STATE OF CALIFORNIA – GOVERNMENT OPERATIONS AGENCY
GOVERNOR EDMUND G. BROWN JR.

BUILDING STANDARDS COMMISSION
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959

January 6, 2014

William Schock
Chief Building Official
City of San Leandro
835 E. 14th Street
San Leandro, CA 94577

RE: Ordinance #2013-009 through 2013-018

Dear Mr. Schock:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 2, 2013.

Our review finds the submittal to contain nine ordinances modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modifications are accepted for filing and are enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577
www.sanleandro.org

2013 DEC -2 P
CALIFORNIA BUILDING
STANDARDS COMMISSION

November 26, 2013

Jim McGowan, Executive Director
Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Subject: **State-Mandated California Building Standards Codes**

Dear Mr. McGowan:

The San Leandro City Council adopted **Resolution No. 2013-135**, resolution finding and determining the need for amendments to provisions in the State-Mandated California Building Standards Code to be adopted by reference in the San Leandro Municipal Code, at its meeting of October 21, 2013, and adopted **Ordinance Nos. 2013-009 through 2013-018** at its meeting of November 18, 2013, for the requisite amendments.

Copies of these documents are enclosed for your files.

Sincerely,

Vivian Chiu
Deputy City Clerk

Enclosures: 11

cc: William Schock, Chief Building Official

Stephen H. Cassidy, Mayor

City Council: Pauline Russo Cutter, Jim Prola, Michael J. Gregory, Ursula Reed, Benny Lee, Diana M. Souza

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2013-135

RESOLUTION FINDING AND DETERMINING THE NEED FOR AMENDMENTS TO PROVISIONS IN THE STATE-MANDATED CALIFORNIA BUILDING STANDARDS CODE TO BE ADOPTED BY REFERENCE IN THE SAN LEANDRO MUNICIPAL CODE

WHEREAS, Health and Safety Code Section 18938 makes provisions published in the California Building Standards Code pursuant to Health and Safety Code Section 17922 applicable to all occupancies throughout the state and effective one hundred and eighty days after publication by the California Building Standards Commission (the Commission), or at a later date established by the Commission; and

WHEREAS, Health and Safety Code Section 17958 permits cities to amend the requirements of the California Building Standards Code in accordance with Health and Safety Code Sections 17958.5 and 17958.7; and

WHEREAS, Health and Safety Code Section 17958.5 permits cities in adopting provisions of the California Building Standards Code to make such changes in such provisions as the city determines, pursuant to Health and Safety Code Section 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, Health and Safety Code Section 17958.7 requires that a city, before making changes pursuant to Health and Safety Code Section 17958.5, must make an express finding that such changes are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, under Health and Safety Code Section 17958.7, changes pursuant to Health and Safety Code Section 17958.5 may not become effective until the required findings, and the changes, have been filed with the California Building Standards Commission; and

WHEREAS, Government Code Section 50022.2 permits enactment of city ordinances that adopt codes or statutes, including codes of the State of California, by reference; and

WHEREAS, the City Council of the City of San Leandro (the City Council) intends to adopt ordinances adopting by reference provisions of the California Building Standards Code; and

WHEREAS, such ordinances incorporate changes to the California Building Standards Code pursuant to Health and Safety Code Section 17958.5; and

WHEREAS, certain of such changes have been previously filed with the California Building Standards Commission pursuant to Health and Safety Code Section 17958.7; and

WHEREAS, the City Council has reviewed the reasons for the previous changes to the

California Building Standards Code set forth in Exhibits A, B and D; and

WHEREAS, certain changes are new and have not previously been filed with the California Building Standards Commission pursuant to Health and Safety Code Section 17958.7; and

WHEREAS, the City Council has reviewed the reasons for such new proposed changes to the California Building Standards Code set forth in Exhibit C.

NOW, THEREFORE, BE IT RESOLVED that the City Council, in accordance with Health and Safety Code Section 17958.7, does hereby declare and find that the changes to the provisions of the California Building Standards Code set forth in Exhibits A, B, C and D are reasonably necessary because of local climatic, geologic, or topographical conditions; and

BE IT FURTHER RESOLVED that a copy of this Resolution, including Exhibits A, B, C and D shall be filed with the California Building Standards Commission in accordance with Health and Safety Code Section 17958.7.

Introduced by Councilmember Cutter and passed and adopted this 21st day of October, 2013, by the following vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

EXHIBIT A TO RESOLUTION NO. 2013-135

FINDINGS AND DETERMINATION THAT CHANGES OR MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE, AND THE CALIFORNIA BUILDING CODE, 2013 EDITION, ARE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS

1. In connection with the adoption by reference of the International Building Code, 2012 Edition, as amended by the State of California in that document entitled "The California Building Standards Code," it is hereby expressly found and determined that the following changes are reasonably necessary because of local climatic, geological or topographical conditions:

Section 7-5-135 FOOTING SEISMIC REINFORCING

Section R403.1.3 of the 2013 California Residential Code is amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars, one top and one bottom and not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

Section 7-5-140 CONSTRUCTION METHODS FOR BRACED WALL PANELS AND TABLE R602.10.3(3)

Section R602.10.4 is added and **Table R602.10.3(3)** revised to read as follow:

Add a new footnote "e" to the end of CRC Table R602.10.3(3), to read:

e. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the "e" footnote notation in the title of Table R602.10.3(3) to read:

TABLE R602.10.3(3)[e]

Add a new subsection R602.10.4.4, to read:

R602.10.4.4 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Section 7-5-145: MULTIPLE HAZARDS: OUTDOOR STORAGE.

(a) When a hazardous material has multiple hazards, all hazards shall be addressed and controlled in accordance with the provisions of this chapter. When overhead noncombustible construction is provided for sheltering exterior hazardous material storage areas, such storage shall not be considered indoor storage when all of the following conditions are met:

(1) Supports shall be of noncombustible construction.
(2) Supports and walls shall not obstruct more than 25 percent of the perimeter of the storage area.
(3) The distance to buildings, property lines, streets, alleys, public ways or exits to a public way shall not be less than the distance required for an exterior hazardous material storage area without weather protection.

Section 7-5-150: RESERVED

Section 7-5-155: NONCOMBUSTIBLE CONSTRUCTION Section 414.6.1.3 of the Code is added to read as follows:

414.6.1.3 Noncombustible construction. The overhead structure shall be of approved noncombustible construction with a maximum area of 3,000 square feet (140m^2).

2. The aforesaid local amendment is reasonably necessary in order to lessen the threat to life, safety and property represented by certain local climatic, geographical and topographical conditions existing in the City of San Leandro.

3. The aforesaid local amendment is enacted pursuant to the authority of Section 17958.5 of the California Health and Safety Code, for the purpose of addressing the aforesaid

conditions which are more specifically described as follows:

(a) The City of San Leandro lies in the near vicinity of the Hayward Fault and in fact, a substantial portion of the residential area of the City lies within the Alquist-Priolo Act Special Studies Zone, requiring special geologic studies prior to development. The underlying soils are subject to liquefaction and amplification of seismic energy. This increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. Such damage is often accompanied by structural fire. The City contains a large percentage of existing structures constructed more than forty years ago.

(b) The travel time to a fire or other emergency within San Leandro may be impeded by the following conditions:

(1) Three major railway lines, the elevated BART line, three major freeways and a natural creek, divide the City into numerous sections, and equipment responding to emergencies face potential delays and obstruction of access in crossing these barriers.

(2) San Leandro lies in the path of two major water reservoirs which, upon failure, would inundate a large portion of the City, further delaying the response to a fire or other emergency.

(3) A growing community of single-family and multi-family dwellings presently exists on the easterly side of Highway 580, which is itself a potential physical barrier impeding response to a fire or other emergency.

(4) The two major north-south emergency response routes aside from the freeways are dependent upon bridges spanning San Leandro Creek. Failure of these bridges would isolate a heavily populated section of the City north of the creek.

4. In the event of a natural disaster inadequately reinforced and/or anchored structures present a significantly greater threat to persons and property due to the increased likelihood that such structures or portions of such structures may collapse in the wake of the natural disaster. To allow previous structurally deficient structures to be reconstructed to such condition perpetuates the threat to persons and property upon the occurrence of a subsequent natural disaster.

5. The City Council hereby takes official notice of the General Plan (and all elements thereof) of the City of San Leandro, all documents on file with the City relating to the Alquist-Priolo Act Special Studies Zone and seismic reinforcement, and the findings and recommendations of the Board of Appeals in this matter.

EXHIBIT B TO RESOLUTION NO. 2013-135

FINDINGS AND DETERMINATION THAT CHANGES OR MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE, AND THE CALIFORNIA BUILDING CODE, 2013 EDITION, ARE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS

1. In connection with the adoption by reference of the International Building Code, 2012 Edition, as amended by the State of California in that document entitled "The California Building Standards Code," it is hereby expressly found and determined that the following changes found in San Leandro Municipal Code Chapter 7-5, Article 1 are reasonably necessary because of local climatic, geological or topographical conditions:

Section 7-5-160: MODIFICATIONS TO 2013 CBC AND ASCE 7 is added to read as follows:

Section 1612.3 of the 2013 California Building Code is amended to read as follows.

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Leandro, California, revision dated August 9, 2009, as amended, with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

Section 1613.6 is added to read as follows:

1613.6 ASCE 7, 12.2.3.1, Exception 3. Modify ASCE 7 Section 12.2.3.1 Exception 3 to read as follows:

3. Detached one and two family dwellings up to two stories in height of light frame construction.

Section 7-5-165: CONCRETE CONSTRUCTION

Section 1705.3 of the California Building Code, 2013 Edition is amended as follows:

1705.3 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table **1705.3**.

Exceptions: Special inspection shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less in height that are fully supported on earth or rock, *where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).*

2. Continuous concrete footings supporting walls of buildings three stories or less in height that are fully supported on earth or rock where:

   2.1. The footings support walls of light-frame construction;

   2.2. The footings are designed in accordance with Table 1805.4.2; or

   2.3. The structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footingconstruction.

3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).

4. Concrete foundation walls constructed in accordance with Table 1805.5(5).

5. Concrete patios, driveways and sidewalks, on grade.

Section 7-5-170: STRUCTURAL OBSERVATIONS FOR SEISMIC RESISTANCE

Section 1704.5.1 of the 2013 Edition of the California Building Code is amended by adding new item 6 and exception to read as follows:

6. Structural observations of the lateral system shall be provided for all new commercial, industrial, and multifamily buildings and all new single family dwelling on hillsides.

Exception: Structural observations of the lateral system may be waived for one and two-story wood residential structure when such structures are in full compliance with conventional light frame construction of Chapter 23 of the California Building Code or the California Residential Code.

SECTION 7-5-175: SOILS AND FOUNDATIONS

Sections 1803.8, 1803.9 and 1803.10 are added to the 2013 California Building Code to read:

1803.8 Review. Before issuing a permit for a building where soil and foundation investigation is required, the Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation shall state in writing (must be signed and stamped):

1. The plans and specifications substantially conform to the recommendations in the soil investigation.

2. The Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation has been retained to provide soil site observation and provide

periodic and final reports to the city.

1803.9 Field Report. Before requesting a foundation inspection from the City, the Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation shall provide a written field report stating:

1. The building pad was prepared and compacted in accordance with the soil report and specification.

2. The foundation or pier excavation, depth, backfill materials, and drainage (if applicable), substantially conforms with the soil report and approved plans.

1803.10 Final Report. Before final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation shall issue a final report stating the completed pad, foundation, finish grading, drainage, and associated site work substantially conforms to the approved plans, specifications, and investigation.

SECTION 7-5-180: CONCRETE AND MASONRY FOUNDATION WALLS

Section 1807.1.6 of the 2013 Edition of the California Building Code is amended to read as follows:

1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

SECTION 7-5-185: MODIFICATIONS TO ACI 318

Section 1905.1 is amended to read as shown below and Sections 1905.1.10 thru 1905.1.12 is added to Chapter 19 of the 2013 Edition of the California Building Code:

The last paragraph of Section 1905.1.2 of the 2013 Edition of the California Building Code is amended to read as follows:

All special moment frames and special structural walls shall also satisfy 21.1.3 through 21.1.7. Concrete tilt-up wall panels classified as intermediate precast structural wall system shall satisfy 21.9 in addition to 21.4.2 and 21.4.3 for structures assigned to Seismic Design Category D, E or F.

1905.1.8 ACI 318, section 22.10 Delete ACI 318, section 22.10, and replace with the following:

22.10.1- Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

a. Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one- and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

b. Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one- and two-family dwellings three stories or less in height and constructed with stud bearing walls, with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross–sectional area of the footing

Sections 1905.1.10 through 1905.1.12 are added as follows:

1905.1.10 ACI 318, Section 21.6.4. Modify ACI 318, Section 21.6.4, by adding Section 21.6.4.8 and 12.6.4.9 as follows:

21.6.4.8 Where the calculated point of contraflexure is not within the middle half of the member clear height, provide transverse reinforcement as specified in ACI 318 Sections 21.6.4.1, Items (a) through (c), over the full height of the member.

21.6.4.9 – At any section where the design strength, φP_n, of the column is less than the sum of the shears V_e computed in accordance with ACI 318 Sections 21.5.4.1 and 21.6.5.1 for all the beams framing into the column above the level under consideration, transverse reinforcement as specified in ACI 318 Sections 21.6.4.1 through 21.6.4.3 shall be provided. For beams framing into opposite sides of the column, the moment components are permitted to be assumed to be of opposite sign. For the determination of the design strength, φP_n, of the column, these moments are permitted to be assumed to result from the deformation of the frame in any one principal axis.

1905.1.11 ACI 318, Section 21.9.4. Modify ACI 318, Section 21.9.4, by adding Section 21.9.4.6 to read as follows:

21.9.4.6 – Walls and portions of walls with $P_u > 0.35P_o$ shall not be considered to contribute to the calculated shear strength of the structure for resisting earthquake-induced forces. Such walls shall conform to the requirements of ACI 318 Section 21.13.

1905.1.12 ACI 318, Section 21.11.6. Modify ACI 318, Section 21.11.6.1, as follows:

21.11.6.1 Collector and boundary elements in topping slabs placed over precast floor and roof elements shall not be less than 3 inches (76 mm) or 6 d_b in thickness, where d_b is the diameter of the largest reinforcement in the topping slab.

Section 7-5-190: CONVENTIONAL LIGHT-FRAME CONSTRUCTION

Section 2301.2, method 3 of California Building Code, 2013 edition is revised as follows:

Delete Exception.

Section 4.3.4 of SDPWS 2008 Edition is amended as follows:

Delete rows 5 & 6 and footnote 2 of Table 4.3.4

Section 2306.3 of the California Building Code, 2013 is amended as follows:

Section 2306.3 Wood –frame shear walls. Wood –frame shear walls shall be designed and constructed in accordance with AF&PA SDPWS. Where panels are fastened to framing members with staples, requirements and limitations of AF&PA SDPWS shall be met and the allowable shear values set forth in Table 2306.3(1), 2306.3(2) or 2306.3(3) shall be permitted. The allowable shear values in Tables 2306.3(1) and 2306.3(2) are permitted to be increased 40 percent for wind design. Panels complying with ANSI/APA PRP-210 shall be permitted to use design values for Plywood Siding in the AF&PA SDPWS. Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall not be used to resist seismic forces in structures assigned to Seismic design Category D, E or F.

Section 2308.1 of the California Building Code, 2013 Edition is amended as follows:

Section 2308.1 General. The requirements of this section are intended for conventional light-frame construction. Other methods are permitted to be used, provided a satisfactory design is submitted showing compliance with other provisions of this code. Interior non-load -bearing partitions, ceilings and curtain walls of conventional light-frame construction are not subject to the limitations of this section.

Section 2308.3.4 of the California Building Code, 2013 Edition is amended as follows:

Section 2308.3.4 Braced wall line support. Braced wall lines shall be supported by continuous foundations.

Exceptions:

1. One-story buildings with maximum plan dimension not exceeding 50 feet (15240 mm), may have continuous foundations located at exterior braced wall lines only.

2. Two-story buildings with a maximum plan dimension not exceeding 50 feet (15240 mm) may have braced wall lines supported on continuous foundations at the exterior walls only, provided:

a. Cripple walls do not exceed 4 feet (1219 mm) in height.

b. Where the first story is supported on a raised wood framed floor, the interior braced wall panels are directly supported by either doubled joists, continuous 4x blocking or minimum 4x floor beams.

Section 2308.12.4 of the California Building Code, 2013 Edition is amended as follows:

2308.12.4 Braced wall line sheathing. Braced wall lines shall be braced by sheathing prescribed by Table 2308.12.4 as shown in Figure 2308.9.3. The sum of lengths of braced wall panels at each braced wall line shall conform to Table 2308.12.4. Braced wall panels shall be distributed along the length of the braced wall line and start at not more than 8 feet (2438 mm) from each end of the braced wall line.. Sheathing shall be minimum of 3/8" thick and be fastened to studs, top and bottom plates and at panel edges occurring over blocking. Wall framing to which sheathing used for bracing is applied shall be nominal 2 inch wide [actual 1½ inch (38 mm)] or larger members, spaced a maximum of 16 inches on center. Nailing shall be minimum 8d common placed 3/8 inches from panel edges and spaced not more than 6 inches on center, and 12 inches on center along intermediate framing members. Cripple walls having a stud height exceeding 14 inches (356 mm) shall be considered a story for the purpose of this section and shall be braced as required for braced wall lines in accordance with Table 2308.12.4. Where interior braced wall lines occur without a continuous foundation below, the length of parallel exterior cripple wall bracing shall be one and one-half times the lengths required by Table 2308.12.4. Where the cripple wall sheathing type used is Type S-W and this additional length of bracing cannot be provided, the capacity of Type S-W sheathing shall be increased by reducing the spacing of fasteners along the perimeter of each piece of sheathing to 4 inches (102 mm) o.c.

Table 2308.12.4 of the California Building Code 2013 Edition is amended as follows:

TABLE 2308.12.4

WALL BRACING IN SEISMIC DESIGN CATEGORIES D AND E
(Minimum Length of Wall Bracing per each 25 Linear Feet of Braced Wall Line[a])

CONDITION	SHEATHING TYPE[b]	$S_{DS} < 0.50$	$0.50 \leq S_{DS} < 0.75$	$0.75 \leq S_{DS} \leq 1.00$	$S_{DS} > 1.00$
One Story	S-W	5 feet 4 inches	8 feet 0 inches	9 feet 4 inches	12 feet 0 inches

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

Section 7-5-195: REPAIRS. Section 3405 is amended as follows

3405.2.3 Extent of Repair for Noncompliant Buildings of the California Building Code, 2013 Edition is amended as follows:

3405.2.3 Extent of repair for noncompliant buildings. If the evaluation does not establish compliance of the predamage building in accordance with Section 3405.2.1, then the building shall be rehabilitated to comply with applicable provisions of this code for load combinations, including wind or seismic loads. The wind loads for the repair shall be as required by the building code in effect at the time of original construction or as required by this code, whichever is greater. Earthquake loads for this rehabilitation design shall be those required for the design of the predamage building, but not less than 75 percent of the prescribed in Section 1613. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of this code for new buildings of similar structure, purpose and location.

3405.2.4 through 3405.2.4.2 and Tables 3405.2.4.1 and 3405.2.4.2 are added as follows:

3405.2.4 Seismic Evaluation and Design Procedures for Repairs. The seismic evaluation and design shall be based on the procedures specified in the California Building Code, ASCE 31 *Seismic Evaluation of Existing Buildings* (for evaluation only) or ASCE 41 *Seismic Rehabilitation of Existing Buildings*. The procedures contained in Appendix A of the *International Existing Building Code* shall be permitted to be used as specified in Section 3405.5.1.1.3.

3405.2.4.1 Compliance with CBC level seismic forces. Where compliance with the seismic design provisions of the California Building Code is required, the procedures shall be in accordance with one of the following:

1. One-hundred percent of the values in the California Building Code. Where the existing seismic force-resisting system is a type that can be designated as "Ordinary," the values of R, Ω_o, and C_d used for analysis in accordance with Chapter 16 of the California Building Code shall be those specified for structural systems classified as "Ordinary" in accordance with Table 12.2-1 of ASCE 7, unless it is demonstrated that the structural system will provide performance equivalent to that of a "Detailed," "Intermediate" or "Special" system.

2. Compliance with ASCE 41 using both BSE-1 and BSE-2 earthquake hazard levels and the corresponding performance levels in Table 3405.2.4.1.

TABLE 3405.2.4.1

PERFORMANCE CRITERIA FOR CBC LEVEL SEISMIC FORCES

OCCUPANCY CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note a	Note a
IV	Immediate Occupancy (IO)	Life Safety (LS)

a. Acceptance criteria for Occupancy Category III shall be taken as 80 percent of the acceptance criteria specified for Occupancy Category II performance levels, but need not be less than the acceptance criteria specified for Occupancy Category IV performance levels.

3405.2.4.2 Compliance with reduced CBC level seismic forces. Where seismic evaluation and design is permitted to meet reduced California Building Code seismic force levels, the procedures used shall be in accordance with one of the following:

1. The California Building Code using 75 percent of the prescribed forces. Values of R, Ω_o, and C_d used for analysis shall be as specified in Section 3405.2.4.1 Item 1.

2. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A of the *International Existing Building Code* as specified in Items 2.1 through 2.5 below shall be deemed to comply with this section.

   2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

   2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

   2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction

in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

2.5. Seismic evaluation and design of concrete buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.

3. Compliance with ASCE 31 based on the applicable performance level as shown in Table 3405.2.4.2. It shall be permitted to use the BSE-1 earthquake hazard level as defined in ASCE 41 and subject to the limitations in item 4 below.

4. Compliance with ASCE 41 using the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 3405.2.4.2. The design spectral response acceleration parameters S_{xs} and S_{x1} specified in ASCE 41shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_{DS} and S_{D1} defined by the *California Building Code* and its reference standards.

TABLE 3405.2.4.2
PERFORMANCE CRITERIA FOR REDUCED CBC LEVEL SEISMIC FORCES

OCCUPANCY CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Life Safety (LS)
II	Life Safety (LS)	Life Safety (LS)
III	Note a, Note b	Note a
IV	Immediate Occupancy (IO)	Immediate Occupancy (IO)

a. Acceptance criteria for Occupancy Category III shall be taken as 80 percent of the acceptance criteria specified for Occupancy Category II performance levels, but need not be less than the acceptance criteria specified for Occupancy Category IV performance levels.
b. For Occupancy Category III, the ASCE screening phase checklists shall be based on the life safety performance level.

3405.2.4.3 Referenced Standards

Standard Reference Number	Title	Referenced In Code Section Number
ASCE 31-03	Seismic Evaluation of Existing Buildings	3405.2.4.1, TABLE 3405.2.4.1 3405.2.4.2, TABLE 3405.2.4.2
ASCE 41-06 Including Supplement No. 1	Seismic Rehabilitation of Existing Buildings	3405.2.4.1, TABLE 3405.2.4.1 3405.2.4.2, TABLE 3405.2.4.2

3405.3.1 Lateral force-resisting elements is hereby deleted.

SECTION 7-5-200: CHANGE OF OCCUPANCY: SEISMIC.

Section 3408 is amended as follows.

3408.4 Seismic. When a change of occupancy results in a structure being reclassified, the structure shall conform to the seismic requirements for a new structure.

The text of the exception is not changed."

2. The aforesaid local amendments are reasonably necessary in order to lessen the threat to life, safety and property represented by certain local climatic, geographical and topographical conditions existing in the City of San Leandro.

3. The aforesaid local amendments are enacted pursuant to the authority of Section 17958.5 of the California Health and Safety Code, for the purpose of addressing the aforesaid conditions which are more specifically described as follows:

(a) The City of San Leandro lies in the near vicinity of the Hayward Fault and in fact, a substantial portion of the residential area of the City lies within the Alquist-Priolo Act Special Studies Zone, requiring special geologic studies prior to development.

(b) Recent earthquake activities, including the 1989 Loma Prieta and the 1994 Northridge earthquakes, have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants.

(c) The underlying soils are subject to liquefaction and amplification of seismic energy. This increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. Such

damage is often accompanied by structural fire. The City contains a large percentage of existing structures constructed more than forty years ago.

(d) The travel time to a fire or other emergency within San Leandro may be impeded by the following conditions:

(1) Three major railway lines, the elevated BART line, three major freeways and a natural creek, divide the City into numerous sections, and equipment responding to emergencies face potential delays and obstruction of access in crossing these barriers.

(2) San Leandro lies in the path of two major water reservoirs which, upon failure, would inundate a large portion of the City, further delaying the response to a fire or other emergency.

(3) A growing community of single-family and multi-family dwellings presently exists on the easterly side of Highway 580, which is itself a potential physical barrier impeding response to a fire or other emergency.

(4) The two major north-south emergency response routes aside from the freeways are dependent upon bridges spanning San Leandro Creek. Failure of these bridges would isolate a heavily populated section of the City north of the creek.

4. In the event of a natural disaster inadequately fitted structures present a significantly greater threat to persons and property due to the increased likelihood that such structures or portions of such structures may collapse in the wake of the natural disaster. To allow previous structurally deficient structures to be reconstructed to such condition perpetuates the threat to persons and property upon the occurrence of a subsequent natural disaster.

5. The City Council hereby takes official notice of the General Plan (and all elements thereof) of the City of San Leandro, all documents on file with the City relating to the Alquist-Priolo Act Special Studies Zone and building standards related to seismic activity, and the findings and recommendations of the Board of Appeals in this matter.

EXHIBIT C TO RESOLUTION NO. 2013-135

FINDINGS AND DETERMINATION THAT CHANGES OR MODIFICATIONS TO THE INTERNATIONAL FIRE CODE AND THE CALIFORNIA FIRE CODE, 2012 EDITION, ARE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS

1. In connection with the adoption by reference of the International Fire Code, 2012 Edition, as amended by the State of California in that document entitled "The California Building Standards Code," it is hereby expressly found and determined that the following changes to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions:

Section 3-3-250: RESERVED

Section 3-3-260: AUTOMATIC SPRINKLER SYSTEMS. Section 903.2.18 is hereby added to the Fire Code to read as follows;

(a) The following requirements shall be in addition to those set forth in Section 1003.2.

(b) Automatic sprinkler systems shall be installed and maintained in operable condition as specified in this Article and NFPA Standard 13, in all buildings or structures.

1. Of A-1, A-3, A-4, B, E, F-1, M, S-1 and S-2 occupancy classifications were the total floor are of which exceeds 10,000 square feet, .

2. Of all occupancy classification, irrespective of construction type, the overall height of which exceeds 45 feet. Building height shall be determined in accordance with the Building Code.

(c) The provisions of this section shall apply to existing buildings or structures (except R3, R3.1 and R4 occupancies) when, over any three year period,:

1. Permits for additions and alterations increase the floor area by 25 percent.

2. Permit valuation for additions, alterations, repairs or other modifications, individually or cumulatively, exceeds 25 percent of building valuation as determined by the building official.

Section 7-5-145: MULTIPLE HAZARDS: OUTDOOR STORAGE.

(a) When a hazardous material has multiple hazards, all hazards shall be addressed and controlled in accordance with the provisions of this chapter. When overhead noncombustible construction is provided for sheltering exterior hazardous material storage areas, such storage shall not be considered indoor storage when all of the following conditions are met:

(1) Supports shall be of noncombustible construction.

(2) Supports and walls shall not obstruct more than 25 percent of the perimeter of the storage area.

(3) The distance to buildings, property lines, streets, alleys, public ways or exits to a public way shall not be less than the distance required for an exterior hazardous material storage area without weather protection.

Section 7-5-150: RESERVED

Section 7-5-155: NONCOMBUSTIBLE CONSTRUCTION Section 414.6.1.3 of the Code is added to read as follows:

414.6.1.3 Noncombustible construction. The overhead structure shall be of approved noncombustible construction with a maximum area of 3,000 square feet (140m^2).

2. The aforesaid local amendment is reasonably necessary in order to lessen the threat to life, safety and property represented by certain local climatic, geographical and topographical conditions existing in the City of San Leandro.

3. The aforesaid local amendment is enacted pursuant to the authority of Section 17958.5 of the California Health and Safety Code, for the purpose of addressing the aforesaid conditions which are more specifically described as follows:

(a) The City of San Leandro lies in the near vicinity of the Hayward Fault and in fact, a substantial portion of the residential area of the City lies within the Alquist-Priolo Act Special Studies Zone, requiring special geologic studies prior to development.

(b) Recent earthquake activities, including the 1989 Loma Prieta and the 1994 Northridge earthquakes, have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants.

(c) The underlying soils are subject to liquefaction and amplification of seismic energy. This increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. Such damage is often accompanied by structural fire. The City contains a large percentage of existing structures constructed more than forty years ago.

(d) The travel time to a fire or other emergency within San Leandro may be impeded by the following conditions:

(1) Three major railway lines, the elevated BART line, three major freeways and a natural creek, divide the City into numerous sections, and equipment responding to emergencies face potential delays and obstruction of access in crossing these barriers

(2) San Leandro lies in the path of two major water reservoirs which, upon failure, would inundate a large portion of the City, further delaying the response to a fire or other emergency.

(3) A growing community of single-family and multi-family dwellings presently exists on the easterly side of Highway 580, which is itself a potential physical barrier impeding response to a fire or other emergency.

(4) The two major north-south emergency response routes aside from the freeways are dependent upon bridges spanning San Leandro Creek. Failure of these bridges would isolate a heavily populated section of the City north of the creek.

4. The City Council hereby takes official notice of the General Plan (and all elements thereof) of the City of San Leandro, all documents on file with the City relating to the Alquist-Priolo Act Special Studies Zone and to plastic pipe, and the findings and recommendations of the Board of Appeals in this matter.

EXHIBIT D TO RESOLUTION NO. 2013-135

FINDINGS AND DETERMINATION THAT CHANGES OR MODIFICATIONS TO THE 2012 UNIFORM PLUMBING CODE AND THE CALIFORNIA PLUMBING CODE, 2013 EDITION, PERTAINING TO THE DELETION OF ACRYLONITRILE-BUTADIENE-STYRENE AND POLY-VINYL CHLORIDE FROM USE FOR DRAIN WASTE AND VENT SYSTEMS, ARE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS

1. In connection with the adoption by reference of the Uniform Plumbing Code, 2012 Edition as amended by the State of California in that document entitled "The California Building Standards Code," it is hereby expressly found and determined that the following change to the California Building Standards Code is reasonably necessary because of local climatic, geological or topographical conditions:

> All reference to acrylonitrile-butadiene-styrene (ABS) and poly-vinyl chloride (PVC) piping, fittings and valves for use in drain, waste and vent (DWV) systems, is hereby deleted from the UPC. The use of ABS and PVC for drain, waste and vent systems is expressly disallowed in the City of San Leandro.

2. The aforesaid local amendment is reasonably necessary in order to lessen the threat to life, safety and property represented by certain local climatic, geographical and topographical conditions existing in the City of San Leandro.

3. The aforesaid local amendment is enacted pursuant to the authority of Section 17958.5 of the California Health and Safety Code, for the purpose of addressing the aforesaid conditions which are more specifically described as follows:

(a) The City of San Leandro lies in the near vicinity of the Hayward Fault and in fact, a substantial portion of the residential area of the City lies within the Alquist-Priolo Act Special Studies Zone, requiring special geologic studies prior to development. This increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. Such damage is often accompanied by structural fire. Because plastic pipe is combustible, emits toxic gases and acids and generates large amounts of smoke, its presence would increase the threat to life and property in the event of a seismic disturbance.

(b) The travel time to a fire or other emergency within San Leandro may be impeded by the following conditions:

(1) Three major railway lines, the elevated BART line, three major

freeways and a natural creek, divide the City into numerous sections, and equipment responding to emergencies face potential delays and obstruction of access in crossing these barriers.

(2) San Leandro lies in the path of two major water reservoirs which, upon failure, would inundate a large portion of the City, further delaying the response to a fire or other emergency.

(3) A growing community of single-family and multi-family dwellings presently exists on the easterly side of Highway 580, which is itself a potential physical barrier impeding response to a fire or other emergency.

(4) The two major north-south emergency response routes aside from the freeways are dependent upon bridges spanning San Leandro Creek. Failure of these bridges would isolate a heavily populated section of the City north of the creek.

In the event of fire, toxic gases and acids emitted by plastic pipe and the smoke generated by plastic pipe, represent an increased life hazard and since most loss of life in fires is from asphyxiation, a rapid response by emergency equipment becomes more critical.

(c) All drain and waste pipes flow into the San Leandro Sewage Treatment Plant. Any chemical reaction between plastic pipe and the waste flowing through it, may produce contaminants, threatening the biological process of the Treatment Plant itself and in turn thereby threatening the marine life in the San Francisco Bay.

(d) A large area of potential residential development in the westerly portion of the City, adjacent to the Bay, is potentially subject to liquefaction which may cause a loss of lateral support for plastic pipe, resulting in its failure. Liquefaction also often results in a greater degree and different form of differential movement than occurs elsewhere, which may cause excessive strain on plastic pipe.

(e) High wind conditions normally exist in the hillside and shoreline areas of the City, increasing the potential for fire spread. The presence of plastic pipe increases the life hazard.

(f) Prevailing temperatures in San Leandro periodically reach levels that may cause excessive expansion of plastic pipe, resulting in its failure.

(g) A substantial portion of the residential area of San Leandro is the natural habitat of various species of animals and rodents. Plastic pipe has been known to be damaged by such animals and rodents.

4. The City Council hereby takes official notice of the General Plan (and all elements thereof) of the City of San Leandro, all documents on file with the City relating to the Alquist-Priolo Act Special Studies Zone and to plastic pipe, and the findings and recommendations of the Board of Appeals in this matter.

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2013-009

AN ORDINANCE REPEALING ARTICLE 6 OF CHAPTER 3 OF TITLE I AND ARTICLE 1 OF CHAPTER 5 OF TITLE VII AND ADDING A NEW ARTICLE 1 TO CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE, AMENDING THE STATE-MANDATED CALIFORNIA BUILDING STANDARDS CODE, AND ADOPTING BY REFERENCE THE INTERNATIONAL BUILDING CODE, AS AMENDED

The City Council of the City of San Leandro does ORDAIN as follows:

Section 1. Article 6 of Chapter 3 of Title I of the San Leandro Municipal Code is hereby repealed.

Section 2. Article 1 of Chapter 5 of Title VII of the San Leandro Municipal Code is hereby repealed.

Section 3. A new Article 1 is hereby added to Chapter 5 of Title VII of the San Leandro Municipal Code as set forth in Attachment A, attached hereto and incorporated into this ordinance by this reference.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 5. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

*****

Introduced by Councilmember Cutter on this 21st day of October, 2013, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted this 18th day of November, 2013, after publication on November 1 and 8, 2013, by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

ATTACHMENT A

"ARTICLE 1. BUILDING CODE

Section 7-5-100: ADOPTION.

Except as hereinafter specifically set forth, the "California Building Standards Code, 2013 Edition" is amended and that certain documents entitled "International Residential Code 2012 Edition and appendices G and H, "International Building Code, 2012 Edition," with appendix Chapters G and I, published by the International Code Council, and Chapters A2, A4 and A5, of that certain document entitled "International Existing Building Code 2012 edition," as published by the International Code Council, are hereby adopted by reference as the "Building Code" of the City of San Leandro. However, in accordance with California Government Code Section 50022.4, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of the ordinance codified in this Article. In accordance with California Government Code Section 50022.6, at least one true copy of the International Building Code and the International Residential Code have been on file with the San Leandro City Clerk fifteen (15) days prior to the enactment of the ordinance codified in this Article. While this Article is in force, true copies of the International Building Code and the International Residential Code shall be kept for public inspection in the office of the San Leandro City Clerk. A reasonable supply of the International Building Code and the International Residential Code shall be available in the office of the San Leandro City Clerk for public purchase.

Section 7-5-105: DELETIONS: ENFORCEMENT-ABATEMENT PROCEDURES.

Section 1.11.2 Duties and powers of the enforcing agency. 1.11.2.1 Enforcement.

1.11.2.1.1(1) (1.1) of the California Building Standards Code is deleted.

Chapter 1 of the International Building Code is hereby deleted. Enforcement and abatement procedures set forth in Articles 11, 12 and 13 of Chapter 5 of Title VII of the San Leandro Municipal Code shall be applicable.

Chapter 1 of the International Residential Code is hereby deleted. Enforcement and abatement procedures set forth in Articles 11, 12 and 13 of Chapter 5 of Title VII of the San Leandro Municipal Code shall be applicable.

CHAPTER 1

ADMINISTRATION

SECTION 101
GENERAL

101.1 Title.

These regulations shall be known as the Building Code of the City of San Leandro, hereinafter referred to as "this Code."

101.2 Scope.

The provisions of this Code shall apply to the construction, alteration, relocation, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

101.2.1 Appendices.

Provisions in the appendices shall not apply unless specifically adopted.

101.3 Purpose and Intent.

The purpose of this Code is to establish minimum standards to safeguard public health, safety, and general welfare by regulating the design, structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, construction, installation, quality of materials, use, occupancy, location, energy conservation and maintenance of all buildings, structures, and certain equipment as specifically set forth herein and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations. Consistent with this purpose, the provisions of this Code are intended and always have been intended to confer a benefit on the community as a whole and are not intended to establish a duty of care toward any particular person.

This Code shall not be construed to hold the City of San Leandro or any officer, employee or agent thereof responsible for any damage to persons or property by reason of any inspection authorized herein or by reason of the issuance or non- issuance of any permit authorized herein, and/or for any action or omission in connection with the application and/or enforcement of this Code. By adopting the provisions of this Code, the City does not intend to impose on itself, its employees or agents any mandatory duties of care toward persons and property within its jurisdiction so as to provide a basis of civil liability for damages.

This Section is declaratory of existing law and is not to be construed as suggesting that such was not the purpose and intent of previous Code adoptions.

101.4 Referenced Codes.

The other Codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.

101.4.1 Electrical.

The provisions of the San Leandro Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Gas.

The provisions of the San Leandro Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.3 Mechanical.

The provisions of the San Leandro Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.4 Plumbing.

The provisions of the San Leandro Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.5 Property maintenance.

The provisions of the San Leandro Existing Building 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.

101.4.6 Fire prevention.

The provisions of the San Leandro Fire Code 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, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.7 Energy.

The provisions of the California Energy Code, Title 24, Part 6 shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.8 California Green Building Code.

The provisions of the California Green Building Code (CGBC) as published by the California Building Standards Commission shall apply to matters affecting or relating to planning, design, operation, construction, use and occupancy of every newly constructed building or structure. The purpose of which is to encourage sustainable construction practices in the following categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency and environmental quality. A copy of the 2013 CGBC shall be maintained on file in the office of the City Clerk.

SECTION 102
APPLICABILITY

102.1 General.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.2 Other laws.

The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Code.

102.4 Referenced Codes and standards.

The Codes and Standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and referenced Codes and Standards,

the provisions of this Code shall apply.

102.5 Partial invalidity.

In the event that any part or provision of this Code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures.

The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as is specifically covered in this Code, the San Leandro Existing Building Code or the San Leandro Fire Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

SECTION 103
DIVISION OF BUILDING AND SAFETY

103.1 Creation of enforcement agency.

The Division of Building and Safety is hereby created and the official in charge thereof shall be known as the Building Official.

103.2 Appointment.

The Building Official shall be appointed by the City Manager.

103.3 Deputies.

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a Deputy Building Official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official.

SECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 General.

The Building Official is hereby authorized and directed to enforce the provisions of this Code. The Building Official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

104.2 Applications and permits.

In order to verify compliance with any applicable laws the Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Code.

When an application for demolition of a structure is applied for and the Building Official has cause to believe that the structure may have historical significance, the application may be referred to the Library-Historical Commission for a determination of eligibility.

For the purpose of determining historical significance, any structure built prior to 1940 is presumed to be potentially significant.

An application for a demolition permit may be denied by the Building Official if the issuance of the permit would result in the destruction in whole or in part of a historical resource.

104.3 Notices and orders.

The Building Official shall issue all necessary notices or orders to ensure compliance with this Code.

104.4 Inspections.

The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

104.5 Identification.

The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

104.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this Code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform

the duties imposed by this Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

104.6.1 Right of entry, exigent circumstances emergency procedures.

If the Building Official or an authorized representative has reasonable cause to believe that the conditions constitute an immediate hazard to human life or the public welfare the Building Official shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, the Building Official shall first present credentials to the occupant and demand entry, explaining the reasons therefor and the purpose of the inspection.

"Authorized representative" shall include the officers named in Subsection 103.3 and their authorized inspection personnel.

No person shall fail or refuse, after proper demand has been made upon such person as provided in this subsection, to promptly permit the Building Official or an authorized representative to make any inspection provided for by this section. Any person violating this subsection shall be guilty of a misdemeanor.

104.7 Department records.

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

104.8 Liability.

The Building Official, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of any act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the City Attorney until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code.

104.9 Approved materials and equipment.

Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment.

The use of used materials which meet the requirements of this Code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

104.10 Modifications.

Wherever there are practical difficulties involved in carrying out the provisions of this Code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Division of Building and Safety Services.

104.11 Alternative materials, design and methods of construction and equipment.

The provisions of this Code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

104.11.1 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from approved sources.

104.11.2 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Building Official

shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

SECTION 105
PERMITS

105.1 Required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

105.1.1 Unpermitted Structures.

No person shall own, use, occupy or maintain any "Unpermitted Structure."
For the purposes of this Code, "Unpermitted Structure" shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped, at any point in time, without the required permit(s) and approvals having first been obtained from the Building Official.

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:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m^2).
2. Fences not over 7 feet (7ft 2.13m) high when located in the rear yard setback area as defined in the Zoning Code.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1.22 m) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.

6. Sidewalks, platforms and driveways not more than 30 inches (.76 m) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (.61 m) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1.75 m) in height.
14. A tree house provided that:

It does not exceed 64 square feet (5.95 m^2) in area or more than 15 ft. (4.57) in height.

The structure does not encroach into the setback requirements established by the City of San Leandro Zoning Code Section 2-546.

105.3 Application for permit.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Division of Building and Safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.

105.3.1 Action on application.

The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefor. If the

Building Official is satisfied that the proposed work conforms to the requirements of this Code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefor as soon as practicable.

105.3.2 Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official may extend the time for action based on petition by the applicant detailing circumstances beyond the control of the applicant which have prevented action from being taken. Additional extensions for periods not exceeding 180 days may be authorized. Extensions shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

105.4 Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is authorized to prevent occupancy or use of a structure in violation of this Code or of any other ordinances under the Building Official's jurisdiction. The Building Official may grant one or more extensions of time for additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated

105.5 Expiration.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official may grant one or more extensions of time for additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee and permit fee.

105.6 Suspension or revocation.

The Building Official is authorized to suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or on the basis of incorrect,

inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Code.

105.7 Placement of permit.

The building permit or copy shall be kept on the site of the work until the completion of the project.

SECTION 106
Reserved

SECTION 107
CONSTRUCTION DOCUMENTS

107.1 Submittal documents.

Construction documents, statements of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

107.1.1 Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

107.1.1.1 Fire protection system shop drawings.

Shop drawings for fire protection system(s) shall be submitted to indicate conformance with this Code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

107.1.2 Means of egress.

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this Code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.1.3 Exterior wall envelope.

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

107.2 Site plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

107.3 Examination of documents.

The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Code and other pertinent laws or ordinances.

107.3.1 Approval of construction documents.

When the Building Official issues a permit, the construction documents shall be marked, in writing or by stamp, with "REVIEWED FOR CODE COMPLIANCE". These are the official plans reviewed by the City of San Leandro for building permit purposes. They are

required to be on the job, available to the Building Official or duly authorized representative at all times. One set of construction documents so reviewed shall be retained by the Building Official.

107.3.2 Previous approvals.

This Code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this Code and has not been abandoned.

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 filed complying with pertinent requirements of this Code. 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 operation and without assurance that a permit for the entire structure will be granted.

107.3.4 Design professional in responsible charge.

107.3.4.1 General.

When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1704, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1705).

107.3.4.2 Deferred submittals.

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official.

107.4 Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

107.5 Retention of construction documents.

One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION 108
TEMPORARY STRUCTURES AND USES

108.1 General.

The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

108.2 Conformance.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Code as necessary to ensure public health, safety and general welfare.

108.3 Temporary power.

The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the Electrical Code.

108.4 Termination of approval.

The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109
FEES

109.1 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 additional fee, if any, has been paid.

Fees shall be assessed for permits and associated plan review in accordance with the fee schedule established by the San Leandro City Council as set forth in Chapter 4 of the San Leandro Administrative Code.

109.2 Permit fees.

1. **General:** Fees shall be assessed in accordance with the provisions of this section.

2. **Permit Fees:** The fee for each permit shall be as set forth in this section. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and other permanent equipment.

3. **Plan Review Fees:** When submittal documents are required by Section 107.1, a plan review shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be eighty percent (80%) of the building permit fee as set forth in the applicable fee schedule resolution adopted by the City Council.

   The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 108.2(b) and are in addition to the permit fees.

   When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in

Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in the fee schedule.

4. **Expiration of Plan Review:** Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may grant one or more extensions of time for additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

   In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

5. **Investigation Fees—Work Without a Permit:**
   (a) Investigation. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation may, in the sole discretion of the Building Official be made before a permit may be issued for such work.
   (b) Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the building permit fee required by this Code. The minimum investigation fee shall be the same as the minimum fee set forth by the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code or from any penalty prescribed by law.
   (c) Penalty. Whenever any work for which a permit is required by this Article has been commenced without first obtaining said permit, the Building Official may impose a penalty for said action in an amount equal to three (3) times the amount of the building permit fee as set forth in the applicable fee schedule resolution adopted by the City Council. Payment of any penalty imposed shall be a condition precedent to issuance of a building permit.

6. **Fee Refunds:**
   (a) The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
   (b) The Building Official may authorize the refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
   (c) The Building Official may authorize the refunding of not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
   (d) The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

SECTION 110
INSPECTIONS

110.1 General.

Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the City shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.2 Preliminary inspection.

Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

110.3 Required inspections.

The Building Official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10.

110.3.1 Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms and flood vent openings shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation.

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the Building Official.

110.3.4 Frame inspection.

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing including plumbing for residential fire sprinklers, heating wires, pipes and ducts are approved.

110.3.5 Lath and gypsum board inspection.

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

110.3.6 Fire-resistant penetrations.

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

110.3.7 Energy efficiency inspections.

Inspections shall be made to determine compliance with Title 24, Part 6 and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

110.3.8 Other inspections.

In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Code and other laws that are enforced by the division of building and safety services.

110.3.9 Special inspections.

For special inspections, see Section 1704.

110.3.9.1 Residential fire sprinkler final inspection.

Inspection shall be made to determine compliance with the San Leandro Residential Code 2013 Edition Section R313.3 or NFPA 13D 2013 Edition "Standard for the Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes."

110.3.10 Final inspection.

The final inspection shall be made after all work required by the building permit is

completed.

110.4 Inspection agencies.

The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

110.5 Inspection requests.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code.

110.6 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

SECTION 111
CERTIFICATE OF OCCUPANCY

111.1 Use and occupancy.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances under the Chief Building Official's jurisdiction.

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 Division of Building and Safety, 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.
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.
9. The type of construction as defined in Chapter 6.
10. If an automatic sprinkler system is provided, whether the sprinkler system is required.
11. Any special stipulations and conditions of the building permit.

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 safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

111.4 Revocation.

The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.

SECTION 112
SERVICE UTILITIES

112.1 Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this Code for which a permit is required, until released by the Building Official.

112.2 Temporary connection.

The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

112.3 Authority to disconnect service utilities.

The Building Official shall have the authority to authorize disconnection of utility service to any building, structure or system regulated by this Code and the Codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible the owner and

occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113
BOARDS OF APPEALS

113.1 General.

In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Building Board of Appeals.

The Board shall consist of three members, each of whom shall be qualified by experience and training to pass upon matters pertaining to building construction, and shall include an Architect, a Civil Engineer and a licensed General Contractor, as well as two alternates who shall be Architects or Civil Engineers.

The Building Official shall be an ex officio member and shall act as Secretary to the Board. The members of the Building Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Building Board of Appeals shall adopt reasonable rules and regulations for conducting its business.

113.2 Scope of authority.

Except as provided below, the Building Board of Appeals shall have the authority to hear appeals regarding any action of the Building Official.

The Building Board of Appeals shall have no authority relative to interpretation of the administrative portions of this Code, other than Section 116, nor shall the Board be empowered to waive requirements of this Code. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed.

The Building Board of Appeals shall document all decisions and findings in writing to the Building Official with a duplicate copy to the applicant.

113.3 Accessibility Appeals Board.

In order to conduct the hearings on written appeals regarding action taken by the Building Official and to ratify certain exempting actions of the Building Official in enforcing the accessibility requirements of Title 24 of the California Code of Regulations for privately-funded construction, and to serve as an advisor to the Building Official on disabled access matters, there shall be an Accessibility Appeals Board as established and provided for in

section 19957.5 of the California Health and Safety Code. The Accessibility Appeals Board shall consist of five members. Two members of the appeals board shall be physically disabled persons, the remaining three members shall be the members of the Building Board of Appeals. The Building Official shall be an ex officio member and shall act as Secretary to the Board.

The Accessibility Appeals Board may approve or disapprove interpretations and enforcement actions taken by the Building Official in enforcing the accessibility requirements of Title 24 of the California Code of Regulations. All such approvals or disapprovals shall be final and conclusive as to the Building Official in the absence of fraud or prejudicial abuse of discretion. The Board shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties.

113.4 Housing Rehabilitation Appeals Board.

There shall be a Housing Rehabilitation Appeals Board as defined by Section 19957.5 of the California Health and Safety Code. The Housing Rehabilitation Appeals Board shall be comprised of the same members as the Building Board of Appeals. The Building Official shall be an ex officio nonvoting member and act as Secretary.

113.5 Building Code Enforcement Appeals Board.

In order to conduct the hearings provided for in Government Code Section 54988, there shall be a Building Code Enforcement Appeals Board. The Building Code Enforcement Appeals Board shall be comprised of the same members as the Building Board of Appeals. The Building Official shall be an ex officio nonvoting member and act as Secretary.

113.6 Fees.

A fee as set forth in Title 6 Chapter 4 of the San Leandro Administrative Code shall be paid to the Building Official whenever a person requests a hearing before the appeals boards provided for in this Section.

No fee shall be required for a hearing requested pursuant to Section 116

SECTION 114
VIOLATIONS AND PENALTIES

114.1 Compliance with Code.

It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, connect, convert, demolish, equip, or perform any other work on any building or structure or portion thereof, or cause the same to be done, contrary to, or in violation of, any of the provisions of this Code.

114.2 Violation.

It shall be unlawful for any person to own, use, occupy or maintain any building or structure or portion thereof, or cause the same to be done, contrary to, or in violation of, any of the provisions of this Code.

114.3 Notice of violation.

The Building Official is authorized to serve a notice of violation or order on the property owner for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3.1 Service

The notice shall be served upon the record owner, in the manner hereinafter stated, and posted conspicuously on the property. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceeding hereunder as to any other person duly served or relieve any such person or any duty or obligation imposed on him by the provisions of this section.

Service by certified mail in the manner herein provided shall be effective on the date of the mailing.

114.4 Penalty.

Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than $1,000, (one thousand dollars) or by imprisonment for not more than six months, or by both such fine and imprisonment. The provisions of this Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Code.

114.5 Recordation of Violation.

114.5.1 General.

The Building Official may record a notice with the County Clerk Recorder's Office that a property, building, or structure, or any part thereof, is in violation of any provision of this Code provided that the provisions of this Section are complied with. The remedy provided

by this Section is cumulative to any other enforcement actions permitted by this Code.

114.6 Recordation.

If:

(1) The Building Official determines that any property, building, or structure, or any part thereof is in violation of any provision of this Code; and if
(2) The Building Official gives written notice as specified below of said violation; the Building Official may have sole discretion to, at any time thereafter, record with the County Recorder's Office a notice that the property and/or any building or structure located thereon is in violation of this Code.

114.7 Notice.

The written notice given pursuant to this Section shall indicate:

1. The nature of the violation(s); and

2. That if the violation is not remedied to the satisfaction of the Building Official, the Building Official may, at any time thereafter, record with the County Recorder's Office a notice that the property or any building or structure located thereon is in violation of this Code. The notice shall be posted on the property and shall be mailed to the owner of the property as shown on the most current County Assessment roll. The mailed notice may be by registered certified or first-class mail.

114.8 Appeals.

Any person served a notice under Section 114.3.1 may appeal from any notice and order or any action of the Building Official by filing a written appeal therefrom at the office of the Building Official within ten (10) days from the date of service of such notice and order. The written appeal request shall include, at a minimum, the names and addresses of all appellants, a brief statement setting forth the legal interest of each of the appellants in the land or building involved in the notice and order, a brief statement of the specific order protested and a brief statement of the relief sought and the reasons therefor.

On receipt of such appeal, the Building Official shall set the matter for hearing before the Building Board of Appeals. Notice of the date, hour and place of hearing shall be posted and served at least ten (10) days before the date set for the hearing in the manner and upon the person specified in Section 114.3.1. The notice of hearing shall order all interested parties who desire to be heard to appear and show just cause why the building or portion thereof involved in the proceedings should not be repaired, vacated or demolished.

114.9 Rescission.

Any person who desires to have recorded a notice rescinding the notice of violation must first obtain the necessary approvals and permit(s) to correct the violation. Once the Building Official determines that the work covered by such permit(s) has been satisfactorily completed, the Building Official may record a notice rescinding the prior notice of violation.

Following the recordation of the notice of violation the Building Official is not required to make any inspection or review of the premises to determine the continued existence of the cited violation. It is the responsibility of the property owner, occupant or other similarly interested private party to comply with the above provisions.

114.10 Costs.
Any person that violates any provision of this Code shall be responsible for the costs of any and all Building Code enforcement actions taken by the Building Official in response to such violations. These costs shall be based on the amounts specified in the San Leandro Administrative Code, Title 6 Chapter 4, including but not limited to any attorneys' fees and costs.

SECTION 115
STOP WORK ORDER

115.1 Authority.

Whenever the Building Official finds any work regulated by this Code being performed in a manner either contrary to the provisions of this Code or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

115.2 Issuance.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

115.3 Unlawful continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 116
UNSAFE BUILDINGS, STRUCTURES, EQUIPMENT AND UNOCCUPIED BUILDINGS

116.1 Scope.

This section contains special processes and appeal procedures to be followed for buildings, structures, equipment and unoccupied buildings that are considered to be unsafe. All unsafe conditions constitute a hazard to the health, safety and public welfare of the community.

116.2 Definitions.

116.3 Unsafe Building and Structures.

All buildings or structures which are structurally unsound or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment as specified in this Code or any other effective ordinance, are, for the purposes of this chapter, unsafe buildings.

116.3.1 Unoccupied Building.

Unoccupied Building as used in this chapter shall be a building or structure that is not properly secured, locked or closed and is accessible to juveniles and transients and is a health, fire or safety hazard to the adjacent community.

116.3.2 Structures and Equipment.

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

116.3.3 Property owner.

Property owner as used in this Chapter shall be the last person shown on the most current County assessment roll.

116.3.3.1 Person in Charge

Person in charge as used in this Chapter shall be the person, if any, in real or apparent charge and control of the premises involved.

116.3.4 Abandonment.

Abandonment as used in this chapter shall be the cessation of use or maintenance.

116.3.5 Declaration of an unsafe building.

Whenever the Building Official determines by inspection that a building or structure, whether structurally damaged or not, is dangerous to human life by reason of being located in an area which is unsafe due to hazard from landslide, settlement, or slippage or any other cause, such building shall, for the purpose of this Chapter, be considered an unsafe building.

No person shall own, use, occupy or maintain any unsafe building.

All unsafe buildings are hereby declared to be public nuisances. In addition to instituting any appropriate action to prevent, restrain or correct a violation of this section, the Building Official may abate an unsafe condition by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this chapter.

116.4 Notice of Unsafe Building.

The Building Official may examine or cause to be examined any building or structure or portion thereof reported as dangerous or damaged and if, in the Building Official's opinion, such is found to be an unsafe building as defined in this Chapter, the Building Official shall give to the property owner written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises to immediately commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof and all such work shall be completed within a specified time or date stipulated by the Building Official. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements be completed, inspected and approved by the Building Official.

The Building Official shall serve or cause to be served either in the manner required by law for the service of summons or by first class mail, postage prepaid or by posting a copy, the notice of hearing upon the property owner.

In the event the Building Official, after reasonable effort, is unable to serve the notice as specified above, proper service shall be by posting on the structure a copy of the notice.

The designated period within which the owner or person in charge is required to comply with such notice shall begin as of the date the owner or person in charge receives such notice by personal service or registered or certified mail. If such notice is by posting, the designated period shall begin ten days following the date of posting.

The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

A person notified to vacate an unsafe building by the Building Official shall vacate within

the time specified in the order.

The Building Official may file with the County Recorder's Office a declaration that the building described has been inspected and found to be an unsafe building, as defined in this Chapter, and that the owner thereof has been so notified. After all required work has been completed; the Building Official shall file with the County Clerk Recorder's Office a properly executed form terminating the above declaration.

116.5 Order to secure buildings or structures.

When the Building Official determines that any unoccupied building or structure is not properly secured, locked, or closed and is accessible to persons, including but not limited to juveniles and transients, and is a health, fire, or safety hazard to the adjacent community, the Building Official shall be authorized to serve the property owner with an order to secure or close the same forthwith so as to prevent unauthorized persons from gaining access thereto.

116.6 Posting of Signs.

The Building Official shall cause to be posted on buildings required to be vacated or remain unoccupied a notice to read substantially as follows: "DO NOT ENTER. UNSAFE TO OCCUPY. Building Official, City of San Leandro." Such notice shall be posted at the main entrance and shall be visible to persons approaching the building or structure from a street. Such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the Building Official and no person shall enter the building except for the purpose of making the required repairs or demolition of the building.

116.7 Unsafe Buildings, Structures, Equipment and Unoccupied Buildings: Hearing.

116.7.1 Right of hearing.

The property owner or the Building Official may request a hearing before the Building Board of Appeals. The request by the property owner shall be made in writing to the Building Official within 10 days of the date of the notice. The Building Official shall request a hearing prior to demolition, repair or securing of an unsafe building by the City except when such demolition, repair or securing is done under the emergency procedure set forth in this Chapter. Interested parties who desire to be heard may appear before the Building Board of Appeals to show cause why the building or structure should not be ordered repaired, vacated, secured or demolished.

116.7.2 Notice of hearing.

Not less than ten days prior to the hearing, the Building Official shall serve or cause to be served either in the manner required by law for the service of summons or by first class

mail, postage prepaid or by posting as per Section 116.7.4 a copy of the notice of hearing upon the property owner.

116.7.3 Form and contents of notice.

The notice of hearing shall state:

1. The street address and a legal description sufficient for identification of the premises upon which the building or structure is located.
2. The conditions upon which the Building Official believes that the building, structure, equipment or unoccupied building is unsafe.
3. The date, hour and place of the hearing.

116.7.4 Posting of notice.

The Building Official shall post one copy of the notice of hearing in a conspicuous place on the unsafe building, structure, equipment or unoccupied building involved, not less than ten days prior to the hearing.

116.7.6 Hearing by Building Board of Appeals.

The Building Board of Appeals shall hold a hearing and consider all competent evidence offered by any person pertaining to the matters set forth in the report of the Building Official.

The Building Board of Appeals shall make written findings of fact as to whether or not the building or structure is an unsafe building as defined in this Chapter.

116.7.7 Order.

If the Building Board of Appeals finds that the building, structure, equipment or unoccupied building is an unsafe building, it shall make an order based on its finding that:

1. The building, structure, equipment or unoccupied building is unsafe and directing that repairs be made and specifying such repairs, or
2. The building, structure, equipment or unoccupied building is unsafe and directing that it be vacated and that specified repairs be made, or
3. The building, structure, equipment or unoccupied building is unsafe and directing that it shall be vacated and demolished.

The order shall state the time within which the work required must be commenced after the service of the order. The order shall state a reasonable time within which the work shall be completed. The Building Official for good cause, may extend the time for completion in writing.

The order shall be served upon the same parties and in the same manner as required by Section 116.7.2 for the notice of hearing. It shall also be conspicuously posted on or

about the building or structure.

116.7.8 Work by the City: Unsafe Buildings, Structures, Equipment and Unoccupied Buildings: Demolition or Repair and Securing.

If the repairs, securing or demolition actions necessary to remove the unsafe condition as set forth in the Notice of Unsafe Building are not made within the designated period and a hearing has not been requested by the property owner, the Building Official shall request that a hearing be held regarding the unsafe condition.

If the findings of the Building Board of Appeals are not complied with in the period designated by the Board, the Building Official may then demolish, secure or repair such portions of the structure, or may cause such work to be done, to the extent necessary to eliminate the hazard determined to exist by the Building Official or the Building Board of Appeals. The costs of demolition, security, repair, or any work to the extent necessary to eliminate the hazard shall be charged to and a responsibility of the property owner. Failure to make payment shall subject the property to lien for the costs unpaid.

116.7.8.1 Emergency procedure.

Whenever any portion of a structure constitutes an immediate hazard to life or property, and in the opinion of the Building Official, the conditions are such that repairs, securing or demolition must be undertaken within less than the designated period, the Building Official may make such alterations or repairs, secure or demolish such portions of the structures as are necessary to protect life or property, or both, after giving such notice to the property owner as the circumstances will permit or without any notice whatever when, in the Building Official's opinion, immediate action is necessary.

116.7.8.2 Costs.

The costs involved in Section 116.7.8 and 116.7.8.1 of such demolition, securing or repair, including the entire cost of the services rendered by the City, after reasonable demands for payment shall be subject to lien for nonpayment against the property upon which the structure stands. The Building Official shall notify, in writing, the property owner of the amount of the costs resulting from such work. Within thirty days of the receipt of such notice, the property owner may file with the Building Official a written request for a hearing

The Building Board of Appeals thereupon shall set the matter for hearing; give such property owner notice thereof as provided in Section 116.7.2; hold such hearing and determine the reasonableness or correctness of the assessment, or both; and if requested, determine the necessity of the demolition or repairs. The Building Board of Appeals, in writing, shall notify the property owner of its decision.

116.7.8.3 Recordation of costs

If the total costs determined as provided for in this section are not paid in full within 45 days after receipt of such notice from the Building Official or the Building Board of Appeals, as the case may be, the Building Official shall record in the office of the County Recorder a statement of the total balance still due and a legal description of the property. From the date of such recording, such balance due shall be a lien against the parcel.

The lien shall be collected at the same time and in the same manner as ordinary County taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All the laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such lien.

116.7.8.4 Interference prohibited.

A person shall not obstruct, impede, or interfere with the Building Official or any representative of the Building Official, or with any person who owns or holds any estate or interest in any unsafe building which has been ordered by the Building Board of Appeals to be repaired, vacated and repaired, or vacated and demolished or removed, whenever the Building Official or such owner is engaged in repairing, vacating and repairing, or demolishing any such unsafe building pursuant to this Chapter, or is performing any necessary act preliminary to or incidental to such work, or authorized or directed pursuant hereto.

116.7.8.5 Prosecution.

In case the owner shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Building Official shall cause the owner of the building to be prosecuted as a violator of this Code.

Section 7-5-110 RESERVED

Section 7-5-115 RESERVED

Section 7-5-120 RESERVED

Section 7-5-125 RESERVED

Section 7-5-130: PEDESTRIAN WALKWAYS OVER PUBLIC PROPERTY. Pedestrian walkways over public property shall be subject to the approval of the City. Notwithstanding the preceding sentence, sidewalk arcades on public property need not be considered as adjacent buildings for the provisions of this Chapter, provided that the arcades are of not less than one (1) hour fire resistive construction or are constructed entirely of noncombustible materials, fire retardant treated wood or heavy timber construction with two-inch (2") nominal sheathing, or a combination of the above materials.

Section 7-5-135 FOOTING SEISMIC REINFORCING

Section R403.1.3 of the 2013 California Residential Code is amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars, one top and one bottom and not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

Section 7-5-140 CONSTRUCTION METHODS FOR BRACED WALL PANELS AND TABLE R602.10.3(3)

Section R602.10.4 is added and **Table R602.10.3(3)** revised to read as follow:
Add a new footnote "e" to the end of CRC Table R602.10.3(3), to read:

> e. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the "e" footnote notation in the title of Table R602.10.3(3) to read:

> TABLE R602.10.3(3)[e]

Add a new subsection R602.10.4.4, to read:

R602.10.4.4 Limits on methods GB and PCP. In Seismic Design Categories D0, D1,

and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Section 7-5-145: MULTIPLE HAZARDS: OUTDOOR STORAGE.

(a) When a hazardous material has multiple hazards, all hazards shall be addressed and controlled in accordance with the provisions of this chapter. When overhead noncombustible construction is provided for sheltering exterior hazardous material storage areas, such storage shall not be considered indoor storage when all of the following conditions are met:
(1) Supports shall be of noncombustible construction.
(2) Supports and walls shall not obstruct more than 25 percent of the perimeter of the storage area.
(3) The distance to buildings, property lines, streets, alleys, public ways or exits to a public way shall not be less than the distance required for an exterior hazardous material storage area without weather protection.

Section 7-5-150: RESERVED

Section 7-5-155: Noncombustible construction Section 414.6.1.3 of the Code is added to read as follows:

414.6.1.3 Noncombustible construction. The overhead structure shall be of approved noncombustible construction with a maximum area of 3,000 square feet (140m^2).

Section 7-5-160: Modifications to 2013 CBC and ASCE 7 is added to read as follows:

Section 1612.3 of the 2013 California Building Code is amended to read as follows.

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the City Council shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Leandro, California, revision dated August 9, 2009, as amended, with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

Section 1613.6 is added to read as follows:

1613.6 ASCE 7, 12.2.3.1, Exception 3. Modify ASCE 7 Section 12.2.3.1 Exception 3 to read as follows:

3. Detached one and two family dwellings up to two stories in height of light frame construction.

Section 7-5-165: CONCRETE CONSTRUCTION

Section 1705.3 of the California Building Code, 2013 Edition is amended as follows:

1705.3 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table **1705.3**.

Exceptions: Special inspection shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less in height that are fully supported on earth or rock, *where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).*

2. Continuous concrete footings supporting walls of buildings three stories or less in height that are fully supported on earth or rock where:

    2.1. The footings support walls of light-frame construction;
    2.2. The footings are designed in accordance with Table 1805.4.2; or
    2.3. The structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.

3. Nonstructural concrete slabs supported directly on the ground, including pre-stressed slabs on grade, where the effective pre-stress in the concrete is less than 150 psi (1.03 Mpa).

4. Concrete foundation walls constructed in accordance with Table 1805.5(5).

5. Concrete patios, driveways and sidewalks, on grade.

Section 7-5-170: STRUCTURAL OBSERVATIONS FOR SEISMIC RESISTANCE

Section 1704.5.1 of the 2013 Edition of the California Building Code is amended by adding new item 6 and exception to read as follows:

6. Structural observations of the lateral system shall be provided for all new commercial, industrial, and multifamily buildings and all new single family dwelling on hillsides.

Exception: Structural observations of the lateral system may be waived for one and two-story wood residential structure when such structures are in full compliance with

conventional light frame construction of Chapter 23 of the California Building Code or the California Residential Code.

SECTION 7-5-175: SOILS AND FOUNDATIONS

Sections 1803.8, 1803.9 and 1803.10 are added to the 2013 California Building Code to read:

1803.8 Review. Before issuing a permit for a building where soil and foundation investigation is required, the Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation shall state in writing (must be signed and stamped):

1. The plans and specifications substantially conform to the recommendations in the soil investigation.
2. The Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the city.

1803.9 Field Report. Before requesting a foundation inspection from the City, the Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation shall provide a written field report stating:

1. The building pad was prepared and compacted in accordance with the soil report and specification.
2. The foundation or pier excavation, depth, backfill materials, and drainage (if applicable), substantially conforms to the soil report and approved plans.

1803.10 Final Report. Before final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer in responsible charge of the soil investigation shall issue a final report stating the completed pad, foundation, finish grading, drainage, and associated site work substantially conforms to the approved plans, specifications, and investigation.

SECTION 7-5-180: CONCRETE AND MASONRY FOUNDATION WALLS

Section 1807.1.6 of the 2013 Edition of the California Building Code is amended to read as follows:

1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

SECTION 7-5-185: MODIFICATIONS TO ACI 318

Section 1905.1 is amended to read as shown below and Sections 1905.1.10 thru

1905.1.12 is added to Chapter 19 of the 2013 Edition of the California Building Code:

The last paragraph of Section 1905.1.2 of the 2013 Edition of the California Building Code is amended to read as follows:

All special moment frames and special structural walls shall also satisfy 21.1.3 through 21.1.7. Concrete tilt-up wall panels classified as intermediate precast structural wall system shall satisfy 21.9 in addition to 21.4.2 and 21.4.3 for structures assigned to Seismic Design Category D, E or F.

1905.1.8 ACI 318, section 22.10 Delete ACI 318, section 22.10, and replace with the following:

22.10.1- Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

a. Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

   Exception: In detached one- and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

b. Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

   Exception: In detached one- and two-family dwellings three stories or less in height and constructed with stud bearing walls, with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross–sectional area of the footing.

Sections 1905.1.10 through 1905.1.12 are added as follows:

1905.1.10 ACI 318, Section 21.6.4. Modify ACI 318, Section 21.6.4, by adding Section 21.6.4.8 and 12.6.4.9 as follows:

21.6.4.8 Where the calculated point of contra flexure is not within the middle half of the member clear height, provide transverse reinforcement as specified in ACI 318 Sections 21.6.4.1, Items (a) through (c), over the full height of the member.

21.6.4.9 – At any section where the design strength, φP_n, of the column is less than the

sum of the shears V_e computed in accordance with ACI 318 Sections 21.5.4.1 and 21.6.5.1 for all the beams framing into the column above the level under consideration, transverse reinforcement as specified in ACI 318 Sections 21.6.4.1 through 21.6.4.3 shall be provided. For beams framing into opposite sides of the column, the moment components are permitted to be assumed to be of opposite sign. For the determination of the design strength, φP_n, of the column, these moments are permitted to be assumed to result from the deformation of the frame in any one principal axis.

1905.1.11 ACI 318, Section 21.9.4. Modify ACI 318, Section 21.9.4, by adding Section 21.9.4.6 to read as follows:

21.9.4.6 – Walls and portions of walls with $P_u > 0.35P_o$ shall not be considered to contribute to the calculated shear strength of the structure for resisting earthquake-induced forces. Such walls shall conform to the requirements of ACI 318 Section 21.13.

1905.1.12 ACI 318, Section 21.11.6. Modify ACI 318, Section 21.11.6.1, as follows:

21.11.6.1 Collector and boundary elements in topping slabs placed over precast floor and roof elements shall not be less than 3 inches (76 mm) or 6 d_b in thickness, where d_b is the diameter of the largest reinforcement in the topping slab.

Section 7-5-190: CONVENTIONAL LIGHT-FRAME CONSTRUCTION

Section 2301.2, method 3 of California Building Code, 2013 edition is revised as follows:

Delete Exception.

Section 4.3.4 of SDPWS 2008 Edition is amended as follows:

Delete rows 5 & 6 and footnote 2 of Table 4.3.4

Section 2306.3 of the California Building Code, 2013 is amended as follows:

Section 2306.3 Wood –frame shear walls. Wood –frame shear walls shall be designed and constructed in accordance with AF&PA SDPWS. Where panels are fastened to framing members with staples, requirements and limitations of AF&PA SDPWS shall be met and the allowable shear values set forth in Table 2306.3(1), 2306.3(2) or 2306.3(3) shall be permitted. The allowable shear values in Tables 2306.3(1) and 2306.3(2) are permitted to be increased 40 percent for wind design. Panels complying with ANSI/APA PRP-210 shall be permitted to use design values for Plywood Siding in the AF&PA SDPWS. Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall not be used to resist seismic forces in structures assigned to Seismic design Category D, E or F.

Section 2308.1 of the California Building Code, 2013 Edition is amended as follows:

Section 2308.1 General. The requirements of this section are intended for conventional light-frame construction. Other methods are permitted to be used, provided a satisfactory design is submitted showing compliance with other provisions of this code. Interior non-load -bearing partitions, ceilings and curtain walls of conventional light-frame construction are not subject to the limitations of this section.

Section 2308.3.4 of the California Building Code, 2013 Edition is amended as follows:

Section 2308.3.4 Braced wall line support. Braced wall lines shall be supported by continuous foundations.

Exceptions:

1. One-story buildings with maximum plan dimension not exceeding 50 feet (15240 mm), may have continuous foundations located at exterior braced wall lines only.

2. Two-story buildings with a maximum plan dimension not exceeding 50 feet (15240 mm) may have braced wall lines supported on continuous foundations at the exterior walls only, provided:

    a. Cripple walls do not exceed 4 feet (1219 mm) in height.

    b. Where the first story is supported on a raised wood framed floor, the interior braced wall panels are directly supported by doubled joists, continuous 4x blocking or minimum 4x floor beams.

Section 2308.12.4 of the California Building Code, 2013 Edition is amended as follows:

2308.12.4 Braced wall line sheathing. Braced wall lines shall be braced by sheathing prescribed by Table 2308.12.4 as shown in Figure 2308.9.3. The sum of lengths of braced wall panels at each braced wall line shall conform to Table 2308.12.4. Braced wall panels shall be distributed along the length of the braced wall line and start at not more than 8 feet (2438 mm) from each end of the braced wall line. Sheathing shall be minimum of 3/8" thick and be fastened to studs, top and bottom plates and at panel edges occurring over blocking. Wall framing to which sheathing used for bracing is applied shall be nominal 2 inch wide [actual 1½ inch (38 mm)] or larger members, spaced a maximum of 16 inches on center. Nailing shall be minimum 8d common placed 3/8 inches from panel edges and spaced not more than 6 inches on center, and 12 inches on center along intermediate framing members. Cripple walls having a stud height exceeding 14 inches (356 mm) shall be considered a story for the purpose of this section and shall be braced as required for braced wall lines in accordance with Table 2308.12.4. Where interior braced wall lines occur without a continuous foundation below, the length of parallel exterior cripple wall bracing shall be one and one-half times the lengths required by Table 2308.12.4. Where the cripple wall sheathing type used is Type S-W and this additional length of bracing cannot be provided, the capacity of Type S-W sheathing shall be increased by reducing the spacing of fasteners along the perimeter of each piece of

sheathing to 4 inches (102 mm) o.c.

Table 2308.12.4 of the California Building Code 2013 Edition is amended as follows:

TABLE 2308.12.4
WALL BRACING IN SEISMIC DESIGN CATEGORIES D AND E
(Minimum Length of Wall Bracing per each 25 Linear Feet of Braced Wall Line[a])

CONDITION	SHEATHING TYPE[b]	$S_{DS} < 0.50$	$0.50 \leq S_{DS} < 0.75$	$0.75 \leq S_{DS} \leq 1.00$	$S_{DS} > 1.00$
One Story	S-W	5 feet 4 inches	8 feet 0 inches	9 feet 4 inches	12 feet 0 inches

For SI:1 inch = 25.4 mm, 1 foot = 304.8 mm.

Section 7-5-195: REPAIRS. Section 3405 is amended as follows

Section 3405.2.3 Extent of Repair for Noncompliant Buildings of the California Building Code, 2013 Edition is amended as follows:

3405.2.3 Extent of repair for noncompliant buildings. If the evaluation does not establish compliance of the pre-damage building in accordance with Section 3405.2.1, then the building shall be rehabilitated to comply with applicable provisions of this code for load combinations, including wind or seismic loads. The wind loads for the repair shall be as required by the building code in effect at the time of original construction or as required by this code, whichever is greater. Earthquake loads for this rehabilitation design shall be those required for the design of the pre-damage building, but not less than 75 percent of the prescribed in Section 1613. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of this code for new buildings of similar structure, purpose and location.

Sections 3405.2.4 through 3405.2.4.2 and Tables 3405.2.4.1 and 3405.2.4.2 are added as follows:

3405.2.4 Seismic Evaluation and Design Procedures for Repairs. The seismic evaluation and design shall be based on the procedures specified in the California Building Code, ASCE 31 *Seismic Evaluation of Existing Buildings* (for evaluation only) or ASCE 41 *Seismic Rehabilitation of Existing Buildings*. The procedures contained in Appendix A of the *International Existing Building Code* shall be permitted to be used as specified in Section 3405.5.1.1.3.

3405.2.4.1 Compliance with CBC level seismic forces. Where compliance with the seismic design provisions of the California Building Code is required, the procedures shall be in accordance with one of the following:

1. One-hundred percent of the values in the California Building Code. Where the existing seismic force-resisting system is a type that can be designated as "Ordinary," the values of R, Ω_o, and C_d used for analysis in accordance with Chapter 16 of the California Building Code shall be those specified for structural systems classified as "Ordinary" in accordance with Table 12.2-1 of ASCE 7, unless it is demonstrated that the structural system will provide performance equivalent to that of a "Detailed," "Intermediate" or "Special" system.

2. Compliance with ASCE 41 using both BSE-1 and BSE-2 earthquake hazard levels and the corresponding performance levels in Table 3405.2.4.1.

TABLE 3405.2.4.1
PERFORMANCE CRITERIA FOR CBC LEVEL SEISMIC FORCES

OCCUPANCY CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note a	Note a
IV	Immediate Occupancy (IO)	Life Safety (LS)

a. Acceptance criteria for Occupancy Category III shall be taken as 80 percent of the acceptance criteria specified for Occupancy Category II performance levels, but need not be less than the acceptance criteria specified for Occupancy Category IV performance levels.

3405.2.4.2 Compliance with reduced CBC level seismic forces. Where seismic evaluation and design is permitted to meet reduced California Building Code seismic force levels, the procedures used shall be in accordance with one of the following:

1. The California Building Code using 75 percent of the prescribed forces. Values of R, Ω_o, and C_d used for analysis shall be as specified in Section 3405.2.4.1 Item 1.
2. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A of the *International Existing Building Code* as specified in Items 2.1 through 2.5 below shall be deemed to comply with this section.
   2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

2.5. Seismic evaluation and design of concrete buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.

3. Compliance with ASCE 31 based on the applicable performance level as shown in Table 3405.2.4.2. It shall be permitted to use the BSE-1 earthquake hazard level as defined in ASCE 41 and subject to the limitations in item 4 below.
4. Compliance with ASCE 41 using the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 3405.2.4.2. The design spectral response acceleration parameters S_{xs} and S_{x1} specified in ASCE 41shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_{DS} and S_{D1} defined by the *California Building Code* and its reference standards.

TABLE 3405.2.4.2
PERFORMANCE CRITERIA FOR REDUCED CBC LEVEL SEISMIC FORCES

OCCUPANCY CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Life Safety (LS)
II	Life Safety (LS)	Life Safety (LS)
III	Note a, Note b	Note a
IV	Immediate Occupancy (IO)	Immediate Occupancy (IO)

a. Acceptance criteria for Occupancy Category III shall be taken as 80 percent of the acceptance criteria specified for Occupancy Category II performance levels, but need not be less than the acceptance criteria specified for Occupancy Category IV performance levels.

b. For Occupancy Category III, the ASCE screening phase checklists shall be based on the life safety performance level.

3405.2.4.3 Referenced Standards

Standard Reference Number	Title	Referenced In Code Section Number
ASCE 31-03	Seismic Evaluation of Existing Buildings	3405.2.4.1, TABLE 3405.2.4.1 3405.2.4.2, TABLE 3405.2.4.2
ASCE 41-06 Including Supplement No. 1	Seismic Rehabilitation of Existing Buildings	3405.2.4.1, TABLE 3405.2.4.1 3405.2.4.2, TABLE 3405.2.4.2

3405.3.1 Lateral force-resisting elements are hereby deleted.

Section 7-5-200: CHANGE OF OCCUPANCY: SEISMIC.

Section 3408 is amended as follows.

3408.4 Seismic. When a change of occupancy results in a structure being reclassified, the structure shall conform to the seismic requirements for a new structure.

The text of the exception is not changed."

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2013-010

AN ORDINANCE REPEALING ARTICLE 2 OF CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE, DANGEROUS BUILDING CODE

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 2 of Title VII, Chapter 5, of the San Leandro Municipal Code is hereby repealed.

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 3. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

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Introduced by Councilmember Cutter on this 21st day of October, 2013, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted this 18th day of November, 2013, after publication on November 1 and 8, 2013, by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2013-011

AN ORDINANCE REPEALING ARTICLE 3 AND RE-ENACTING ARTICLE 3 OF CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE, AMENDING THE STATE-MANDATED CALIFORNIA BUILDING STANDARDS CODE, AND ADOPTING BY REFERENCE THE UNIFORM HOUSING CODE, AS AMENDED

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 3 of Chapter 5 of Title VII of the San Leandro Municipal Code is hereby repealed.

Section 2. Article 3 is hereby re-enacted to Chapter 5 of Title VII of the San Leandro Municipal Code to read as follows:

"ARTICLE 3. UNIFORM HOUSING CODE

Section 7-5-300: ADOPTION. Except as hereinafter specifically set forth, the "California Building Standards Code, 2013 Edition" is amended and that certain document entitled "Uniform Housing Code, 1997 Edition", published by the International Conference of Building Officials is hereby adopted as the "Housing Code" of the City of San Leandro. However, in accordance with California Government Code Section 50022.4, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of this Ordinance. In accordance with California Government Code Section 50022.6, at least one true copy of the Uniform Housing Code was on file with the San Leandro City Clerk fifteen days prior to enactment of this Ordinance. While this Ordinance is in force, a true copy of the Uniform Housing Code shall be kept for public inspection in the office of the San Leandro City Clerk. A reasonable supply of copies of the Uniform Housing Code shall be available in the office of the San Leandro City Clerk for public purchase.

Section 7-5-305: ENFORCEMENT AND ABATEMENT. Enforcement and abatement procedures as set forth in The San Leandro Building Code or Articles 11, 12 and 13 of this Chapter shall be applicable.

Section 7-5-310: DELETIONS. Chapters 10, 11, 12, 13, 14, 15 and 16 of the Uniform Housing Code are hereby deleted. Subsections 201.1, 201.2, Sections 202 and 204 of the Uniform Housing Code are hereby deleted.

Section 7-5-315: BOARD OF APPEALS. Section 203.1 of the Uniform Housing Code is hereby amended to read as follows:

The Board of Appeals created under Section 7-5-113 of the San Leandro Building Code shall hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code. The Board shall function as described in said Section of the San Leandro Municipal Code.

Section 7-5-320: FEES. Section 302 of said Code is hereby amended to read as follows:

Section 302. Whenever a building permit is required by Section 301 of this Code, the appropriate fees shall be paid to the Building Official in accordance with, and in the amount set forth in, the applicable fee schedule resolution adopted by the City Council.

Section 7-5-325: SUBSTANDARD BUILDING; CONDITIONS. Any building or portion thereof including any dwelling unit, guest room or suite of rooms or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper, water closet, lavatory, or bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(6) Lack of adequate heating.

(7) Lack of, or improper operation of required ventilating equipment.

(8) Lack of minimum amounts of natural light and ventilation required by this Code.

(9) Room and space dimensions less than required by this Code.

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

(12) Infestation of insects, vermin, or rodents as determined by the health officer.

(13) General dilapidation or improper maintenance.

(14) Lack of connection to required sewage disposal system.

(15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical support that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition, or which may not have

conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and which is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

(g) Faulty weather protection, which shall include, but not be limited to, the following:

(1) Deteriorated, crumbling, or loose plaster.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) All materials of construction, except those which are specifically allowed or approved by this Code, and which have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof which is determined to be an unsafe building due to inadequate maintenance, in accordance with the Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this Code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required for installation.

(m) All buildings or portions thereof which are not provided with the fire-resistive

construction or fire-extinguishing systems or equipment required by this Code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.

(o) Inadequate structural resistance to horizontal forces. A condition which would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of such requirements in effect at the time of construction, alteration, or conversion."

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 4. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

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Introduced by Councilmember Cutter on this 21st day of October, 2013, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted this 18th day of November, 2013, after publication on November 1 and 8, 2013, by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2013-012

AN ORDINANCE REPEALING ARTICLE 4 AND ADDING ARTICLE 4 TO CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE, AMENDING THE STATE-MANDATED CALIFORNIA BUILDING STANDARDS CODE, AND ADOPTING BY REFERENCE THE UNIFORM MECHANICAL CODE, AS AMENDED

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 4 of Chapter 5 of Title VII of the San Leandro Municipal Code is hereby repealed.

Section 2. Article 4 is hereby added to Chapter 5 of Title VII of the San Leandro Municipal Code to read as follows:

"ARTICLE 4. MECHANICAL CODE

Section 7-5-400: ADOPTION. Except as hereinafter specifically set forth, the "California Building Standards Code, 2013 Edition" is amended and that certain document entitled "Uniform Mechanical Code, 2012 Edition", published by the International Association of Plumbing and Mechanical Officials is hereby adopted as the "Mechanical Code" of the City of San Leandro. However, in accordance with California Government Code Section 50022.4, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of this Ordinance. In accordance with California Government Code Section 50022.6, at least one true copy of the Uniform Mechanical Code has been on file with the San Leandro City Clerk fifteen days prior to enactment of this Ordinance. While this Ordinance is in force, a true copy of the Uniform Mechanical Code shall be kept for public inspection in the office of the San Leandro City Clerk. A reasonable supply of copies of the Uniform Mechanical Code shall be available in the office of the San Leandro City Clerk for public purchase.

Section 7-5-405: DELETIONS: ENFORCEMENT ABATEMENT PROCEDURES. Chapter 1 is hereby deleted. Enforcement and abatement procedures set forth in The San Leandro Building Code or Articles 11, 12, and 13 of this Chapter shall apply to this Article.

Section 7-5-410: BOARD OF APPEALS. The Board of Appeals created under Section 7-5-113 of the San Leandro Building Code shall hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation

of this Code. The Board shall function as described in said Section of the San Leandro Building Code.

Section 7-5-415: FEES. Section 115 of said Code is hereby deleted and replaced by Section 109.2 of Title 7, Chapter 5, Article 1, Section 109 of the San Leandro Municipal Code."

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 4. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

Introduced by Councilmember Cutter on this 21st day of October, 2013, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted this 18th day of November, 2013, after publication on November 1 and 8, 2013, by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2013-013

AN ORDINANCE REPEALING ARTICLE 5 AND ADDING ARTICLE 5 TO CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE, AMENDING THE STATE-MANDATED CALIFORNIA BUILDING STANDARDS CODE, AND ADOPTING BY REFERENCE THE NATIONAL ELECTRICAL CODE, AS AMENDED

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 5 of Chapter 5 of Title VII of the San Leandro Municipal Code is hereby repealed.

Section 2. Article 5 is hereby added to Chapter 5 of Title VII of the San Leandro Municipal Code to read as follows:

"ARTICLE 5. NATIONAL ELECTRICAL CODE

Section 7-5-500: ADOPTION. Except as hereinafter specifically set forth, the "California Building Standards Code, 2013 Edition," is amended and that certain document entitled "National Electrical Code, 2011 Edition," published by the National Fire Protection Association, in that document entitled "The 2013 California Electrical Code" is hereby adopted as the electrical code governing the construction, installation, use and alteration of electric wiring, apparatus and equipment in the City of San Leandro. However, in accordance with California Government Code Section 50022.4, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of this Ordinance. In accordance with California Government Code Section 50022.6, at least one true copy of the National Electrical Code has been on file with the San Leandro City Clerk fifteen days prior to enactment of this Ordinance. While this Ordinance is in force, a true copy of the National Electrical Code shall be kept for public inspection in the office of the San Leandro City Clerk. A reasonable supply of the National Electrical Code shall be available in the office of the San Leandro City Clerk for public purchase.

Section 7-5-505: ADMINISTRATION. Enforcement and abatement procedures set forth in the San Leandro Building Code or Articles 11, 12, and 13 of this Chapter shall apply to this Article.

Section 7-5-510: FEES. Section 115 of said Code is hereby deleted and replaced by Section 109.2 of Title 7, Chapter 5, Article 1, Section 109 of the San Leandro Municipal Code."

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 4. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

Introduced by Councilmember Cutter on this 21st day of October, 2013, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted this 18th day of November, 2013, after publication on November 1 and 8, 2013, by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2013-014

AN ORDINANCE REPEALING ARTICLE 6 AND RE-ENACTING ARTICLE 6 OF CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE, ELECTRICAL - GENERAL PROVISIONS

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 6 of Chapter 5 of Title VII of the San Leandro Municipal Code is hereby repealed.

Section 2. Article 6 is hereby re-enacted and made a part of Chapter 5 of Title VII of the San Leandro Municipal Code, to read as follows:

"ARTICLE 6. ELECTRICAL - GENERAL PROVISIONS

Section 7-5-600: PERMIT REQUIRED. It shall be unlawful for any person, firm, corporation, public utility or other entity to construct, install, alter, or repair, or knowingly to allow any other person to construct, install, alter, or repair any electrical wiring or equipment in the City of San Leandro contrary to the provisions of this Chapter, or without having first obtained a permit therefore from the Building Official of said City, except as hereinafter provided.

Section 7-5-605: APPLICATION FOR PERMIT. All applications for permits for the installation, alteration and use of electrical materials and equipment shall be in such form as shall be prescribed and provided by the Building Official. The application for each such permit shall contain the name of the owner or user of the electrical wiring or equipment to be installed, altered or changed, the location of such work by correct address, and the name and address of the person, firm or corporation performing said work. Detailed plans, diagrams and specifications may be required in addition to the application, when such information is deemed necessary by the Building Official.

Section 7-5-635: EMERGENCY WORK. A permit shall not be required prior to performance of work regulated by this Article when such work is necessary because of an emergency requiring the immediate performance of such work for the protection of life or property, provided that the party performing such work shall notify the Building Official of the performance of said work within twenty-four (24) hours thereafter, and shall obtain a permit therefore pursuant to the provisions of this Article.

Section 7-5-640: APPLICATION TO PUBLIC UTILITIES. The provisions of Section 7-5-600 shall not apply to any electrical work performed by any electrical corporation, telephone corporation, railroad corporation or other public utility on or with electrical equipment owned or controlled or operated or used by or for the exclusive benefit of such corporation, in the conduct

of its business as a public utility, or to any other work by such corporation, the performance of which is exempt under the Constitution of any law of the State of California from payment of any municipal tax. All other provisions of this Chapter shall apply, if applicable, to all electrical work performed by such public utility corporations. Nothing herein contained shall be construed to allow any such corporation to perform electrical work for the public, or to engage in the business of electrical contracting.

Section 7-5-645: EXEMPTIONS FROM PERMIT REQUIREMENT. An electrical permit shall not be required for the following:

(a) Portable motors or other portable appliances energized by the means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code;

(b) Repair or replacement of fixed motors, transformers, or fixed approved appliances of the same type and rating in the same location;

(c) Installation of temporary decorative lighting;

(d) Repair or replacement of current - carrying parts of any switch, contactor or control device;

(e) Reinstallation of attachment plug receptacles, but not the outlets associated therewith;

(f) Repair or replacement of any over current device of the required capacity in the same location;

(g) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems;

(i) Removal of electrical wiring;

(j) Installation of temporary wiring for experimental purposes in suitable experimental laboratories;

(k) Installation of wiring for a temporary theater, motion picture or television stage sets;

(l) Installation of electrical wiring, devices, appliances, apparatus, or equipment operating at less than twenty-five (25) volts and not capable of supplying more than fifty (50) watts of energy;

(m) Installation of low-energy power, control and signal circuits of classes II & III as defined in the Electrical Code."

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 4. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

Introduced by Councilmember Cutter on this 21st day of October, 2013, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted this 18th day of November, 2013, after publication on November 1 and 8, 2013, by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2013-015

AN ORDINANCE REPEALING ARTICLE 7 AND RE-ENACTING ARTICLE 7 OF CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE, ELECTRICAL - PROCEDURE

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 7 of Chapter 5 of Title VII of the San Leandro Municipal Code is hereby repealed.

Section 2. Article 7 is hereby re-enacted to Chapter 5 of Title VII of the San Leandro Municipal Code to read as follows:

"ARTICLE 7. ELECTRICAL - PROCEDURE

Section 7-5-700: COMMENCEMENT OF WORK. If the work authorized by any permit issued pursuant to the provisions of this Article shall not be commenced for a period of one hundred eighty (180) days after the date of said permit, or shall be continuously suspended for a period of one hundred eighty (180) days, such permit shall thereupon lapse and become null and void. A lapsed permit may be renewed upon payment of one-half of the fee currently required for a new permit; provided that no changes are made in the original plans and specifications for such work; and provided further that such suspension of work has not exceeded one year.

Section 7-5-705: CALL FOR INSPECTION. Within twenty-four (24) hours, exclusive of Saturdays, Sundays and holidays, after the completion of work for which a permit has been issued or upon completion of portions of said work as determined by the Building Official, the permittee shall notify the Building Official in the form and manner prescribed by the Building Official, that said work or portion thereof has been completed.

Section 7-5-710: INSPECTION OF WORK. Upon receipt of the notice prescribed by Section 7-5-705, the Building Official shall inspect the work as soon as reasonably practicable. An inspection of the work or portion thereof may also be made at such other times, and as often during the progress of said work as may be deemed necessary or advisable by the Building Official. If the Building Official determines that said work is not in compliance with the provisions of this Article and other applicable regulations, or if for any reason an inspection cannot be made, the Building Official shall disapprove or withhold approval of said work and shall notify the holder of the permit of the action and the reasons therefor.

Section 7-5-715: CORRECTION OF DEFECTS IN WORK. Within ten (10) days following receipt of the notice provided in Section 7-5-710, or within such extension of time as may be reasonably granted by the Building Official, the holder of the permit shall correct the work and notify the Building Official that said correction has been made.

Section 7-5-725: INTERFERENCE WITH WORK AFTER APPROVAL. Whenever any electrical wiring or other electrical equipment shall have been inspected and approved, it shall be unlawful thereafter for any person to damage or interfere with the same without authority; and it shall likewise be unlawful thereafter for any person, whether pursuant to authority of the original or any subsequent permit, to change or alter such wiring or other electrical equipment without the approval of the Building Official.

Section 7-5-730: UNLAWFUL TO CONCEAL WIRING OR OTHER EQUIPMENT BEFORE INSPECTION. It shall be unlawful for any person to lathe over, seal, or in any manner cover or conceal, or to cause to be lathed over, sealed, or in any manner covered or concealed, any wiring or other electrical equipment for installation of which a permit is herein required, until such wiring or other electrical equipment shall have been inspected and approved by the Building Official. The Building Official shall have the power to require the removal of any obstruction that prevents proper inspection of any electrical equipment.

Section 7-5-735: UNLAWFUL TO MAKE SERVICE CONNECTION WITHOUT APPROVAL OF BUILDING OFFICIAL. It shall be unlawful for any person engaged in the distribution or sale of electrical energy to connect the distribution system, or any live supply or service conductor or conductors from said distribution system, to any electrical equipment in, on or about any building, or to cause or allow any such connection to be made, until the Building Official shall have inspected said electrical equipment and shall have authorized such connection to be made thereto. Every person engaged in the distribution or sale of electrical energy, and owning or operating any electrical distribution system, shall be held responsible for all supply or service connections from such distribution system owned or operated by him; and in any prosecution for violation of this section, if it shall be proved that any electrical distribution system, or any live supply or service conductor therefrom was connected to any electrical equipment in, on or about any building before such connection has been authorized as in Article 5, 6 and 7 provided, such proof shall be prima facie evidence of a violation of this Section by the person owning or operating the said distribution system.

Section 7-5-740: DISCONNECTION OF UNLAWFUL CONNECTION REQUIRED. Whenever the Building Official shall find any electrical distribution system, or any live service conductor therefrom, to have been connected to any electrical equipment in, on or about any building without authority therefor as in Articles 5, 6 and 7 required, the Building Official shall be authorized and empowered to cause such system or conductor to be disconnected from said electrical equipment, or to order and require the same to be disconnected by the person owning or operating said distribution system.

Section 7-5-745: UNLAWFUL TO CONNECT OR USE CERTAIN EQUIPMENT WITHOUT APPROVAL OF BUILDING OFFICIAL. It shall be unlawful for any person to connect, or cause to be connected, to any source of electrical energy any electrical equipment for installation of which a permit is in this Chapter required, or to use electric current in, through, or by means of any such electrical equipment, until such connection and use shall have been authorized by the Building Official.

Section 7-5-755: INSPECTION RELEASE REQUIRED FOR POWER COMPANIES TO MAKE METER INSTALLATIONS, SERVICE CONNECTIONS AND CHANGES OF SERVICE. An inspection release is required whenever any person engaged in the distribution or sale of electrical energy shall set or install, or reset or reinstall in, on, or about any building, any meter for the measurement of electrical energy or shall connect or reconnect supply or service to any installation of electrical equipment, in, on, or about any building; or shall change the nominal voltage of supply or service to any installation of electrical equipment in, on or about any installation of electrical equipment, in, on or about any building, or shall change any such supply or service from 2-wire to 3-wire or vice versa, or from single phase to poly phase or vice versa, or from direct current to alternating current or vice versa; provided, however, that said inspection release need not be required with respect to any residential type meter installation or reinstallation, or supply or service connection or reconnection, or change of supply or service which shall have been expressly approved or authorized by the Building Official within sixty (60) days previous to the date on which said meter installation or reinstallation, or said change of supply or service, is made.

Section 7-5-760: SAFETY OF ELECTRICAL WORK AND EQUIPMENT REQUIRED. All electrical work shall be so performed, and all electrical equipment shall be so constructed, installed, protected, operated, repaired, and maintained, that said electrical work and electrical equipment will be, to such extent as is reasonably possible, safe, and free from risk or danger of accident or injury by fire, shock, or otherwise, to either person or property.

Section 7-5-765 ENERGY EFFICIENCY MANDATORY MEASURES FOR NEWLY CONSTRUCTED RESIDENTIAL BUILDINGS

ELECTRICAL VEHICLE SUPPLY WIRING

1. For one- or two- family dwellings and townhouses, provide a minimum of:
    a. One 208/240 V 40 amp, grounded AC outlet, for each dwelling unit; or
    b. Panel capacity and minimum ¾" conduit for the future installation of a 208/240 V 40 amp, grounded AC outlet, for each dwelling unit.

    The electrical outlet or conduit termination shall be located adjacent to the parking area.
2. For other residential occupancies where there is a common parking area, provide one of the following:
    a. A minimum number of 208/240 V 40 amp, grounded AC outlets equal to 5 percent of the total number of parking spaces. The outlets shall be located within the parking area; or
    b. Panel capacity and conduit for future installation of electrical outlets. The panel capacity and conduit size shall be designed to accommodate the future installation, and allow the simultaneous charging, of a minimum number of 208/240 V 40 amp, grounded AC outlets, that is equal to 5 percent of the total number of parking spaces. The conduit shall terminate within the parking area; or
    c. Additional service capacity, space for future meters, and conduit for future installation of electrical outlets. The service capacity and conduit size shall be

designed to accommodate the future installation, and allow the simultaneous charging, of a minimum number of 208/240 V 40 amp, grounded AC outlets, that is equal to 5 percent of the total number of parking spaces. The conduit shall terminate within the parking area.

When the application of the 5 percent results in a fractional space, round up to the next whole number.

FUTURE ACCESS FOR PHOTOVOLTAIC SYSTEM

An electrical conduit shall be provided from the electrical service equipment to an accessible location in the attic or other location suitable for future connection to a Photo Voltaic system. The conduit shall be adequately sized by the designer but shall not be less than 3/4 inch. The conduit shall be labeled as per the CEC section 690.31 (3) (4). The electrical panel shall be sized to accommodate the installation of a future electrical solar system.

Section 7-5-770: GENERAL POWERS AND AUTHORITY OF BUILDING OFFICIAL. The Building Official designated by the City Manager pursuant to Section 7-5-1100 shall carry out the enforcement of all laws and ordinances and all lawful orders, rules and regulations that are now or may hereafter be in effect with respect to the performance of electrical work and construction, installation, protection, alteration, repair, operation, maintenance, and use of electrical equipment, shall have and shall exercise jurisdiction over and supervision of all electrical work and all electrical equipment insofar and to such an extent as may be necessary for the adequate enforcement of such laws, ordinances, orders, rules and regulations, and shall inspect and re-inspect any and all electrical work and electrical equipment at such times and as often as, in the discretion of the Building Official, may be necessary to determine that such laws, ordinances, orders, rules and regulations shall have been or are in compliance. All electrical equipment now existing or that may hereafter be installed shall be subject to such supervision, inspection and re-inspection.

Section 7-5-780: DISCONNECTION OF ELECTRICAL EQUIPMENT. Whenever the Building Official finds any electrical equipment is or was unlawfully installed, changed, or altered, or was or is operated or used in a manner or under conditions contrary to the provisions of Article 5, 6 or 7 of this Chapter, or of any ordinance, rule, or regulation pertaining thereto, or, in the judgment of the Building Official to be defective or unsafe or dangerous to person or property, the Building Official shall have the authority and power to prohibit the further use thereof until the said unlawful, defective, unsafe, or dangerous conditions with respect thereto are remedied, and said Building Official is likewise further authorized and empowered thereupon summarily to disconnect any such electrical equipment from its source of current supply and to place a seal upon such disconnected equipment, or to disconnect the supply or service wires to the building or premises wherein or whereon such equipment is located and to place a seal thereon, or to order and require the person supplying electrical energy to such equipment to disconnect the supply or service wires and discontinue the supply of electrical energy to such equipment. It shall be unlawful for any person to fail, neglect, or refuse to comply with any such notice within the time and in the manner therein specified.

Section 7-5-785: NOTICE OF DISCONNECTION. Whenever the Building Official, pursuant to Section 7-5-780, disconnects any electrical equipment, or orders and requires the same to be disconnected, a notice in writing, stating the reason for such disconnection, shall be given to the person owning or in charge or control of such electrical equipment, or shall be conspicuously posted on the premises whereon the said equipment is located; and whenever the Building Official likewise disconnects or orders and requires the disconnection of any supply or service wires, notice in writing, stating the reason for such disconnection shall also be given to the person supplying electrical energy through such supply or service wires.

Section 7-5-795: APPROVAL AFTER CONNECTION OF CONDEMNED EQUIPMENT. When any electrical equipment shall have been condemned and disconnected in accordance with the foregoing provisions of this Chapter, it shall thereafter be unlawful for any person to reconnect such electrical equipment to any source of electrical energy, or to cause it to be so reconnected, or to use any electrical current in, through, or by means of such electrical equipment, or to supply any electrical energy thereto, or to remove or break any seal placed thereon, until the unlawful, defective, unsafe, or dangerous conditions with respect to such electrical equipment are remedied and the Building Official shall have inspected and approved the same."

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 4. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

*****

Introduced by Councilmember Cutter on this 21st day of October, 2013, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted this 18th day of November, 2013, after publication on November 1 and 8, 2013, by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2013-016

AN ORDINANCE REPEALING ARTICLE 8 OF CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE, BUILDING CONSERVATION CODE

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 8 of Chapter 5 of Title VII of the San Leandro Municipal Code is hereby repealed.

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 3. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

*****

Introduced by Councilmember Cutter on this 21st day of October, 2013, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted this 18th day of November, 2013, after publication on November 1 and 8, 2013, by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2013-017

AN ORDINANCE REPEALING ARTICLE 9 AND ADDING ARTICLE 9 TO CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE, AMENDING THE STATE-MANDATED CALIFORNIA BUILDING STANDARDS CODE AND ADOPTING BY REFERENCE THE UNIFORM PLUMBING CODE, AS AMENDED

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 9, Title VII, Chapter 5 of the San Leandro Municipal Code is hereby deleted.

Section 2. Article 9 is hereby added to Chapter 5 of Title VII of the San Leandro Municipal Code to read as follows:

"ARTICLE 9. PLUMBING CODE

Section 7-5-900: ADOPTION. Except as hereinafter specifically set forth, the "California Building Standards Code, 2013 Edition" is amended and that certain document entitled "Uniform Plumbing Code, 2012 Edition," published by the International Association of Plumbing and Mechanical Officials is hereby adopted as the "Plumbing Code" of the City of San Leandro. However, in accordance with California Government Code Section 50022.4, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of this Ordinance. In accordance with California Government Code Section 50022.6, at least one true copy of the Uniform Plumbing Code has been on file with the San Leandro City Clerk fifteen days prior to the enactment of this Ordinance. While this Ordinance is in force, a true copy of the Uniform Plumbing Code shall be kept for public inspection in the office of the San Leandro City Clerk. A reasonable supply of the Uniform Plumbing Code shall be available in the office of the San Leandro City Clerk for public purchase.

Section 7-5-905: DELETIONS: ENFORCEMENT-ABATEMENT PROCEDURES

Section 1.11.2 Duties and Powers of the Enforcing Agency is hereby amended by the deletion of subsection 1.11.2.1.1(1) (1.1) of the California Plumbing Code.

Sections 102.0 - 102.3.2 of the Uniform Plumbing Code are hereby deleted. Enforcement and abatement procedures set forth in the San Leandro Building Code or Articles 11, 12, and 13 of this Chapter shall apply to this Article.

Section 7-5-915: MATERIALS.

A. **Section 316.3.1** of the Uniform Plumbing Code is hereby deleted and replaced to read as follows:

Fixture connections between drainage pipes and water closets, floor outlet service sinks and urinals shall be made by means of approved brass, hard lead, or iron flanges caulked or soldered; rubber compression gaskets; or screwed to the drainage pipe. The connection shall be bolted with an approved gasket, washer, or setting compound between the fixture and connection. The bottom of the flange shall be set on an approved firm base.

B. Sections 408.4.1 and 408.4.3 of the Uniform Plumbing Code is hereby deleted and replaced to read as follows:

Section 408.4.1 - Closet rings (closet flanges) for water closets or similar fixtures shall be of an approved type and shall be bronze, copper, hard lead, cast iron, galvanized malleable iron, or other approved materials. Each such closet ring (closet flange) shall be approximately seven (7) inches (175 mm) in diameter and, when installed, shall, together with the soil pipe, present a one and one-half (1-1/2) inch (38 mm) wide flange or face to receive the fixture gasket or closet seal.

Section 408.4.3 - Closet rings (closet flanges) shall be burned or soldered to lead bends or stubs, shall be caulked to cast-iron soil pipe, and shall be screwed or fastened in an approved manner to other materials.

C. **Section 701.1.2** of the Uniform Plumbing Code - Materials for Drainage Piping - is hereby deleted and replaced to read as follows:

ABS and PVC drainage piping installations are not allowed.

D. **Section 701.2** - Materials of the Uniform Plumbing Code - is hereby deleted and replaced to read as follows:

Materials for drainage fittings shall be in accordance with the applicable standards referenced in Table 7-1 of the same diameter as the piping served, except that ABS and PVC installations are not allowed, and such fittings shall be compatible with the type of pipe used.

E. **Section 903.1.2** - Materials of the Uniform Plumbing Code - is hereby deleted and replaced to read as follows:

ABS and PVC vent piping and fittings are not allowed.

F. **Section 1003.1** - Materials of the Uniform Plumbing Code - is hereby deleted and replaced to read as follows:

Each trap, except for traps within an interceptor or similar device, shall be self-cleaning. Traps for bathtubs, showers, lavatories, sinks, laundry tubs, floor drains, urinals, drinking fountains, dental units, and similar fixtures shall be of standard design and weight and shall be of cast brass, cast iron, hard lead, PP, or other approved material. An exposed and readily accessible drawn-brass tubing trap, not less than 17 B&S Gauge (0.045 inch) (1.1 mm), may be used on fixtures discharging domestic sewage.

G. **Section 1101.3** - Material Uses - is hereby deleted and replaced to read as follows:

Rainwater piping placed within the interior of a building or run within a vent or shaft shall be of cast iron, galvanized steel, wrought iron, brass, copper, hard lead, stainless steel 304 or 316L (stainless steel 304 pipe and fittings shall not be installed underground and shall be kept at least six inches (152 mm) aboveground), or other approved materials, and changes in direction shall conform to the requirements of Section 706.0.

H. **Section 1102.1.2** - Materials of the Uniform Plumbing Code - is hereby deleted and replaced to read as follows:

The inside of conductors installed above ground level shall be of seamless copper water tube, Type K, L, or M; Schedule 40 copper pipe or Schedule 40 copper alloy pipe; Type DWV copper drainage tube; service weight cast-iron pipe or hubless cast-iron soil pipe; standard weight galvanized steel pipe; stainless steel 304 or 316L (stainless steel 304 pipe and fittings shall not be installed underground and shall be kept at least 6 inches (152 mm) aboveground).

Section 7-5-917: MINIMUM NUMBER OF REQUIRED FIXTURES AND SEPARATE FACILITIES.

Section 412.1 of the 2013 California Plumbing Code is amended to read as follows:

412.1 Fixture Count. Plumbing fixtures shall be provided according to Chapter 29 of the 2013 California Building Code. The use of Table 4-1 in the 2013 California Plumbing Code is recommended but not mandatory. Provisions of the California Plumbing Code shall govern where applicable.

Section 412.3 of the 2013 California Plumbing Code is amended to read as follows:

412.3 Separate Facilities. Separate toilet facilities shall be provided for each gender according to Chapter 29 of the 2013 California Building Code. Provisions of the California Plumbing Code shall govern where applicable.

Section 7-5-920: FEES FOR PERMITS AND INSPECTIONS. Section 103.4 of the Uniform Plumbing Code is hereby deleted and replaced by Title 7, Chapter 5, Section 109.2 of Article 1, of the San Leandro Municipal Code.

Section 7-5-925: ADMINISTRATION AND ENFORCEMENT. In order to provide the proper administration and enforcement of this Code, the provisions hereinafter set forth shall be applicable.

Section 7-5-930: ADMINISTRATIVE AUTHORITY. Whenever the term "Administrative Authority" is used in the Uniform Plumbing Code, it shall be construed to mean the "Building Official" or his or her "Authorized Representative."

Section 7-5-935: DUTIES OF THE BUILDING OFFICIAL. The Building Official shall:

(a) Require submission of, examine and check plans and specifications, drawings, descriptions, and/or diagrams necessary to show the character, kind and extent of work covered by an application for a permit and upon approval thereof shall issue the permit applied for;

(b) Administer and enforce the provisions of this Article in a manner consistent with the intent thereof and inspect all plumbing and drainage work authorized by any permit to assure compliance with the provisions of this Article or amendments thereto, approving or rejecting said work in whole or in part as conditions require;

(c) Issue upon request a certificate of approval for any work approved by the Building Official; and

(d) Investigate any construction or work regulated by this Article and issue such notice and orders as provided in Section 7-5-1120.

Section 7-5-940: DANGEROUS AND INSANITARY CONSTRUCTION.

(a) Any portion of a plumbing system found by the Building Official to be insanitary as defined herein is hereby declared to be a nuisance.

(b) Whenever brought to the attention of the Building Official that any insanitary conditions exist or that any construction or work regulated by this Code is dangerous, unsafe, insanitary, a nuisance or a menace to life, health or property or otherwise in violation of this Code, the said Building Official may investigate and upon determining such information to be fact, shall order any person, firm or corporation using or maintaining any such condition or responsible for the use or maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, change, remove or demolish same as the Building Official may consider necessary for the proper protection of life, health or property and in the case of any gas piping or gas appliance may order any person, firm or corporation, supplying gas to such piping or appliance to discontinue supplying gas thereto until such piping or applicant is made safe to life, health or property. Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises in which such condition exists and shall specify the date or time for compliance with such order.

(c) Refusal, failure or neglect to comply with any such notice order shall be considered a violation of this Code.

(d) When any plumbing system is maintained in violation of this Code and in violation of any notice issued pursuant to the provisions of this section, or where a nuisance exists in any building or on a lot on which a building is situated, the Building Official shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance.

Section 7-5-945: BOARD OF APPEALS. The Board of Appeals, created under Section 7-5-113 of the San Leandro Building Code, shall hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code. The Board shall function as described in said Section of the San Leandro Building Code."

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 4. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

*****

Introduced by Councilmember Cutter on this 21st day of October, 2013, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted this 18th day of November, 2013, after publication on November 1 and 8, 2013, by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2013-018

AN ORDINANCE REPEALING ARTICLE 1 AND ADDING ARTICLE 1 TO CHAPTER 3 OF TITLE III OF THE SAN LEANDRO MUNICIPAL CODE, AMENDING THE STATE-MANDATED CALIFORNIA BUILDING STANDARDS CODE, AND ADOPTING BY REFERENCE THE INTERNATIONAL FIRE CODE, AS AMENDED

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 1 of Chapter 3 of Title III of the San Leandro Municipal Code is hereby repealed.

Section 2. Article 1 is hereby added to Chapter 3 of Title III of the San Leandro Municipal Code as set forth in Attachment A, attached hereto and incorporated into this ordinance by this reference.

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 4. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

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Introduced by Councilmember Cutter on this 21st day of October, 2013, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

Passed and adopted this 18th day of November, 2013, after publication on November 1 and 8, 2013, by the following called vote:

Members of the Council:

AYES:	Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy	(7)
NOES:	None	(0)
ABSENT:	None	(0)

ATTEST: Marian Handa
Marian Handa, City Clerk

Attachment A

"ARTICLE 1. FIRE CODE

Section 3-3-100: ADOPTION.

Except as here after specifically set forth, the "California Building Standards Code, 2013 edition" is amended and that certain document entitled "International Fire Code, 2012 Edition," published by the International Code Council with appendix chapters B, C and D as amended, is hereby adopted as the Fire Code of the City of San Leandro. However, in accordance with California Government Code Section 50022.4, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modification to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of this Ordinance. In accordance with California Government Code Section 50022.6, at least one true copy of the International Code has been on file with the San Leandro City Clerk fifteen (15) days prior to the enactment of the ordinance codified in this chapter. While this chapter is in force, a true copy of the International Fire Code shall be kept for public inspection in the office of the San Leandro City Clerk. A reasonable supply of the International Fire Codes shall be available in the office of the San Leandro City Clerk for public purchase.

Section 3-3-105: DELETIONS: ENFORCEMENT-ABATEMENT PROCEDURES

Chapter 1 is hereby deleted.

CHAPTER 1
SCOPE AND ADMINISTRATION

SECTION 101
GENERAL

101.1 Title.

These regulations shall be known as the Fire Code of San Leandro, hereinafter referred to as "this code."

101.2 Scope.

This code establishes regulations affecting or relating to structures, processes,

premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

101.2.1 Appendices.

Provisions in the appendices shall not apply unless specifically adopted.

101.3 Intent.

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity.

In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

SECTION 102
APPLICABILITY

102.1 RESERVED.

102.2 RESERVED.

102.3 RESERVED.

102.4 RESERVED.

102.5 RESERVED.

102.6 Historic buildings.

The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

102.7 Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 80 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Subjects not regulated by this code.

Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the Building Official or Fire Marshal to determine compliance with codes or standards for those activities or installations within the Building Official's or Fire Marshal's jurisdiction or responsibility.

102.9 RESERVED.

102.10 Conflicting provisions.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.11 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.12 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter section or provision of this code.

SECTION 103
DIVISION OF FIRE PREVENTION

103.1 General.

The environmental services and fire prevention divisions are established within the City of San Leandro. The function of the divisions are coordinated, with each division having separate responsibility for the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment.

The Fire Marshal (or "fire code official") shall be appointed by the Fire Chief; and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before theFire Chief.

103.3 Deputies.

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of theFire Chief, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees.

103.4 Liability.

The fire code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties.

103.4.1 Legal defense.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The fire code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer or the department of fire prevention,

acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

SECTION 104
GENERAL AUTHORITY AND RESPONSIBILITIES

104.1 General.

The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits.

The fire code official and/or environmental services where noted below are authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Right of entry.

Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

104.3.1 Warrant.

When the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code

official for the purpose of inspection and examination pursuant to this code.

104.4 Identification.

The fire code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.5 Notices and orders.

The fire code official and/or environmental services are authorized to issue such notices or orders as are required to affect compliance with this code.

104.6 Official records.

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

104.6.1 Approvals.

A record of approvals shall be maintained by the Building Official and shall be available for public inspection during business hours in accordance with applicable laws.

104.6.2 Inspections.

The Building Official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.6.3 Fire records.

The fire department shall keep a record of fires occurring within San Leandro and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

104.6.4 Administrative.

Application for modification, alternative methods or materials and the final decision of the fire code official shall be in writing and shall be officially recorded in the permanent records of the Building Official.

104.7 Approved materials and equipment.

All materials, equipment and devices shall be constructed and installed in accordance with such approval.

104.7.1 Material and equipment reuse.

Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned tested and placed in good and proper working condition and approved.

104.7.2 Technical assistance.

To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design operation or use of a building or premises subject to inspection by the fire code official and/or environmental services, the fire code official and/or environmental services are authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion or report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official and/or environmental services are authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.8 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first make a finding that strict enforcement of this code in the particular situation is impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen life, health, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the building and safety division.

104.9 Alternative materials and methods.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The fire code official is authorized to approve an alternative material or method of construction where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

104.9.1 Research reports.

Supporting data, when necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.9.2 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the fire code official shall have the authority to require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the fire code official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

104.10 Fire Investigations.

The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information obtained through such investigations that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

104.10.1 Assistance from other agencies.

Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

104.11 Authority at fires and other emergencies.

The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of their duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.11.1 Barricades.

The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control an emergency situation and to handle fire apparatus.

104.11.2 Obstructing operations.

No person shall obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

104.11.3 Systems and devices.

No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

SECTION 105
PERMITS OR APPROVAL

105.1 General.

105.1.1 Permits or approval required.

Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the fire code official or environmental services where noted below and obtain the required permit or approval.

105.1.2 Types of permits or approval.

There shall be two types as follows:

1. Operational. An operation permit or approval allows the applicant to conduct an operation or a business for which a permit or approval is required by Section 105.6 for either:

1.1.1 A prescribed period.
1.1.2 Until renewed or revoked.

2. Construction. A construction permit or approval allows the applicant to install or modify systems and equipment for which a permit or approval is required by Section 105.7.

105.1.3 Multiple permits for the same location.

When more than one permit is required for the same location, the fire code official and/or environmental services staff where noted are authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

105.2 Application.

Application for a permit or approval required by this code shall be made to the fire code official and/or environmental services where noted in such form and detail as prescribed by the division to which the submittal is being made. Applications for permits or approvals shall be accompanied by such plans as prescribed by the division to which the submittal is being made.

105.2.1 Refusal to issue permit or approval.

If the application for a permit or approval describes a use that does not conform to the requirements of this code or other pertinent laws and ordinances, the fire code official or environmental services shall not issue a permit or grant approval, but shall return the application to the applicant with the refusal to issue such permit or grant approval. Such refusal shall, when requested, be in writing and shall contain the reasons for the refusal

105.2.2 Inspection authorized.

Before a new operational permit is approved or approval is granted, the fire code official or environmental services staff member where noted is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

105.2.3 Time limitation of application.
An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the fire code official and /or environmental services may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have

prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit a new application.

105.2.4 Action of application
The fire code official shall examine or cause to be examined applications for permits and approvals and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the fire code official shall reject such application in writing, stating the reasons therefore. If the fire code official is satisfied that the proposed work or operations conform to the requirements of this code and laws and ordinances applicable therefore, a permit or approval shall be provided as soon as practicable.

105.3 Conditions of a permit or approval.

A permit or approval shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify a fire protection system or equipment or any other construction, equipment installation or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 105.6 or 105.7. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws.

105.3.1 Expiration.
An operational permit or approval shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit or approval. Construction permits shall automatically become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The fire code official and/or environmental services are authorized to grant, to extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew a permit after expiration, the applicant shall resubmit a new application. Permits are not transferable and any change in operation, tenancy or ownership shall require that a new permit be issued.

105.3.2 Extensions.
An application for a permit or approval for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the fire code official and/or environmental services may extend the time for action by the

applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, an applicant must resubmit a new application.

105.3.3 RESERVED.

105.3.4 RESERVED.

105.3.5 RESERVED.

105.3.6 Compliance with code.
The issuance or granting of a permit or approval shall not be construed to be a permit or approval for, or an approval of, any violation of any of the provisions of this code or of any other ordinance. Permits presuming to grant authority to violate or cancel the provision of this code or other ordinances of the City shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire code official and/or environmental services from requiring the correction of errors in the construction documents or other data. Any addition to or alteration of approved construction documents shall be approved in advance by the fire code official and/or environmental services, as evidenced by the issuance of a new or amended permit.

105.3.7 Permits or approval.
The fire code official and/or environmental services staff, where noted, shall issue permits or grant approval required by this code.

105.3.8 Validity of permit.
The issuance or granting of a permit or approval shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this code or of any other ordinances. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances shall not be valid. The issuance of a permit or approval based on construction documents, operational documents and other data shall not prevent the fire code official and/or environmental services from requiring correction of errors in the documents or other data.

105.4 Construction documents.
Construction documents shall be in accordance with this section.

105.4.1 Submittals
Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by this code and the Chief Building Official. The construction documents shall be prepared by a registered design professional where required by the statutes.

The fire code official and/or environmental services are authorized to waive the submission of construction documents and supporting data not required to be

prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

105.4.1.1 Examination of documents.
The fire code official and/or environmental services shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the work indicated and described is in accordance with the requirements of this code.

105.4.2 Information on construction documents.
Construction documents shall be drawn to scale upon suitable material. Electronic media documents are allowed to be submitted when approved by the fire code official and/or environmental services. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the fire code official and/or environmental service.

105.4.2.1 Fire protection system shop drawings.
Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents, and shall be approved by the fire code official prior to the start of installation. Shop drawings shall contain all information as required by the reference installation standards in Chapter 9.

105.4.3 Applicant responsibility.
It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.

105.4.4 Approved documents.
Construction documents shall be approved with the intent that such construction documents comply in all respects with this code. Review and approval by the fire code official and/or environmental services shall not relieve the applicant of the responsibility to comply with this code.

105.4.4.1 Phased approval.
The fire code official and/or environmental services where applicable are authorized to issue a permit for the construction of part of a structure, system or operation before the construction documents for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for parts of a structure, system or operation shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure, system or operation will be granted.

105.4.5 Corrected documents.
Where field conditions necessitate any substantial change from the approved construction documents, the fire code official and/or environmental services where applicable, shall have the authority to require the corrected construction documents to be submitted for approval.

105.4.6 Retention of construction documents.
One set of construction documents shall be retained by the Building Official for a period of not less than 180 days from the date of completion of the permitted work, or as required by state or local laws. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

105.5 Revocation
The fire code official and/or environmental services where noted in section 105.7 below are authorized to revoke a permit or approval issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to a material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or fire than the name for which it is issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

105.6 Required operational permits or approval.
The fire code official or environmental services staff are authorized to issue operational permits or grant approvals for the operations set forth in Sections 105.6.1 through 105.6.46.

105.6.1 Aerosol products.
An operational permit or approval is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 Aerosol products in excess of 500 pounds (227kg) net weight.

105.6.2 Amusement buildings
An operational permit or approval is required to operate a special amusement building.

105.6.3 Aviation facilities
An operational permit or approval is required to use Group H or Group S occupancy for air-craft servicing or repair and aircraft fuel-servicing vehicles. Additional permits or approvals required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

105.6.4 Carnivals and fairs
An operational permit or approval is required to conduct a carnival or fair.

105.6.5 Cellulose nitrate film.
An operational permit or approval is required to store, handle or use cellulose nitrate film in a Group A occupancy.

105.6.6 Combustible dust-producing operations
An operational permit or approval is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.

105.6.7 Combustible fibers
An operational permit or approval is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet.

105.6.8 Compressed gases
An operational permit or approval is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8.

An exception is applicable to vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

Table 105.6.8.
PERMIT AMOUNTS FOR COMPRESSED GASES

Type of Gas	Amount (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen	504

Pyrophoric	Any amount
Toxic	Any amount

105.6.9 Covered mall buildings.

An operational permit or approval is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in a mall.
2. The display of liquid- or gas-fired equipment in a mall.
3. The use of open-flame or flame-producing equipment in a mall.

105.6.10 Cryogenic fluids.

An operational permit or approval is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10.

An exception is established in that permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

Table 105.6.10
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (include oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

105.6.11 RESERVED.

105.6.12 Dry cleaning.

An operational permit or approval is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

105.6.13 Exhibits and trade shows.

An operational permit or approval is required to operate exhibits and trade shows.

105.6.14 Explosives.

An operational permit or approval is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56.

An exception is established for storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.

105.6.15 Fire hydrants and valves.

An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

An exception is established in that a permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

105.6.16 Flammable and combustible liquids.

An operational permit or approval is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.

2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
    2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the environmental services staff, would cause an unsafe condition.
    2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To store, handle or use Class IIB or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil burning equipment.

5. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.

8. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.

9. To manufacture, process, blend or refine flammable or combustible liquids.

10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

105.6.17 Floor finishing.

An operational permit or approval is required for floor finishing or surfacing operations exceeding 350 square feet (33 m2) using Class I or Class II liquids.

105.6.18 Fruit and crop ripening.

An operational permit or approval is required to operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

105.6.19 Fumigation and thermal insecticidal fogging.

An operational permit or approval is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

105.6.20 Hazardous materials.

An operational permit or approval is required to store, transport on site, dispense,

use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.

TABLE 105.6.20
PERMIT AMOUNTS FOR HAZSARDOUS MATERIALS

Type of Material	Amount
Combustible liquids	See Section 105.6.16
Corrosive materials	
Gases	See Section 105.6.8
Liquids	55 gallons
Solids	500 pounds
Explosive materials	See Section 105.6.14
Flammable materials	
Gases	See Section 105.6.8
Liquids	See Section 105.6.16
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.8
Liquids	Any Amount
Solids	Any Amount
Oxidizing materials	
Gases	See Section 105.6.8
Liquids	
Class 4	Any Amount
Class 3	1 gallon
Class2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallon
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required

Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section 105.6.8
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

105.6.21 HPM facilities.

An operational permit or approval is required to store, handle or use hazardous production materials

105.6.22 High-piled storage.

An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.

105.6.23 Hot work operations.

An operational permit or approval is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.

2. Use of portable hot work equipment inside a structure, except where such work is conducted under a construction permit.

3. Fixed-site hot work equipment, such as welding booths.

4. Hot work conducted within a wildfire risk area.

105.6.24 Industrial ovens.

An operational permit or approval is required for operations of industrial ovens regulated by Chapter 30.

105.6.25 Lumber yards and woodworking plants.

An operational permit or approval is required for the storage or processing of lumber exceeding 100,000 board feet.

105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings.

An operational permit or approval is required to display, operate or demonstrate liquid- or gas- fueled vehicles or equipment in assembly buildings.

105.6.27 LP-gas.

An operational permit or approval is required for:

1. Storage and use of LP-gas, except that a permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.
2. Operation of cargo tankers that transport LP-gas.

105.6.28 Magnesium.

An operational permit or approval is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

105.6.29 Miscellaneous combustible storage.

An operational permit or approval is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

105.6.30 Open burning.

An operational permit or approval is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, except for recreational fires in approved containers.

105.6.31 Open flames and torches.

An operational permit or approval is required to remove paint with a torch; or to use a torch or open-flame device in a hazardous fire area.

105.6.32 Open flames and candles.

An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

105.6.33 Organic coatings.

An operational permit or approval is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

105.6.34 Places of assembly.

An operational permit is required to operate a place of assembly.

105.6.35 Private fire hydrants.

An operational permit is required for the removal from service, use or operation of private fire hydrants, except that a permit is not required for private industry with trained maintenance personnel, private fire brigades or fire departments to maintain, test and use private hydrants.

105.6.36 Pyrotechnic special effects material.

An operational permit or approval is required for the use and handling of pyrotechnic special effects material.

105.6.37 Pyroxylin plastics.

An operational permit or approval is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.

105.6.38 Refrigeration equipment.

An operational permit or approval is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

105.6.39 Repair garages and motor fuel-dispensing facilities.

An operational permit or approval is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

105.6.40 Rooftop heliports.

An operational permit or approval is required for the operation of a rooftop heliport.

105.6.41 Spraying or dipping.

An operational permit or approval is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.

105.6.42 Storage of scrap tires and tire byproducts.

An operational permit or approval is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceed 2,500 cubic feet (71 m3) of total volume of scrap tires and for indoor storage of tires and tire byproducts.

105.6.43 RESERVED

105.6.44 Tire-rebuilding plants.

An operational permit or approval is required for the operation and maintenance of a tire-rebuilding plant.

105.6.45 Waste handling.

An operational permit or approval is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

105.6.46 Wood products.

An operational permit or approval is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet.

105.6.47 Additional permits.

In addition to the permits or approvals required by Section 105.6, the following permits or approvals shall be obtained prior to engaging in the following activities, operations, practices or functions:

1. **Production facilities.**

To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.

2. **Pyrotechnics and special effects.**

   To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.

3. **Live audiences**

   To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.

105.7 Required construction permits.

The fire code official and/or environmental services are authorized to issue construction permits or approvals for work as set forth in Sections 105.7.1 through 105.7.16

105.7.1 Automatic fire-extinguishing systems.

A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.2 Battery systems.

A permit or approval is required to install stationary storage battery systems having a liquid capacity of more than 50 gallons.

105.7.3 Compressed gases.

When the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a construction permit or approval is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.

2. For emergency repair work performed on an emergency basis, an application for a permit or approval shall be made within two

working days of commencement of work.

105.7.4 Cryogenic fluids.

A construction permit or approval is required for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

105.7.5 Emergency responder radio coverage system.

A construction permit is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.6 Fire alarm and detection systems and related equipment.

A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.7 Fire pumps and related equipment.

A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.8 Flammable and combustible liquids.

A construction permit is required:

1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.

2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

105.7.9 Hazardous materials.
A construction permit or approval is required to install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by Chapter 50 when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.20.

Exceptions shall include the following:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for a permit or approval shall be made within two working days of commencement of work.

105.7.10 Industrial ovens.

A construction permit or approval is required for installation of industrial ovens covered by Chapter 30, except for:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.11 LP-gas.
A construction permit or approval is required for installation of or modification to an LP-gas system.

105.7.12 Private fire hydrants.

A construction permit is required for the installation or modification of private fire hydrants.

105.7.13. RESERVED

105.7.14 Spraying or dipping.

A construction permit is required to install or modify a spray room, dip tank or booth.

105.7.15 Standpipe systems.

A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.16 Temporary membrane structures and tents.

An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet, except for:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:

   2.1 Individual tents having a maximum size of 700 square feet.

   2.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet shall not exceed 700 square feet total.

   2.3 A minimum clearance of 12 feet to structures and other tents shall be provided.

SECTION 106
INSPECTIONS

106.1 Inspection authority.

The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

106.2 Inspections

The fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire code official is authorized to engage such expert opinion as he or she determines necessary to report upon unusual, detailed or complex technical issues subject to the approval of the City Council.

106.2.1 Inspection requests.

It shall be the duty of the holder of the permit or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall by the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

106.2.2 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the fire code official. The fire code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the fire code official and/or environmental services.

106.3 Concealed work.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the fire code official shall have the authority to require that such work be exposed for inspection. Neither the fire code official nor the City shall be liable for expenses or costs incurred in the removal or replacement of any material required to allow inspection.

106.4 Approvals.

Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the City of San Leandro. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances shall not be valid.

SECTION 107
MAINTENANCE

107.1 Maintenance of safeguards.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

107.2 Testing and operation.

Equipment requiring periodic testing or operation to ensure maintenance shall be

tested or operated as specified in this code.

107.2.1 Test and inspection records.

Required test and inspection records shall be available to the fire code official at all times or such records as the fire code official designates shall be filed with the fire code official.

107.2.2 Re-inspection and testing.

Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

107.3 Supervision.

Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing is conducted at specified intervals in accordance with this code.

107.4 Rendering equipment inoperable.

Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

107.5 Owner/occupant responsibility.

Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

107.6 Overcrowding.

Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

SECTION 108

BOARD OF APPEALS

108.1 Board of appeals established.

The Board of Appeals created under Article 1 of Title VII, Chapter 5, and defined in Chapter 1, Section 112.1 of Title VII, Chapter 5 of the San Leandro Municipal Code or Section 113 of the San Leandro Building Code shall hear and decide appeals of orders, decisions, or determinations made by the Fire Code Official. The Fire Code Official shall be an ex officio member, shall act as Secretary to the Board, and shall have no right to vote.

108.2 Limitations on Authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Building Board of Appeals shall have no authority relative to interpretation of the administrative provisions of, nor shall the board be empowered to waive requirements of, the San Leandro Municipal Code including all construction codes adopted by reference and the Dangerous Building Code.

108.3 RESERVED.

SECTION 109
VIOLATIONS
109.1 Unlawful acts.

It shall be unlawful for a person firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Owner/Occupant responsibility.

Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant and the owner shall be held jointly and severally responsible for the abatement of such hazardous conditions.

109.3 Notice of violations.

When the fire code official and/or environmental services finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official and/or environmental services are authorized to prepare a

written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for re-inspection.

109.3.1 Service

A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, a person with responsibility for the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

109.3.2 Compliance with orders and notices

A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.3.3 Prosecution of violations.

If the notice of violations is not complied with promptly, the fire code official is authorized to request that the City Attorney institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.3.4 Unauthorized tampering

Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with, or removed, without authorization from the fire code official.

109.4 Violation Penalties.

Persons who violate any provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or directives of the fire code official and/or environmental services, or of a permit or certificate issued under provisions of this code, shall be subject to penalties as prescribed by law and the San Leandro Municipal Code.

SECTION 110
UNSAFE

110.1 General

If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and present threat to life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the Chief Building Official for any repairs, alterations, remodeling, removing or demolition required.

110.1.1 Unsafe conditions.

Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against unauthorized entry as required by the San Leandro Building Code shall be deemed unsafe.

110.1.2 Structural hazards.
When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the Building Official in accordance with Section 110.1

110.2 Evacuation.

The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

110.3 Summary abatement.

Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

110.4 Abatement.

The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

SECTION 111
STOP WORK ORDER
111.1 Order

Whenever the fire code official and/or environmental services finds any work regulated by this code being performed in a manner contrary to the provisions of this code, or in a dangerous or unsafe manner, the fire code official or environmental services are authorized to issue a stop work order.

111.2 Issuance

A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person or entity doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

111.3 Emergencies

Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.

111.4 Failure to comply

Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be found in violation of the San Leandro Municipal Code, and subject to enforcement and penalties.

111.5 Appeals

Shall be in accordance with section 114.8 of the San Leandro Building Code.

SECTION 112
UTILITY SERVICE

112.1 Authority to disconnect utilities.

The fire code official shall have the authority to authorize disconnection of utility service to any building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the servicing utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical

thereafter.

SECTION 113
FEES

113.1 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 additional fee, if any, has been paid.

113.2 Schedule of permit fees.

Fees shall be assessed for permits and associated plan review in accordance with the fee schedule established by the San Leandro City Council as set forth in Title 6 Chapter 4 of the San Leandro Administrative Code.

113.3 RESERVED.

113.4 Related fees.

The payment of a fee for the construction, alteration, removal or demolition of work done in connection to, or concurrently with, the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

113.5 Refunds.

Regunds shall be issued in accordance with the provisions of Section 109 in the San Leandro Building Code.

113.6 Fee Schedule.

Fees shall be assessed for permits and associated plan review in accordance with the fee schedule established by the San Leandro City Council as set forth in Title 6 Chapter 4 of the San Leandro Administrative Code.

ARTICLE 2. ADDITIONS, DELETIONS AND AMENDMENTS

Section 3-3-200: RESERVED

Section 3-3-205: RESERVED

Section 3-3-210: BALED STORAGE
Section 5205.3 is hereby added to read as follows:

Baled storage under any roof or overhead shall be protected by an automatic sprinkler system installation in accordance with applicable N.F.P.A. Standards and meeting the approval of the Fire Code Official.

Section 3-3-215: Violation Penalties

Section 109.3 is hereby amended , to read as follows:

109.3 Violation Penalties.

Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or directives of the fire code official or environmental services, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed by law.

Section 3-3-220: RESERVED

Section 3-3-225: RESERVED

Section 3-3-230: RESERVED

Section 3-3-235: RESERVED

Section 3-3-240: RESERVED

Section 3-3-245: DISPENSING DEVICES

Section 2306.7.3.1 is hereby amended with the addition of the following:

Mounting of dispensers. Remote islands using piping that is buried underground shall be constructed and monitored according to California Code Regulations, Title 23, Division 3, Chapter 16.

Section 3-3-250: RESERVED

Section 3-3-255: RESERVED

Section 3-3-260: AUTOMATIC SPRINKLER SYSTEMS.

Section 903.2.20 is hereby added to the Fire Code to read as follows;

(a) The following requirements shall be in addition to those set forth in Section 903.1.

(b) Automatic sprinkler systems shall be installed and maintained in

operable condition as specified in this Article and NFPA Standard 13, in all buildings or structures.

0. Of occupancy classifications A-1, A-3, A-4, B, E, F-1, M, S-1, and U of type IIN, II-1 hour, IIN, IV, V-1 hour or VN construction, the total floor are of which exceeds 7,500 square feet.

1. Of all occupancy classifications, A-1, A-3, A-4, B, E, F-1, M, S-1, U of type 1 or II – fire resistive construction, the total floor area of which exceeds 10,000 square feet.

1. Of all occupancy classification, irrespective of construction type, the overall height of which exceeds 45 feet. Building height shall be determined in accordance with the Building Code.

(c) The provisions of this section shall apply to existing buildings or structures (except R3, R3.1 and R4 occupancies) when, over any three year period:

1) Permits for additions and alterations increase the floor area by 25 percent.

2) Permit valuation for additions, alterations, repairs or other modifications, individually or cumulatively, exceeds 25 percent of building valuation as determined by the building official.

Section 3-3-265: RESERVED

Section 3-3-270: RESERVED

Section 3-3-275: RESERVED

Section 3-3-280: RESERVED

Section 3-3-285: RESERVED

Section 3-3-290: RESERVED

Section 3-3-295: Appendix D – Fire Apparatus Access Roads

Figure D103.1 Dead-End Fire Apparatus Access Road Turnaround is amended as follows:

The "Y" and "Hammerhead configurations shall be 70' "Y", 140' Hammerhead, and Acceptable Alternative to 140' Hammerhead. All other configurations remain the same.

Sections D104, D105, D106, D107 and D108 are hereby deleted.

ARTICLE 3.HAZARDOUS MATERIALS

Section 3-3-300: RELEASE OF HAZARDOUS MATERIALS; CLEANUP OR ABATEMENT; LIABILITY FOR COSTS.

(a) Additional Authority. The authority and remedies provided by this section are in addition to those provided by any local, state or federal law.

(b) Fire Department Clean Up And Abatement. The Fire Department is authorized to clean-up or abate the effects of any hazardous material or any other material that is unlawfully released, discharged or deposited by a person or persons upon, under or into property or facilities within the City.

(c) Study Order. In the event the City Manager or his or her designee reasonably believes that a release, discharge or deposit of hazardous material may have occurred upon, under or into property or facilities within the City, the City Manager or his or her designee may order investigative studies to be performed by any of those parties listed in subsection (g). Such studies shall include data on the nature and extent of the release. The person or persons ordered to perform studies pursuant to this subsection shall bear the costs of such studies.

(d) Clean Up Order. In the event that the City Manager or his or her designee determines that a release, discharge or deposit of hazardous material upon, under or into property or facilities within the City poses a threat to the public health, safety or welfare or to the environment, the City Manager or his or her designee may order any person or persons listed in subsection (g) to clean up or abate the hazardous material at said person or person's costs.

(e) Supervision And Verification. In the event that any person or persons undertakes, either voluntarily or upon order of the City Manager or his or her designee, to clean up or abate the effects of any hazardous material or any other material that is unlawfully released, discharged or deposited upon, under or into any property or facility within the City, the City Manager or his or her designee may take such action as is necessary to supervise or verify the adequacy of such cleanup or abatement. The person or persons described in subsection (g) shall be liable to the City for all costs incurred as a result of such supervision or verification.

(f) Access to Property. In the event the City Manager, or his or her designee, reasonably believes that a release, discharge or deposit of hazardous material may have occurred upon, under or into property or facilities within the City, the City Manager, or his or her designee, may request the owner of said property and any tenant thereon to grant its/their consent to the City or to the City's authorized

contractor to enter onto said property for the purpose of taking samples of matter suspected of containing hazardous materials. If such consent is obtained, the City, or the City's authorized contractor, may enter said property to take such samples.

If either the owner of said property or any tenant thereon refuses to grant its/their consent to such sampling, the City Manager or his or her designee may request the City Attorney to obtain all necessary judicial orders and approval for entry onto the property for sampling purposes. All costs incurred by the City, including all legal fees and costs, in obtaining judicial approval to sample hazardous materials pursuant to this subsection shall be recoverable from any property owner or tenant who refused the City access to the property.

(g) Responsible Parties. The following described persons shall be jointly and severally liable to the City for the payment of all costs incurred by the City as a result of any activity undertaken by the City pursuant to subsections (b), (c), (d) and (e):

(1) The person or persons whose act or omission caused such release, discharge or deposit without regard to fault or proximate cause; or

(2) The person or persons who owned or had custody or had control of the material at the time of such release, discharge, or deposit, without regard to fault or proximate cause; or

(3) The person or persons who owned or had custody or had control of the container which held such material at the time of or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause; or

(4) The person or persons who own any property interest in the property or facilities where such release, discharge or deposit of hazardous material has occurred.

(h) Definitions. For purposes of this section, the following definitions shall apply:

(1) "hazardous material" means any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health or safety or to the environment if released into the environment. "Hazardous material" includes, but is not limited to, hazardous substances, hazardous wastes, and any material which the Fire Department has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the environment.

(2) as used in subsections (b) and (e) of this section, "other material"

shall mean any material, whether or not in fact a hazardous material, which is unidentified or unidentifiable at the time of the Fire Department's response and which the City Manager or his or her designee reasonably believes may be hazardous material.

(3) "person or persons" shall include any natural person or persons, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, government entity or the manager, lessee, agent, servant, officer or employee of any of them.

(i) Costs. For purposes of this section, costs incurred and recoverable by the City shall include, but shall not be limited to, the following: actual labor costs of City personnel, including benefits and administrative overhead; costs of equipment operation; cost of materials obtained directly by the City; cost of any contract labor, services, equipment and materials; and costs of suit and attorney's fees and costs.

(j) Account. The Finance Director shall establish a separate "Cost Recovery - Hazardous Materials Cleanup" account. All costs of clean-up and abatement carried out pursuant to the authority granted by this section, including but not limited to investigation, personnel, equipment, materials, legal fees and costs, and experts, shall be billed to this account. Upon recovery of any clean-up or abatement costs pursuant to this section, all such costs shall be reimbursed to those City departments and offices in an amount proportionate to their actual costs expended in said clean-up and abatement.

(k) Legal Action. In the event a person or persons fail(s) to comply with an order issued pursuant to subsections (c) or (d), the City Attorney may bring an action for a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant. The City's costs in bringing such action, including those costs defined in subsection (i), shall be recoverable by the City.

In the event any person or persons fails to pay the City any costs due the City pursuant to this section, the City may place a lien on said person or persons' property, or, the City Attorney may, at the request of the City Council, bring a civil action for collection of such costs.

(l) Fire Suppression Costs Excluded. The authority to recover costs incurred under this section shall not include actual fire suppression services that are normally or usually provided by the Fire Department.

(m) Discretionary Nature of This Section. The provisions hereof are discretionary and not ministerial. Accordingly, the City shall not be liable to any person or to the public in general for failure or refusal to take any action authorized by this ordinance."