

## **ORDINANCE NO. 22-013**

**An Ordinance Of The City Council Of The City Of Emeryville Repealing and Replacing Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, And 10 Of Title 8 Of The Emeryville Municipal Code, Entitled “Building Regulations”, And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15061(b)(3) and 15378(b)(2) and (5))**

**WHEREAS**, the City of Emeryville’s Building Regulations are codified in Title 8 of the Emeryville Municipal Code and were last updated in 2019; and

**WHEREAS**, it is the desire and intent of the City Council of the City of Emeryville to provide the public with the greatest degree of fire, life, health and structural safety in buildings in the most effective manner by adopting the most current body of regulations; and

**WHEREAS**, on January 18-20, 2022, the California Building Standards Commission adopted the 2021 International Building Code, 2021 International Residential Code, 2021 California Existing Building Code, 2021 California Historical Building Code, 2021 International Property Maintenance Code, 2021 California Green Building Standards Code, 2021 Uniform Mechanical Code, 2021 Uniform Plumbing Code, 2020 National Electrical Code, and the 2021 International Energy Conservation Code as the 2022 California Building Standards Code collectively; and

**WHEREAS**, State law requires local jurisdictions to enforce the 2022 California Building Standards Code beginning January 1, 2023; and

**WHEREAS**, California Health and Safety Codes Sections 13143.5, 17958.5, 17958.7, and 18941.5 allow the City, by ordinance, to make modifications or changes to the California Building Standards Code and other regulations adopted pursuant to Health and Safety Code Section 17922 when such amendments are reasonably necessary because of local climatic, geological, or topographical conditions, and where such amendments establish requirements more stringent than those provided in the state code; and

**WHEREAS**, amendments are necessary because of the climatic, geographical or topographical conditions unique to the City of Emeryville; and

**WHEREAS**, the Health and Safety Code requires that the City Council, before making any modifications and changes, makes an express finding that each modification or change is needed; and

**WHEREAS**, the City Council determines that the proposed ordinance establishes requirements equal to or greater than those set forth in the 2022 California Building Standards Code, Title 24, parts 2, 2.5, 3, 4, 5, 6, 8, 9, 10 and 11 of the California Code of Regulations; and

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**WHEREAS**, adoption of the 2022 California Building Standards Code and local amendments is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment in that it does not propose or commit to any construction activities. This action is further exempt from the definition of Project in Section 15378(b)(2) and (5) in that it concerns general administrative policies and procedures that will not result in direct or indirect physical changes in the environment.

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:**

#### **SECTION ONE. PURPOSE AND INTENT**

The purpose and intent of this Ordinance is to adopt the 2022 California Building Standards Code by repealing and replacing Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Title 8 of the Emeryville Municipal Code.

#### **SECTION TWO. REQUIRED FINDINGS**

Pursuant to Sections 13143.5, 17958.5, 17958.7, and 18941.5 of the California Health and Safety Code, a local jurisdiction may adopt amendments to the State Building Code when such amendments are reasonably necessary because of local climatic, geological, or topographical conditions. In adopting amendments to the State Building Code, the City Council finds that such local conditions exist in the City of Emeryville as follows:

1. Emeryville is located between 2 and 4 kilometers from the North Hayward fault, considered to be an active earthquake fault, and in seismic design category (SDC) D, a very high-risk earthquake area. Buildings and other structures in SDC D can experience seismic damage which could have an adverse impact on Fire protection. Any earth movement which causes buildings to move creates cracking and warping of fire walls, smoke barriers, door frames etc., thereby negating the effectiveness of these structural elements which are intended to prevent fire and smoke from spreading within the building. In the event of a fire in a large building, fire and smoke conditions can reach a magnitude which is beyond control capabilities of the fire department, thus resulting in major fire damage. The proposed amendments to the Building Code address the local geological conditions in Emeryville.
2. Emeryville is bisected topographically by Interstates 80 and 580. As a result, the City is divided into discrete districts. To travel between districts emergency vehicles must travel under and over vehicular bridges. Heavy traffic congestion

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on the City's surface streets and overpasses could act as a barrier for timely arrival of emergency vehicles. In the event of an accident or overpass failure due to an earthquake, sections of the City may become isolated or response time from first responders may be significantly slowed so as to increase the risk or severity of injury or property damage. The proposed amendments to the Building Code address the local topographical conditions in Emeryville.

3. The amendments related to Section 903 automatic fire extinguishing system (i.e. sprinklers), Section 1209.1.1 gas shut-off, excessive flow valves, Section 3302 Standards for Construction Site Fire Safety are more restrictive than the provisions in the State Building Code in that they require such systems in certain circumstances in which they are not required by the State Building Code. These proposed amendments address the local geological and topographical conditions in Emeryville.

### **SECTION THREE. REPEALING AND REPLACING CHAPTER 1 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 1 of Title 8 of the Emeryville Municipal Code is hereby repealed and replaced with the following:

#### **CHAPTER 1. BUILDING CODE**

##### **Sections:**

**8-1.1 Title.**

**8-1.2 Adoption.**

**8-1.3 Applicability of California Building Code Appendix Chapters**

**8-1.4 Amendments to California Building Code Volume 1**

##### **8-1.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Building Code of the City of Emeryville and will be referred to in this Chapter as "this code."

##### **8-1.2 Adoption.**

The following documents are hereby collectively adopted as the Building Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2021 International Building Code (IBC) Volume 1, as amended by the state and known as the 2022 California Building Code (CBC) Volume 1 (California Code of Regulations, Title 24, Part 2, Volume 1), as published by the International Code Council (ICC) and the California Building

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Standards Commission, and as further modified and amended by this Chapter; and

- B. The 2021 International Building Code (IBC) Volume 2, as amended by the state and known as the 2022 California Building Code (CBC) Volume 2 (California Code of Regulations, Title 24, Part 2, Volume 2), as published by the International Code Council (ICC) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

### **8-1.3 Applicability of California Building Code Appendix Chapters**

Wherever in the California Building Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted herein. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Employee Qualifications	Not Applicable / Not Adopted
B	Board of Appeals	Not Applicable / Not Adopted
C	Group U Agricultural Buildings	Not Applicable / Not Adopted
D	Fire Districts	Not Applicable / Not Adopted
E	Reserved	Not Applicable / Not Adopted
F	Rodent Proofing	Not Applicable / Not Adopted
G	Flood Resistant Construction	Not Applicable / Not Adopted
H	Signs	Not Applicable / Not Adopted
I	Patio Covers	Applicable BSC/HCD 1
J	Grading	Applicable BSC/HCD 1 and 2
K	Group R-3; R-3.1 Central Valley Flood Protection Plan	Not Applicable / Not Adopted
L	Earthquake Recording Instrumentation	Not Applicable / Not Adopted
M	Tsunami-Generated Flood Hazard	Not Applicable / Not Adopted
N	Replicable Buildings	Not Applicable / Not Adopted
O	Performance Base Application	Not Applicable / Not Adopted
P	Emergency Housing	Applicable/HCD 1 and 2

### **8-1.4 Amendments to California Building Code Volume 1**

Volume 1 of the 2022 California Building Code is hereby amended as follows:

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(a) Section 101.1 is amended to read as follows:

**101.1 Title.** The California Building Code, as amended by this Chapter, shall be known as the Building Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Building Code, are referred to hereafter as “these regulations” or “these building standards” or “this code.”

(b) Section 101.4.4 is amended to read as follows:

**101.4.4 Property maintenance.** The provisions of the International 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.

(c) Section 101.4.5 is amended to read as follows:

**101.4.5 Fire prevention.** The provisions of the California Fire Code as amended by the City of Emeryville 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 and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(d) Section 102.6.2 is added to read as follows:

**102.6.2 Buildings previously occupied.** Upon securing a City Business License, the applicant shall notify the fire department to verify existing occupancy or intended use. An inspection fee will be assessed per Master Fee Schedule.

(e) Section 103.1 is amended to read as follows:

**103.1 Creation of Enforcement Agency.** The Building Division of the City of Emeryville Community Development Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code.

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Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(f) Section 104.7 is amended to read as follows:

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

(g) Section 105.1.1 is added to read as follows:

**105.1.1 Permits. Required.**

(1) Re-stripping, re-surfacing or re-configuration of parking lots containing disabled access parking requires a building permit.

(h) Section 105.1.1 Annual Permits is deleted.

(i) Section 105.1.2 Annual Permit Records is deleted.

(j) Section 105.1.3 is added to read as follows:

**105.1.3 City Council Approval Required to Demolish Residential Structure.** The Building Official shall not issue a building permit to demolish a residential structure, as such terms are defined in Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code, except upon the approval of the City Council in conformance with Section 9-5.1209 of Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code.

(k) Section 105.1.4 is added to read as follows:

**105.1.4 City Council Approval Required to Demolish Significant Structure.** The Building Official shall not issue a building permit to demolish a significant structure, as such terms are defined in Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code, except upon the approval of the City Council in conformance with Section 9-5.1209 of Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code.

(l) Section 105.1.5 is reserved.

(m) Section 105.1.6 is added to read as follows:

**105.1.6 Unsafe or Dangerous Conditions.** Nothing in this section 105.1 shall prevent any measures of demolition necessary to correct unsafe or dangerous conditions of any building or part thereof, where the condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal and where the

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proposed measures have been declared necessary on an urgency basis by the official to correct the condition; provided however that the Building Official or Fire Marshal shall first provide written notice to the City Council and only such work as is absolutely necessary to correct the immediate danger is permitted and is done with due regard for the preservation of the appearance of the structure.

(n) Sub-sections 6 and 7 of Section 105.2 are amended to read as follows:

**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:

6. Sidewalks, decks, and driveways not more than 30 inches (762 mm) above adjacent grade, are not attached, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, resurfacing cabinets, resurfacing counter tops and similar finish work.

(o) Section 105.5.2 is added to read as follows:

**105.5.2 Renewal permit.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section 109.2 of this Chapter and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above the Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(p) Section 107.3.3 is amended to read as follows:

**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

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filed complying with pertinent requirements of this code and or approved by City departments. 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 operations and without assurance that a permit for the entire structure will be granted. A licensed design professional or agent authorized by the Building Official shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, construction coordination for compatibility with the design of the building for the duration of construction. Additional fees shall be assessed for any phase request and for each subsequent phase requests in accordance with the City of Emeryville Master Fee Schedule.

(q) Section 107.3.4.1 is added to read as follows:

**107.3.4.1 Deferred submittals.** Deferred submittals shall not be considered as Phased approval request.

(r) Section 109.1.1 is added to read as follows:

**109.1.1 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 addition fee, if any, has been paid in accordance with the City of Emeryville Master Fee Schedule.

(s) Section 109.1.2 is added to read as follows:

**109.1.2 Plan Review Fees.** When submittal documents are required by Section 107.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in the Section 109.1.1 of this Chapter. This review fee shall cover a maximum of two reviews and a consultation consisting of no more than one hour of staff time. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in City of Emeryville Master Fee Schedule; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, revisions after permit issuance, the additional plan review fee shall be charged as specified in said fee schedule.

(t) Section 109.1.3 is repealed.

(u) Section 109.2 is amended to read as follows:



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**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Emeryville Master Fee Schedule.

(v) Section 109.3 is amended to read as follows:

**109.3 Building Permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including, but not limited to, materials, labor, for which the permit is being issued, electrical, gas, mechanical, plumbing, equipment; bonds, insurance; costs associated with abatement and remedial work for grading; fees for permits issued by other jurisdictions; all fixed (e.g. secured to building) equipment and furniture, all equipment used in residential and non-residential facilities, all fixed items such as shelving racks and other storage devices; all overhead profits, and other soft costs. Permit valuations shall not include the value of land, design costs such as architect and engineer costs, and the costs for obtaining a City of Emeryville business tax certificate. A minimum valuation established by the Building Official or the declared valuation, whichever is higher, shall be used to calculate the permit and plan check fees in accordance with the City of Emeryville Master Fee Schedule. Proof of the declared valuation will be required to be submitted prior to the issuance of permits. Final building permit valuation shall be set by the Building Official.

(w) Section 109.4 is amended to read as follows:

**109.4 Work commencing before a permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be deemed as Construction work without required permits and subject to penalty fee assessment established by the City of Emeryville Master Fee Schedule that shall be in addition to the required permit fees.

(x) Section 109.6 is amended to read as follows:

**109.6 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee or applicant. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. No transfer of permit fees paid for one permit application to a subsequent permit application shall be authorized.

(y) Section 111.2 is amended to read as follows:

**Section 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 City of Emeryville, upon formal request of the permit applicant, tenant, or owner's representation, 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 or owner's authorized agent.
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 of the California Building Code.
9. The type of construction as defined in Chapter 6 of the California Building Code.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.
13. Prior to the issuance of the certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(z) Section 111.3 is amended to read as follows:

**Section 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

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safely, compliance for disabled access, (if applicable) conditions of approval verified for compliance, any City agreements consummated, and remaining fees paid. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Prior to the issuance of the temporary certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(aa) Section 111.5 is added to read as follows:

**Section 111.5 Abandonment of Legal Occupancy.** Whenever the legal occupancy or use of a building or structure, other than a 1 or 2 family dwelling, is abandoned continuously for a period of one (1) year or more, the said building or structure shall be considered to have no legal occupancy and shall be so declared by the Building Official. When this building or structure is next occupied or used after such declaration, it may be necessary to fully comply with the requirements for the new occupancy or use per the requirements of this code.

(bb) Section 114.1.1 is added to read as follows:

**Section 114.1.1 Occupancy violations.** Whenever any building or structure or equipment therein, or portion thereof, as is regulated by this code or by any other pertinent law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the Building Official, the Building Official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All vacation notices shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the Building Official shall post the notice in a conspicuous place. No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the Building Official.

(cc) Section 903.2.1 is amended to read as follows:

**Section 903.2.1 Group A Occupancies.** As required by Emeryville Municipal Code Title 4 Chapter 5.

(dd) Section 903.2.7 is amended to read as follows:

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**Section 903.2.7 Group M Occupancies.** As required by Emeryville Municipal Code Title 4 Chapter 5.

(ee) Section 903.2.11.6.1 is added to read as follows:

**Section 903.2.11.6. Other required suppression systems.** As required by Emeryville Municipal Code Title 4 Chapter 5.

(ff) Section 903.2.21 is added to read as follows:

**Section 903.2.21 Renovations.** As required by Emeryville Municipal Code Title 4 Chapter 5

(gg) Section 3302.3.1 is added to read as follows:

**Section 3302.3.1 Standards for Construction Site Fire Safety**

These standards are intended to prescribe minimum safeguards for new building construction projects in order to provide a reasonable degree of safety to life and property from fire during construction involving combustible materials. This document shall not be construed to be in lieu of any other applicable State or Federal law, or regulation related to construction site safety. The applicant or other designee of the building owner shall be responsible for compliance with these standards. When the term “shall” is used in this document, it means a mandatory requirement.

Exceptions:

- |    |  |
|----|--|
| 1. | 1 and 2 Family Dwellings               |
| 2. | U occupancies                          |
| 3. | Non-residential                        |
| 4. | As determined by the building official |

(hh) Section 3302.3.2 is added to read as follows:

**Section 3302.3.2 Fire Protection Plan**

A written Fire Protection Plan (FPP) shall be developed for significant or complex construction projects at the discretion of the building official. The plan shall be approved by the building official prior to proceeding past foundation work for new buildings. The written plan shall be consistent with the fire safety precautions as specified in this standard. The applicant is responsible for carrying out the provisions of the FPP and communicating it to all subcontractors. The FPP shall, as a minimum, include the following:

1. Removal of combustible debris
2. Maintenance of emergency access roads.
3. Site plans and Floor plans identifying the locations of the following:
  - a) Portable fire extinguishers.
  - b) Locations of fire hose valves during combustible construction.

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- c) Fire hydrants.
  - d) Standpipes.
  - e) Fire sprinkler systems including temporary shut-off valves (see below).
  - f) Fire walls.
  - g) Compartmentalization walls.
  - h) Fire water valve locations.
  - i) Detailed sprinkler plans during combustible construction.
4. The name and contact phone number of the Site Safety Director.

(ii) Section 3302.3.3 is added to read as follows:

**Section 3302.3.3 Site Security**

- 1. Site security plan.
- 2. Controlled access points / site fencing.
- 3. Security guard(s) to perform fire watch patrols after construction hours.
- 4. Provide security access control hardware with proximity readers and functionality, the system shall be strategically located throughout buildings for security guard to acknowledge during patrols.
- 5. Security camera coverage during combustible construction. Utilization of portable cameras is recommended.
- 6. Identify measures taken to prevent tampering of powering devices supplying power to security cameras.
- 7. Identify how fire service water valves are secured.

(jj) Section 3302.3.4 is added to read as follows:

**Section 3302.3.4 Fire Protection Systems**

- 1. Fire Hydrants: Where underground water mains and hydrants are required for the building(s) under construction, they shall be installed, completed, and in service prior to combustible construction materials accumulating on site.
- 2. Standpipes: Where standpipes are required, the standpipes shall be installed when the progress of construction is not more than 35 feet in height above the lowest level of the fire department access. Standpipes shall be provided with fire department hose connections at accessible locations adjacent to usable stairs. The standpipe system shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring. Each floor shall be provided with a 2½-inch fire hose valve for fire department use. Where construction height requires installation of a Class III standpipe, fire pumps and water main connections shall be provided to serve the standpipe. (EMC Section 903.2.11.6.1)
- 3. Fire Extinguishers: Portable fire extinguishers shall be provided and shall be mounted on a wall or post at each usable stairway and such that the travel distance to any extinguisher does not exceed 75 feet. Mounting height

to the top of the extinguisher shall not exceed 5 feet. Extinguishers shall not have less than a 2A10BC rating or as otherwise directed by the fire department. The general contractor shall ensure that an adequate number of individuals are trained in the proper use of portable fire extinguishers.

4. Fire Walls (Area Separation Walls): When Fire Walls (area separation walls) are required, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather protected at the location of the wall(s).

5. Fire Sprinkler Systems: Where automatic fire sprinkler systems are required to be installed, the system shall be placed in service as soon possible. For buildings of Type I or II non-combustible construction, activation of the fire sprinkler system may be delayed until combustible finishes, furnishings or equipment are installed, and the building or area is not used for combustible storage or any other purpose.

(i) Immediately upon the completion of sprinkler pipe installation on each floor level, the piping shall be hydrostatically tested and inspected. After inspection approval from the Fire Department, each floor level of sprinkler piping shall be connected to the system supply riser and placed into service with all sprinkler heads uncovered. Protective caps may be installed on the active sprinklers during the installation of drywall, texturing and painting, but shall be removed immediately after this work is completed. For system activation notification, install a temporary fire alarm water flow device and exterior alarm bell connected to the sprinkler water flow device.

6. Fire Sprinkler Systems during construction: Fire suppression system shall be installed and charged during combustible construction for floors below active wood framing level. A centralized shut-off valve may be installed under the following conditions to prevent accidental release of water during construction activities:

- a) The shut-off valve shall be in a secure location.
- b) Access to the shut-off valve is accessible only to site superintendent protected with lock and key.
- c) The shut-off valve shall be in a "open" status during non-working hours.
- d) The shut-off valve shall be subject to security cameras for reference.

(kk) Section 3302.3.5 is added to read as follows:

**Section 3302.3.5 Special Fire Protection Systems**

1. During the installation of Combustible Framing Members
2. Fire Walls: Fire walls and doors should be installed ASAP during combustible construction activities to assist in compartmentalizing wood framed zones.
3. Compartmentalization Walls: Compartmentalization wall construction shall be provided as follows:

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- a) Interior walls shall be completed with plywood sheathing into areas not exceeding 2,500 square feet per compartment. Openings are not required to be protected and
- b) Corridor walls construction shall be completed with plywood sheathing in each 5,000 square foot segments of buildings. Openings are not required to be protected.

(II) Section 3302.3.6 is added to read as follows:

**Section 3302.3.6 Other Combustible Materials**

- 1. Combustible Debris: Wood, dust, cardboard, packing material, form lumber, and similar combustible debris shall not be accumulated within buildings. Such debris, rubbish, and waste material shall be removed from buildings daily.
- 2. Oily Rags: Oily rags and similar material shall be stored in metal or other approved containers equipped with tight-fitting covers.

**SECTION FOUR. REPEALING AND REPLACING CHAPTER 2 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 2 of Title 8 of the Emeryville Municipal Code is hereby repealed and replaced with the following:

**CHAPTER 2 HISTORICAL BUILDING CODE**

**Sections:**

**8-2.1 Title.**

**8-2.2 Adoption.**

**8-2.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Historical Building Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

**8-2.2 Adoption.**

The following documents are hereby collectively adopted as the Historical Building Code of the City of Emeryville:

- A. The 2022 California Historical Building Code (California Code of Regulations, Title 24, Part 8), as published by the International Code Council (ICC) and the California Building Standards Commission, and as codified in Health and Safety Code Sections 18950 to 18961 of Division 13, Part 2.7.

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A copy of this code is on file in the office of the Building Official.

## **SECTION FIVE. REPEALING AND REPLACING CHAPTER 3 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 3 of Title 8 of the Emeryville Municipal Code is hereby repealed and replaced with the following:

### **CHAPTER 3 EXISTING BUILDING CODE**

#### **Sections:**

**8-3.1 Title.**

**8-3.2 Adoption.**

#### **8-3.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Existing Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

#### **8-3.2 Adoption.**

The following documents are hereby collectively adopted as the Existing Building Code of the City of Emeryville:

- A. The 2022 California Existing Building Code (CEBC) (California Code of Regulations, Title 24, Part 10), as published by the International Code Council (ICC) and the California Building Standards Commission.

A copy of this code is on file in the office of the Building Official.

## **SECTION SIX. REPEALING AND REPLACING CHAPTER 4 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 4 of Title 8 of the Emeryville Municipal Code is hereby repealed and replaced with the following:

### **CHAPTER 4 RESIDENTIAL CODE**

#### **Sections:**

**8-4.1 Title.**

**8-4.2 Adoption.**



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### **8-4.3 Applicability of California Residential Code Appendix Chapters**

### **8-4.4 Amendments to California Residential Code**

#### **8-4.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Residential Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

#### **8-4.2 Adoption.**

The following documents are hereby collectively adopted as the Residential Code for the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2021 International Residential Code (IRC) as amended by the state and known as the 2022 California Residential Code (CRC) as published by the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

#### **8-4.3 Applicability of California Residential Code Appendix Chapters**

Wherever in the California Residential Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted herein. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
AA	Reserved	Not Applicable / Not Adopted
AB	Reserved	Not Applicable / Not Adopted
AC	Reserved	Not Applicable / Not Adopted
AD	Reserved	Not Applicable / Not Adopted
AE	Reserved	Not Applicable / Not Adopted
AF	Radon Control Methods	Not Applicable / Not Adopted
AG	Reserved	Not Applicable / Not Adopted
AH	Patio Covers	Applicable / HCD 1
AI	Private Sewer Disposal	Not Applicable / Not Adopted
AJ	Existing Building and Structures	Not Applicable / Not Adopted
AK	Sound Transmission	Not Applicable / Not Adopted
AL	Permit Fees	Not Applicable / Not Adopted
AM	Reserved	Not Applicable / Not Adopted

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AN	Reserved	Not Applicable / Not Adopted
AO	Automatic Vehicular Gates	Not Applicable / Not Adopted
AP	Reserved	Not Applicable / Not Adopted
AQ	Tiny Houses	Applicable / HCD 1 and 2
AR	Light Straw-Clay Construction	Not Applicable / Not Adopted
AS	Straw bale Construction	Applicable / HCD 1
AT	Solar Ready Provisions Detached R3 and Townhouses	Not Applicable / Not Adopted
AU	Monolithic Adobe	Not Applicable / Not Adopted
AV	Board of Appeals	Not Applicable / Not Adopted
AW	3D-Printed Building Construction	Not Applicable / Not Adopted
AX	Swimming Pool Safety Act	Applicable / BSC
AY	Areas Protected Facilities Central Valley Flood	Not Applicable / Not Adopted
AZ	Emergency Housing	Applicable / HCD 1

#### 8-4.4 Amendments to California Residential Code.

The 2022 California Residential Code is hereby amended as follows:

(a) Section R101.1 is amended to read as follows:

**R101.1 Title.** The California Residential Code, as amended by this Chapter, shall be known as the Residential Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Residential Code, are referred to hereafter as “these regulations” or “these building standards” or “this code.”

(b) Section R101.4 is added to read as follows:

**R101.4 Property maintenance.** The provisions of the International 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.

(c) Section R101.5 is added to read as follows:

**R101.5 Fire prevention.** The provisions of the California Fire Code as amended by the City of Emeryville 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

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suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(d) Section R103.1 is amended to read as follows:

**R103.1 Creation of Enforcement Agency.** The Building Division of the City of Emeryville Community Development Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(e) Section R104.12 is added to read as follows:

**Unsafe or Dangerous Conditions.** Nothing in this section shall prevent any measures of demolition necessary to correct unsafe or dangerous conditions of any building or part thereof, where the condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal and where the proposed measures have been declared necessary on an urgency basis by the official to correct the condition; provided however that the Building Official or Fire Marshal shall first provide written notice to the City Council and only such work as is absolutely necessary to correct the immediate danger is permitted and is done with due regard for the preservation of the appearance of the structure.

(f) Section R105.2 is amended as follows:

**R105.2 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:

5. Sidewalks, decks, and driveways not more than 30 inches (762 mm) above adjacent grade, are not attached, and not over any basement or story below and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, resurfacing cabinets, resurfacing counter tops and similar finish work.
10. Decks, not more than 30 inches (762 mm) above adjacent grade, that are not attached and not over any basement or story below and are not part of an accessible route.

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(g) Section 105.5.1 is added and amended to read as follows:

**105.5.1 Renewal permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section R108.1 of this Chapter and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above the Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(h) Section R105.5.2 is added to read as follows:

**R105.5.2 Completion permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section R108.1 of this Chapter and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within one (1) year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(i) Section R106.3.3 is amended to read as follows.

**R106.3.3 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

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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 and or approved by City departments. 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 operations and without assurance that a permit for the entire structure will be granted. A licensed design professional or agent authorized by the Building Official shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, construction coordination for compatibility with the design of the building for the duration of construction. Additional fees shall be assessed for any phase request and for each subsequent phase requests in accordance with the City of Emeryville Master Fee Schedule.

(j) Section R108.1 is amended to read as follows:

**R108.1 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 addition fee, if any, has been paid in accordance with the City of Emeryville Master Fee Schedule.

(k) Section R108.1.1 is added to read as follows:

**R108.1.1 Plan Review Fees.** When submittal documents are required by Section R106.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in the Section 109.1.1 of this Chapter. This review fee shall cover a maximum of two reviews and a consultation consisting of no more than one hour of staff time. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in City of Emeryville Master Fee Schedule; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, revisions after permit issuance, the additional plan review fee shall be charged as specified in said fee schedule.

(l) Section R108.1.2 is Repealed.

(m) Section R108.2 is amended to read as follows:

**R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each

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permit shall be paid as required, in accordance with the City of Emeryville Master Fee Schedule.

(n) Section R108.3 is amended to read as follows:

**R108.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including, but not limited to, materials, labor, for which the permit is being issued, electrical, gas, mechanical, plumbing, equipment; bonds, insurance; costs associated with abatement and remedial work for grading; fees for permits issued by other jurisdictions; all fixed (e.g. secured to building) equipment and furniture, all equipment used in residential and non-residential facilities, all fixed items such as shelving racks and other storage devices; all overhead profits, and other soft costs. Permit valuations shall not include the value of land, design costs such as architect and engineer costs, and the costs for obtaining a City of Emeryville business tax certificate. A minimum valuation established by the Building Official or the declared valuation, whichever is higher, shall be used to calculate the permit and plan check fees in accordance with the City of Emeryville Master Fee Schedule. Proof of the declared valuation will be required to be submitted prior to the issuance of permits. Final building permit valuation shall be set by the Building Official.

(o) Section R108.5 is amended to read as follows:

**R108.5 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee or applicant. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. No transfer of permit fees paid for one permit application to a subsequent permit application shall be authorized.

(p) Section R108.6 is amended to read as follows:

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**R108.6 Work commencing before a permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the City of Emeryville Master Fee Schedule that shall be in addition to the required permit fees.

(q) Section R110.3 is amended to read as follows:

**R110.3 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 City of Emeryville, upon formal request of the permit applicant, tenant, owner's representation, 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 or owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. Statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. If an automatic sprinkler system is provided, whether the sprinkler system is required.
9. Any special stipulations and conditions of the building permit.
10. Prior to the issuance of the certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(r) Section R110.4 is amended to read as follows:

**R110.4 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, compliance for disabled access, (if applicable) conditions of approval verified for compliance, any City agreements consummated, and remaining fees paid. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Prior to the issuance of the temporary certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(s) Section R110.6 is added to read as follows:

**R110.6 Notice of violation.** Whenever any building or structure or equipment therein, or portion thereof, as is regulated by this code or by any other pertinent

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law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the Building Official, the Building Official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All vacation notices shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the Building Official shall post the notice in a conspicuous place. No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the Building Official.

## **SECTION SEVEN. REPEALING AND REPLACING CHAPTER 5 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 5 of Title 8 of the Emeryville Municipal Code is hereby repealed and replaced with the following:

### **CHAPTER 5. MECHANICAL CODE**

#### **Sections:**

**8-5.1 Title.**

**8-5.2 Adoption.**

**8-5.3 Applicability of California Mechanical Code Appendix Chapters**

**8-5.4 Amendments to California Mechanical Code**

#### **8-5.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Mechanical Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

#### **8-5.2 Adoption.**

The following documents are hereby collectively adopted as the Mechanical Code for the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2021 Uniform Mechanical Code (UMC) as amended by the state and known as the 2022 California Mechanical Code (CMC) as published by the International Association of Plumbing and Mechanical Officials (IAPMO)



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and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

### **8-5.3 Applicability of California Mechanical Code Appendix Chapters.**

Wherever in the California Mechanical Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted by this code. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Residential Plan Examiner Review Form for HVAC System Design	Not Applicable / Not Adopted
B	Procedures to be followed to place Gas Equipment in Operation	Not Applicable / Not Adopted
C	Installation and Testing of Oil (Liquid) Fuel-Fired Equipment.	Not Applicable / Not Adopted
D	Manufactured Mobile Home Park/Rec. Parks	Not Applicable / Not Adopted
E	Sustainable Practices	Not Applicable / Not Adopted
F	Geothermal Energy Systems	Not Applicable / Not Adopted
G	Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design	Not Applicable / Not Adopted
H	Example Calculation of Outdoor Air Rate	Not Applicable / Not Adopted

### **8-5.4 Amendments to California Mechanical Code.**

The 2022 California Mechanical Code is hereby amended as follows:

(a) Section 101.1 is amended to read as follows:

**101.1 Title.** The California Mechanical Code, as amended by this Chapter, shall be known as the Mechanical Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Mechanical Code are referred to hereafter as “these regulations” or “these standards” or “this code.”

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(b) Section 103.0 is added to read as follows:

**103.0 Duties and Powers of the Authority Having Jurisdiction.** The Building Division of the City of Emeryville Community Development Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(c) Section 104.4.4 is added and amended to read as follows:

**104.4.4.1 Renewal Permit** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit. The payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in the City of Emeryville Master Fee Schedule and in accordance with the schedule of previously completed and inspected work. Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within one (1) year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(d) Section 104.5 is amended to read as follows:

**104.5 Permit Fees.** The fee for each permit shall be as set forth in accordance with the City of Emeryville Master Fee Schedule.

(e) Section 104.5.3 added to read as follows:

**104.5.3 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee or applicant.

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The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. No transfer of permit fees paid for one permit application to a subsequent permit application shall be authorized.

(f) Section 104.5.4 is added to read as follows:

**104.5.4 Plan Review Fees.** When submittal documents are required by Section R106.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in the Section 109.1.1 of this Chapter. This review fee shall cover a maximum of two reviews and a consultation consisting of no more than one hour of staff time. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in City of Emeryville Master Fee Schedule; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, revisions after permit issuance, the additional plan review fee shall be charged as specified in said fee schedule.

## **SECTION EIGHT. REPEALING AND REPLACING CHAPTER 6 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 6 of Title 8 of the Emeryville Municipal Code is hereby repealed and replaced with the following:

### **CHAPTER 6. PLUMBING CODE**

#### **Sections:**

##### **8-6.1 Title.**

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## **8-6.2 Adoption.**

## **8-6.3 Applicability of California Plumbing Code Appendix Chapters**

## **8-6.4 Amendments to California Plumbing Code**

### **8-6.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Plumbing Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

### **8-6.2 Adoption.**

The following documents are hereby collectively adopted as the Plumbing Code of the City of Emeryville:

- A. The 2021 Uniform Plumbing Code (UPC) as amended by the state and known as the 2022 California Plumbing Code (CPC) as published by the International Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

### **8-6.3 Applicability of California Plumbing Code Appendix Chapters.**

Wherever in the California Plumbing Code reference is made to an appendix Chapter, the provisions of said appendix Chapter shall not apply unless specifically adopted by this code. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Recommended Rules for Sizing the Water Supply System	Applicable HCD 1 and 2
B	Explanatory Notes on Combination Waste and Vent Systems	Not Applicable / Not Adopted
C	Alternate Plumbing Systems	Not Applicable / Not Adopted
D	Sizing Storm Water Drainage Systems	Applicable HCD 1 and 2
E	Manufactured/Mobile Home Parks and Recreational Vehicle Parks	Not Applicable / Not Adopted
F	Firefighter Breathing Air Replenishment Systems	Not Applicable / Not Adopted
G	Sizing of Venting Systems	Not Applicable / Not Adopted
H	Private Sewage Disposal Systems	Applicable HCD 1 and 2
I	Installation Standards	Applicable HCD 1 and 2

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Appendix Chapter	Subject	Applicability
J	Combination of Indoor and Outdoor Combustion and Ventilation Opening Design	Not Applicable / Not Adopted
K	Potable Rainwater Catchment Systems	Not Applicable / Not Adopted
L	Sustainable Practices	Not Applicable / Not Adopted
M	Peak Water Demand Calculator	Not Applicable / Not Adopted
N	Impact Water Temp/Scalding/Legion Growth	Not Applicable / Not Adopted

#### 8-6.4 Amendments to California Plumbing Code.

The 2022 California Plumbing Code is hereby amended as follows:

(a) Section 101.1 is amended to read as follows:

**101.1 Title.** The Uniform Plumbing Code, as amended by this Chapter, shall be known as the Plumbing Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Plumbing Code, are referred to hereafter as “these regulations” or “these standards” or “this code.”

(b) Section 103.0 is amended to read as follows:

**103.0 Duties and Powers of the Authority Having Jurisdiction.** The Building Division of the City of Emeryville Community Development Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(c) Section 104.1.1 is added to read as follows:

**104.1.1 Permits Required General Requirements for Gas Shut-Off Valves.** Automatic gas shut-off valves installed either in compliance with this Section or voluntarily pursuant to a plumbing permit, shall comply with Chapter 12 of the 2022 California Plumbing Code is adopted in its entirety subject to the modifications thereto which are set forth.

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(d) Section 104.3.2 is amended to read as follows:

**104.3.2 Plan Review Fees.** When submittal documents are required by Section R106.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in the Section 109.1.1 of this Chapter. This review fee shall cover a maximum of two reviews and a consultation consisting of no more than one hour of staff time to review. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in City of Emeryville Master Fee Schedule; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, revisions after permit issuance, the additional plan review fee shall be charged as specified in said fee schedule.

(e) Section 104.4.3.1 is added to read as follows:

**104.4.3.1 Renewal Permit.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit. The payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in the City of Emeryville Master Fee Schedule and in accordance with the schedule of previously completed and inspected work. Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within one (1) year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(f) Section 104.5 is amended to read as follows:

**104.5 Permit Fees.** The fee for each plumbing permit shall be as set forth in accordance with the City of Emeryville Master Fee Schedule.

(g) Section 104.5.3 amended to read as follows:

**104.5.3 Fee Refunds.** The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee or applicant. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. No transfer of permit fees paid for one permit application to a subsequent permit application shall be authorized.

(h) Section 1209.1.1 is added to read as follows:

**1209.1.1 General Requirements for Gas Shut-Off Valves.** Automatic gas shut-off valves installed either in compliance with this Section or voluntarily pursuant to a plumbing permit issued on or after the effective date of this Section, shall comply with the following:

(i) Section 1209.1.2 is added to read as follows:

**1209.1.2 Installation.** Motion activated seismic gas shut-off valves shall be mounted rigidly to the exterior of the building or structure containing the fuel gas piping and installed downstream side of the gas utility meter unless otherwise specified in the manufacturer's installation instructions.

(j) Section 1209.1.3 is added to read as follows:

**1209.1.3 Definitions.** For the purpose of this Section terms shall be defined as follows:

AUTOMATIC GAS SHUT-OFF VALVE shall mean either a motion activated gas shut-off valve or device or an excess flow gas shut-off valve or device.  
DOWNSTREAM OF GAS UTILITY METER shall mean all gas piping on the property owner's side of the gas meter and after the service tee.  
EXCESS FLOW GAS SHUT-OFF VALVE shall mean an approved valve or device that is activated by significant gas leaks or overpressure surges that can occur when pipes rupture inside a structure. Such valves are installed at

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each appliance, unless otherwise specified by the manufacturer's installation instructions.

**MOTION ACTIVATED GAS SHUT OFF VALVE** shall mean an approved gas valve activated by motion. Valves are set to activate in the event of a moderate or strong seismic event greater than 5.0 on the Richter scale.

**UPSTREAM OF GAS UTILITY METER** shall mean all gas piping installed by the utility up to and including the meter and the utility's service tee.

(k) Section 1209.1.4 is added to read as follows:

**1209.1.4 Devices When Required.** Approved automatic gas shut-off valves shall be installed as follows:

- (1) **New Construction.** In any new building construction containing gas piping for which a building permit is first issued on or after the effective date of this Section.
- (2) **Existing Buildings.** In any existing building, when any addition, alteration or repair is made for which a building permit is issued on or after the effective date of this Section and the valuation for the work exceeds \$50,000.

(l) Section 1209.1.5 is added to read as follows:

**1209.1.5 Listed Devices.** Approved automatic gas shut-off valves shall be installed:

1. Be tested and listed by recognized testing agencies such as the Independent Laboratory of the International Approval Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO) or any other agency approved by the State of California Office of the State Architect (OSA).
2. Be listed by the State of California Office of the State Architect (OSA).
3. Be installed on downstream side of the gas utility meter.
4. Be installed in accordance with the manufacturer's instructions.
5. Be installed in accordance with a plumbing permit issued by the City of Emeryville.
6. Provide a method for expedient and safe gas shut-off in an emergency.
7. Provide a capability for ease of consumer or owner resetting in a safe manner.

(Exceptions)

1. Buildings with individually metered residential units when the building contains 5 or more residential units, unless the units are condominiums.
2. For residential or mixed-use condominium buildings, valves are required when the value of the work exceeds \$50,000 in any single condominium unit or when any work done outside of the units exceeds \$50,000.
3. Commercial occupancies and uses in mixed use buildings of residential and non-residential occupancies with a single gas service line larger than 1 1/2 inches that serves the entire building.



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4. Automatic gas shut-off valves installed with a building permit on a building prior to the effective date of this Section provided the valves remain installed on the building or structure and are adequately maintained for the life of the building or structure.
5. Automatic gas shut-off valves installed on a gas distribution system owned or operated by a public utility.

## **SECTION NINE. REPEALING AND REPLACING CHAPTER 7 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 7 of Title 8 of the Emeryville Municipal Code is hereby repealed and replaced with the following:

### **CHAPTER 7. ELECTRICAL CODE**

#### **Sections:**

**8-7.1 Title.**

**8-7.2 Adoption.**

#### **8-7.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Electrical Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

#### **8-7.2 Adoption.**

The following documents are hereby collectively adopted as the Electrical Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2020 National Electrical Code (NEC) as amended by the state and known as the 2022 California Electrical Code (CEC) as published by the National Fire Protection Association (NFPA) and the California Building Standards Commission. (California Code of Regulations, Title 24, Part 3.)

A copy of this code is on file in the office of the Building Official.

## **SECTION TEN. REPEALING AND REPLACING CHAPTER 8 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 8 of Title 8 of the Emeryville Municipal Code is hereby repealed and replaced with the following:

### **CHAPTER 8. GREEN BUILDING STANDARDS CODE**

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**Sections:**

**8-8.1 Title.**

**8-8.2 Adoption.**

**8-8.3 Amendments to California Green Building Standards Code.**

**8-8.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Green Building Standards Code of the City of Emeryville or the CALGreen Code and will be referred to in this Chapter as “this code”.

**8-8.2 Adoption.**

The following documents are hereby collectively adopted as the Green Building Standards Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2022 Green Building Standards Code (CALGreen Code) as promulgated by the California Building Standards Commission (CBSC).

A copy of this code is on file in the office of the Building Official.

**8-8.3 Amendments to California Green Building Standards Code.**

The 2022 California Green Building Standards Code is hereby amended as follows:

(a) Section 202 is added to read as follows:

**Section 202: Definitions.**

ADDITION. An extension or increase in floor area of an existing building or structure.

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.

ALTERATION OR ALTER. Any construction or renovation to an existing structure other than repair for the purpose of maintenance or addition.

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

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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.

**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.

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

**NEWLY CONSTRUCTED (or NEW CONSTRUCTION).** A newly constructed building (or new construction) does not include additions, alterations or repairs.

(b) Section 4.106.5 is added to read as follows:

**Section 4.106.5 All Electric Buildings.**

New construction buildings and qualifying alteration projects 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.

(c) Section 4.106.5.1 is added to read as follows:

**Section 4.106.5.1 New construction and qualifying alteration projects.**

All newly constructed buildings shall be all-electric buildings. Alterations that include replacement of over 50 percent of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall be all-electric buildings. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the all-electric building's requirements.

Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by the Building Official.

Exceptions:

1. Residential-occupancy projects for which a building permit application has been filed prior to July 13, 2022 are exempt.

2. 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 4.106.5.2.

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

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(d) Section 4.106.5.2 is added to read:

**Section 4.106.5.2 Requirements for combustion equipment.**

Where combustion equipment is allowed per Exceptions under 4.106.5.1, 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.

(e) Section 5.106 is added to read

**Section 5.106 – All Electric Buildings**

New construction buildings and qualifying alteration projects 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.

(f) Section 5.106.13.1 is added to read:

**5.106.13.1. New construction and qualifying alteration projects.**

All newly constructed buildings shall be all-electric buildings. Alterations that include replacement of over 50 percent of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code

Section 202; or where over 50 percent of the existing framing above the sill plate is removed or replaced for purposes other than repair, shall be all-electric buildings. If either of these criteria are met within a three-year period, measured from the date of the most recent previously obtained permit final date, the project shall be subject to the all-electric buildings requirements.

Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by the local enforcing agency.

Exceptions:

- (1) Nonresidential buildings containing kitchens located in a place of public accommodation, as defined in the California Building Code Chapter 2, may apply to the local enforcing agency for a modification to install commercial food heat-processing equipment served by fuel gas. The local enforcing agency may grant the modification if they find:
  - (a) A business-related need to cook with combustion equipment; and
  - (b) The need cannot be achieved equivalently with an electric heating appliance; and
  - (c) The applicant has employed reasonable methods to mitigate the greenhouse gas emissions of the combustion equipment.
  - (d) The applicant shall comply with Section 5.106.13.2.
- (2) 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.
- (3) 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.
- (4) B; F; H; and L occupancies, as defined in the California Building Code, in nonresidential buildings may utilize fuel gas in on-site space heating equipment. Laboratories classified as B occupancy may also utilize fuel gas in on-site space heating equipment. The applicant shall comply with Section 5.106.13.2.
- (5) Non-residential-occupancy projects that have been approved for a Planning Permit as defined in the Planning Regulations at Section 9-8.216(y) of Title 9 of the Emeryville Municipal Code, or a Zoning Compliance Review as defined in the Planning Regulations at Section 9-8.226(e) of Title 9 of the Emeryville Municipal Code, prior to January 1, 2023, shall be exempt from the All-Electric Building local amendments. Non-residential-occupancy projects which do not require planning approval, and for which a building permit application has been filed prior to January 1, 2023 are also exempt.

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- (6) Alternative materials, design and methods of construction or equipment may be considered per California Building Code Section 104 and approved by the Building Official.

- (g) Section 5.106.13.2. is added to read:

**Section 5.106.13.2 Requirements for combustion equipment.**

Where combustion equipment is allowed per exceptions under Section 5.106.13.1, 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.

**SECTION ELEVEN. REPEALING AND REPLACING CHAPTER 9 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 9 of Title 8 of the Emeryville Municipal Code is hereby repealed and replaced with the following:

**CHAPTER 9. PROPERTY MAINTENANCE CODE**

**Sections:**

**8-9.1 Title.**

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## **8-9.2 Adoption.**

### **8-9.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Property Maintenance Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

### **8-9.2 Adoption.**

The following documents are hereby collectively adopted as the Property Maintenance Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2021 International Property Maintenance Code (IPMC) as promulgated by the International Code Council (ICC).

A copy of this code is on file in the office of the Building Official.

## **SECTION TWELVE. REPEALING AND REPLACING CHAPTER 10 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 10 of Title 8 of the Emeryville Municipal Code is hereby repealed and replaced with the following:

### **CHAPTER 10.ENERGY CODE**

#### **Sections:**

##### **8-10.1 Title.**

##### **8-10.2 Adoption.**

### **8-10.1 Title.**

The Ordinance codified in this Chapter shall be known and may be cited as the Energy Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

### **8-10.2 Adoption.**

The following documents are hereby collectively adopted as the Energy Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

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- A. The 2022 California Energy Code (CEC) as promulgated by the California Building Standards Commission (CBSC).

A copy of this code is on file in the office of the Building Official.

### **SECTION THIRTEEN. CEQA DETERMINATION**

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment because it does not propose or commit to any construction activities. This action is further exempt from the definition of Project in Section 15378(b)(2) and (5) in that it concerns general administrative policies and procedure making that will not result in direct or indirect physical changes in the environment.

### **SECTION FOURTEEN. SEVERABILITY**

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared 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 FIFTEEN. EFFECTIVE DATE**

The Chief Building Official is directed to file a copy of this Ordinance with the California Building Standards Commission. Upon such filing with the California Building Standards Commission, this Ordinance shall take effect on January 1, 2023. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33633.

### **SECTION SIXTEEN. CODIFICATION**

Sections Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, and Twelve of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Two, Thirteen, Fourteen, Fifteen, and Sixteen shall not be so codified.



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This Ordinance was **INTRODUCED AND FIRST READ** by the City Council of the City of Emeryville at a regular meeting held Tuesday, November 1, 2022, and **PASSED AND DOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, November 15, 2022, by the following vote:

AYES:	<u>5</u>	Mayor Bauters, Vice Mayor Medina and Council Members Donahue, Martinez, and Welch
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

DocuSigned by:  
*John Bauters*  
C7389B49E2C9458...  
MAYOR

ATTEST:

DocuSigned by:  
*April Richardson*  
9AF9F67CE0284D8...  
CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:  
*Christie Crowl, as Acting City Attorney*  
5F6E58813741458...  
LEGAL COUNSEL