

**BUILDING STANDARDS COMMISSION**

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



December 23, 2010

Ms. Vivian Chiu, Deputy City Clerk  
City of San Leandro  
Civic Center  
835 East 14<sup>th</sup> Street  
San Leandro, California 94577

Dear Ms. Vivian Chiu:

This letter is to acknowledge receipt on November 23, 2010 of the City of San Leandro submittal pertaining to Ordinance No. 2010-13 through 2010-20 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications 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. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

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

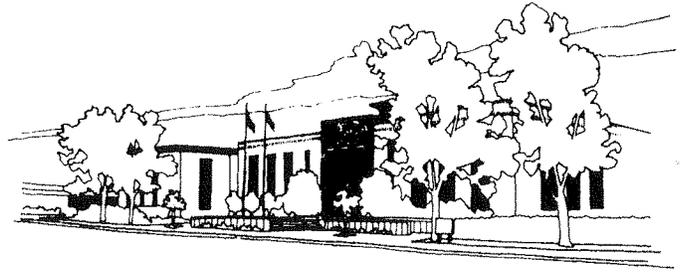
Sincerely,

A handwritten signature in black ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings

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



November 22, 2010

Dave Walls, Executive Director  
Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

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

Dear Mr. Walls:

The San Leandro City Council adopted **Resolution No. 2010-131**, 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 September October 18, 2010, and adopted **Ordinance Nos. 2010-13 through 2010-020** at its meeting of November 15, 2010, for the requisite amendments.

Copies of these documents are enclosed for your files.

Sincerely,

Vivian Chiu  
Deputy City Clerk

Enclosures: 9

cc: William Schock, Chief Building Official

2010 NOV 23 A 11:05  
CITY OF SAN LEANDRO  
BUILDING STANDARDS COMMISSION

Tony Santos, Mayor

City Council: Michael J. Gregory; Jim Prola; Ursula Reed;  
Diana M. Souza; Joyce R. Starosciak; Bill Stephens





**IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO**

**RESOLUTION NO. 2010-131**

**A 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 (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, C and E;

**WHEREAS**, certain of such 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 D;

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

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

Introduced by Councilmember Prola and passed and adopted this 18th day of October, 2010, by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)

NOES: None (0)

ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

**EXHIBIT A TO RESOLUTION NO. 2010-131**

**FINDINGS AND DETERMINATION THAT CHANGES  
OR MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE,  
AND THE CALIFORNIA BUILDING CODE, 2010 EDITION,  
ARE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS**

1. In connection with the adoption by reference of the International Building Code, 2009 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 7-5-145: 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: SIDEWALK ARCADES IN REDEVELOPMENT AREA.** In an established Redevelopment Project Area, the Redevelopment Agency may approve the installation of sidewalk arcades on public property. Except for vertical columns, such arcades shall be not less than eight feet (8') above the pavement below.

**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<sup>2</sup>).

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. 2010-131**

**FINDINGS AND DETERMINATION THAT CHANGES  
OR MODIFICATIONS TO THE INTERNATIONAL FIRE CODE  
AND THE CALIFORNIA FIRE CODE,  
2009 EDITION, ARE REASONABLY NECESSARY BECAUSE OF  
LOCAL CONDITIONS**

1. In connection with the adoption by reference of the International Fire Code, 2009 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: SIDEWALK ARCADES IN REDEVELOPMENT AREA.** In an established Redevelopment Project Area, the Redevelopment Agency may approve the installation of sidewalk arcades on public property. Except for vertical columns, such arcades shall be not less than eight feet (8') above the pavement below.

**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<sup>2</sup>).

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 C TO RESOLUTION NO. 2010-131**

**FINDINGS AND DETERMINATION THAT CHANGES OR MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE, AND THE CALIFORNIA BUILDING CODE, 2010 EDITION, PERTAINING TO WEATHER PROTECTION FOR OUTDOOR STORAGE OF HAZARDOUS MATERIALS, ARE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS**

1. In connection with the adoption by reference of the International Building Code, 2009 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:

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:

- (a) Supports shall be of noncombustible construction.
- (b) Supports and walls shall not obstruct more than twenty five percent (25%) of the perimeter of the storage area.
- (c) 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 materials storage area without weather protection.

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.

- (b) The travel time to a fire or other emergency within San Leandro may be impeded by the following conditions:
  - (i) 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.
  - (ii) 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.
  - (iii) 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.
  - (iv) 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 uncontrolled fire, storage of hazardous materials is a major concern for the City. Our contention is storage outdoors with weather protection presents a significantly smaller hazard than indoor storage. This finding is based on our concern that the infrastructure of a building may be so damaged as to cause a fire. Whereas outdoor storage with proper setbacks would be less susceptible to the spread of fire.

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 to plastic pipe and the findings and recommendations of the Board of Appeals in this matter.

**EXHIBIT D TO RESOLUTION NO. 2010-131**

**FINDINGS AND DETERMINATION THAT CHANGES  
OR MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE,  
AND THE CALIFORNIA BUILDING CODE, 2010 EDITION,  
ARE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS**

1. In connection with the adoption by reference of the International Building Code, 2009 Edition, and the Uniform Code for Building Conservation, 1997 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, Articles 1 and 8 are reasonably necessary because of local climatic, geological or topographical conditions:

Section 7-5-160: MODIFICATIONS TO 2010 CBC AND ASCE 7 is added to read as follows:  
**Section 1612.3** of the 2010 California Building Code is amended to read as follows. The text of the exemption is not changed.

**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.

**Exception:** [text unchanged]

**Section 1613.8** is added to read as follows:

**1613.8 ASCE 7, Table 12.8-2.** Modify ASCE 7 Table 12.8-2 by adding the following:

<b>Structure Type</b>	<b>C<sub>t</sub></b>	<b>x</b>
Eccentrically braced steel frames <u>and buckling-restrained braced frames</u>	0.03 (0.0731) <sup>a</sup>	0.75

**Section 1613.9** is added to read as follows:

**1613.9 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 1613.10 is added to read as follows:

1613.10 ASCE 7, Section 12.8.7. Modify ASCE 7 Section 12.8.7 by amending Equation 12.8-16 as follows:

$$\Theta = (P_x \Delta) / (V_x h_{sx} C_d) \quad (12.8-16)$$

Section 7-5-165: CONCRETE CONSTRUCTION

Section 1704.4 of the California Building Code, 2010 Edition is amended as follows:

**1704.4 Concrete Construction.** The special inspections and verifications for concrete construction shall be as required by this section and Table 1704.4.

**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 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 1710.2 of the 2010 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 design of Chapter 23 of the California Building Code.

SECTION 7-5-175: SOILS AND FOUNDATIONS

Sections 1803.8, 1803.9 and 1803.10 are added to the 2010 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 2010 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 1908.1 is amended to read as shown below and Sections 1908.1.11 thru 1908.1.14 is added to Chapter 19 of the 2010 Edition of the California Building Code:

**The last paragraph of Section 1908.1.2** of the 2010 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.

**1908.1.8 ACI 318, section 22.10** Delete ACI 318, section 22.10, and replace with the following:

22.10 Plain concrete in structures assigned to seismic design category C, D, E or F.

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 stores or less in height and constructed with stud bearing walls, plain concrete footings 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 1908.1.11 through 1908.1.14** are added as follows:

**1908.1.11 ACI 318, Section 21.6.4.1.** Modify ACI 318, Section 21.6.4.1, to read as follows: 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.

**1908.1.12 ACI 318, Section 21.6.4.** Modify ACI 318, Section 21.6.4, by adding Section 21.6.4.8 to read as follows:

21.6.4.8 – At any section where the design strength,  $\phi P_n$ , 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 may be assumed to be of opposite sign. For the determination of the design strength,  $\phi P_n$ , of the column, these moments may be assumed to result from the deformation of the frame in any one principal axis.

**1908.1.13 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 strength of the structure for resisting earthquake-induced forces. Such walls shall conform to the requirements of ACI 318 Section 21.13.

**1908.1.14 ACI 318, Section 21.11.6.** Modify ACI 318, Section 21.11.6, by adding the following: Collector and boundary elements in topping slabs placed over precast floor and roof elements shall not be less than 3 inches (76 mm) or  $6 d_b$  thick, 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, 2010 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 2306.7** of the California Building Code, 2010 is amended as follows: The text of the exemption is not changed.

**2306.7 Shear walls sheathed with other materials.** Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall be designed and constructed in accordance with AF&PA SDPWS. Shear walls sheathed with these materials are permitted to resist horizontal forces using the allowable shear capacities set forth in Table 2306.7. 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*.

**Exception:** [text unchanged]

Item 1, expanded metal or woven wire lath and Portland cement plaster on studs spaced at 16 inches (406 mm) on center installed per Table 2306.7 is permitted for use in one story structures of R-3 and U occupancies.

**Section 2308.1** of the California Building Code, 2010 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 nonload-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, 2010 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, 2010 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 2010 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<sup>a</sup>)

CONDITION	SHEATHING TYPE <sup>b</sup>	$S_{DS} < 0.50$	$0.50 \leq S_{DS} < 0.75$	$0.75 \leq S_{DS} \leq 1.00$	$S_{DS} > 1.00$
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

**3403.6.1 Repairs.** Repairs of structural elements shall comply with this section.

**3403.6.1.1 Seismic evaluation and design.** Seismic evaluation and design of an existing building and its components shall be based on the following criteria.

**3403.6.1.1.1 Evaluation and design procedures.** The seismic evaluation and design shall be based on the procedures specified in the 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 3403.6.1.1.3.

**3403.6.1.1.2 CBC level seismic forces.** When seismic forces are required to meet the building code level, they shall be one of the following:

1. 100 percent of the values in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor specified for structural systems classified as “Ordinary” unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as “Intermediate” or “Special”.

2. Forces corresponding to BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 3403.6.1.1.2.

**TABLE 3403.6.1.1.2  
ASCE 41 and ASCE 31 PERFORMANCE LEVELS**

<b>OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)</b>	<b>PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL</b>	<b>PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL</b>
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. Performance Levels for Occupancy Category III shall be taken as halfway between the performance levels specified for Occupancy Category II and Occupancy Category IV.

**3403.6.1.1.3 Reduced CBC level seismic forces.** When seismic forces are permitted to meet reduced building code levels, they shall be one of the following:

1. 75 percent of the forces prescribed in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor as specified in Section 3403.6.1.1.2.
2. In accordance with the applicable chapters in Appendix A of the *International Existing Building Code* as specified in Items 2.1 through 2.5 below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced building code force levels.
  - 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 and concrete with masonry infill buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.
3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 3403.6.1.1.2.
4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 3403.6.1.1.2. Where ASCE 41 is used, the design spectral response acceleration parameters  $S_{xs}$  and  $S_{x1}$  shall not be taken less than 75 percent of the respective design seismic coefficients  $2.5C_a$  and  $C_v$  as defined in Tables 16-Q and 16-R of the *Uniform Building Code*.

**3403.6.1.2 Wind Design.** Wind design of existing buildings shall be based on the procedures specified in the building code.

**3403.6.2 Repairs to damaged buildings.** Repairs to damaged buildings shall comply with this section.

**3403.6.2.1 Unsafe conditions.** Regardless of the extent of structural damage, unsafe conditions shall be eliminated.

**3403.6.2.2 Substantial structural damage to vertical elements of the lateral-force-resisting system.** A building that has sustained substantial structural damage to the vertical elements of its lateral-force-resisting system shall be evaluated and repaired in accordance with the applicable provisions of Section 3403.6.2.2.1 through 3403.6.2.2.3.

**3403.6.2.2.1 Evaluation.** The building shall be evaluated by a registered design professional, and the evaluation findings shall be submitted to the building official. The evaluation shall establish whether the damaged building, if repaired to its pre-damage state, would comply with the provisions of the building code. Wind forces for this evaluation shall be those prescribed in the building code. Seismic forces for this evaluation are permitted to be the reduced level seismic forces specified in Code Section 3403.6.1.1.3.

**3403.6.2.2.2 Extent of repair for compliant buildings.** If the evaluation establishes compliance of the pre-damage building in accordance with Section 3403.6.2.2.1, then repairs shall be permitted that restore the building to its pre-damage state, using materials and strengths that existed prior to the damage.

**3403.6.2.2.3 Extent of repair for non-compliant buildings.** If the evaluation does not establish

compliance of the pre-damage building in accordance with Section 3403.6.2.2.1, then the building shall be rehabilitated to comply with applicable provisions of the building code for load combinations including wind or seismic forces. The wind design level for the repair shall be as required by the building code in effect at the time of original construction unless the damage was caused by wind, in which case the design level shall be as required by the code in effect at the time of original construction or as required by the building code, whichever is greater. Seismic forces for this rehabilitation design shall be those required for the design of the predamaged building, but not less than the reduced level seismic forces specified in Section 3403.6.1.1.3. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of the building code for new buildings of similar structure, purpose, and location.

**3403.6.2.3 Substantial structural damage to vertical load-carrying components.** Vertical load-carrying components that have sustained substantial structural damage shall be rehabilitated to comply with the applicable provisions for dead and live loads in the building code. Undamaged vertical load-carrying components that receive dead or live loads from rehabilitated components shall also be rehabilitated to carry the design loads of the rehabilitation design. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of the building code for new buildings of similar structure, purpose, and location.

**3403.6.2.3.1 Lateral force-resisting elements.** Regardless of the level of damage to vertical elements of the lateral force-resisting system, if substantial structural damage to vertical load-carrying components was caused primarily by wind or seismic effects, then the building shall be evaluated in accordance with Section 3403.6.2.2.1 and, if non-compliant, rehabilitated in accordance with Section 3403.6.2.2.3.

**3403.6.2.4 Less than substantial structural damage.** For damage less than substantial structural damage, repairs shall be allowed that restore the building to its pre-damage state, using materials and strengths that existed prior to the damage. New structural members and connections used for this repair shall comply with the detailing provisions of the building code for new buildings of similar structure, purpose, and location.

### 3403.6.3 Referenced Standards

<u>Standard Reference Number</u>	<u>Title</u>	<u>Referenced In Code Section Number</u>
ASCE 31-03	Seismic Evaluation of Existing Buildings	3403.6.1.1.1, TABLE 3403.6.1.1.2, 3403.6.1.1.3
ASCE 41-06	Seismic Rehabilitation of Existing Buildings	3403.6.1.1.1, 3403.6.1.1.2, TABLE 3403.6.1.1.2, 3403.6.1.1.3”

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 E TO RESOLUTION NO. 2010-131**

**FINDINGS AND DETERMINATION THAT CHANGES  
OR MODIFICATIONS TO THE 2009 UNIFORM PLUMBING CODE  
AND THE CALIFORNIA PLUMBING CODE,  
2010 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, 2009 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. 2010-013**

ORDINANCE REPEALING ARTICLE 1 AND ADDING 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,

BUILDING CODE

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

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

Section 2. Article 1 is hereby added to Chapter 5 of Title VII of the San Leandro Municipal Code to read as follows:

**“ARTICLE 1. BUILDING CODE**

Section 7-5-100: ADOPTION.

Except as hereinafter specifically set forth, the “California Building Standards Code, 2010 edition” is amended and that certain documents entitled “International Residential Code 2009 Edition and appendices G and H, “International Building Code, 2009 Edition,” with appendix Chapters G and I, published by the International Code Council, and Chapters A1, A2, A3, A4 and A5, of that certain document entitled “International Existing Building Code 2009 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 since fifteen (15) days prior to 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 V 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 V 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 San Leandro, hereinafter referred to as “this code.”

**101.2 Scope.**

The provisions of this code shall apply to the construction, alteration, 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 Intent.**

The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

**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 Housing and 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 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 2010 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 Housing 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 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, subject to the approval of the appointing authority.

### **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.

### **104.7 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 an 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 legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost 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.

#### 105.2 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<sup>2</sup>).
2. Fences not over 6 feet (1829 mm) high and fences of wood or other material, weighing less than 10 pounds per square foot, not over 7 feet 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 (1219 mm) 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 (762 mm) 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 (610 mm) 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. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

### **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 department of building 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 106.
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. 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 also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

#### **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 extend the time for action based on petition by the applicant detailing circumstances beyond the control of the applicant have prevented action from being taken. 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**

#### **CONSTRUCTION DOCUMENTS**

##### **106.1 Submittal documents.**

Construction documents, statement 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.

Exception: 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.

### **106.1.1 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.

#### **106.1.1.1 Fire protection system shop drawings.**

Shop drawings for the 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.

### **106.1.2 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.

### **106.1.3 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 which was tested, where applicable, as well as the test procedure used.

### **106.2 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.

### **106.3 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.

#### **106.3.1 Approval of construction documents.**

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

#### **106.3.2 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.

#### **106.3.3 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.

#### **106.3.4 Design professional in responsible charge.**

##### **106.3.4.1 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 1709, 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 1704).

#### **106.3.4.2 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.

#### **106.4 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.

#### **106.5 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 107**

#### **TEMPORARY STRUCTURES AND USES**

##### **107.1 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.

##### **107.2 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.

### **107.3 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.

### **107.4 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 108**

### **FEES**

#### **108.1 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.

#### **108.2 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 106.1, 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 106.3.4.2, 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 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, 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 109**  
**INSPECTIONS**

**109.1 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 jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction 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 jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**109.2 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.

**109.3 Required inspections.**

The building official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.10.

**109.3.1 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.

**109.3.2 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.

**109.3.3 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.

**109.3.4 Frame inspection.**

Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking 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.

#### **109.3.5 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.

#### **109.3.6 Fire-resistant penetrations.**

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

#### **109.3.7 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.

#### **109.3.8 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.

#### **109.3.9 Special inspections.**

For special inspections, see Section 1704.

##### **109.3.9.1 Residential Fire Sprinkler Final Inspection**

Inspection shall be made to determine compliance with the International Residential Code 2009 Edition Section R313.3 or NFPA 13D 2007 Edition "Standard for the Installation of Sprinkler Systems in One- and Two- family Dwellings and Manufactured Homes

#### **109.3.10 Final inspection.**

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

#### **109.4 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.

#### **109.5 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.

**109.6 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 110****CERTIFICATE OF OCCUPANCY****110.1 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 of the jurisdiction.

**110.2 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 department of building 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.

**110.3 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.

**110.4 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 111**

**SERVICE UTILITIES**

**111.1 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.

**111.2 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.

**111.3 Authority to disconnect service utilities.**

The building official shall have the authority to authorize disconnection of utility service to the 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 112**

**BOARD OF APPEALS**

**112.1 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 the San Leandro Municipal Code, including all construction codes adopted by reference and the Dangerous Building Code, there shall be and hereby is created a board of appeals, consisting of five (5) members to be appointed by the Mayor, four (4) of whom shall be registered or licensed design professionals, all of whom

are qualified by experience and training to pass upon matters pertaining to building construction, engineering, or fire inspection. In addition thereto, the building official shall be an ex officio member, shall act as secretary to the board, and shall have a voice but no vote. The members appointed by the Mayor shall hold office at the Mayor's pleasure. The board shall adopt reasonable rules and regulations for conducting its hearings and shall render all of its decisions and findings in writing. The decision of the board shall be final and conclusive on matters relating to the suitability of alternative materials and types of construction. Upon receipt of the board's written decision, the building official shall proceed in accordance therewith.

### **112.2 Limitations on authority.**

The 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.

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.

## **SECTION 113**

### **VIOLATIONS**

#### **113.1 Unlawful acts.**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

#### **113.2 Notice of violation.**

The building official is authorized to serve a notice of violation or order on the person responsible 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.

#### **113.3 Prosecution of violation.**

If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

#### **113.4 Violation penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the

approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

## SECTION 114

### STOP WORK ORDER

#### 114.1 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.

#### 114.2 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.

#### 114.3 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 115

### UNSAFE STRUCTURES AND EQUIPMENT

#### 115.1 Conditions.

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.

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 in an established redevelopment project

area 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      EMERGENCY ESCAPE AND RESCUE OPENINGS

**R310.1 Emergency escape and rescue required** of the California Residential Code , 2010 Edition is amended as follows:

Where emergency escape and rescue openings are provided they shall have the bottom of the clear opening not greater than 44 inches (1,118 mm) measured from the floor.”

Section 7-5-140      RESERVED

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:      SIDEWALK ARCADES IN REDEVELOPMENT AREA. In an established Redevelopment Project Area, the Redevelopment Agency may approve the installation of sidewalk arcades on public property. Except for vertical columns, such arcades shall be not less than eight feet (8') above the pavement below.

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<sup>2</sup>).

Section 7-5-160:      MODIFICATIONS TO 2010 CBC AND ASCE 7 is added to read as follows:

**Section 1612.3** of the 2010 California Building Code is amended to read as follows. The text of the exemption is not changed.

**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.

**Exception:** [text unchanged]

**Section 1613.8** is added to read as follows:

**1613.8 ASCE 7, Table 12.8-2.** Modify ASCE 7 Table 12.8-2 by adding the following:

Structure Type	$C_t$	$x$
Eccentrically braced steel frames <u>and buckling-restrained braced frames</u>	0.03 (0.0731) <sup>a</sup>	0.75

**Section 1613.9** is added to read as follows:

**1613.9 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 1613.10** is added to read as follows:

**1613.10 ASCE 7, Section 12.8.7.** Modify ASCE 7 Section 12.8.7 by amending Equation 12.8-16 as follows:

$$\Theta = (P_x \Delta I) / (V_x h_{sx} C_d) \quad (12.8-16)$$

Section 7-5-165: CONCRETE CONSTRUCTION

**Section 1704.4** of the California Building Code, 2010 Edition is amended as follows:

**1704.4 Concrete Construction.** The special inspections and verifications for concrete construction shall be as required by this section and Table 1704.4.

**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 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 RESITANCE**

**Section 1710.2** of the 2010 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 design of Chapter 23 of the California Building Code.

SECTION 7-5-175:    **SOILS AND FOUNDATIONS**

**Sections 1803.8, 1803.9 and 1803.10** are added to the 2010 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 he 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 2010 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 1908.1** is amended to read as shown below and Sections 1908.1.11 thru 1908.1.14 is added to Chapter 19 of the 2010 Edition of the California Building Code:

**The last paragraph of Section 1908.1.2** of the 2010 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.

**1908.1.8 ACI 318, section 22.10** Delete ACI 318, section 22.10, and replace with the following:

22.10 - Plain concrete in structures assigned to seismic design category C, D, E or F.

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 stores or less in height and constructed with stud bearing walls, plain concrete footings-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 1908.1.11 through 1908.1.14** are added as follows:

**1908.1.11 ACI 318, Section 21.6.4.1.** Modify ACI 318, Section 21.6.4.1, to read as follows:

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.

**1908.1.12 ACI 318, Section 21.6.4.** Modify ACI 318, Section 21.6.4, by adding Section 21.6.4.8 to read as follows:

21.6.4.8 – At any section where the design strength,  $\phi P_n$ , 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 may be assumed to be of opposite sign. For the determination of the design strength,  $\phi P_n$ , of the column, these moments may be assumed to result from the deformation of the frame in any one principal axis.

**1908.1.13 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 strength of the structure for resisting earthquake-induced forces. Such walls shall conform to the requirements of ACI 318 Section 21.13.

**1908.1.14 ACI 318, Section 21.11.6.** Modify ACI 318, Section 21.11.6, by adding the following:

Collector and boundary elements in topping slabs placed over precast floor and roof elements shall not be less than 3 inches (76 mm) or  $6 d_b$  thick, 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, 2010 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 2306.7** of the California Building Code, 2010 is amended as follows:

**2306.7 Shear walls sheathed with other materials.** Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall be designed and constructed in accordance with AF&PA SDPWS. Shear walls sheathed with these materials are permitted to resist horizontal forces using the allowable shear capacities set forth in Table 2306.7. 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*.

Item 1, expanded metal or woven wire lath and Portland cement plaster on studs spaced at 16 inches (406 mm) on center installed per Table 2306.7 is permitted for use in one story structures of R-3 and U occupancies.

**Section 2308.1** of the California Building Code, 2010 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 nonload-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, 2010 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, 2010 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 1 1/2 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 2010 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<sup>a</sup>)

CONDITION	SHEATHING TYPE <sup>b</sup>	$S_{DS} < 0.50$	$0.50 \leq S_{DS} < 0.75$	$0.75 \leq S_{DS} \leq 1.00$	$S_{DS} > 1.00$
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 , 2010 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.

For the purposes of this chapter, the following repair requirements are hereby added as a new Subsection 3405.2.4 to Section 3405 Repairs in the 2010 San Leandro Building Code.

**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  $R$ ,  $\Omega_o$ , 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**

<b>OCCUPANCY CATEGORY (BASED ON CBC TABLE 1604.5)</b>	<b>PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL</b>	<b>PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL</b>
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  $R$ ,  $\Omega_o$ , 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 41 shall 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**

<b>OCCUPANCY CATEGORY (BASED ON CBC TABLE 1604.5)</b>	<b>PERFORMANCE LEVEL FOR USE WITH ASCE 31</b>	<b>PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL</b>
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 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, 2011 and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3.

Introduced by Councilmember Prola on this 18th day of October, 2010, and passed to print by the following called vote:

Members of the Council:

- AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)
- NOES: None (0)
- ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
 Marian Handa, City Clerk

Passed and adopted this 15th day of November, 2010, after publication on October 25, 2010, and November 1, 2010, by the following called vote:

Members of the Council:

- AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)
- NOES: None (0)
- ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
 Marian Handa, City Clerk



IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**ORDINANCE NO. 2010-014**

ORDINANCE REPEALING ARTICLE 2 AND RE-ENACTING ARTICLE 2 TO  
CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE, ADOPTING  
BY REFERENCE THE DANGEROUS BUILDING CODE, AS AMENDED

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

**“ARTICLE 2. DANGEROUS BUILDING CODE**

Section 7-5-200: TITLE. These regulations shall be known as the "Code for the Abatement of Dangerous Buildings", and may be cited as such, and will be referred to herein as "this Code".

Section 7-5-205: PURPOSE AND SCOPE.

- (a) Purpose. It is the purpose of this Code to provide a just, equitable, and practicable method, to be cumulative with and in addition to, any other remedy provided by the Building Code, Housing Code, or otherwise available at law, whereby buildings, structures or premises which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated, or demolished.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code.

- (b) Scope. The provisions of this Code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

Section 7-5-210: REPAIRS. All buildings, structures or premises which are required to be repaired under the provisions of this Code shall be subject to the provisions of Section 3405 of the Building Code, as adopted and amended in the San Leandro Building Code.

Section 7-5-215: ENFORCEMENT.

- (a) Administration. The building official is hereby authorized to enforce the provisions of this Code. The building official shall have the power to render interpretations of this Code and to adopt and enforce rules and supplemental regulations in order to clarify the application of the provisions of this Code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this Code.
- (b) Inspections. The building official is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.
- (c) Right of Entry. The building official or his/her authorized representative shall have a right of entry as specified in Section 7-5-1105 of the San Leandro Municipal Code.

Section 7-5-220: ABATEMENT OF DANGEROUS BUILDINGS, STRUCTURES OR PREMISES. All buildings, structures, premises or portions thereof which are determined after inspection by the building official to be dangerous as defined in this Code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section 7-5-1120 of the San Leandro Municipal Code.

Section 7-5-225: VIOLATIONS. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building, structure or premises or cause or permit the same to be done in violation of Article 2, Chapter 5, of Title VII of the San Leandro Municipal Code.

Section 7-5-230: INSPECTION OF WORK. All buildings, structures or premises within the scope of this Article and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this Article and Sections 108 and 1701 of the Building Code, as adopted and amended in the San Leandro Municipal Code.

Section 7-5-235: BOARD OF APPEALS. The Board of Appeals created under Section 7-5-110 of the San Leandro Municipal Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Article. The Board shall function as described in said Section of the San Leandro Municipal Code.

Section 7-5-240: DEFINITIONS.

- (a) For the purpose of this Code, certain terms, phrases, words, and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code (Title VII, Chapter 5, Article 1) or the Housing Code (Title VII, Chapter 5, Article 3). Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 2002, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- (b) BUILDING CODE is the International Building Code promulgated by the International Code Council, as adopted and amended by this City.
- (c) DANGEROUS BUILDING is any building, premises or structure deemed to be dangerous under the provisions of Section 7-5-240(e) of this Code.
- (d) HOUSING CODE is the Uniform Housing Code (1997) promulgated by the International Conference of Building Officials, as adopted and amended by this City.
- (e) DANGEROUS BUILDING. For the purpose of this Code, any building, premises or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building and a public nuisance, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:
  - (1) Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not arranged as to provide safe and adequate means of exit in case of fire or panic.
  - (2) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
  - (3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
  - (4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.
  - (5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
  - (6) Whenever any portion of a building, structure or premises or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

- (7) Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (8) Whenever the building, premises or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, premises or structure; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
- (9) Whenever, for any reason, the building, premises or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- (11) Whenever the building, premises or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls, or coverings.
- (12) Whenever the building, premises or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to (i) become an attractive nuisance to children or a harbor for vagrants, criminals, or immoral persons; (ii) or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts; or (iii) is vacant and accessible to the public or passers-by.
- (13) Whenever any building, premises or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building, premises or structure provided by the building regulations of this city, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings.
- (14) Whenever any building, premises or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

- (15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation, or in such a condition that it is likely to cause sickness or disease.
- (16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the building official to be a fire hazard.
- (17) Whenever any building or structure is in such a condition as to constitute a public nuisance. These conditions include, but are not limited to, broken windows, lack of maintenance, abandonment, violation of land use laws or otherwise determined by the building official to be contrary to the ordinances of the city.
- (18) Whenever any portion of a structure or building, including any foundation, remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute an attractive nuisance or hazard to the public.

Section 7-5-245: RECORDATION OF NOTICE AND ORDER. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the Office of the County Recorder for the County of Alameda a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

Section 7-5-250: REPAIR, VACATION AND DEMOLITION. The following standards shall be followed by the building official (and by the Board of Appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure. Any order to demolish, rendered pursuant to this Section, shall not indicate an alternative permission to repair. Except in orders involving "historic structures" as defined in Article 1, Chapter 26, Title IV of the San Leandro Municipal Code, an order to repair may be satisfied with demolition.

- (a) Any building, premises or structure declared a dangerous building under this Article shall be made to comply with one of the following:
  - (1) If the unsafe building, structure or premises can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be

ordered repaired in accordance with the current Building Code or other current Code applicable to the type of substandard conditions requiring repair, or

- (2) In all cases where an unsafe building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be vacated and demolished.
- (b) If the unsafe building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated, secured and repaired.

Section 7-5-255: NOTICE TO VACATE.

- (a) Posting. Every notice to vacate shall, in addition to being served as provided in Section 7-5-1135, be posted at or upon each entrance of the building and shall include the following language:

UNSAFE  
DO NOT ENTER OR OCCUPY

It is a misdemeanor to occupy or enter this building, or to remove or deface this notice.

Building Official  
City of San Leandro

- (b) Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued by him under Section 7-5-1120, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made under permit to repair, demolish or remove such building. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

Section 7-5-260: ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS.

- (a) Compliance.
  - (1) General. After any order of the building official or the Board of Appeals made pursuant to this Article shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

- (2) Failure to Obey Order. If, after any order of the building official or Board of Appeals made pursuant to this Article has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under Subsection (a) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.
- (3) Failure to Commence Work. Whenever the required repair, demolition or abatement is not commenced or completed within the time frame described in a notice and order:
- (i) The building official may cause the building or premises described in such notice and order to be vacated by posting at each entrance of the building a notice to vacate pursuant to Section 7-5-255 (a):
  - (ii) No person shall enter or occupy any building or premises which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted prohibiting access to or occupancy of the building or premises until the repairs, demolition or removal ordered by the building official have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.
  - (iii) The building official may, in addition to any other remedy herein provided, cause the building or structure to be repaired or demolished to the extent necessary to correct the conditions which render the building dangerous as set forth in this notice and order; or, if the notice and order require demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned to the satisfaction of the Building Official. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in Article 13. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.
- (b) Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the building official may, in his discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal his notice and order.

- (c) Interference with Repair or Demolition Work Prohibited. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this Code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this Code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this Code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Code.

Section 7-5-265: Repair and Demolition Fund.

- (a) General. The City shall establish a special revolving fund to be designated as the Repair and Demolition Fund. Payments shall be made out of said fund upon the demand of the Building Official to defray the costs and expenses which may be incurred by the City in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.
- (b) For purposes of this section, costs and expenses incurred 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, equipment and materials; and costs of suit and attorney's fees.
- (c) Maintenance of Fund. The City may at any time transfer to the Repair and Demolition Fund, out of any money in the general fund of such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the Repair and Demolition Fund and shall be repaid out of the proceeds of the collections recovered pursuant to Article 13. All funds collected under the proceedings hereinafter provided for shall be paid to the Finance Director of this jurisdiction who shall credit the same to the Repair and Demolition Fund. City departments and offices shall be reimbursed for their actual costs and expenses incurred in doing or causing to be done the necessary work or repair or demolition of dangerous buildings.”

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, 2011 and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3.

Introduced by Councilmember Prola on this 18th day of October, 2010, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)

NOES: None (0)

ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

Passed and adopted this 15th day of November, 2010, after publication on October 25, 2010, and November 1, 2010, by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)

NOES: None (0)

ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk



IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**ORDINANCE NO. 2010-015**

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, 2010 edition” is amended and that certain document entitled “Uniform Mechanical Code, 2009 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 since 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 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 7-5-110 of the San Leandro Municipal 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 7-5-415: FEES. Section 115 of said Code is hereby deleted and replaced by Section 108.2 of Title 7, Chapter 5, Article 1, Section 108 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, 2011 and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3.

Introduced by Councilmember Prola on this 18th day of October, 2010, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens	(6)
NOES:	None	(0)
ABSENT:	Mayor Santos	(1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

Passed and adopted this 15th day of November, 2010, after publication on October 25, 2010, and November 1, 2010, by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)

NOES: None (0)

ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk



IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**ORDINANCE NO. 2010-016**

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, 2010 edition,” is amended and that certain document entitled "National Electrical Code, 2008 Edition," published by the National Fire Protection Association, in that document entitled “The 2010 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 since 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 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 108.2 of Title 7, Chapter 5, Article 1, Section 108 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, 2011 and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3.

Introduced by Councilmember Prola on this 18th day of October, 2010, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)  
NOES: None (0)  
ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

Passed and adopted this 15th day of November, 2010, after publication on October 25, 2010, and November 1, 2010, by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)  
NOES: None (0)  
ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**ORDINANCE NO. 2010-017**

ORDINANCE REPEALING ARTICLE 6 AND RE-ENACTING ARTICLE 6 TO  
CHAPTER 5 OF TITLE VII OF THE SAN LEANDRO MUNICIPAL CODE,  
THE 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 to 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 a 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, 2011 and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3.

Introduced by Councilmember Prola on this 18th day of October, 2010, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)  
NOES: None (0)  
ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

Passed and adopted this 15th day of November, 2010, after publication on October 25, 2010, and November 1, 2010, by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)  
NOES: None (0)  
ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk



IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**ORDINANCE NO. 2010-018**

ORDINANCE REPEALING ARTICLE 8 AND ADDING ARTICLE 8  
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,

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. Article 8 is hereby added to Chapter 5 of Title VII of the San Leandro Municipal Code to read as follows:

**“ARTICLE 8. BUILDING CONSERVATION CODE**

Section 7-5-800: ADOPTION.

Except as hereinafter specifically set forth, the “California Building Standards Code, 2010 edition” is amended and that certain documents entitled “International Residential Code 2009 Edition”, “International Building Code, 2009 Edition,” with appendix Chapters G and I, published by the International Code Council, and Chapters A1, A2 , A3, A4 and A5 of that certain document entitled “International Existing Building Code 2009 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 since fifteen (15) days prior to enactment of the ordinance codified in this Article. While this Article is in force, true copies of the International Building Code, the International Residential shall be kept for public inspection in the office of the San Leandro City Clerk. A reasonable supply of the International Building

Code, the International Residential Code shall be available in the office of the San Leandro City Clerk for public purchase.

Section 7-5-805: PURPOSE. The purpose of this Article is to promote public safety and welfare by establishing minimum standards for structural seismic resistance in unreinforced masonry wall buildings in order to reduce the risk of death or injury that may result from the effects of earthquakes on such buildings.

Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

This Article provides systematic procedures and standards for identification and classification for unreinforced masonry wall buildings based on their present use; and, where appropriate, the strengthening or demolition of the building.

Section 7-5-810: SCOPE.

- (a) General. The provisions of this Article shall apply to all buildings constructed with unreinforced masonry walls as defined herein, with the exception of:
1. Detached one or two family dwellings and detached apartment houses containing less than 5 dwelling units and used solely for residential purposes.
  2. Federal or State government owned buildings.
  3. Warehouses or similar structures used solely for storage.
  4. Any building designated as an historical building by action of the City Council, pursuant to Title IV, Chapter 26 of this Code, or by official action of the federal or state government; provided, however, such building shall be subject to the requirements of the State Historical Building Code (S.H.B.C.) established under Part 8, Title 24 of the California Code of Regulations; and provided further, that any such building so designated as an historical building subsequent to January 1, 1991; shall be subject to inspection by the Building Official for the purpose of determining whether the building is seismically safe to occupants and the public.
- (b) Provisions Also Covered In Code. When provisions of this Article and provisions of the Building Code both apply, the provisions of this Article shall govern.
- (c) References To The Building Code. When provisions of this Article refer to the Building Code it shall mean the 2009 International Building Code promulgated by the International Code Conference as adopted and amended by this City.

Section 7-5-815: DEFINITIONS.

Unreinforced Masonry Wall: Shall mean a masonry wall that relies on the tensile strength of masonry units, mortar and grout in resisting design loads, and in which the area of the reinforcement is less than 25 percent of the minimum ratio required by the building code for reinforced masonry.

Cross Wall: Shall mean a wood-framed wall sheathed with any of the materials described in Table A1-D or A1E or other system as defined in Section A111.3.5. Crosswalls shall be spaced no more than 40 feet on center measured perpendicular to the direction of consideration, and shall be placed in each story of the building. Crosswalls shall extend the full story height between diaphragms.

Section 7-5-820: NOTICE AND ORDER. Whenever the Building Official determines by inspection that any building is constructed with unreinforced masonry walls, he shall initiate proceedings to cause the eventual conformance of such building to the standards of this Article. The Building Official shall issue a notice and order directed to the record owner of the building, which notice and order shall contain:

- (a) The street address and a legal description sufficient for identification of the premises upon which the building is located.
- (b) A statement that the Building Official has found the building to be constructed with unreinforced masonry walls and, therefore, subject to the minimum seismic standards set forth in this Article. The order shall specify the classification of the building based upon its present use, utilizing the classification set forth in the Uniform Building Code.
- (c) A statement requiring the record owner to cause a structural analysis of the building to be made by a civil or structural engineer or architect, licensed by the State of California.
- (d) A statement requiring the record owner to submit to the Building Official within one year of the service of the notice and order, the results of the structural analysis, which shall either: (1) demonstrate to the satisfaction of the Building Official that the building meets the minimum requirements of this Article, or; (2) shall include a structural analysis and plans for the proposed alterations of the building necessary to comply with the minimum requirements of this Article, or; (3) shall include plans for the demolition of the building.
- (e) A statement advising that any person having any title or legal interest in the building may appeal from the notice and order of the Building Official, in the manner set forth in Section 7-5-1210 within sixty (60) days from the date of service of the notice and order.

Section 7-5-825: SERVICE OF NOTICE AND ORDER OF BUILDING OFFICIAL. The notice and order shall be served upon the record owner, in the manner hereinafter stated, and posted conspicuously at the primary entrance to the building. One copy thereof shall also be served on each of the following: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in the building or the land upon which it is located.

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at the address as it appears on the last equalized assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. 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.

Upon service of the notice and order as provided herein, the Building Official shall file an affidavit certifying to the time and manner in which the notice and order was served and posted. He shall also file therewith any receipt card which may have been returned to him in acknowledgment of receipt of the notice and order by certified mail.

Section 7-5-830: RECORDATION OF NOTICE AND ORDER. At the time the notice and order is served, the Building Official shall cause to be filed with the Office of the County Recorder a "certificate of substandard structure", setting forth the determination of the Building Official and the requirements imposed by the notice and order.

Section 7-5-835: RECORDATION OF RESCISSION OF NOTICE AND ORDER. If after issuance and service of the notice and order, a building is determined, either by the Building Official or the Board of Appeals, to not be subject to the requirements of this Article, the Building Official shall file with the Office of the County Recorder a certificate rescinding the notice and order and finding the building not be subject to the requirements of this Article.

Section 7-5-840: OBTAINING OF BUILDING OR DEMOLITION PERMIT; COMMENCEMENT OF WORK; COMPLETION OF WORK.

- (a) Within one (1) year from the date plans for the proposed structural alterations of the building or plans for the demolition of the building are approved by the Building Official, the record owner shall obtain the necessary building or demolition permit. Notice of the plan approval shall be given in the manner set forth in Section 7-5-825.
- (b) Within two (2) years from the date the permit is issued, the record owner shall commence the work authorized by the permit.
- (c) Within three (3) years from the date the required work is commenced, the record owner shall complete the work.

Section 7-5-845: FAILURE TO COMPLY; VACATION; DEMOLITION. Should the record owner fail to comply with the orders described in Sections 7-5-820 and 7-5-840 or with any other orders issued by the Building Official pursuant to this Article, the Building official shall order the entire building vacated until the order has been complied with. If the building is not vacated within ninety (90) days after the date of the order, the building may be deemed a public nuisance and the Building Official may order the demolition of the building in accordance with Article 11 of this Chapter 5.

Section 7-5-850: ORDERS; SERVICE; RECORDATION; APPEAL; ENFORCEMENT.

- (a) Any order issued by the Building Official pursuant to this Article in addition to the order described in Section 7-5-820, shall be served and recorded in the manner set forth in Sections 7-5-825 and 7-5-830, respectively.
- (b) Any order issued by the Building Official pursuant to this Article may be appealed by any person having any record interest in the building in the manner set forth in Article 12 of this Chapter 5 within fifteen (15) calendar days, sixty (60) calendar days for orders described in Section 7-5-820 from the date of service of the notice and order. All appeals shall be conducted consistent with and be subject to provisions of Article 12 of this Chapter 5; provided, however, any determination of the Board of Appeals may be appealed to the City Council by any person having any record interest in the building, by filing a written notice of appeal with the City Clerk within fifteen (15) calendar days of the date such determination was mailed or personally delivered to the appellant.
- (c) Any order issued by the Building Official, or the Board of Appeals shall be enforceable in the manner set forth in Article 13 of this Chapter 5.

Section 7-5-855: ANALYSIS AND DESIGN.

- (a) General. Every building not meeting the minimum standard for seismic resistance established by this Article shall be analyzed by procedures specified in Section A109, Appendix Chapter A1 of the International Existing Building Code 2006 edition.
- (b) Level of Required Repair. Alterations and repairs required to meet the provisions of this Article shall comply with all other applicable requirements of the International Building Code unless otherwise specifically provided for in this Article.

Section 7-5-860: MATERIALS OF CONSTRUCTION

- (a) General. All materials permitted by the International Building Code including their appropriate allowable stresses and those existing configurations of materials specified herein may be utilized to meet the requirements of this Article.

(b) Existing Materials.

- (1) Unreinforced Masonry Walls. Unreinforced masonry walls analyzed in accordance with this Article may provide vertical support for roof and floor construction and resistance to lateral loads. The facing and backing of such walls shall be bonded so that not less than 4 percent of the exposed face area is composed of solid headers extending not less than 4 inches into the backing. The distance between adjacent full-length headers shall not exceed 24 inches vertically or horizontally. Where the backing consists of two or more wythes the header shall extend not less than 4 inches into the most distant wythe, or the backing wythes shall be bonded together with separate headers whose area and spacing conform to the foregoing.

Tension stresses due to seismic forces normal to the wall may be neglected if the walls do not exceed the height to thickness ratio in Table 2 of this Article and the in-plane shear stresses due to seismic loads as set forth in Table 3 of this Article, and the in-plane shear stresses due to seismic loads as set forth in Table 4 of this Article. If the wall height-thickness ratio exceeds the specified limits, the wall may be supported by vertical bracing members designed in accordance with Section 7-5-855. The deflection of such bracing member at design loads shall not exceed one-tenth of the wall thickness.

All vertical bracing members shall be attached to the floor and roof construction for their design loads independently of required wall anchors. Horizontal spacing of vertical bracing members shall not exceed one-half the unsupported height of the wall nor ten feet. The wall height may be measured vertically to bracing elements other than a floor or roof. Spacing of the bracing elements and wall anchors shall not exceed six feet. Bracing elements shall be detailed to minimize the horizontal displacement of the wall by components of vertical displacements of the floor or roof.

- (2) Existing Roof, Floors, Walls, Footings, and Wood Framing. Existing materials including wood shear walls utilized in the described configuration may be used as part of the lateral load resisting system, provided that the stresses in these materials do not exceed the values shown in Table 4 of this Article.
- (c) Strengthening of Existing Materials. New materials including wood shear walls may be utilized to strengthen portions of the existing seismic resisting system in the described configurations provided that the stresses do not exceed the values shown in Table 5 of this Article.
  - (d) Alternative Materials. Alternative materials, designs and methods of construction may be approved by the Building Official in accordance with the provisions of the International Building Code.

(e) Minimum Acceptable Quality of Existing Unreinforced Masonry Walls.

- (1) **General Provisions.** All unreinforced masonry walls utilized to carry vertical loads and seismic forces parallel and perpendicular to the wall plane shall be tested as specified in this subsection. All masonry quality shall equal or exceed the minimum standards established herein or shall be removed and replaced by new materials. Alternate methods of testing may be approved by the Building Official. The quality of mortar in all masonry walls shall be determined by performing in-place shear tests or by testing eight inch diameter cores. Alternative methods of testing may be approved by the Building Official. Nothing shall prevent pointing with mortar of all the masonry wall joints before the tests are first made. Prior to any pointing, the mortar joints must be raked and cleaned to remove loose and deteriorated mortar. Mortar for pointing shall be Type S or N except that masonry cements shall not be used. All preparation and mortar pointing shall be done under the continuous inspection of a designated special inspector. At the conclusion of the inspection, the inspector shall submit a written report to the licensed engineer or architect responsible for the seismic analysis of the building setting forth the result of the work inspected. Such report shall be submitted to the Building Official for approval as part of the structural analysis. All testing shall be performed in accordance with the requirements specified in this subsection by a testing agency approved by the Building Official. An accurate record shall be kept of all such tests and of their locations in the building, and these results shall be submitted to the Building Official for approval as part of the structural analysis.
- (2) **Number and Location of Tests.** The minimum number of tests shall be two per wall or line of wall elements resisting a common force, or 1 per 1500 square feet of wall surface, with a minimum of eight tests in any case. The exact test or core location shall be determined at the building site by the licensed engineer or architect responsible for the seismic analysis of the subject building.
- (3) **In-Place Shear Tests.** The bed joints of the outer wythe of the masonry shall be tested in shear by laterally displacing a single brick relative to the adjacent bricks in that wythe. The opposite head joint of the brick to be tested shall be removed and cleaned prior to testing. The minimum quality mortar in 80 percent of the shear tests shall not be less than the total of 30 psi plus axial stress in the wall at the point of the test. The shear stress shall be based on the gross area of both bed joints and shall be that at which movement of the brick is first observed.
- (4) **Core Tests.** A minimum number of mortar test specimens equal to the number of required cores shall be prepared from the cores and tested as specified herein. The mortar joint of the outer wythe of the masonry core shall be tested in shear by placing the circular core section in a compression testing machine with the mortar bed joint rotated 15 degrees from the axis of the applied load. The mortar joint tested in shear shall have an average ultimate stress of 20 psi based on the gross

area. The average shall be obtained from the total number of cores made. If test specimens cannot be made from cores taken, then the shear value shall be reported as zero.

- (f) Testing of Shear Bolts. One-fourth of all new shear bolts and dowels embedded in unreinforced masonry walls shall be tested by a special inspector using a torque calibrated wrench to the following minimum torques:

2" diameter bolts or dowels = 40 foot-lbs.

5/8" diameter bolts or dowels = 50 foot-lbs.

3/4" diameter bolts or dowels = 60 foot-lbs.

No bolts exceeding 3/4" shall be used. All bolt heads and nuts shall be installed over malleable iron or plate washers when bearing on wood and heavy cut washers when bearing on steel.

- (g) Determination of Allowable Stresses for Design Methods Based on Test Results.

- (1) Design Shear Values. Design seismic in-plane shear stresses shall be substantiated by tests performed as specified in subsection (e) (3) and (4), above.

Design stresses shall be related to test results obtained in accordance with Table 5 of this Article. Intermediate values between 3 and 10 psi may be interpolated.

- (2) Design Compression and Tension Values. Compression stresses for unreinforced masonry having a minimum design shear value of 3 psi shall not exceed 100 psi. Design tension values for unreinforced masonry shall not be permitted.

- (h) Five percent of the existing rod anchors utilized as all or part of the required wall anchors shall be tested in pullout by an approved testing laboratory. The minimum number tested shall be four per floor, with two tests at walls with joists framing into the wall and two tests at walls with joists parallel to the wall. The test apparatus shall be supported on the masonry wall at a minimum distance of the wall thickness from the anchor tested. The rod anchor shall be given a preload of 300 lbs. prior to establishing a datum for recording elongation. The tension test load reported shall be recorded at one-eighth inch relative movement of the anchor and the adjacent masonry surface. Results of all tests shall be reported. The report shall include the test results as related to the wall thickness and joist orientation. The allowable resistance value of the existing anchors shall be 40 percent of the average of those tested anchors having the same wall thickness and joist orientation.

- (i) Qualification tests for devices used for wall anchorage shall be tested with the entire tension load carried on the enlarged head at the exterior face of the wall. Bond on the part of the device between the enlarged head and the interior wall face shall be eliminated for the qualification tests. The resistance value assigned the device shall be 20 percent of the average of the ultimate loads.

Section 7-5-865: INFORMATION REQUIRED ON PLANS.

- (a) General. In addition to the seismic analysis required elsewhere in this Article, the licensed engineer responsible for the seismic analysis of the building shall determine and record the information required by this section on the approved plans.
- (b) Construction Details. The following requirements with appropriate construction details shall be made part of the approved plans:

- (1) All unreinforced masonry walls shall be anchored at the roof level by tension bolts through the wall as specified in Table A1-E of Appendix A or by approved equivalent at a maximum anchor spacing of six feet. All unreinforced masonry walls shall be anchored at all floors with tension bolts through the wall or by existing rod anchors at the maximum anchor spacing of six feet. All existing rod anchors shall be secured to the joists to develop the required forces. The Building Official may require testing to verify the adequacy of the embedded ends of existing rod anchors. Tests when required shall conform to Section 7-5-1155A(h). When access to the exterior face of the masonry wall is prevented by proximity of an existing building, wall anchors conforming Table A1-E may be used.

Alternative devices to be used in lieu of tension bolts for masonry wall anchorage shall be tested as specified in Section 7-5-860.

- (2) Diaphragm chord stresses of horizontal diaphragms shall be developed in existing materials or by addition of new materials.
- (3) Where trusses and beams other than rafters or joists are supported on masonry, ledgers or columns shall be installed to support vertical loads of the roof or floor members.
- (4) Parapets and exterior wall appendages not capable of resisting the forces specified in this Article shall be removed, stabilized or braced to insure that the parapets and appendages remain in their original position.
- (5) All deteriorated mortar joints in unreinforced masonry walls shall be pointed with Type S or N mortar (Masonry cements shall not be used). Prior to any pointing, the wall surface must be raked and cleaned to remove loose and deteriorated mortar. All preparation and pointing shall be done under the continuous inspection of a special inspector certified to inspect masonry or concrete. At the conclusion of the project, the inspector shall submit a written report to the Building Official setting forth the portion of work inspected.
- (6) Repair details shall be prepared for any cracked or damaged unreinforced masonry wall required to resist forces specified in Appendix A.

(c) Existing Construction. The following existing construction information shall be made part of the approved plans:

- (1) The type and dimensions of existing walls and the size and spacing of floor and roof members.
- (2) The extent and type of existing wall anchorage to floors and roofs.
- (3) The extent and type of parapet corrections, if any, which were performed in accordance with the Building Code.
- (4) Accurately dimensioned floor plans and masonry wall elevations showing dimensioned openings, piers, wall thickness and heights.
- (5) The location of cracks or damaged portions of unreinforced masonry walls requiring repairs.
- (6) The type of interior wall surfaces and whether reinstalling or anchoring of ceiling plaster is necessary.
- (7) The general condition of the mortar joints and whether the joints need pointing.”

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, 2011 and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3.

Introduced by Councilmember Prola on this 18th day of October, 2010, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)

NOES: None (0)

ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

Passed and adopted this 15th day of November, 2010, after publication on October 25, 2010, and November 1, 2010, by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)

NOES: None (0)

ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk



IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**ORDINANCE NO. 2010-019**

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, 2010 edition” is amended and that certain document entitled "Uniform Plumbing Code, 2009 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 since fifteen days prior to 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 Articles 11, 12, and 13 of this Chapter shall apply to this Article.

Section 7-5-910      Minimum Number of Required Fixtures and Separate Facilities

A. Section 412.1 of the 2010 California Plumbing Code is amended to read:

**412.1 Fixture Count.** Plumbing fixtures shall be provided according to Chapter 29 of the 2010 California Building Code. The use of Table 4-1 in the 2010 California Plumbing Code is recommended but not mandatory. Provisions of the California Plumbing Code shall govern where applicable.

B. Section 412.3 of the 2010 California Plumbing Code is amended to read:

**412.3 Separate Facilities.** Separate toilet facilities shall be provided for each gender according to Chapter 29 of the 2010 California Building Code. Provisions of the California Plumbing Code shall govern where applicable.

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. Section 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:

**701.1.2** ABS and PVC drainage piping installations are not allowed.

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

**701.2** 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:

**903.1.2** 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:

**1003.1** 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, 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:

**1101.3** 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, 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:

**1102.1.2** 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 7-5-920:      FEES FOR PERMITS AND INSPECTIONS. Section 103.4 of the Uniform Plumbing Code is hereby deleted and replaced by Title 7, Chapter 5, Section 108.2 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 he 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

pipng 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 of 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 7-5-110 of the San Leandro Municipal 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 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, 2011 and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3.

Introduced by Councilmember Prola on this 18th day of October, 2010, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)

NOES: None (0)

ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

Passed and adopted this 15th day of November, 2010, after publication on October 25, 2010, and November 1, 2010, by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)

NOES: None (0)

ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**ORDINANCE NO. 2010-020**

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,

FIRE CODE

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 to read as follows:

**“ARTICLE 1. FIRE CODE**

Section 3-3-100: ADOPTION.

Except as here after specifically set forth, the “California Building Standards Code, 2010 edition” is amended and that certain document entitled “International Fire Code, 2009 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 since fifteen (15) days prior to 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.

**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 45 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 fire code official to determine compliance with codes or standards for those activities or installations within the fire code official'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 RESERVED.**

**102.12 RESERVED.**

**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 shall be the implementation, administration and enforcement of the provisions of this code.

**103.2 Appointment.**

The fire code official shall be appointed by the chief appointing authority of the jurisdiction; 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 the appointing authority.

**103.3 Deputies.**

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, 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, which 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 an 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.

**103.4.2 Fire prevention bureau personnel and police.**

The chief and members of the fire prevention bureau shall have the powers of a police officer in performing their duties under this code.

**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 RESERVED.**

**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 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 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 RESERVED.**

#### **104.6 Official records.**

The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

##### **104.6.1 Approvals.**

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

##### **104.6.2 Inspections.**

The fire code 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 fire code official.

#### **104.7 RESERVED.**

##### **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 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, life 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 RESERVED.**

**104.9.2 RESERVED.**

**104.10 RESERVED.**

**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 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 the 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**

**105.1 RESERVED.**

**105.2 RESERVED.**

**105.2.1 RESERVED.**

**105.2.2 RESERVED.**

**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 code official 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 RESERVED.**

**105.3 RESERVED.**

**105.3.1 Expiration.**

An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. 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 is 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. No permit shall be extended more than once. In order to renew a permit after expiration, the applicant shall resubmit a new application.

**105.3.2 Extensions.**

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 code official 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.

**105.3.3 RESERVED.**

**105.3.4 RESERVED.**

**105.3.5 RESERVED.**

**105.3.6 RESERVED.**

**105.3.7 RESERVED.**

**105.3.8 RESERVED.**

**105.4 RESERVED.**

**105.5 RESERVED.**

**105.6 RESERVED.**

**105.6.1 RESERVED.**

**105.6.2 RESERVED.**

**105.6.3 RESERVED.**

**105.6.4 RESERVED.**

**105.6.5 RESERVED.**

**105.6.6 RESERVED.**

**105.6.7 RESERVED.**

**105.6.8 RESERVED.**

### **105.6.9 Covered mall buildings.**

An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

### **105.6.10 RESERVED.**

### **105.6.11 RESERVED.**

### **105.6.12 Dry cleaning plants. (ES)**

An operational permit 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 RESERVED.**

### **105.6.14 RESERVED.**

### **105.6.15 RESERVED.**

### **105.6.16 Flammable and combustible liquids.**

An operational permit 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 (DOTn) 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 code official, 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 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.
5. 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.
6. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
7. 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.
8. To manufacture, process, blend or refine flammable or combustible liquids.
9. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
10. 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 is required for floor finishing or surfacing operations exceeding 350 square feet (33 m<sup>2</sup>) using Class I or Class II liquids.

#### **105.6.18 Fruit and crop ripening. (ES)**

An operational permit 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 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 RESERVED.**

#### **105.6.21 RESERVED.**

#### **105.6.22 RESERVED.**

#### **105.6.23 RESERVED.**

**105.6.24 RESERVED.**

**105.6.25 RESERVED.**

**105.6.26 RESERVED.**

**105.6.27 LP-gas.**

An operational permit is required for:

1. Storage and use of LP-gas.  
Exception: 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. (ES)**

An operational permit 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 is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m<sup>3</sup>) 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 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. Instructions and stipulations of the permit shall be adhered to.  
Exception: Recreational fires.

**105.6.31 Open flames and torches.**

An operational permit 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. (ES)**

An operational permit 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.

Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

#### **105.6.36 Pyrotechnic special effects material.**

An operational permit is required for use and handling of pyrotechnic special effects material.

#### **105.6.37 Pyroxylin plastics. (ES)**

An operational permit 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. (ES)**

An operational permit 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 is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

#### **105.6.40 Rooftop heliports. (ES)**

An operational permit is required for the operation of a rooftop heliport.

#### **105.6.41 Spraying or dipping. (ES)**

An operational permit 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 is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m<sup>3</sup>) 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. (ES)**

An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

**105.6.45 Waste handling.**

An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

**105.6.46 RESERVED.**

**105.6.47 RESERVED.**

**105.7 RESERVED.**

**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 RESERVED.**

**106.3 RESERVED.**

**106.4 RESERVED.**

**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 code official designates shall be filed with the fire code official.

### **107.2.2 Reinspection 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 are 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 San Leandro Municipal 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 a voice but no 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 there under 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 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  
RESERVED**

**SECTION 110  
RESERVED**

**SECTION 111  
RESERVED**

**SECTION 112  
RESERVED**

**SECTION 113  
FEES**

**113.1 RESERVED.**

**113.2 RESERVED.**

**113.3 RESERVED.**

**113.4 RESERVED.**

**113.5 RESERVED.**

**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 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 2905.3 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 shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, 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 2206.7.3.1 is hereby amended to add as follows:

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 903.2.19 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 I or II – fire resistive construction, the total floor area 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 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; and
- (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; and
- (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; and
- (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 work-place or 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 work place or 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.
- (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 process, experts, costs of suit and attorneys' fees 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, at the request of the City Council, 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 City.

In the event any person or persons fails to pay City any costs due City pursuant to this section, 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 under this section shall not include actual fire suppression services which 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.”

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, 2011 and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3.

Introduced by Councilmember Prola on this 18th day of October, 2010, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)

NOES: None (0)

ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

Passed and adopted this 15th day of November, 2010, after publication on October 25, 2010, and November 1, 2010, by the following called vote:

Members of the Council:

AYES: Councilmembers Gregory, Prola, Reed, Souza, Starosciak, Stephens (6)

NOES: None (0)

ABSENT: Mayor Santos (1)

ATTEST: Marian Handa  
Marian Handa, City Clerk

