as otherwise stated in this appendix, the maximum occupant load
12 allowed in buildings and structures used as emergency housing shall be determined by the enforcing
13 agency, but the interior floor area shall not be less than 64 square feet (6.5 m²) for two occupants.
14 Where more than two persons occupy the building/structure, the required floor area shall be
15 increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of two. The interior floor
16 area shall not exceed 400 square feet (37 m²), excluding lofts.

17 **Exceptions:**

18 1. Tents.

19
20 2. Recreational vehicles and park trailers designed for human habitation that meet the
21 requirements in the Health and Safety Code, Sections 18009.3 and 18010, as applicable.

22 **SECTION X111**

23
24 **ALTERNATIVES AND MODIFICATIONS**

25 **AX111.1 Alternatives and modifications.** Alternative compliance and/or modifications that are
26 reasonably equivalent to the requirements in this appendix may be granted by the Local
27 Administrative Authority in individual cases when dealing with buildings or structures used for
28 emergency housing.

1 SECTION 4. This Ordinance is consistent with the City's General Plan, Municipal Code, and
2 applicable federal and state law.

3 SECTION 5. This Ordinance will not be detrimental to the public interest, health, safety,
4 convenience or welfare.

5 SECTION 6. CEQA. The City Council, on the basis of the whole record and exercising
6 independent judgment, finds that this Ordinance is exempt from the provisions of the California
7 Environmental Quality Act (CEQA) under Public Resources Code section 21080(b)(4) for specific
8 actions necessary to prevent or mitigate an emergency. The proposed ordinance is also exempt under
9 Public Resources Code section 21065 and CEQA Guidelines sections 15060 (c)(2) and 15378(a)
10 because it does not have the potential for resulting in a direct physical change in the environment or
11 a reasonably foreseeable indirect physical change in the environment since there would be no
12 tangible physical change to the environment that is perceptible to the senses. Finally, the proposed
13 ordinance is exempt under CEQA Guidelines Section 15061(b)(3). because it can be seen with
14 certainty that there is no possibility that the activity in question may have a significant effect on the
15 environment.

16 SECTION 7. Severability. If any section, subsection, line, sentence, clause, phrase, or word of this
17 Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a
18 decision of any court of competent jurisdiction, such decision shall not affect the validity of the
19 remaining portions of this Ordinance. The City Council of the City of Chico hereby declares that it
20 would have passed this Ordinance, and each and every individual section, subsection, line, sentence,
21 clause, phrase, or word without regard to any such decision.

22 SECTION 8. Effective Date. The Ordinance shall be effective 30 days after adoption by the City
23 Council.


24 SECTION 9. Certification. The City Clerk shall certify to the passage and adoption of this
25 Ordinance and shall cause the same to be published or posted in the manner required by law.

26
27 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its duly
28 noticed meeting held on December 7, 2021, by the following vote:

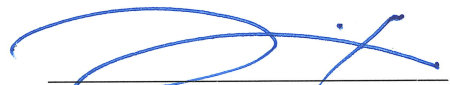
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AYES: Bennett, Brown, Morgan, O'Brien, Tandon, Reynolds, Coolidge
NOES: None
ABSENT: None
ABSTAINED: None
DISQUALIFIED: None

ATTEST:


Deborah R. Presson, City Clerk

APPROVED AS TO FORM:


Vincent C. Ewing, City Attorney*
*Pursuant to The Charter of the City of Chico,
Section 906(E)