



## Legislation Details (With Text)

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<b>Type:</b>	Staff Report	<b>Status:</b>	Filed	<b>In control:</b>	City Council
<b>On agenda:</b>	11/7/2022	<b>Final action:</b>	11/7/2022	<b>Enactment date:</b>	<b>Enactment #:</b> Ordinance 2022-014 Pass 2022-020
<b>Title:</b>	Approve Second Reading and Adopt an Ordinance 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 Edition of the California Building Standards Code and 2018 International Property Maintenance Code, With Local Amendments; and Adopt a Resolution of the City of San Leandro City Council Finding and Determining the Need for Local Amendments to the California Building Standards Code to be Adopted By Reference in the San Leandro Municipal Code are Reasonably Necessary Because of Local Climatic, Geologic, or Topographical Conditions, in Accordance with California Health and Safety Code Section 17958.7				
<b>Sponsors:</b>	Tom Liao				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Att A - Ord 2022- Ordinance Amending Articles 1, 3 through 9 and 10A of Title 7, 2. Att A Article 1 (Building Code), 3. Att A Article 3 (Property Maintenance Code), 4. Att A Article 4 (Mechanical Code), 5. Att A Article 5 (Electric Code), 6. Att A Article 6 (Green Building Code) - Revised, 7. Att A Article 7 (Energy Code), 8. Att A Article 8 (Fire Code), 9. Att A Article 9 (Plumbing Code), 10. Att A Article 10A (Residential Code), 11. Att B - Resolution Findings for Local Amendments, 12. Att B Exhibits A-D - Findings, 13. Presentation 2022 Building Code Adoption and Reach Codes 2nd 2022 Building Code 2nd Reading				

Date	Ver.	Action By	Action	Result
11/7/2022	1	City Council	Approved	Pass

Approve Second Reading and Adopt an Ordinance 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 Edition of the California Building Standards Code and 2018 International Property Maintenance Code, With Local Amendments; and Adopt a Resolution of the City of San Leandro City Council Finding and Determining the Need for Local Amendments to the California Building Standards Code to be Adopted By Reference in the San Leandro Municipal Code are Reasonably Necessary Because of Local Climatic, Geologic, or Topographical Conditions, in Accordance with California Health and Safety Code Section 17958.7

### COUNCIL PRIORITY

- Public Safety
- Sustainability & Resiliency

### SUMMARY

Every three years, the California Building Standards Commission (CBSC) establishes a statewide Building Standards Code (California Code of Regulations, Title 24) for use throughout California. The

Building Standards Codes are codified as San Leandro Municipal Code Chapter 7-5. Once adopted by the state, the revisions become effective by default and without local approval or amendments. Cities and counties may adopt local amendments to strengthen the California Building Standards Code based on local climatic, geological, and topographical conditions. Any amendments by the City must be at least as stringent as those outlined in the Building Standards Code.

The State's last mandated adoption of the California Building Standards Code was on January 1, 2019. The 2022 California Building Standards Code goes into effect on January 1, 2023.

On October 17, 2022, the City Council introduced an Ordinance for First Reading that would revise Chapter 7-5 to adopt 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 by reference, and adopt by reference the 2018 International Property Maintenance Code. Staff recommends local amendments, including structural requirements, fire sprinkler requirements, all-electric "reach codes," and increased electric vehicle infrastructure requirements, to advance the health, welfare, and safety of the community.

## RECOMMENDATIONS

Staff recommends that the City Council hold a second reading and adopt the proposed Ordinance that would:

- a) Amend Municipal Code Chapter 7-5 by repealing and replacing the 2016 and 2019 editions and adopt 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. Additionally, adopt by reference the International Property Maintenance Code; and
- b) Adopt local amendments regarding certain structural design requirements, fire sprinkler regulations, "reach codes," and other building requirements to advance the health, welfare, and safety of the community, including revised Article 6.

Staff also recommends that the Council adopt a resolution, included as Attachment B, adopting findings justifying local amendments based on local climatic, geologic, and topographic conditions.

## BACKGROUND

The California Building Standards Commission (CBSC) is an independent commission within the State Consumer Services Agency responsible for reviewing, adopting, and publishing building standards for the State of California. Every three years, the CBSC adopts a compilation of building regulations referred to as the California Building Standards Code - California Code of Regulations (CCR) Title 24. On July 1, 2022, the CBSC published the 2022 edition of the California Building Standards Code. Building permit submittals on or after December 2, 2022 will be reviewed under the 2022 edition of the California Building Standards Code, which goes into effect January 1, 2023. The Building and Safety Division messages these dates to the public through the City website and permit counter.

Local governments or jurisdictions can amend the state-adopted building standards to make them more restrictive (not less), based on specific geologic, climatic, and topographic conditions to protect public health, welfare, and safety.

## **Analysis**

The proposed Ordinance includes adoption of the following building codes by reference:

- California Building Code - CCR Title 24 Part 2
- California Residential Code - CCR Title 24 Part 3
- California Electrical Code - CCR Title 24 Part 4
- California Mechanical Code - CCR Title 24 Part 5
- California Plumbing Code - CCR Title 24 Part 6
- California Energy Code - CCR Title 24 Part 7
- California Fire Code - CCR Title 24 Part 9
- California Existing Building Code - CCR Title 24 Part 10
- California Green Building Standards Code - CCR Title 24 Part 11

The Property Maintenance Code is separate from the California Building Code adopted by the CBSC. The City currently has adopted the 2015 International Property Maintenance Code. As part of the proposed ordinance, the City would adopt the 2018 International Property Maintenance Code (IPMC). This model code provides the City authority to abate structures that are imminent hazards to the public in a quick and efficient manner. The model code includes definitions of terms for enforcement, for the integrity of structural elements of buildings, and specific hazards. These definitions are not included in the other standard codes.

Adoption of the ordinance will ensure the consistency of the City of San Leandro's Building, Electrical, Mechanical, Plumbing, Historical Building, and Existing Building Codes with state standards and ensure that the City's codes provide additional protection for the health, welfare, and safety of local residents due to local climatic, geological, and topographical conditions.

A complete copy of the proposed ordinance is included as Attachment A. The ordinance publishes the revised sections of San Leandro Municipal Code Chapter 7-5, as follows:

- Article 1, Building Code, which adopts the California Building Code with the local amendments described below;
- Article 3, Property Maintenance Code, which adopts the 2018 International Property Maintenance Code (IPMC) with no local amendments;
- Article 4, Mechanical Code, with no local amendments;
- Article 5, Electrical Code, with no local amendments;
- Article 6, Green Building Code, with local amendments to establish Reach Codes as described below;
- Article 7, Energy Code, with no local amendments;
- Article 8, Fire Code, with local amendments described below;
- Article 9, Plumbing Code, with local amendments described below; and
- Article 10A, Residential Building Code, with no local amendments.

## **Summary of Local Amendments**

### ***Building and Safety Code Amendments***

Staff proposes to maintain the currently adopted local amendments regarding certain structural design requirements and strengthening seismic resistance and foundations, consistent with many jurisdictions throughout the Bay Area region. Requirements are due to the following express findings:

1. The San Francisco Bay area region is densely populated and located in an area of high seismic activity. 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.
2. Concern for the 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 structural systems, the poor performance of certain materials, and the quality of construction.
3. In the event of a natural disaster, inadequately reinforced and/or anchored (assembly) structures increase the likelihood that such structures or portions of such structures may collapse in the wake of a natural disaster such as an earthquake. 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.
4. The local geographic, topographic, and climatic conditions pose an increased hazard in acceleration, spread, magnitude, and severity of potential fires in the City of San Leandro, and may cause a delayed response from emergency responders, allowing further growth of the fire.

Newly proposed local amendments for the 2022 Building Code cycle include:

- Fire sprinkler regulations: Lowering the square footage that triggers sprinkler requirements, particularly in group A (Assembly) occupancies.
- Earthquake Gas Shut Off Valves: Lowering the project valuation that triggers the installation of earthquake gas shut-off valves from \$10,000 to \$5,000. The shut off valve is located between the gas meter and house or other structures with gas service and mitigates against earthquake-related explosions, fires, personal injury, and/or loss of life.

### *Reach Code Amendments*

As a key implementation strategy of the City's 2021 Climate Action Plan, staff recommends adopting local "reach code" amendments, which require newly constructed residential and non-residential buildings to be all-electric and increase electric vehicle (EV) charging requirements. The reach code amendments are part of the Green Building Code. The reach codes would apply to new construction projects proposed after January 1, 2023. Limited exceptions are proposed due to technical infeasibility and/or cost-effectiveness for the following:

- Development projects submitted to the City for review prior to January 1, 2023;
- Attached Accessory Dwelling Units;
- Industrial Buildings;
- Nonresidential and mixed-use buildings containing kitchens located in a place of public accommodation (may utilize fuel gas in commercial cooking equipment); and
- Hotels and Motels with eighty or more guestrooms (may utilize fuel gas in commercial clothes drying equipment).

Recommended reach code requirements for EV infrastructure include:

### *Residential*

- Single Family:
  - One dedicated EV ready Level 2 circuit; and
  - One dedicated EV ready Level 1 circuit if there is a second parking space.
- Multi-Family:
  - 40% of units with parking spaces, Level 2 EV Charging Stations; and
  - 60% of units with parking spaces, Level 1 EV Ready.
- Affordable Multi-Family:
  - 15% of units with parking spaces, Level 2 EV Charging Stations;
  - 25% of units with parking spaces, Low Power Level 2 EV Ready; and
  - 60% of units with parking spaces, Level 1 EV Ready.

### *Non-Residential Office*

- 20% of the parking spaces, Level 2 EV Charging Stations installed; and
- 30% of the parking spaces, Level 2 EV Capable.

### *Non-Residential, Non-Office*

- 10% of the parking spaces, Level 2 EV Charging Stations installed; and
- 10% of the parking spaces, Level 2 EV Capable.

The proposed reach code will reduce carbon emissions and improve indoor air quality, safety, and the resiliency of San Leandro's building stock.

### Correction to Article 6 (Green Building Code)

On October 17, 2022, staff presented Article 6 (Green Building Code), attached to the draft Ordinance. Specifically, the third exception to Section 4.106.4 Electric vehicle (EV) charging for new construction was incomplete and should defer to baseline 2022 code standards for projects exempt from reach code standards. Staff recommends that the third exception to Section 4.106.4 Electric vehicle (EV) charging for new construction be revised during this second reading. A revised copy of Article 6 is attached to the Ordinance in Attachment A.

### Resolution of Local Condition Findings

Health and Safety Code Sections 17958, 17958.5, and 17958.7 require the City Council to make findings regarding local climatic, geological, and topographical conditions before adopting local amendments to the State-adopted California Building Standards Code. The proposed amendments to the building standards codes are based primarily on earthquake and soils conditions in San Leandro. Proposed findings include a map showing areas prone to liquefaction, fault line proximity and areas of corrosive soils. These findings are incorporated in the draft Resolution included as Attachment B.

### Environmental Review

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment under Title 14 of the CCR, Section 15061(b)(3). No further environmental review is necessary.

### **Public Notice and Outreach**

The City held stakeholder listening sessions on the development of the reach codes in February 2022. Approximately 20 individuals, including commercial property owners, commercial tenants, and representatives from the industrial/manufacturing and residential development sectors participated across four listening sessions. Their input was incorporated into the draft reach codes. Public presentations to the Planning Commission and City Council were provided in April 2022 to provide a summary of feedback received and staff's recommendations on the development for each reach code policy.

Because the California Building Standards Code will be adopted by reference, a public hearing must be held following introduction of the Ordinance, which will be held concurrently with the second reading. In accordance with Government Code Sections 50022.3 and 6066, notice of the public hearing has been published twice in a newspaper of general circulation, by a legal ad in the Daily Review on October 28 and November 4, 2022.

### **Financial Impacts**

The costs associated with the application and administration of building standards are funded by user fees, with the exception of code enforcement activities, which are supported by the general fund. The proposed code adoption would not change the current cost for these services and would not require an additional general fund contribution.

### **ATTACHMENTS**

**Attachment A:** Ordinance 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 Edition of the California Building Standards Code and 2018 International Property Maintenance Code, With Local Amendments

- Article 1 (Building Code)
- Article 3 (Property Maintenance Code)
- Article 4 (Mechanical Code)
- Article 5 (Electrical Code)
- Article 6 (Green Building Code) - Revised
- Article 7 (Energy Code)
- Article 8 (Fire Code)
- Article 9 (Plumbing Code)
- Article 10A (Residential Building Code)

**Attachment B:** Resolution Making Findings Regarding Local Climatic, Geological, and Topographical Conditions

- Att B Exhibits A-D: Findings and Determinations that Changes and Modifications are Reasonably Necessary because of Local Conditions

**PREPARED BY:** Michael Jeffery, Chief Building Official, Community Development