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Staff Report for a Resolution and Ordinances Adopting State-Mandated California Building Standards Codes and Related Amendments

SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council introduce and waive the first reading of the following ordinances adopting the California Building Standards Code, 2016 editions as amended; and those certain documents entitled “International Property Maintenance Code, 2015 edition,” reference standards and appendices as approved for use by the Building Official.

- Ordinance Repealing Article 1 of Chapter 5 of Title VII of the San Leandro Municipal Code, and Adopting CCR Title 24 California Building Standards Code, 2016 California Building Code, as Published by the International Code Council, as Chapter 5 of Title VII of the San Leandro Municipal Code, and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall Be Known as “the City of San Leandro Building Code”;
- Ordinance Repealing Article 3 and Replacing Article 3 to Chapter 5 of Title VII of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code, and Adopting by Reference the 2015 International Property Maintenance Code, as Amended, and Shall Be Known as the “City of San Leandro Property Maintenance Code”;
- Ordinance Repealing Article 4 of Chapter 5 of Title VII of the San Leandro Municipal Code, “California Mechanical Code,” and Replacing with Article 4, of Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Mechanical Code, as Published by the International Association of Plumbing and Mechanical Officials, is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall be Known as the City of

San Leandro “Mechanical Code.”;

- Ordinance Repealing Article 5 of Chapter 5 of Title VII of the San Leandro Municipal Code, “National Electrical Code,” and Replacing with Article 5, of Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Electrical Code, as Published by BNi Publications, Inc. is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall be Known as the City of San Leandro “Electrical Code”;
- Ordinance Repealing Article 6 of Chapter 5 of Title VII of the San Leandro Municipal Code, “Electrical-General Provisions,” and Replacing with Article 6, of Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Green Building Standards Code, as Published by the International Code Council, is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall be Known as the City of San Leandro “Green Building Code”;
- Ordinance Repealing Article 7 of Chapter 5 of Title VII of the San Leandro Municipal Code, “Electrical-Procedure,” and Replacing with Article 7, of Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Energy Code, as Published by the International Code Council, is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall be Known as the City of San Leandro “Energy Code”;
- Ordinance Repealing Article 9 of Chapter 5 of Title VII of the San Leandro Municipal Code, “Plumbing Code,” and Replacing with Article 9, of Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Plumbing Code, as Published by the International Association of Plumbing and Mechanical Officials, is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall be Known as the City of San Leandro “Plumbing Code”;
- Ordinance Repealing Article 10A of Chapter 5 of Title VII of the San Leandro Municipal Code, “Uniform Swimming Pool, Spa and Hot Tub Code,” and Replacing with Article 10A, Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Residential Code, as Published by the International Code Council, is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall be Known as the City of San Leandro “Residential Building Code”;

Staff also recommends that Council set December 5, 2016 as the date of the second reading of the Ordinances.

The adoption of the new codes, as amended and formatted, will comply with State Law and eliminate local amendments that have been incorporated into the current California Building Standards Code. These changes will standardize and align the City’s code with that of other cities thereby facilitating construction in San Leandro and potentially saving residents and businesses time and money. Adopting the Code with few changes enables licensed professionals from around the country to design projects without having to learn specific exceptions for the City of San Leandro

The new codes will have an effective date of January 5, 2017.

BACKGROUND

The State Building Standards Commission (CBSC) publishes triennial editions of the California Code of Regulations (CCR), Title 24, also known as the California Building Standards Code (The Code). Last July 1, 2016, the CBSC published the 2016 edition of the California Building Standards Code. The Building Standards Commission then “publishes” the codes as further amended. Cities have 180 days from the official “publication date” to amend the state codes or adopt the codes without amendments. Failure of a city to adopt or amend the state codes results in automatic adoption of the Codes as the minimum standard on January 1, 2017.

The 2016 Code will apply to any building or structure for which an application for a building permit is made on or after January 1, 2017. The California Building Code, Residential Code and Existing Building Code are based on the 2015 model codes published by the International Code Council, while the Mechanical and Plumbing Codes are based on the 2015 Uniform model codes published by the International Association of Plumbing and Mechanical Officials. The Electrical Code is based on the 2014 National Electrical Code, published by the National Fire Protection Association. Building Energy Efficiency Standards are developed and published by the California Energy Commission.

DISCUSSION

All cities and counties must enforce model codes as revised and published by the State. These codes are generally revised every three years by the organizations that create the model codes. These codes are then reviewed and amended by the State, and pursuant to Health and Safety Code §18941.5, local jurisdictions are mandated to adopt such state codes, generally within 180 days after publication of the code by the California Building Standards Commission. Prior to adoption, amendments to the state codes may be incorporated by the local jurisdiction if they can be justified on the basis of a local climatic, geological, and/or topographical condition that affects the jurisdiction.

Previously, the City of San Leandro incorporated differing codes into the City Building Code. This resulted in a complex Code that design professionals struggled to navigate. In an effort to reduce duplication and over-regulation, to reduce the encumbrance of complicated standards, and to promote safe structures, this adoption of Codes has very few enhancements to support that effort.

The proposed ordinances consist of the following:

- 2016 California Building Code - CCR Title 24 Part 2, Volumes 1 and 2
- 2016 California Residential Code - CCR Title 24 Part 2.5
- 2016 California Electrical Code - CCR Title 24 Part 3
- 2016 Mechanical Code - CCR Title 24 Part 4
- 2016 Plumbing Code - CCR Title 24 Part 5
- 2016 California Building Energy Efficiency Standards - CCR Title 24 Part 6
- 2016 California Fire Code-CCR Title 24 Part 9
- 2016 California Green Building Standards Code - CCR Title 24 Part 11
- Minor Structural Amendments related to updating seismic design criteria based on San Leandro’s proximity to earthquake faults and corrections to the model code structural design standards.
- Updates to previously adopted local amendments to the California Codes to match current code language and cross-references.
- Updates to the Municipal Code to eliminate local amendments to previous California Codes that have been incorporated into the 2016 California Building Standards Code.
- Amending the Plumbing Code to require seismic shutoff valves on gas installations.

- **Adopting the Plumbing Code without the prohibition on the use of PVC/ABS in drain waste and venting systems. This is a change from existing City policy.**

Local amendments and certain structural design requirements are based on the following express findings:

1. The San Francisco Bay Area region is densely populated and located in an area of high seismic activities. The City of San Leandro is subject to forces from multiple faults, which are capable of producing major earthquakes.
2. Concern for fire-life safety associated with a structural failure due to a seismic event, considering the increasing number of buildings in the region, the use of new and innovative structural systems, the poor performance of certain materials under these conditions, and the quality of the construction.
3. Severe seismic events could disrupt communications, damage gas mains, cause extensive electrical hazards, result in flooding, cause significant damage to building systems, and place extreme demands on the dispersed resources of the Alameda County Fire Department and the San Leandro Police Department.
4. The local geological, topographic, and climatic conditions pose an increased hazard in acceleration, spread, magnitude, and severity of potential floods, fires and damage in San Leandro, and may cause a delayed response from emergency responders, allowing further growth of damage and worsening of conditions.

Previous Actions

The City Council previously adopted amendments to the subject Codes on November 18, 2013.

Environmental Review

The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§21000 et seq., "CEQA." and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and in this case it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines §15061(b)(3)).

Legal Analysis

This report was reviewed by the City Attorney and approved as to form.

PREPARED BY: Jerome A. Smith, Jr., C.B.O., C.F.M., Chief Building Official for San Leandro