

## **EXHIBIT A**

### **FINDINGS AND DETERMINATION THAT CHANGES OR MODIFICATIONS TO THE 2022 CALIFORNIA BUILDING CODE ARE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS**

**1.** In connection with the adoption by reference of the International Building Code, 2018 Edition, as amended by the State of California in that document entitled "The California Building Standards Code," it is hereby expressly found and determined that the following changes are reasonably necessary because of local climatic, geological or topographical conditions:

#### **Chapter 7-5 Building Code**

##### **Article 1. Building Code**

Article 1 of Chapter 5 of Title VII of the San Leandro Municipal Code, "Building Code," is hereby repealed and replaced in its entirety to read as follows:

#### **SECTION 101 GENERAL**

##### **101.1 Title.**

These regulations shall be known as the City of San Leandro Building Code, hereinafter referred to as "this Code."

##### **101.2 Scope.**

The provisions of this Code shall apply to the construction, alteration, relocation, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances or systems connected or attached to such buildings or structures.

##### **101.2.1 Appendices.**

Provisions in the appendices can be approved for use by the Building Official.

##### **101.3 Purpose and Intent.**

The purpose of this Code is to establish minimum standards to safeguard public health, safety, and general welfare by regulating the design, structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, construction, installation, quality of materials, use, occupancy, location, energy conservation and maintenance of all buildings, structures, and certain equipment as specifically set forth herein and safety to life

and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations. Consistent with this purpose, the provisions of this Code are intended and always have been intended to confer a benefit on the community as a whole and are not intended to establish a duty of care toward any particular person.

This Code shall not be construed to hold the City of San Leandro or any officer, employee or agent thereof responsible for any damage to persons or property by reason of any inspection authorized herein or by reason of the issuance or non-issuance of any permit authorized herein, and/or for any action or omission in connection with the application and/or enforcement of this Code. By adopting the provisions of this Code, the City does not intend to impose on itself, its employees or agents any mandatory duties of care toward persons and property within its jurisdiction so as to provide a basis of civil liability for damages.

This Section is declaratory of existing law and is not to be construed as suggesting that such was not the purpose and intent of previous Code adoptions.

#### **101.4 Referenced Codes.**

The other Codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.

##### **101.4.1 Electrical.**

The provisions of the San Leandro Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

##### **101.4.2 Gas.**

The provisions of the San Leandro Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

##### **101.4.3 Mechanical.**

The provisions of the San Leandro Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

##### **101.4.4 Plumbing.**

The provisions of the San Leandro Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

#### **101.4.5 Property maintenance.**

The provisions of the San Leandro Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

#### **101.4.6 Fire prevention.**

The provisions of the San Leandro Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

#### **101.4.7 Energy.**

The provisions of the California Energy Code, Title 24, Part 6 shall apply to all matters governing the design and construction of buildings for energy efficiency.

#### **101.4.8 California Green Building Code.**

The provisions of the California Green Building Code (CGBC) as published by the California Building Standards Commission shall apply to matters affecting or relating to planning, design, operation, construction, use and occupancy of every newly constructed building or structure. The purpose of which is to encourage sustainable construction practices in the following categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency and environmental quality. A copy of the CGBC shall be maintained on file in the office of the City Clerk.

## **SECTION 102**

### **APPLICABILITY**

#### **102.1 General.**

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

#### **102.2 Other laws.**

The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law.

#### **102.3 Application of references.**

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.

#### **102.4 Referenced codes and standards.**

The Codes and Standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and referenced Codes and Standards, the provisions of this Code shall apply.

#### **102.5 Partial invalidity.**

In the event that any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

#### **102.6 Existing structures.**

The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as is specifically covered in this Code, the San Leandro Existing Building Code or the San Leandro Fire Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

## **SECTION 103**

### **DIVISION OF BUILDING AND SAFETY**

#### **103.1 Creation of enforcement agency.**

The Division of Building and Safety is hereby created and the official in charge thereof shall be known as the Building Official.

### **103.2 Appointment.**

The Building Official shall be appointed by the City Manager.

### **103.3 Deputies.**

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a Deputy Building Official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official.

## **SECTION 104**

### **DUTIES AND POWERS OF BUILDING OFFICIAL**

#### **104.1 General.**

The Building Official is hereby authorized and directed to enforce the provisions of this Code. The Building Official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

#### **104.2 Applications and permits.**

In order to verify compliance with any applicable laws the Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Code.

When an application for demolition of a structure is applied for and the Building Official has cause to believe that the structure may have historical significance, the application may be referred to the Library-Historical Commission for a determination of eligibility.

For the purpose of determining historical significance, any structure built prior to 1940 is presumed to be potentially significant.

An application for a demolition permit may be denied by the Building Official if the issuance of the permit would result in the destruction in whole or part of a historical resource.

#### **104.3 Notices and orders.**

The Building Official shall issue all necessary notices or orders to ensure compliance with this Code.

#### **104.4 Inspections.**

The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

#### **104.5 Identification.**

The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

#### **104.6 Right of entry.**

Where it is necessary to make an inspection to enforce the provisions of this Code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

##### **104.6.1 Right of entry, exigent circumstances emergency procedures.**

If the Building Official or an authorized representative has reasonable cause to believe that the conditions constitute an immediate hazard to human life or the public welfare the Building Official shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, the Building Official shall first present credentials to the occupant and demand entry, explaining the reasons therefor and the purpose of the inspection.

“Authorized representative” shall include the officers named in Subsection 103.3 and their authorized inspection personnel.

No person shall fail or refuse, after proper demand has been made upon such person as provided in this subsection, to promptly permit the Building Official or an authorized representative to make any inspection provided for by this section. Any person violating this subsection shall be guilty of a misdemeanor.

#### **104.7 Department records.**

The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

#### **104.8 Liability.**

The Building Official, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the City Attorney until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code.

#### **104.9 Approved materials and equipment.**

Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

##### **104.9.1 Used materials and equipment.**

The use of used materials which meet the requirements of this Code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

#### **104.10 Modifications.**

Wherever there are practical difficulties involved in carrying out the provisions of this Code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building

Official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Division of Building and Safety Services.

#### **104.11 Alternative materials, design and methods of construction and equipment.**

The provisions of this Code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

##### **104.11.1 Research reports.**

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from approved sources.

##### **104.11.2 Tests.**

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

## **SECTION 105**

### **PERMITS**

#### **105.1 Required.**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.



### **105.1.1 Unpermitted Structures.**

No person shall own, use, occupy or maintain any “Unpermitted Structure.”

For the purposes of this Code, “Unpermitted Structure” shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped, at any point in time, without the required permit(s) and approvals having first been obtained from the Building Official.

### **105.2 Work exempt from permit.**

Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

#### **Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>).
2. Fences not over 7 feet (2.13m) high when located in the rear yard setback area as defined in the Zoning Code.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1.22 m) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks, platforms and driveways not more than 30 inches (0.76 m) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, counter tops and similar finish work in R-3 occupancies.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (0.61 m) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

13. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1.75 m) in height.

14. A tree house provided that:

It does not exceed 64 square feet (5.95 m<sup>2</sup>) in area or more than 15 ft. (4.57 m) in height and is accessory to a detached one- or two-family dwelling.

The structure does not encroach into the setback requirements established by the City of San Leandro Zoning Code Section 2-546.

### **105.3 Application for permit.**

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Division of Building and Safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.

#### **105.3.1 Action on application.**

The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefor. If the Building Official is satisfied that the proposed work conforms to the requirements of this Code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefor as soon as practicable.

### **105.3.2 Time limitation of application.**

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official may extend the time for action based on petition by the applicant detailing circumstances beyond the control of the applicant which have prevented action from being taken. Additional extensions for periods not exceeding 180 days may be authorized. Extensions shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

### **105.4 Validity of permit.**

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is authorized to prevent occupancy or use of a structure where in violation of this Code or of any other ordinances of this jurisdiction. The Building Official may grant one or more extensions of time for additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

### **105.5 Expiration.**

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official may grant one or more extensions of time for additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee and permit fee.

### **105.6 Suspension or revocation.**

The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Code.

**105.7 Placement of permit.**

The building permit or copy shall be kept on the site of the work until the completion of the project.

**SECTION 106**

**RESERVED**

**SECTION 107**

**CONSTRUCTION DOCUMENTS**

**107.1 Submittal documents.**

Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

**107.1.1 Information on construction documents.**

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

**107.1.1.1 Fire protection system shop drawings.**

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this Code and the construction documents and shall be approved prior to the start of

system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

### **107.1.2 Means of egress.**

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this Code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

### **107.1.3 Exterior wall envelope.**

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

### **107.2 Site plan.**

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

### **107.3 Examination of documents.**

The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Code and other pertinent laws or ordinances.

#### **107.3.1 Approval of construction documents.**

When the Building Official issues a permit, the construction documents shall be marked, in writing or by stamp, with “REVIEWED FOR CODE COMPLIANCE.” These are the official plans reviewed by the City of San Leandro for building permit purposes. They are required to be on the job, available to the Building Official or duly authorized representative at all times. One set of construction documents so reviewed shall be retained by the Building Official.

### **107.3.2 Previous approvals.**

This Code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this Code and has not been abandoned.

### **107.3.3 Phased approval.**

The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this Code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure will be granted.

### **107.3.4 Design professional in responsible charge.**

#### **107.3.4.1 General.**

When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1704, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1705).

#### **107.3.4.2 Deferred submittals.**

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official.

#### **107.4 Amended construction documents.**

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

#### **107.5 Retention of construction documents.**

One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

## **SECTION 108**

### **TEMPORARY STRUCTURES AND USES**

#### **108.1 General.**

The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

#### **108.2 Conformance.**

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Code as necessary to ensure public health, safety and general welfare.

### **108.3 Temporary power.**

The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the Electrical Code.

### **108.4 Termination of approval.**

The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

## **SECTION 109**

### **FEEES**

#### **109.1 Payment of fees.**

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Fees shall be assessed for permits and associated plan review in accordance with the fee schedule established by the San Leandro City Council as set forth in Chapter 4 of the San Leandro Administrative Code.

#### **109.2 Permit fees.**

1. **General:** Fees shall be assessed in accordance with the provisions of this section.
2. **Permit Fees:** The fee for each permit shall be as set forth in this section. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and other permanent equipment.
3. **Plan Review Fees:** When submittal documents are required by Section 107.1, a plan review shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be eighty percent (80%) of the building permit fee as set forth in the applicable fee schedule resolution adopted by the City Council.



The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 108.2(b) and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in the fee schedule.

4. **Expiration of Plan Review:** Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may grant one or more extensions of time for additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

**5. Investigation Fees—Work Without a Permit:**

(a) **Investigation.** Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation may, in the sole discretion of the Building Official be made before a permit may be issued for such work.

(b) **Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the building permit fee required by this Code. The minimum investigation fee shall be the same as the minimum fee set forth by the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code or from any penalty prescribed by law.

(c) **Penalty.** Whenever any work for which a permit is required by this Article has been commenced without first obtaining said permit, the Building Official may impose a penalty for said action in an amount equal to three (3) times the amount of the building permit fee as set forth in the applicable fee schedule resolution adopted by the City Council. Payment of any penalty imposed shall be a condition precedent to issuance of a building permit.

**6. Fee Refunds:**

(a) The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

(b) The Building Official may authorize the refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

(c) The Building Official may authorize the refunding of not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

(d) The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

## **SECTION 110**

### **INSPECTIONS**

#### **110.1 General.**

Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the City shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

#### **110.2 Preliminary inspection.**

Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

#### **110.3 Required inspections.**

The Building Official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10.

##### **110.3.1 Footing and foundation inspection.**

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms and flood vent openings shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

##### **110.3.2 Concrete slab and under-floor inspection.**

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

### **110.3.3 Lowest floor elevation.**

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the Building Official.

### **110.3.4 Frame inspection.**

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing including plumbing for residential fire sprinklers, heating wires, pipes and ducts are approved.

### **110.3.5 Lath and gypsum board inspection.**

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

### **110.3.6 Fire-resistant penetrations.**

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

### **110.3.7 Energy efficiency inspections.**

Inspections shall be made to determine compliance with Title 24, Part 6 and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency, and by outside inspection agencies for required HERS testing.

### **110.3.8 Other inspections.**

In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Code and other laws that are enforced by the division of building and safety services.

### **110.3.9 Special inspections.**

For special inspections, see Section 1704.

#### **110.3.9.1 Residential fire sprinkler final inspection.**

Inspection shall be made to determine compliance with the San Leandro Residential Code ~~2016~~ 2022 Edition Section R313.3 or NFPA 13D ~~2016~~ 2022 Edition “Standard for the Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes.”

#### **110.3.10 Final inspection.**

The final inspection shall be made after all work required by the building permit is completed.

### **110.4 Inspection agencies.**

The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

### **110.5 Inspection requests.**

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code.

### **110.6 Approval required.**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

## **SECTION 111**

### **CERTIFICATE OF OCCUPANCY**

#### **111.1 Use and occupancy.**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building

Official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction.

### **111.2 Certificate issued.**

After the Building Official inspects the building or structure and finds no violations of the provisions of this Code or other laws that are enforced by the Division of Building and Safety, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the Code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. If an automatic sprinkler system is provided, whether the sprinkler system is required.
11. Any special stipulations and conditions of the building permit.
12. The design occupant load.

### **111.3 Temporary occupancy.**

The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

### **111.4 Revocation.**

The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.

## **SECTION 112**

### **SERVICE UTILITIES**

#### **112.1 Connection of service utilities.**

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this Code for which a permit is required, until released by the Building Official.

#### **112.2 Temporary connection.**

The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

#### **112.3 Authority to disconnect service utilities.**

The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code and the Codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## **SECTION 113**

### **BOARDS OF APPEALS**

#### **113.1 General.**

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Building Board of Appeals.

The Board shall consist of three members, each of whom shall be qualified by experience and training to pass upon matters pertaining to building construction, and shall include an Architect, a Civil Engineer and a licensed General Contractor, as well as two alternates who shall be Architects or Civil Engineers.

The Building Official shall be an ex officio member and shall act as Secretary to the Board. The members of the Building Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Building Board of Appeals shall adopt reasonable rules and regulations for conducting its business.

### **113.2 Scope of authority.**

Except as provided below, the Building Board of Appeals shall have the authority to hear appeals regarding any action of the Building Official.

The Building Board of Appeals shall have no authority relative to interpretation of the administrative portions of this Code, other than Section 116, nor shall the Board be empowered to waive requirements of this Code. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed.

The Building Board of Appeals shall document all decisions and findings in writing to the Building Official with a duplicate copy to the applicant.

### **113.3 Accessibility Appeals Board.**

In order to conduct the hearings on written appeals regarding action taken by the Building Official and to ratify certain exempting actions of the Building Official in enforcing the accessibility requirements of Title 24 of the California Code of Regulations for privately-funded construction, to serve as an advisor to the Building Official on disabled access matters, there shall be an Accessibility Appeals Board as established and provided for in Section 19957.5 of the California Health and Safety Code. The Accessibility Appeals Board shall consist of five members. Two members of the appeals board shall be physically disabled persons; the remaining three members shall be the members of the Building Board of Appeals. The Building Official shall be an ex officio member and shall act as Secretary to the Board.

The Appeals Board may approve or disapprove interpretations and enforcement actions taken by the Building Official. All such approvals or disapprovals shall be final and conclusive as to the Building Official in the absence of fraud or prejudicial abuse of discretion. The Board shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties.

### **113.4 Housing Rehabilitation Appeals Board.**

There shall be a Housing Rehabilitation Appeals Board as defined by Section 19957.5 of the California Health and Safety Code. The Housing Rehabilitation Appeals Board shall be comprised of the same members as the Building Board of Appeals. The Building Official shall be an ex officio nonvoting member and act as Secretary.

### **113.5 Building Code Enforcement Appeals Board.**

In order to conduct the hearings provided for in Government Code Section 54988, there shall be a Building Code Enforcement Appeals Board. The Building Code Enforcement Appeals Board shall be comprised of the same members as the Building Board of Appeals. The Building Official shall be an ex officio nonvoting member and act as Secretary.

### **113.6 Fees.**

A fee as set forth in Chapter 4 of the San Leandro Administrative Code shall be paid to the Building Official whenever a person requests a hearing before the appeals boards provided for in this Section.

**Exception:** No fee shall be required for a hearing requested pursuant to Section 116.

## **SECTION 114**

### **VIOLATIONS AND PENALTIES**

#### **114.1 Compliance with Code.**

It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, connect, convert, demolish, equip, or perform any other work on any building or structure or portion thereof, or cause the same to be done, contrary to, or in violation of, any of the provisions of this Code.

#### **114.2 Violation.**

It shall be unlawful for any person to own, use, occupy or maintain any building or structure or portion thereof, or cause the same to be done, contrary to, or in violation of, any of the provisions of this Code.

#### **114.3 Notice of violation.**

The Building Official is authorized to serve a notice of violation or order on the property owner for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

##### **114.3.1 Service.**

The notice shall be served upon the record owner, in the manner hereinafter stated, and posted conspicuously on the property. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceeding hereunder as to any



other person duly served or relieve any such person or any duty or obligation imposed on him or her by the provisions of this section.

Service by certified mail in the manner herein provided shall be effective on the date of the mailing.

#### **114.4 Penalty.**

Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine in accordance with California Government Code Section 36900. The provisions of this section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Code.

#### **114.5 Recordation of Violation.**

##### **114.5.1 General.**

The Building Official may record a notice with the County Clerk Recorder's Office that a property, building, or structure, or any part thereof, is in violation of any provision of this Code provided that the provisions of this Section are complied with. The remedy provided by this Section is cumulative to any other enforcement actions permitted by this Code.

#### **114.6 Recordation.**

If:

- (1) The Building Official determines that any property, building, or structure, or any part thereof is in violation of any provision of this Code; and if
- (2) The Building Official gives written notice as specified below of said violation; the Building Official may have sole discretion to, at any time thereafter, record with the County Clerk Recorder's Office a notice that the property and/or any building or structure located thereon is in violation of this Code.

#### **114.7 Notice.**

The written notice given pursuant to this Section shall indicate:

1. The nature of the violation(s); and

2. That if the violation is not remedied to the satisfaction of the Building Official, the Building Official may, at any time thereafter, record with the County Clerk Recorder's Office a notice that the property and or any building or structure located thereon is in violation of this Code. The notice shall be posted on the property and shall be mailed to the owner of the property as shown on the most current County Assessment roll. The mailed notice may be by registered certified or first-class mail.

### **114.8 Appeals.**

Any person served a notice or interested parties under Section 114.3.1 may appeal from any notice and order or any action of the Building Official by filing a written appeal therefrom at the office of the Building Official within ten (10) days from the date of service of such notice and order. The written appeal request shall include, at a minimum, the names and addresses of all appellants, a brief statement setting forth the legal interest of each of the appellants in the land or building involved in the notice and order, a brief statement of the specific order protested and a brief statement of the relief sought and the reasons therefor.

On receipt of such appeal, the Building Official shall set the matter for hearing before the Building Board of Appeals. Notice of the date, hour and place of hearing shall be posted and served at least ten (10) days before the date set for the hearing in the manner and upon the person specified in Section 114.3.1. The notice of hearing shall order all interested parties who desire to be heard to appear and show just cause, why the building or portion thereof involved in the proceedings should not be repaired, vacated or demolished.

### **114.9 Rescission.**

Any person who desires to have recorded a notice rescinding the notice of violation must first obtain the necessary approvals and permit(s) to correct the violation. Once the Building Official determines that the work covered by such permit(s) has been satisfactorily completed, the Building Official may record a notice rescinding the prior notice of violation.

Following the recordation of the notice of violation the Building Official is not required to make any inspection or review of the premises to determine the continued existence of the cited violation. It is the responsibility of the property owner, occupant or other similarly interested private party to comply with the above provisions.

### **114.10 Costs.**

Any person that violates any provision of this Code shall be responsible for the costs of any and all Building Code enforcement actions taken by the Building Official in response to such violations. These costs shall be based on the amounts specified in the San Leandro Administrative Code, Title 6 Chapter 4, including but not limited to any attorneys' fees and costs.

## **SECTION 115**

## **STOP WORK ORDER**

### **115.1 Authority.**

Whenever the Building Official finds any work regulated by this Code being performed in a manner either contrary to the provisions of this Code

or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

### **115.2 Issuance.**

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

### **115.3 Unlawful continuance.**

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## **SECTION 116**

### **UNSAFE BUILDINGS, STRUCTURES, EQUIPMENT AND UNOCCUPIED BUILDINGS**

#### **116.1 Scope.**

This section contains special processes and appeal procedures to be followed for buildings, structures, equipment and unoccupied buildings that are considered to be unsafe. All unsafe conditions constitute a hazard to the health, safety and public welfare of the community.

#### **116.2 Definitions.**

#### **116.3 Unsafe Building and Structures.**

All buildings or structures which are structurally unsound or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment as specified in this Code or any other effective ordinance, are, for the purposes of this chapter, unsafe buildings.

##### **116.3.1 Unoccupied Building.**

Unoccupied Building as used in this chapter shall be a building or structure that is not properly secured, locked or closed and is accessible to juveniles and transients and is a health, fire or safety hazard to the adjacent community.

### **116.3.2 Structures and Equipment.**

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

### **116.3.3 Property owner.**

Property owner as used in this Chapter shall be the last person shown on the most current County assessment roll.

#### **116.3.3.1 Person in Charge.**

Person in charge as used in this Chapter shall be the person, if any, in real or apparent charge and control of the premises involved.

### **116.3.4 Abandonment.**

Abandonment as used in this chapter shall be the cessation of use and maintenance.

### **116.3.5 Declaration of an unsafe building.**

Whenever the Building Official determines by inspection that a building or structure, **whether structurally damaged or not, is dangerous to human life by reason of being** located in an area which is unsafe due to hazard from landslide, settlement, or slippage or any other cause, such building shall, for the purpose of this Chapter, be considered an unsafe building.

No person shall own, use, occupy or maintain any unsafe building.

All unsafe buildings are hereby declared to be public nuisances. In addition to instituting any appropriate action to prevent, restrain or correct a violation of this section, the Building Official may abate an unsafe condition by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this chapter.

### **116.4 Notice of Unsafe Building.**

The Building Official may examine or cause to be examined any building or structure or portion thereof reported as dangerous or damaged and if, in the Building Official's opinion, such is found to be an unsafe building as defined in this Chapter, the Building Official shall give to the property owner written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises to immediately commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof and all such work shall be completed within a specified time or date stipulated by the Building Official. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements be completed, inspected and approved by the Building Official.

The Building Official shall serve or cause to be served either in the manner required by law for the service of summons or by first class mail, postage prepaid or by posting a copy, the notice of hearing upon the property owner.

In the event the Building Official, after reasonable effort, is unable to serve the notice as specified above, proper service shall be by posting on the structure a copy of the notice.

The designated period within which the owner or person in charge is required to comply with such notice shall begin as of the date the owner or person in charge receives such notice by personal service or registered or certified mail. If such notice is by posting, the designated period shall begin ten days following the date of posting.

The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

A person notified to vacate an unsafe building by the Building Official shall vacate within the time specified in the order.

The Building Official may file with the County Clerk Recorder's Office a declaration that the building described has been inspected and found to be an unsafe building, as defined in this Chapter, and that the owner thereof has been so notified. After all required work has been completed; the Building Official shall file with the County Clerk Recorder's Office a properly executed form terminating the above declaration.

### **116.5 Order to secure buildings or structures.**

When the Building Official determines that any unoccupied building or structure is not properly secured, locked, or closed and is accessible to juveniles and transients, and is a health, fire, or safety hazard to the adjacent community, the Building Official shall be authorized to serve the property owner with an order to secure or close the same forthwith so as to prevent unauthorized persons from gaining access thereto.

### **116.6 Posting of Signs.**

The Building Official shall cause to be posted on buildings required to be vacated or remain unoccupied a notice to read substantially as follows: "DO NOT ENTER. UNSAFE TO OCCUPY. Building Official, City of San Leandro." Such notice shall be posted at the main entrance and shall be visible to persons approaching the building or structure from a street. Such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the Building Official and no person shall enter the building except for the purpose of making the required repairs or demolition of the building.

## **116.7 Unsafe Buildings, Structures, Equipment and Unoccupied Buildings: Hearing.**

### **116.7.1 Right of hearing.**

The property owner or the Building Official may request a hearing before the Building Board of Appeals. The request by the property owner shall be made in writing to the Building Official within 10 days of the date of the notice. The Building Official shall request a hearing prior to demolition, repair or securing of an unsafe building by the City except when such demolition, repair or securing is done under the emergency procedure set forth in this Chapter. Interested parties who desire to be heard may appear before the Building Board of Appeals to show cause why the building or structure should not be ordered repaired, vacated, secured or demolished.

### **116.7.2 Notice of hearing.**

Not less than ten days prior to the hearing, the Building Official shall serve or cause to be served either in the manner required by law for the service of summons or by first class mail, postage prepaid or by posting as per Section 116.7.4 a copy of the notice of hearing upon the property owner.

### **116.7.3 Form and contents of notice.**

The notice of hearing shall state:

1. The street address and a legal description sufficient for identification of the premises upon which the building or structure is located.
2. The conditions upon which the Building Official believes that the building, structure, equipment or unoccupied building is unsafe.
3. The date, hour and place of the hearing.

### **116.7.4 Posting of notice.**

The Building Official shall post one copy of the notice of hearing in a conspicuous place on the unsafe building, structure, equipment or unoccupied building involved, not less than ten days prior to the hearing.

#### **116.7.6 Hearing by Building Board of Appeals.**

The Building Board of Appeals shall hold a hearing and consider all competent evidence offered by any person pertaining to the matters set forth in the report of the Building Official.

The Building Board of Appeals shall make written findings of fact as to whether or not the building or structure is an unsafe building as defined in this Chapter.

#### **116.7.7 Order.**

If the Building Board of Appeals finds that the building, structure, equipment or unoccupied building is an unsafe building, it shall make an order based on its finding that:

1. The building, structure, equipment or unoccupied building is unsafe and directing that repairs be made and specifying such repairs, or
2. The building, structure, equipment or unoccupied building is unsafe and directing that it be vacated and that specified repairs be made, or
3. The building, structure, equipment or unoccupied building is unsafe and directing that it shall be vacated and demolished.

The order shall state the time within which the work required must be commenced after the service of the order. The order shall state a reasonable time within which the work shall be completed. The Building Official for good cause, may extend the time for completion in writing.

The order shall be served upon the same parties and in the same manner as required by Section 116.7.2 for the notice of hearing. It shall also be conspicuously posted on or about the building or structure.

#### **116.7.8 Work by the City: Unsafe Buildings, Structures, Equipment and Unoccupied Buildings: Demolition or Repair and Securing.**

If the repairs, securing or demolition actions necessary to remove the unsafe condition as set forth in the Notice of Unsafe Building are not made within the designated period and a hearing has not been requested by the property owner, the Building Official shall request that a hearing be held regarding the unsafe condition.

If the findings of the Building Board of Appeals are not complied with in the period designated by the Board, the Building Official may then demolish, secure or repair such

portions of the structure, or may cause such work to be done, to the extent necessary to eliminate the hazard determined to exist by the Building Board of Appeals. The costs of demolition, security, repair, or any work to the extent necessary to eliminate the hazard shall be charged to and a responsibility of the property owner. Failure to make payment shall subject the property to lien for the costs unpaid.

#### **116.7.8.1 Emergency procedure.**

Whenever any portion of a structure constitutes an immediate hazard to life or property, and in the opinion of the Building Official, the conditions are such that repairs, securing or demolition must be undertaken within less than the designated period, the Building Official may make such alterations or repairs, secure or demolish such portions of the structures as are necessary to protect life or property, or both, after giving such notice to the property owner as the circumstances will permit or without any notice whatever when, in the Building Official's opinion, immediate action is necessary.

#### **116.7.8.2 Costs.**

The costs involved in Sections 116.7.8 and 116.7.8.1 of such demolition, securing or repair, including the entire cost of the services rendered by the City, shall be subject to lien for nonpayment after reasonable demands for payment against the property upon which the structure stands. The Building Official shall notify, in writing, the property owner of the amount of the costs resulting from such work. Within thirty (30) days of the receipt of such notice, the property owner may file with the Building Official a written request for a hearing.

The Building Board of Appeals thereupon shall set the matter for hearing; give such property owner notice thereof as provided in Section 116.7.2; hold such hearing and determine the reasonableness or correctness of the assessment, or both; and if requested, determine the necessity of the demolition or repairs. The Building Board of Appeals, in writing, shall notify the property owner of its decision.

#### **116.7.8.3 Recordation of costs.**

If the total costs determined as provided for in this section are not paid in full within 45 days after receipt of such notice from the Building Official or the Building Board of Appeals, as the case may be, the Building Official shall record in the office of the Clerk Recorder a statement of the total balance still due and a legal description of the property. From the date of such recording, such balance due shall be a lien against the parcel.

The lien shall be collected at the same time and in the same manner as ordinary County taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All the laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such lien.

#### **116.7.8.4 Interference prohibited.**



A person shall not obstruct, impede, or interfere with the Building Official or any representative of the Building Official, or with any person who owns or holds any estate or interest in any unsafe building which has been ordered by the Building Board of Appeals to be repaired, vacated and repaired, or vacated and demolished or removed, whenever the Building Official or such owner is engaged in repairing, vacating and repairing, or demolishing any such unsafe building pursuant to this Chapter, or is performing any necessary act preliminary to or incidental to such work, or authorized or directed pursuant hereto.

#### **116.7.8.5 Prosecution.**

In case the owner shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Building Official shall cause the owner of the building to be prosecuted as a violator of this Code.

#### **7-5-110 REFERENCED STANDARDS AND APPENDICES.**

Referenced Standards and Appendices in this Code are not adopted, but authorized for use by the Building Official.

#### **7-5-115 BOARD OF APPEALS.**

The Board of Appeals created under Section 7-5-113 of the San Leandro Building Code shall hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code. The Board shall function as described in said section of the San Leandro Building Code.

#### **7-5-130 PEDESTRIAN WALKWAYS OVER PUBLIC PROPERTY.**

Pedestrian walkways over public property shall be subject to the approval of the City. Notwithstanding the preceding sentence, sidewalk arcades on public property in an established redevelopment project area need not be considered as adjacent buildings for the provisions of this Chapter, provided that the arcades are of not less than one hour fire resistive construction or are constructed entirely of noncombustible materials, fire retardant treated wood or heavy timber construction with two-inch (2") nominal sheathing, or a combination of the above materials.

#### **7-5-140 TABLE R602.10.3(3) BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY OF CRC CHAPTER 6 (WALL CONSTRUCTION).**

Table R602.10.3(3) Bracing Requirements Based on Seismic Design Category) of CRC Chapter 6 (Wall Construction) is amended as follows:

Add a new “f” footnote notation to the end of CRC Table R602.10.3(3). To read:

f. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Method GB is not permitted and the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

Add the “f” footnote notation in the title of Table R602.10.3(3) to read:

TABLE R602.10.3(3)f

Subsection R602.10.4.4, to read:

**R602.10.4.4 Limits on methods GB and PCP.** In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

#### **7-5-145 MULTIPLE HAZARDS: OUTDOOR STORAGE.**

(a) When a hazardous material has multiple hazards, all hazards shall be addressed and controlled in accordance with the provisions of this chapter. When overhead noncombustible construction is provided for sheltering exterior hazardous material storage areas, such storage shall not be considered indoor storage when all of the following conditions are met:

(1) Supports shall be of noncombustible construction.

(2) Supports and walls shall not obstruct more than twenty-five percent (25%) of the perimeter of the storage area.

(3) The distance to buildings, property lines, streets, alleys, public ways or exits to a public way shall not be less than the distance required for an exterior hazardous material storage area without weather protection.

#### **7-5-155 NONCOMBUSTIBLE CONSTRUCTION.**

Section 414.6.1.3 of the 2022 California Building Code is added to read as follows:

**414.6.1.3 Non-combustible construction.** The overhead structure shall be of approved noncombustible construction with a maximum area of 3,000 square feet (140m<sup>2</sup>).

#### **7-5-160 MODIFICATIONS TO 2022 CBC AND ASCE 7.**

Section 1612.3 of the 2022 California Building Code is amended to read as follows.

**1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for City of Leandro, California,” revision dated August 9, 2009, as amended, with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

Section 1613.6 is added to read as follows:

1613.6 ASCE 7, 12.2.3.1, Exception 3. Modify ASCE 7 Section 12.2.3.1 Exception 3 to read as follows:

3. Detached one- and two-family dwellings up to two stories in height of light frame construction.

#### **7-5-165 CONCRETE CONSTRUCTION.**

Section 1705.3 of the 2022 California Building Code is amended as follows:

**1705.3 Concrete Construction.** The special inspections and tests of concrete construction shall be performed by this section and Table 1705.3.

**Exception:** Special inspection shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less in height that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength,  $f'c$ , no greater than 2,500 pounds per square inch (psi) (17.2 MPa).
2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:
  - 2.1. The footings support walls of light-frame construction;
  - 2.2. The footings are designed in accordance with Table 1809.7; or
  - 2.3. The structural design of the footing is based on a specified compressive strength,  $f'c$ , no greater than 2,500 pounds per square inch (psi) (17.2 MPa), regardless of the compressive strength specified in the approved construction documents or used in the footing construction.

3. Nonstructural concrete slabs supported directly on the ground, including pre-stressed slabs on grade, where the effective pre-stress in the concrete is less than 150 psi (1.03 MPa).
4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.
5. Concrete patios, driveways and sidewalks, on grade.

#### **7-5-170 STRUCTURAL OBSERVATIONS FOR SEISMIC RESISTANCE.**

Section 1704.6.1 of the 2022 California Building Code is amended by adding new item 6 and exception to read as follows:

6. Structural observations of the lateral system shall be provided for all new commercial, industrial, and multifamily buildings and all new single-family dwelling on hillsides.

**Exception:** Structural observations of the lateral system may be waived for one- and two-story wood residential structures when such structures are in full compliance with conventional light frame construction of Chapter 23 of the California Building Code or the California Residential Code.

#### **7-5-175 SOILS AND FOUNDATIONS.**

Sections 1803.8, 1803.9 and 1803.10 are added to the 2022 California Building Code to read as follows:

**1803.8 Review.** Before issuing a permit for a building where soil and foundation investigation is required, the Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation shall state in writing (must be signed and stamped):

1. The plans and specifications substantially conform to the recommendations in the soil investigation.
2. The Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the city.

**1803.9 Field Report.** Before requesting a foundation inspection from the City, the Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation shall provide a written field report stating:

1. The building pad was prepared and compacted in accordance with the soil report and specification.
2. The foundation or pier excavation, depth, backfill materials, and drainage (if applicable), substantially conforms with the soil report and approved plans.

**1803.10 Final Report.** Before final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation shall issue a final report stating the completed pad, foundation, finish grading, drainage, and associated site work substantially conforms to the approved plans, specifications, and investigation.

#### **7-5-180 CONCRETE AND MASONRY FOUNDATION WALLS.**

Section 1807.1.6 of the 2022 California Building Code is amended to read as follows:

**1807.1.6 Prescriptive design of concrete and masonry foundation walls.** Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

#### **7-5-185 MODIFICATIONS TO ACI 318.**

The last paragraph of Section 1905.1.2 of the 2022 California Building Code is amended to read as follows:

All special moment frames and special structural walls shall also satisfy 18.2.4 through 18.2.8. Concrete tilt-up wall panels classified as intermediate precast structural wall system shall satisfy 18.10.1 in addition to 18.5.2.1 and 18.5.2.2 for structures assigned to Seismic Design Category D, E or F.

1905.1.7 ACI 318, Section 14.1.4 of the 2022 California Building Code is amended in its entirety to read as follows:

**14.1.4** – Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

**14.1.4.1** – Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Isolated footing of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

**Exception:** In detached one- and two-family dwellings three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the following thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No.4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum

of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Sections 1905.1.9 through 1905.1.11 are added to Chapter 19 of the 2022 California Building Code as follows:

1905.1.9 ACI 318, Section 18.7.5. Modify ACI 318, Section 18.7.5, by adding Section 18.7.5.8 and 18.7.5.9 as follows:

**18.7.5.8** Where the calculated point of contra-flexure is not within the middle half of the member clear height, provide transverse reinforcement as specified in ACI 318 Sections 18.7.5.1, Items (a) through (c), over the full height of the member.

**18.7.5.9** At any section where the design strength,  $\phi P_n$ , of the column is less than the sum of the shears  $V_e$  computed in accordance with ACI 318 Sections 18.6.5.1 and 18.7.6.1.1 for all the beams framing into the column above the level under consideration, transverse reinforcement as specified in ACI 318 Sections 18.7.5.1 through 18.7.5.3 shall be provided. For beams framing into opposite sides of the column, the moment components are permitted to be assumed to be of opposite sign. For the determination of the design strength,  $\phi P_n$ , of the column, these moments are permitted to be assumed to result from the deformation of the frame in any one principal axis.

1905.1.10 ACI 318, Section 18.10.4. Modify ACI 318, Section 18.10.4, by adding Section 18.10.4.6 to read as follows:

**18.10.4.6** – Walls and portions of walls with  $P_u > 0.35P_o$  shall not be considered to contribute to the calculated shear strength of the structure for resisting earthquake-induced forces. Such walls shall conform to the requirements of ACI 318 Section 18.14.

1905.1.11 ACI 318, Section 18.12.6. Modify ACI 318, Section 18.12.6.2, as follows:

**18.12.6.2** Collector and boundary elements in topping slabs placed over precast floor and roof elements shall not be less than 3 inches (76 mm) or  $6 d_b$  in thickness, where  $d_b$  is the diameter of the largest reinforcement in the topping slab.

## **7-5-190 CONVENTIONAL LIGHT-FRAME CONSTRUCTION.**

Section 4.3.4 of SDPWS 2015 Edition is amended as follows:

Delete rows 5 and 6 of Table 4.3.4.

Section 2306.3 of the California Building Code, 2022 is amended as follows:

**2306.3 Wood-frame shear walls.** Wood-frame shear walls shall be designed and constructed in accordance with AWC SDPWS. Where panels are fastened to framing members with staples, requirements and limitations of AWC SDPWS shall be met and the

allowable shear values set forth in Table 2306.3(1), 2306.3(2) or 2306.3(3) shall be permitted. The allowable shear values in Tables 2306.3(1) and 2306.3(2) are permitted to be increased 40 percent for wind design. Panels complying with ANSI/APA PRP-210 shall be permitted to use design values for Plywood Siding in the AWC SDPWS. Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall not be used to resist seismic forces in structures assigned to Seismic design Category D, E or F.

Section 2308.6.8.1 of the 2022 California Building Code is amended as follows:

**2308.6.8.1 Foundation Requirements.** Braced wall lines shall be supported by continuous foundations.

**Exceptions:**

1. One-story buildings with maximum plan dimension not exceeding 50 feet (15240 mm), may have continuous foundations located at exterior braced wall lines only.
2. Two-story buildings with a maximum plan dimension not exceeding 50 feet (15240 mm) may have braced wall lines supported on continuous foundations at the exterior walls only, provided:
  - a. Cripple walls do not exceed 4 feet (1219 mm) in height.
  - b. Where the first story is supported on a raised wood framed floor, the interior braced wall panels are directly supported by either doubled joists, continuous 4x blocking or minimum 4x floor beams.

**7-5-195 REPAIRS.**

Title 24, California Existing Building Code, Part 10, Sections 404.2.4 through 404.2.4.2 and Tables 404.2.4.1 and 404.2.4.2 are added as follows:

**404.2.4 Seismic Evaluation and Design Procedures for Repairs.** The seismic evaluation and design shall be based on the procedures specified in the California Building Code, ASCE 31 Seismic Evaluation of Existing Buildings (for evaluation only) or ASCE 41 Seismic Rehabilitation of Existing Buildings. The procedures contained in Appendix A of the International Existing Building Code shall be permitted to be used as specified in Section 3405.5.1.1.3.

**404.2.4.1 Compliance with CBC level seismic forces.** Where compliance with the seismic design provisions of the California Building Code is required, the procedures shall be in accordance with one of the following:

1. One-hundred percent of the values in the California Building Code. Where the existing seismic force-resisting system is a type that can be designated as “Ordinary,” the values of R,

$\Omega_o$ , and  $C_d$  used for analysis in accordance with Chapter 16 of the California Building Code shall be those specified for structural systems classified as “Ordinary” in accordance with Table 12.2-1 of ASCE 7, unless it is demonstrated that the structural system will provide performance equivalent to that of a “Detailed,” “Intermediate” or “Special” system.

2. Compliance with ASCE 41 using both BSE-1 and BSE-2 earthquake hazard levels and the corresponding performance levels in Table 404.2.4.1.

**TABLE 404.2.4.1 - Please see attachment A**

**PERFORMANCE CRITERIA FOR CBC LEVEL SEISMIC FORCES**

**404.2.4.2 Compliance with reduced CBC level seismic forces.** Where seismic evaluation and design is permitted to meet reduced California Building Code seismic force levels, the procedures used shall be in accordance with one of the following:

1. The California Building Code using 75 percent of the prescribed forces. Values of  $R$ ,  $\Omega_o$ , and  $C_d$  used for analysis shall be as specified in Section 3405.2.4.1 Item 1.

2. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A of the International Existing Building Code as specified in Items 2.1 through 2.5 below shall be deemed to comply with this section.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

2.5. Seismic evaluation and design of concrete buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.

3. Compliance with ASCE 31 based on the applicable performance level as shown in Table 404.2.4.2. It shall be permitted to use the BSE-1 earthquake hazard level as defined in ASCE 41 and subject to the limitations in item 4 below.



4. Compliance with ASCE 41 using the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 404.2.4.2. The design spectral response acceleration parameters  $S_x$  and  $S_{x1}$  specified in ASCE 41 shall not be taken less than 75 percent of the respective design spectral response acceleration parameters  $SDS$  and  $SD1$  defined by the California Building Code and its reference standards.

**TABLE 404.2.4.2 - Please see attachment B**

**PERFORMANCE CRITERIA FOR REDUCED CBC LEVEL SEISMIC FORCES**

Title 24, California Existing Building Code, Part 10, Section 404.3.1 Referenced Standards is hereby amended to read as follows:

<b>Standard Reference Number</b>	<b>Title</b>	<b>Referenced In Code Section Number</b>
ASCE 31-03	Seismic Evaluation of Existing Buildings	404.2.4.1, TABLE 404.2.4.1, 404.2.4.2, TABLE 404.2.4.2
ASCE 41-06	Seismic Rehabilitation of Existing Buildings	404.2.4.1, Including Supplement No. 1 TABLE 404.2.4.1, 404.2.4.2, TABLE 404.2.4.2

Title 24, California Existing Building Code, Part 10, Section 404.3.1 Lateral force-resisting elements are hereby deleted.

**7-5-200 CHANGE OF OCCUPANCY: SEISMIC.**

Title 24, California Existing Building Code, Part 10, Section 407 is amended as follows.

**407.1 Conformance.** No change shall be made in the use or occupancy of any building unless such building is made to comply with the requirements of the California Building Code for the use or occupancy. Changes in use or occupancy in a building or portion thereof shall be such that the existing building is no less complying with the provisions of this code than the existing building or structure was prior to the change. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

**407.1.1 Change in the character of use.** A change in occupancy with no change of occupancy classification shall not be made to any structure that will subject the structure to any special provisions of the applicable California Codes, without approval of the building official. Compliance shall be only as necessary to meet the specific provisions and is not intended to require the entire building be brought into compliance.

2. The aforesaid local amendment is reasonably necessary in order to lessen the threat to life, safety and property represented by certain local climatic, geographical and topographical conditions existing in the City of San Leandro.

3. The aforesaid local amendment is enacted pursuant to the authority of Section 17958.5 of the California Health and Safety Code, for the purpose of addressing the aforesaid conditions which are more specifically described as follows:

- a) The City of San Leandro lies in the near vicinity of the Hayward Fault and in fact, a substantial portion of the residential area of the City lies within the Alquist - Priolo Act Special Studies Zone, requiring special geologic studies prior to development. The underlying soils are subject to liquefaction and amplification of seismic energy. This increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. Such damage is often accompanied by structural fire. The City contains a large percentage of existing structures constructed more than forty years ago, which will sustain significant damage as a result of an event.
- b) The travel time to a fire or other emergency within San Leandro may be impeded by the following conditions:
  - (1) Three major railway lines, the elevated BART line, three major freeways and a natural creek, divide the City into numerous sections, and equipment responding to emergencies face potential delays and obstruction of access in crossing these barriers.
  - (2) San Leandro lies in the path of two major water reservoirs which, upon failure, would inundate a large portion of the City, further delaying the response to a fire or other emergency.
  - (3) A growing community of single-family and multi-family dwellings presently exists on the easterly side of Highway 580, which is itself a potential physical barrier impeding response to a fire or other emergency.
  - (4) The two major north-south emergency response routes aside from the freeways are dependent upon bridges spanning San Leandro Creek. Failure of these bridges would isolate a heavily populated section of the City north of the creek.
  - (5) Severe seismic events could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire and Police Departments responding to fire and life safety needs of the community.

4. In the event of a natural disaster inadequately reinforced and/or anchored structures present a significantly greater threat to persons and property due to the increased likelihood that such structures or portions of such structures may collapse in the wake of the natural disaster. To allow previous structurally deficient structures to be reconstructed to such condition perpetuates the threat to persons and property upon the occurrence of a subsequent natural disaster.

**5.** The City Council hereby takes official notice of the General Plan (and all elements thereof) of the City of San Leandro, all documents on file with the City relating to the Alquist - Priolo Act Special Studies Zone and seismic reinforcement, and the findings and recommendations of the Board of Appeals in this matter.

## EXHIBIT B

### FINDINGS FOR LOCAL MODIFICATIONS TO THE 2 EDITIONS OF THE CALIFORNIA FIRE CODE, AS SET FORTH IN THE 2022 CALIFORNIA BUILDING STANDARDS CODE

A. **General Findings.** The San Leandro City Council makes the following general findings regarding local climatic, geologic, and topographical conditions, which the City finds necessitates the local modifications to the California Building Standards Code set forth below:

1. Local climatic conditions include a low amount of average yearly rainfall, which tends to be concentrated from October through April. From May through September, a dry period occurs where daily temperatures remain high and there is little measurable precipitation. In addition, the local climate frequently includes high winds which sweep down through the valley. High summer temperatures, average load demand and peak load demand of energy used in the City are important factors impacting public safety and creating the potential for adverse economic impacts due to power outages or power reductions (i.e. "brownouts"). As a result of the low precipitation, the area is subject to occasional drought.

In all areas of the City, fires can occur in buildings, rubbish, automobiles, and grass fires on vacant lots. In the high fire severity zone of the City, there is a risk of large brush and grass fires. If a fire occurs in high winds, it creates the risk of a potential fire storm.

In addition, development is occurring in previously undeveloped areas. This new development increases the chance of fire while simultaneously being located further from fire stations, delaying critical response times. This potential problem can be mitigated by requiring initial fire control through the installation of automatic fire protection systems.

2. Local geographical conditions include a risk of earthquake. A number of earthquake faults are located either within or in close proximity to the City's boundaries. Those with the most direct and potentially destructive impact are the San Andreas, Calaveras, and Hayward. History of earthquake activity indicates that there is a likelihood of a major earthquake in the area. The largest recorded earthquake in this immediate area occurred on the San Andreas Fault on October 17, 1989, a 7.1 magnitude. The U.S. Geological Survey (USGS) has identified a 63% probability of a major earthquake occurring in the region within the next 30 years. Recent earthquake damage studies, including the 1994 Northridge earthquake, have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants.

In the event of an earthquake, damage to structures can be expected. In residential and commercial areas, this could include significant damage or collapse of buildings. Secondary impacts could include ruptured electric or gas connections and/or breaks in water distribution lines. The potential for a major seismic event would create a City-wide demand for emergency response and fire protection services that would exceed staff response capacity. This potential problem can be mitigated by requiring initial fire control through the installation of automatic fire protection systems.

3. Local topographical conditions include hills in the eastern portion of the City. Interstate highways 580 and 880 divide the City into thirds in the east and west direction. In addition, local traffic must also pass over railroad tracks, creeks, and bridges (to cross arroyos).

During peak a.m. and p.m. traffic periods, the City experiences heavy traffic congestion at key intersections, and near many freeway on-ramp and off-ramps. In the event of an accident or emergency at one of these key intersections, bridges, or other circulation corridors, sections of the City could become isolated and response times increased beyond ideal levels. Again, this potential problem can be mitigated by requiring initial fire control through the installation of automatic fire protection systems.

4. Based on the local climatic, geographical, and topographical conditions outlined above, there is a real risk that emergency response could be significantly delayed in the event of an accident or emergency. Therefore, it is necessary to address this problem through the requirement of additional mitigation measures to: (i) prevent the chance of accident or injury by requiring standards more stringent than required by the current codes; and (ii) requiring additional built-in automatic fire protection systems, which will provide for early detection and initial fire control.

**B. Specific Findings:** The San Leandro City Council make the following specific findings, which, in addition to the general findings regarding local climatic, geologic, and topographical conditions set forth above, the City finds necessitate the local modifications to the California Building Standards Code set forth below:

## **Chapter 7-5 Building Code**

### **Article 8. Fire Code**

Article 8 of Chapter 5 of Title VII of the San Leandro Municipal Code, "Fire Code," is hereby repealed and replaced in its entirety to read as follows:

#### **7-5-800 Adoption.**

Except as otherwise specifically set forth herein, the "2022 California fire Code," California Code of Regulations, Title 24, Part 9, with Sections 101, 103, 104, 105.2.3, 108, 113, and Appendix Chapter D, as published by the International Code Council, is hereby adopted as the "Fire Code" of the City of San Leandro. In the event an amendment to the 2022 California Fire Code results in differences between the building standards set forth in this Article and the California Fire Code, the text of this Article shall govern. At least one true copy of the California Fire Code shall be kept for public inspection in the office of the San Leandro Building Division.

#### **7-5-801 Amendments**

The California Fire Code is amended as follows:

##### 101.1 Title–Amended

These regulations shall be known as the Fire Code of San Leandro, hereinafter referred to as "this code."

##### 103.2 Appointment–Amended.

The fire code official shall be appointed by the fire chief serving the City of San Leandro.

##### 104.6 Official records–Amended.

The City of San Leandro shall keep official records as required Sections 104.6.1, 104.6.2, and 104.6.4. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

##### 104.6.1 Approvals.

A record of approvals shall be maintained by the City of San Leandro Building Department and shall be available for public inspection during business hours in accordance with applicable laws.

##### 104.6.2 Inspections.

The City of San Leandro Building Department shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

#### 104.6.3 Fire records.

The fire department shall keep a record of fires occurring within the City of San Leandro and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby.

#### 104.6.4 Administrative.

Application for modification, alternative methods or materials and the final decision of the fire code official shall be in writing and shall be officially recorded in the permanent records of the City of San Leandro.

#### 105.1.2 Types of permits—Amended.

There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.5 until said permit is revoked by the fire department.
2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.6.

#### 112.4 Violation penalties—Amended.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed by law.

##### 112.4.1 Abatement of violation.

In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premise; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premise.

#### 107.2 Schedule of permit fees—Amended.

Fees shall be assessed for permits and associated plan review in accordance with the fee schedule established by the San Leandro City Council as set forth in Chapter 4 of the San Leandro Administrative Code.

#### 107.6 Refunds—Amended.

Shall be in accordance with the provisions in Section 109 of the San Leandro Building Code.

#### 903.2.1.1 Group A-1—Amended.

An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (697 m<sup>2</sup>), or
2. The fire area has an occupant load of 300 or more, or
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies, or
4. The Fire area contains a multi-theater complex, or
5. When the overall height of the building exceeds 30 feet.

#### 903.2.1.2 Group A-2—Amended.

An automatic sprinkler system shall be provided for fire areas containing Group A-2 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (465 m<sup>2</sup>), or
2. The fire area has an occupant load of 100 or more, or
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies, or
4. When the overall height of the building exceeds 30 feet.

#### 903.2.1.3 Group A-3—Amended.

An automatic sprinkler system shall be provided for fire areas contain Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (697 m<sup>2</sup>), or
2. The fire area has an occupant load of 300 or more, or
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies, or

#### 903.2.1.4 Group A-4—Amended.

An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (697 m<sup>2</sup>), or
2. The fire area has an occupant load of 300 or more, or
3. The fire area is located on a floor other than a level of exist discharge serving such occupancies, or



4. When the overall height of the building exceeds 30 feet.

#### 903.2.3 Group E—Amended.

An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 5,000 square feet (697 m<sup>2</sup>) in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.
3. In rooms or areas with special hazards such as laboratories, vocational shops and other areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
4. When the overall height of the building exceeds 30 feet.
5. For public school state-funded construction projects see Section 903.19.

#### 903.2.4 Group F-1—Amended.

An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet (697 m<sup>2</sup>), or
2. A Group F-1 fire area is located more than three stories above the grade plane, or
3. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>), or
4. When the overall height of the building exceeds 30 feet, or
5. Throughout a Group F-1 fire area used for the manufacture of distilled spirits.

##### 903.2.4.1 Woodworking operations

An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area (232 m<sup>2</sup>) that generate finely divided combustible waste or use finely divided combustible materials. [SFM]*A fire wall of less than 4-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separate fire areas.*

#### 903.2.7 Group M—Amended.

An automatic sprinkler system shall be provided throughout all buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet (697 m<sup>2</sup>), or
2. A Group M fire area is located more than three stories above grade plane, or
3. When the overall height of the building exceeds 30 feet.

##### 903.2.7.1 High-piled storage—Amended.

An automatic sprinkler system shall be provided as required in Chapter 32 in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.

#### 903.2.9 Group S-1—Amended.

An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet (697 m<sup>2</sup>), or
2. A Group S-1 Fire area is located more than three stories above grade plane, or
3. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>), or
4. When the overall height of the building exceeds 30 feet.

##### 903.2.9.1 Repair garages.

An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet (697 m<sup>2</sup>), or
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet (697 m<sup>2</sup>), or
3. Buildings with repair garages servicing vehicles parked in basements, or
4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet (465 m<sup>2</sup>).

##### 903.2.9.2 Bulk storage of tires.

Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet (566 m<sup>3</sup>) shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

#### 903.2.10 Group S-2 enclosed parking garages—Amended.

An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code where one of the following conditions exists:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet (697m<sup>2</sup>), or
2. Where then enclosed parking garage is located beneath other groups, or
3. When the overall height of the building exceeds 30 feet.

##### 903.2.10.1 Commercial parking garages.

An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (465 m<sup>2</sup>).

#### 903.2.13 Group B Occupancies

An automatic sprinkler system shall be installed in Group B occupancies where the floor area exceeds 5,000 square feet (697 m<sup>2</sup>).

#### 903.6 Where required in existing buildings and structures-Amended.

The provisions of this section are in addition to those requirements set forth in Chapter 11. Fire sprinklers shall be installed in existing commercial occupancies when any of the following exist:

1. Permits for additions and alterations increase the floor area by 25 percent.
2. Whenever an addition is made to an existing building causing the total square footage of the building to exceed 5,000 square feet (697 m<sup>2</sup>). The entire building shall be equipped with sprinklers.
3. When a change in occupancy or use to more hazardous occupancy type occurs, the structure will be required to meet the requirements as set forth for new construction for the new occupancy classification.

In residential occupancies, fire sprinklers shall be installed when there is an addition that result in the square footage exceeding 3600 square feet (334 m<sup>2</sup>) including any attached U occupancies or garages.

#### **FINDING: conditions.**

**The amendment is needed due to local climatic and topographical conditions. These modifications are necessary because the City has a dry period of at least five months each year. Additionally. The area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings.**

#### 5003.2.4.2 Above-ground tanks- Amended with the addition of the following sentence.

Notwithstanding the foregoing, above-ground stationary tanks used for the storage of flammable or combustible liquids is prohibited in any area zoned for other than commercial, industrial, or agricultural use.

#### 5704.2.9.6.1 Locations where above-ground tanks are prohibited-Amended with the addition of the following sentence:

Storage is prohibited in areas designated as residential within the San Leandro city limits.

**FINDING: This modification is necessary to adopt the most current State standard and to clarify specific areas of the code and permitted locations of above ground tanks.**

5706.2.4.4 Locations where above-ground tanks are prohibited—Amended with the addition of the following sentence:

Storage is prohibited in areas designated as residential within the San Leandro city limits.

**FINDING: This modification is necessary to adopt the most current State standard and to clarify specific areas of the code and permitted locations of above ground tanks.**

5806.2 Limitations—Amended with the addition of the following sentence:

Storage is prohibited in areas designated as residential within the San Leandro city limits.

**FINDING: This modification is necessary to adopt the most current State standard and to clarify specific areas of the code and permitted locations of above ground tanks.**

6104.2 Maximum capacity within established limits—Amended with the addition of the following sentence:

Storage is prohibited in areas designated as residential within the San Leandro city limits.

**FINDING: This modification is necessary to adopt the most current State standard and to clarify specific areas of the code and permitted locations of above ground tanks.**

## EXHIBIT C

### FINDINGS AND DETERMINATION THAT CHANGES OR MODIFICATIONS TO THE 2022 CALIFORNIA PLUMBING CODE, 2022 EDITION, PERTAINING TO THE ADDITION OF REQUIRING SEISMIC GAS SHUTOFFS UNDER SPECIFIC CRITERIA, ARE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS

1. In connection with the adoption by reference of the California Plumbing Code, 2022 Edition in that document entitled "The California Building Standards Code," it is hereby expressly found and determined that the following change to the 2022 California Plumbing Code is reasonably necessary because of local climatic, geological or topographical conditions:

Section 1208.10.1 shall be added to the California Plumbing Code as follows:

1208.10.1 Earthquake-Actuated Gas Shutoff Valves. Earthquake-actuated gas shutoff valves, certified conforming to California Referenced Standard Section 12-16-1, shall be provided:

- a. On all new construction utilizing gas.
  - b. On any project utilizing gas, which the value of the project exceeds \$10,000.00.
2. The aforesaid local amendment is reasonably necessary in order to lessen the threat to life, safety and property represented by certain local climatic, geographical and topographical conditions existing in the City of San Leandro.
  3. The aforesaid local amendment is enacted pursuant to the authority of Section 17958.5 of the California Health and Safety Code, for the purpose of addressing the aforesaid conditions which are more specifically described as follows:
    - a) The City of San Leandro lies in the near vicinity of the Hayward Fault and in fact, a substantial portion of the residential area of the City lies within the Alquist-Priolo Act Special Studies Zone, requiring special geologic studies prior to development. This increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. Such damage is often accompanied by structural fire.
    - b) The travel time to a fire or other emergency within San Leandro may be impeded by the following conditions:
      - (1) Three major railway lines, the elevated BART line, three major freeways

and a natural creek, divide the City into numerous sections, and equipment responding to emergencies face potential delays and obstruction of access in crossing these barriers.

- (2) San Leandro lies in the path of two major water reservoirs which, upon failure, would inundate a large portion of the City, further delaying the response to a fire or other emergency.
- (3) A growing community of single-family and multi-family dwellings presently exists on the easterly side of Highway 580, which is itself a potential physical barrier impeding response to a fire or other emergency.
- (4) The two major north-south emergency response routes aside from the freeways are dependent upon bridges spanning San Leandro Creek. Failure of these bridges would isolate a heavily populated section of the City north of the creek.

In an event, gas presents an extreme danger to life and property and could cause loss of life, damage to property and destruction of infrastructure.

- c) A large area of potential residential development in the westerly portion of the City, adjacent to the Bay, is potentially subject to liquefaction which may cause a loss of lateral support for gas pipe, resulting in its failure. Liquefaction also often results in a greater degree and different form of differential movement than occurs elsewhere, which may cause excessive strain on gas pipe.
- d) High wind conditions normally exist in the hillside, shoreline areas and the City, increasing the potential for fire spread if there is a gas pipe failure.

## EXHIBIT D

### FINDINGS AND DETERMINATION THAT CHANGES OR MODIFICATIONS TO THE 2022 CALIFORNIA BUILDING CODE ARE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS

1. In connection with the adoption by reference of the Green Building Code, 2022 Edition, as amended by the State of California in that document entitled "The California Building Standards Code," it is hereby expressly found and determined that the following changes are reasonably necessary because of local climatic, geological or topographical conditions:

#### Chapter 7-5 Building Code

#### Article 6. Green Building Code

Article 6 of Chapter 5 of Title VII of the San Leandro Municipal Code, "Green Building Code," is hereby repealed and replaced in its entirety to read as follows:

#### 7-5-625 LOCAL AMENDMENTS.

Chapter 2. DEFINITIONS – Amended.

**Section 202. Definitions** is amended to add the following definitions:

**AFFORDABLE HOUSING.** Residential buildings that entirely consist of units below market rate and whose rents or sales prices are governed by local agencies to be affordable based on area median income.

**ALL-ELECTRIC BUILDING.** A building that contains no *combustion equipment* or plumbing for combustion equipment serving space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbeques), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service.

**COMBUSTION EQUIPMENT.** Any equipment or appliance used for space heating, water heating, cooking, clothes drying and/or lighting that uses *fuel gas*.

**COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT.** An equipment used in a food establishment for heat-processing food or utensils and that produces grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.

**DIRECT CURRENT FAST CHARGING (DCFC).** A parking space provided with electrical infrastructure that meets the following conditions:

- i. A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.
- ii. Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

**ELECTRIC HEATING APPLIANCE.** A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

**ELECTRIC VEHICLE CHARGING STATION (EVCS).** A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

**FUEL GAS.** A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.

**LEVEL 1 EV READY.** A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

**LEVEL 2 EV CAPABLE.** A parking space provided with electrical infrastructure that meets the following requirements:

- i. Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.
- ii. The conduit shall be designed to accommodate at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.
- iii. The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as “EV CAPABLE.”



- iv. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.
- v. The parking space shall contain signage with at least a 12” font adjacent to the parking space indicating the space is EV Capable.

**LEVEL 2 EV READY.** A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

**LOW POWER LEVEL 2 EV READY.** A parking space that is served by a complete electric circuit with the following requirements:

- i. A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.
- ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.
- iii. Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

**Section 202. Definitions** is amended to delete the following definitions, in their entirety:

**ELECTRIC VEHICLE (EV) READY SPACE. [HCD]** A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

**ELECTRIC VEHICLE (EV) CAPABLE SPACE.** A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.

**LEVEL 2 ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). [HCD]** The 208/240 Volt 40-ampere branch circuit, and the electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

**LOW POWER LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING RECEPTACLE. [HCD]** A 208/240 Volt 20- ampere minimum branch circuit and a receptacle for use by an EV driver to charge their electric vehicle or hybrid electric vehicle.

**Section 202. Definitions** is amended to revise the definitions stated below as follows:

**AUTOMATIC LOAD MANAGEMENT SYSTEM (ALMS).** A control system designed to manage load across one or more electric vehicle supply equipment (EVSE) , circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

**ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE).** The electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

### Chapter 3. GREEN BUILDING – Amended.

301.1.1 Additions and alterations. [HCD] – Amended.

**301.1.1 Additions and alterations. [HCD]** The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building’s conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

The mandatory provisions of Section 4.106.4.2 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing multifamily buildings.

The mandatory provisions of Section 5.106.5.3 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing nonresidential buildings.

NOTE: Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section.

### Chapter 4. RESIDENTIAL MANDATORY MEASURES – Amended.

4.106.4 – Amended.

#### **4.106.4 Electric vehicle (EV) charging for new construction.**

New construction shall comply with Section 4.106.4.1 or 4.106.4.2, and 4.106.4.3, to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the *California Electrical Code*, Article 625. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

#### **Exceptions:**

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:

- 1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.
- 1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may increase construction cost by an average of \$4,500 per parking space for market rate housing or \$400 per parking space for affordable housing. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.
2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities and without electrical panel upgrade or new panel installation. ADUs and JADUs without additional parking but with electrical panel upgrades or new panels must have reserved breakers and electrical capacity according to the requirements of 4.106.4.1.
3. Multifamily residential R-2 building projects that have in-process or approved entitlements before the code effective date.

4.106.4.1 - Amended.

**4.106.4.1 One- and two-family dwellings and town-houses with attached private garages.**

**4.106.4.1.1 New Construction.** One parking space provided shall be a *Level 2 EV Ready* space. If a second parking space is provided, it shall be provided with a *Level 1 EV Ready space*.

4.106.4.2 – Amended.

**4.106.4.2 Multifamily dwellings with residential parking facilities.**

**4.106.4.2.1 New Construction.** Forty percent (40%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a Level 1 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

**Exceptions:**

Affordable housing shall comply with the following instead.

1. Fifteen percent (15%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging.
2. Twenty-five percent (25%) of dwelling units with parking spaces shall be provided with a Low Power Level 2 EV Ready space.
3. Sixty percent (60%) of dwelling units with parking spaces shall be provided with at minimum a Level 1 EV Ready space.

Section 4.106.4.2.1 - Deleted in its entirety.

Section 4.106.4.2.2 - Deleted in its entirety.

4.106.4.3 – Amended.

**4.106.4.3 Electric vehicle charging stations (EVCS).** Electric vehicle charging stations required by Section 4.106.4.2 shall comply with Section 4.106.4.3.

**Exception:** Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See *California Building Code*, Chapter 11B, for applicable requirements.

4.106.4.3 – Amended.

**4.106.4.3.1 Location.** EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the *California Building Code*, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the *California Building Code*, Chapter 2, to the building.

**Exception:** Electric vehicle charging stations designed and constructed in compliance with the *California Building Code*, Chapter 11B, are not required to comply with Section 4.106.4.3.1 and Section 4.106.4.3.2.

Section 4.106.4.2.2.1.2 – Amended.

**4.106.4.3.2 Dimensions.** The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).

Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

**Exception:** Where the City's Municipal or Zoning Code permits parking space dimensions that are less than the minimum requirements stated in this section 4.106.4.3.2, and the compliance with which would be infeasible due to particular circumstances of a

project, an exception may be granted while remaining in compliance with California Building Code Section Table 11B-228.3.2.1 and 11B-812, as applicable.

Section 4.106.4.2.2.1.3 - Deleted in its entirety.

Section 4.106.4.2.3 - Deleted in its entirety.

Section 4.106.4.2.4 - Deleted in its entirety.

Section 4.106.4.2.5 - Deleted in its entirety.

Section 4.106.4.3 - Deleted in its entirety.

The following Sections are added to Chapter 4, as follows:

**4.106.4.4 Direct current fast charging stations.** One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.1 and 4.106.4.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

**4.106.5 All-electric buildings.** New construction buildings shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use *combustion equipment* or are ready to accommodate installation of *electric heating appliances*.

**4.106.5.1. New construction.** All newly constructed buildings shall be *all-electric buildings*. Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of new construction shall be made by the local enforcing agency.

**Exceptions:**

1. Multifamily residential and residential mixed-use building projects that have applied for or received entitlements before the effective date of this ordinance may utilize *combustion equipment*.
2. Attached Accessory Dwelling Units may utilize *combustion equipment*.
3. If an applicant for a building project that does not qualify for an exception establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 4.106.5.2.
4. The City of San Leandro shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

#### **4.106.5.2 Requirements for *combustion equipment*.**

Where *combustion equipment* is allowed per Exceptions under 4.106.5.1.3, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an *electrical heating appliance* in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and
4. Connected subpanels, panelboards, switchboards, and busbars shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

Chapter 5. NONRESIDENTIAL MANDATORY MEASURES – Amended.

Section 5.106.5.3 – Amended.

**5.106.5.3 Electric vehicle (EV) charging.** [N] Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3 and shall be provided in accordance with regulations in the *California Building Code* and the *California Electrical Code*. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3*. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

#### **Exceptions:**

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:

- a. Where there is no local utility power supply.
- b. Where the local utility is unable to supply adequate power.
- c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

Section 5.106.5.3.1 – Amended.

#### **5.106.5.3.1 Nonresidential Occupancy Class B Offices – Shared Parking Space.**

**5.106.5.3.1.1 New Construction.** Twenty percent (20%) of parking spaces shall be provided with EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Thirty percent (30%) of parking spaces provided shall be Level 2 EV Capable.

Section 5.106.5.3.1– Deleted in its entirety.

Section 5.106.5.3.2 – Deleted in its entirety.

Section 5.106.5.3.2 – Amended.

#### **5.106.5.3.2 Hotel and Motel Occupancies – Shared Parking Facilities.**

**5.106.5.3.2.1 New Construction.** Five percent (5%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Twenty-five percent (25%) of parking spaces provided shall be Low Power Level 2 EV Ready space. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

Section 5.106.5.3.3 – Amended.

#### **5.106.5.3.3 All Other Nonresidential Occupancies – Shared Parking Facilities.**

**5.106.5.3.3.1 New Construction.** Ten percent (10%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

Section **5.106.5.3.4** – Added.

**5.106.5.3.4 Direct current fast charging stations.** One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 5.106.5.3.1, 5.106.5.3.2, and 5.106.5.3.3. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

Section 5.106.5.3.4 – Deleted in its entirety.

Section 5.106.5.4 – Amended.

**5.106.5.4 Electric vehicle charging readiness.** Construction shall comply with Section 5.106.5.4.1 to facilitate future installation of electric vehicle supply equipment (EVSE). Construction for warehouses, grocery stores and retail stores with planned off-street loading spaces shall also comply with Section 5.106.5.4.1 for future installation of medium- and heavy-duty EVSE. Accessible EVCS shall be provided in accordance with the *California Building Code Chapter 11B Section 11B-228.3*. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s).

**Exceptions:**

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
  - a. Where there is no local utility power supply.
  - b. Where the local utility is unable to supply adequate power.
  - c. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may increase construction cost by an average of \$4,500 per parking space. EV infrastructure shall be provided up to the level that would not exceed this cost for utility service.

Section 5.106.5.4.1 – Amended.

**5.106.5.4.1 Warehouses, grocery stores and retail stores with planned off-street loading spaces.** In order to avoid future demolition when adding EV supply and distribution equipment, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s) or subpanel(s) shall be installed at the time of construction in accordance with the *California Electrical Code*. Construction plans and specifications shall include, but are not limited to, the following:

1. The transformer, main service equipment and subpanels shall meet the minimum power requirement in Table 5.106.5.4.1.1 to accommodate the dedicated branch circuits for the future installation of EVSE.
2. The construction documents shall indicate one or more location(s) convenient to the planned off-street loading space(s) reserved for medium- and heavy-duty EV charging cabinets and charging dispensers, and a pathway reserved for routing of conduit from the



termination of the raceway(s) or busway(s) to the charging cabinet(s) and dispenser(s), as shown in Table 5.106.5.4.1.1.

3. Raceway(s) or busway(s) originating at a main service panel or a subpanel(s) serving the area where potential future medium- and heavy-duty EVSE will be located, and shall terminate in close proximity to the potential future location of the charging equipment for medium- and heavy-duty vehicles.
4. The raceway(s) or busway(s) shall be of sufficient size to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty ZEVs as shown in Table 5.106.5.4.1.1.

**TABLE 5.106.5.4.1.1, Raceway Conduit and Panel power Requirements for Medium-and-Heavy-Duty EVSE**

Building type	Building Size (sq. ft.)	Number of Off-street loading spaces	Additional capacity Required (kVa) for Raceway & Busway and Transformer & Panel
Grocery	10,000 to 90,000	1 or 2	200
		3 or Greater	400
	Greater than 90,000	1 or Greater	400
Retail	10,000 to 135,000	1 or 2	200
		3 or Greater	400
	Greater than 135,000	1 or Greater	400
Warehouse	20,000 to 256,000	1 or 2	200
		3 or Greater	400
	Greater than 256,000	1 or Greater	400

The following Sections are added to Chapter 5, as follows:

**5.106.13 All-electric buildings.** New construction buildings shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use *combustion equipment* or are ready to facilitate future electrification.

**5.106.13.1. New construction.** All newly constructed buildings shall be *all-electric buildings*. Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of new construction shall be made by the local enforcing agency.

**Exceptions:**

1. Industrial buildings with Occupancy Classifications of Group F, Group H, or Group S may utilize *combustion equipment*.
2. Nonresidential buildings and mixed-use buildings containing kitchens located in a place of public accommodation, as defined in the California Building Code Chapter 2, may

utilize *fuel gas* in on-site commercial cooking equipment and shall comply with Section 5.106.13.2.

3. Hotels and motels with eighty or more guestrooms may utilize *fuel gas* in on-site commercial clothes drying equipment. The applicant shall comply with Section 5.106.13.2.
4. If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 5.106.13.2

City of San Leandro shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

**5.106.13.2. Requirements for *combustion equipment*.**

Where *combustion equipment* is allowed per exceptions under Section 5.106.13.1.2 through 5.106.13.1.4, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an *electrical heating appliance* in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and
4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

2. The aforesaid local amendment is reasonably necessary in order to lessen the threat to life, safety and property represented by certain local climatic, geographical and topographical conditions existing in the City of San Leandro.

3. The aforesaid local amendment is enacted pursuant to the authority of Section 17958.5 of the California Health and Safety Code, for the purpose of addressing the aforesaid conditions which are more specifically described as follows:

- a) The City of San Leandro lies in the near vicinity of the Hayward Fault and in fact, a substantial portion of the residential area of the City lies within the Alquist - Priolo Act Special Studies Zone, requiring special geologic studies prior to development. The underlying soils are subject to liquefaction and amplification of seismic energy. This increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. Such damage is often accompanied by structural fire. The City contains a large percentage of existing structures constructed more than forty years ago, which will sustain significant damage as a result of an event.
- b) The travel time to a fire or other emergency within San Leandro may be impeded by the following conditions:
  - (1) Three major railway lines, the elevated BART line, three major freeways and a natural creek, divide the City into numerous sections, and equipment responding to emergencies face potential delays and obstruction of access in crossing these barriers.
  - (2) San Leandro lies in the path of two major water reservoirs which, upon failure, would inundate a large portion of the City, further delaying the response to a fire or other emergency.
  - (3) A growing community of single-family and multi-family dwellings presently exists on the easterly side of Highway 580, which is itself a potential physical barrier impeding response to a fire or other emergency.
  - (4) The two major north-south emergency response routes aside from the freeways are dependent upon bridges spanning San Leandro Creek. Failure of these bridges would isolate a heavily populated section of the City north of the creek.
  - (5) Severe seismic events could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the Fire and Police Departments responding to fire and life safety needs of the community.

4. In the event of a natural disaster inadequately reinforced and/or anchored structures present a significantly greater threat to persons and property due to the increased likelihood that such structures or portions of such structures may collapse in the wake of the natural disaster. To allow previous structurally deficient structures to be reconstructed to such condition perpetuates the threat to persons and property upon the occurrence of a subsequent natural disaster.

**5.** The City Council hereby takes official notice of the General Plan (and all elements thereof) of the City of San Leandro, all documents on file with the City relating to the Alquist - Priolo Act Special Studies Zone and seismic reinforcement, and the findings and recommendations of the Board of Appeals in this matter.