

## ORDINANCE NO. 19-012

**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 15061(b)(3) And 15378(b)(2))**

**WHEREAS**, the City of Emeryville’s Building Regulations are codified in Title 8 of the Emeryville Municipal Code and were last updated in 2016; 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 15-16, 2019, the California Building Standards Commission adopted the 2018 International Building Code, 2018 International Residential Code, 2019 California Existing Building Code, 2019 California Historical Building Code, 2018 International Property Maintenance Code, 2019 California Green Building Standards Code, 2018 Uniform Mechanical Code, 2018 Uniform Plumbing Code, 2017 National Electrical Code, and the 2019 International Energy Conservation Code as the 2019 California Building Standards Code collectively; and

**WHEREAS**, State law requires local jurisdictions to enforce the 2019 California Building Standards Code beginning January 1, 2020; 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 2019 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;



**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 2019 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 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 of the 2019 California Building Code, "Automatic sprinkler systems", Section 1209 of the 2019 California Plumbing Code, "Excessive flow valves", and Section 3302.3 of the 2019 California Building Code, "Fire safety during construction", 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 2018 International Building Code (IBC) Volume 1, as amended by the state and known as the 2019 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 Standards Commission, and as further modified and amended by this Chapter; and
- B. The 2018 International Building Code (IBC) Volume 2, as amended by the state and known as the 2019 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**

## **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 2017 National Electrical Code (NEC) as amended by the state and known as the 2019 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 replace with the following:

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

### **Sections:**

#### **8-8.1 Title.**

#### **8-8.2 Adoption.**

#### **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 2019 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.

## **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.**

#### **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 2018 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:

- A. The 2019 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) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of Project in Section 15378(b)(2) in that it concerns general policy and procedure making.

## **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 2, 2020. 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.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, November 19, 2019 and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, December 3, 2019 by the following vote:


AYES:	5	Mayor Patz, Vice Mayor Martinez, and Council Members Bauters, Donahue, and Medina
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

  
MAYOR

ATTEST:

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

