

**IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO**

**ORDINANCE NO. 2022-**

**ORDINANCE OF THE CITY OF SAN LEANDRO CITY COUNCIL AMENDING ARTICLES 1, 3 THROUGH 9 AND 10A OF TITLE 7 “MAPS, BUILDINGS AND SUBDIVISIONS” CHAPTER 7-5 “BUILDING CODE” OF THE SAN LEANDRO MUNICIPAL CODE IN ORDER TO ADOPT BY REFERENCE THE 2022 EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODE AND 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH LOCAL AMENDMENTS**

**WHEREAS**, the California Building Standards Commission has adopted a new Title 24 of the California Code of Regulations, also referred to as the 2022 California Building Standards Code, that will become effective statewide on January 1, 2023; and

**WHEREAS**, currently Title 7 “Maps, Buildings and Subdivisions” of the City of San Leandro Municipal Code adopted the building standards contained in the 2016 and subsequently amended 2019 versions of the California Building Code, the California Mechanical Code, the California Electrical Code, the California Green Building Standards Code, the California Energy Code, the California Fire Code, the California Plumbing Code, and the California Residential Code (collectively, the “California Building Standards Code”); and

**WHEREAS**, the updated California Building Standards Code becomes effective within the City on January 1, 2023, and Title 7 is updated by default to incorporate the California Building Standards Code without local amendments; and

**WHEREAS**, the City also desires to adopt by reference the 2018 International Property Maintenance Code; and

**WHEREAS**, Section 17922 of the California Health and Safety Code requires local agencies to adopt the building standards contained in the California Building Standards Code; and

**WHEREAS**, Section 17958.7 of the California Health and Safety Code allows local agencies to enact modifications to those building standards provided that such modifications are reasonably necessary because of local climatic, geological or topographical conditions so long as a local agency adopts such findings; and

**WHEREAS**, concurrent with this ordinance the City adopts findings, by resolution, justifying local modifications based on local climatic, geologic, and topographic conditions; and

**WHEREAS**, a duly noticed public hearing was advertised as required by

Government Code sections 6066 and 65090; and

**WHEREAS**, the City Council held a public hearing on November 7, 2022 and adopted a Resolution with findings justifying local amendments based on local climatic, geologic, and topographic conditions and considered the staff report and public testimony received; and

**WHEREAS**, the City Council held a public hearing related to this Ordinance on December 5, 2022 and considered the staff report and public testimony received; and

**WHEREAS**, the City Council finds that no additional environmental review is necessary because this Ordinance is not a project that has the potential to cause substantial or potentially substantial, adverse change in the environment and qualifies for an exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), and further, the Ordinance establishes standards for the approval of ministerial projects that are not themselves subject to CEQA review; and

**WHEREAS**, the City Council finds that the adoption of the 2022 Editions of the California Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Fire Code, Existing Building Code, and Green Building Standards Code, and related construction Codes help protect public health, safety, and welfare.

**NOW THEREFORE**, the City of San Leandro City Council does **ORDAIN** as follows:

**SECTION 1. RECITALS.** The forgoing Recitals are true and correct and incorporated herein by this reference.

**SECTION 2. ORDINANCE.** That the following Articles of the San Leandro Municipal Code are amended in their entirety to read as attached:

- Title 7 (Maps, Building, and Subdivisions), Chapter 7-5 (Building Code):
- Article 1. (Building Code)
- Article 3. (Property Maintenance).
- Article 4. (Mechanical Code)
- Article 5. (Electrical Code)
- Article 6. (Green Building Code)
- Article 7. (Energy Code)
- Article 8. (Fire Code)
- Article 9. (Plumbing Code)
- Article 10A. (Residential Building Code)

**SECTION 3. SEVERABILITY.** The City Council hereby declares that every section, paragraph, clause and phrase of this Ordinance, and all Ordinance text adopted by reference, are severable. If, for any reason, any section, paragraph, clause or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases.

**SECTION 4. EFFECTIVE DATE.** The effective date of this ordinance shall be January 5, 2023.

**SECTION 5. PUBLICATION.** The City Clerk for the City of San Leandro shall publish this Ordinance in accordance with all laws and regulations governing the publication of ordinances that pertain to the adoption of the California Building Standards Code.

Introduced by Councilmember \_\_\_\_\_ and passed to print on the 5<sup>th</sup> day of December 2022 by the following called vote:

Members of the Council:

AYES: 0

NOES: 0

ABSENT: 0

ATTEST: \_\_\_\_\_  
Leticia Miguel, City Clerk