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

April 6, 2011

Norma Gomez, City Clerk
City of San Mateo
330 West Twentieth Avenue
San Mateo, CA 94403

Dear Ms. Gomez:

This letter is to acknowledge receipt on November 29, 2010 of the City of San Mateo submittal pertaining to Ordinance No. 2010-16 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 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,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

CITY OF SAN MATEO
330 WEST TWENTIETH AVENUE
OFFICE OF THE CITY CLERK

Date: November 16, 2010

Minute Order No. 217-10

To: California Building Standards Commission
2525 Natomas Park Drive, Ste. 130
Sacramento, CA 95833

In the matter of: Ordinance for Adoption – Adoption of the Administrative Code, Adoption of the 2010 California Building, Residential, Electrical, Mechanical, Plumbing, Existing Code and Green Building Codes and Deletion of the Existing Building Code – Change of Occupancy

(Agenda Item 13)

At the meeting of the City Council of the City of San Mateo on November 15, 2010 at which were present Council Members: LIM, MATTHEWS, ROSS and LEE, and, upon motion of Council Member MATTHEWS, seconded by Council Member LIM, duly carried and entered in the minutes, it was ordered to concur in the recommendation of the Community Development Director and adopt the Administrative Code as Chapter 23.06 and the 2010 California Building, Residential, Electrical, Mechanical, Plumbing, and Existing and Green Building Codes; delete the San Mateo Municipal Code Chapter 23.09 – Existing Building Code – Change of Occupancy; and adopt:

(a) Ordinance No. 2010-16 Amending Title 23 of the San Mateo Municipal Code to Adopt the Administrative Code as Chapter 23.06, and the 2010 Edition of the California Building, Residential, Electrical, Mechanical, Plumbing, Existing Building and Green Building Codes, and Deleting Chapter 23.09 "Change of Occupancy."

Enclosed is a copy of the adopted ordinance.

NORMA GOMEZ, CITY CLERK

cc: City Attorney
Director of Community Development
Fire Marshal
Building Official
Word Processing

BEFORE THE COUNCIL OF THE CITY OF SAN MATEO IN THE COUNCIL CHAMBERS, 330 WEST 20TH AVENUE

ORDINANCE INTRODUCED: November 1, 2010
ORDINANCE ADOPTION TO BE CONSIDERED AT 7 P.M. November 15, 2010

ORDINANCE NO. 2010-16

AMENDING TITLE 23 OF THE SAN MATEO MUNICIPAL CODE TO ADOPT THE ADMINISTRATIVE CODE AS CHAPTER 23.06, AND THE 2010 EDITION OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, EXISTING BUILDING AND GREEN BUILDING CODES, AND DELETING CHAPTER 23.09 "CHANGE OF OCCUPANCY"

The City Council of the City of San Mateo, California, ordains as follows:

Section 1. Chapter 23.06 (Administrative Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.06 – Administrative Code

Sections:

23.06.010 Adoption
23.06.011 Application to Existing Buildings and Building Service Equipment
23.06.012 Definition
23.06.013 Conflicting Provisions
23.06.014 Alternate Materials, Methods of Design and Methods of Construction
23.06.015 Modifications
23.06.016 Tests
23.06.020 Authority
23.06.021 Power and Duties of Building Official
23.06.030 Unsafe Buildings, Structures or Building Service Equipment
23.06.040 Board of Appeals
23.06.050 Violations
23.06.060 Hours of Work
23.06.070 Permits
23.06.080 Application for Permit
23.06.090 Permits Issuance
23.06.100 Demolition Permit Conditions
23.06.110 Inspections
23.06.120 Fees
23.06.130 Special Inspection
23.06.140 Structural Observation

23.06.150 Connection to Utilities
23.06.160 Certificate of Occupancy
23.06.170 Fire and Health Protection
23.06.180 Penalties

23.06.010 ADOPTION

(a) Purpose. The purpose of this code is to provide for the administration and enforcement of the technical codes embodied in Chapters 23.07, 23.08, 23.09, 23.10, 23.12, 23.16, 23.20, 23.44, 23.48, 23.54, 23.58, 23.56, 23.70 and 23.80.

(b) Scope. The provisions of this code shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within this jurisdiction.
Exceptions:

(1) No section of the Administrative Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council or commission with discretion to enforce the section, or not to enforce it.

(c) A copy of the Administrative Code shall at all times be kept on file in the office of the city clerk.

23.06.011- APPLICATION TO EXISTING BUILDINGS AND BUILDING SERVICE EQUIPMENT

(a) General. Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in this section.

(b) Additions, Alterations or Repairs. Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the technical codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the technical codes nor shall such additions or alterations cause the existing building or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the Building Code or will obstruct existing exits; will create

a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the Building Code for new buildings. A building plus new additions shall not exceed the height, number of stories and area specified by the Building Code for new buildings.

Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the Building Code except when the addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

> **EXCEPTION**: Alterations of existing structural elements, or additions of new structural elements, which are not required by Section 23.06.011(d) and which are initiated for the purpose of increasing the lateral-force-resisting strength or stiffness of an existing structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:
>
> **(1.)** The capacity of existing structural elements required to resist forces is not reduced, and
> **(2.)** The lateral loading to required existing structural elements is not increased beyond their capacity, and
> **(3.)** New structural elements are detailed and connected to the existing structural elements as required by these regulations, and
> **(4.)** New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations, and
> **(5.)** An unsafe condition as defined above is not created.

Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member part of the building or structure having required fire resistance be made with the same materials of which the building or structure is constructed, subject to approval by the building official. Installation or replacement of glass shall be as required for installations.

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the technical code in effect at the time the original installation was made, subject to approval of the building official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, unsanitary or overloaded.

(c) Existing Installations. Building service equipment lawfully in existence at the time of the adoption of the technical codes have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

(d) Existing Occupancy. Buildings in existence at the time of the adoption of the Building Code (SMMC Chapter 23.08) may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the Building Code, and provided continued use is not dangerous to life, health and safety;

A change in the use or occupancy of any existing building or structure shall comply with the provisions of Section 23.06.160 of this code and Chapter 34 of the Building Code.

(e) Maintenance. Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the technical codes shall be maintained in conformance with the technical code under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this section, the building official may cause a structure to be re-inspected.

(f) Moved Buildings. Buildings, structures and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new building or structures and their building service equipment.

(g) Temporary Structures. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the Building Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit state in the permit.

(h) Historic Buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the technical codes when authorized by the building official, provided:

> **(1.)** The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.
> **(2.)** Unsafe conditions as described in this code are corrected.
> **(3.)** The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire-safety and sanitation than the existing building.

23.06.012 DEFINITIONS

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged,* copyright 1986, shall be considered as providing ordinarily 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.

ADDITION is an extension or increase in floor area or height of a building or structure.
ALTER or ALTERATION is a change or modification in construction or building service equipment.
APPROVED, as to materials, types of construction, equipment and systems, refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.
APPROVED AGENCY is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.
BUILDING is a structure used or intended for supporting or sheltering a use or occupancy.
BUILDING CODE is the *California Building Code* promulgated by the International Code Council, as adopted by this jurisdiction.
BUILDING, EXISTING is a building erected prior to the adoption of this code, or one for which a legal building permit has been issued.
BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this code, or a regularly authorized deputy.
BUILDING SERVICE EQUIPMENT refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.
DANGEROUS BUILDINGS CODE is the *Uniform Code for the Abatement of Dangerous Buildings* promulgated by the International Conference of Building Officials as adopted by this jurisdiction
ELECTRICAL CODE is the *California Electrical Code* promulgated by the National Fire Protection Association, as adopted by this jurisdiction.
ELEVATOR CODE is the safety code for elevators, dumbwaiters, escalators and moving walks as adopted by this jurisdiction.
GREEN BUILDING CODE is the *California Green Building Standards Code* promulgated by the International Code Council, as adopted by this jurisdiction
JURISDICTION, as used in this code, is a state or political subdivision which adopts this code for administrative regulations in its area of authority.
LISTED and LISTING are terms referring to equipment and materials included in a list published by an approved testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of current productions of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.
MECHANICAL CODE is the *California Mechanical Code* promulgated by the International Association of Plumbing and Mechanical Officials, adopted by this jurisdiction.

OCCUPANCY is the purpose for which a building, or part thereof, is used or intended to be used.
OWNER is any person, agent, firm or corporation having a legal or equitable interest in the property.
PERMIT is an official document or certificate issued by the building official authorizing performance of a specified activity.
PERSON is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
PLUMBING CODE is the *California Plumbing Code*, as adopted by this jurisdiction.
REPAIR is the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.
RESIDENTIAL CODE is the *California Residential Code* promulgated by the International Code Council, as adopted by this jurisdiction
SHALL, as used in this code, is mandatory.
SRUCTURAL OBSERVATION means the visual observation of the structural system, for general conformance to the approved plans and specifications, at significant construction stages at completion of the structural system. Structural observation does not include or waive the responsibility for the inspections required by Sections 23.06.110 and 23.06.130.
SRUCTURE is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or posed of parts joined together in some definite manner.
TECHNICAL CODES refer to those codes adopted by this jurisdiction containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as herein defined.
VALUATION or VALUE, as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

23.06.013 CONFLICTING PROVISIONS

When conflicting provisions or requirements occur between this code, the technical codes and other codes or laws, the most restrictive shall govern.

When conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

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

When conflicts occur between specific provisions of this code and administrative provisions in a

technical code which is then applicable within this jurisdiction, those provisions becoming the law most recently shall prevail.

23.06.014 ALTERNATE MATERIALS, METHODS OF DESIGN AND METHODS OF CONSTRUCTION

The provisions of the technical codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the technical codes, provided an alternate has been approved and its use authorized by the building official.

The building official may approve an alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of the technical codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in suitability, strength, effectiveness, life resistance, durability, safety and sanitation.

The building official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

23.06.015 MODIFICATIONS

Whenever there are practical difficulties involved in carrying out provisions of the technical codes, the building official may grant modifications for individual cases. The building official shall first find that a special and unique reason makes the strict letter of the technical code impractical, the modification is in conformity with the intent and purpose of the technical code, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

23.06.016 TESTS

Whenever there is insufficient evidence of compliance with the provisions of the technical codes or evidence that materials or construction do not conform to the requirements of the technical codes, the building official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

Test methods shall be as specified by the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall determine test procedures.

Tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

23.06.017 TEMPORARY BUILDING

Real estate sales and leasing of the building or buildings under construction may be conducted from a temporary structure located on the construction site, subject to the conditions and procedures established in Section 26.04.130 of this code. (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1990-1 § 1 (part), 1990; Ord 1988-4 § 1, 1988; Ord. 1985-4 § 1 (part), 1985; Ord. 1981-23 § 1, 1981).

23.06.020 AUTHORITY

(a) Creation of Enforcement Agency. There is hereby established in this jurisdiction a permit and inspection agency which shall be under the administrative and operational control of the building official.

(b) General. Whenever the term or title "administrative authority" "responsible official," "building official," "plan examiners," "related technical officers," or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the building official designated them due to his appointing authority in this jurisdiction.

23.06.021 POWERS AND DUTIES OF BUILDING OFFICIAL

(a) General. The building official is hereby authorized and directed to enforce all the provisions of this code and the referred technical codes. For such purposes, the building official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and the referenced technical codes, and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary 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) Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

(c) Right of Entry. When necessary to make an inspection to enforce any of the provisions of this code and the technical codes, or when the building official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code, provided that such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be

refused, the building official shall have recourse the remedies provided by law to secure entry.

(d) Stop Orders. When work is being done contrary to the provisions of this code, the technical codes, or other pertinent laws or ordinances implemented through the enforcement of this code, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the building official to proceed with the work.

(e) Occupancy Violations. When a building or structure or building service equipment therein regulated by this code and the technical codes is being used contrary to the provisions of such codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

(f) Authority to Disconnect Utilities. The building official or the building official's authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

(g) Authority to Condemn Building Service Equipment. When the building official ascertains that building service equipment regulated in the technical codes has become hazardous to life, health or property, or has become unsanitary, the building official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

(h) Connection after Order to Disconnect. Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected, ordered to be disconnected, or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

(i) Liability. The building official charged with the enforcement of this code and the technical

codes, acting in good faith and without malice in the discharge of his duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the building official or any City employee because of such act or omission performed by the building official or employee in the enforcement of the provisions of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from, shall be assumed by this jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the code enforcement agency or the City be held as assuming such liability by reason of the inspections authorized by this code or permits or the certificates issued under this code.

(j) Cooperation of Other Officials and Officers. The building official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent laws and ordinances.

23.06.030 UNSAFE BUILDINGS, STRUCTURES OR BUILDING SERVICE EQUIPMENT

Buildings or structures regulated by this code and the technical codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings.

Building service equipment regulated by such codes, which constitutes a fire, electrical or health hazard, an unsanitary condition, or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are hereby designated as unsafe building appendages.

Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the building official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, correct or abate the violation.

23.06.040 APPEALS

Pursuant to SMMC 2.22.030, the Community Improvement Commission will hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of these codes.

23.06.050 - VIOLATIONS

It shall be unlawful for a 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 building service equipment, or cause or permit the same to be done in violation of this code and the technical codes.

23.06.060 – HOURS OF WORK

No work regulated by this Code shall be permitted between the hours of 7 p.m. and 7 a.m., Monday through Friday, nor prior to 9 a.m. or after 5 p.m. on Saturday, nor prior to 12 noon or after 4 p.m. on Sundays. These hours do not apply to construction work that takes place inside a completely enclosed building and does not exceed the exterior ambient noise level as measured ten feet from the exterior property lines. (Ord. 2001-4 § 1, 2001; Ord. 1999-8 § 2, Ord. 1992-12 § 1 (part), 1992; Ord. 1990-4 § 1, 1990).

23.06.061 HOURS OF WORK EXEMPTION

As a condition of approval of a planning application issued pursuant to Title 26 and Title 27 of this code, a condition may be established which authorizes an exemption from the hours of work designated in Section 23.06.060 if the Building Official finds that:

(a) The following criteria are met:

(1) Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or

(2) An emergency situation exists where the construction is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.

(b) The exemption will not conflict with any other conditions of approval required by the City to mitigate significant impacts.

(c) The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification must be provided three days prior to the start of the construction activity.

(d) The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by an interested member of the public.

(e) The Building Official may revoke the exemption at any time if the contractor or owner of the property fails to abide by the conditions of the exemption or if it is determined that the peace, comfort and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction. (Ord. 2001-4 § 2, 2001).

23.06.070 PERMITS

(a) Permits Required. Except as specified in Section 23.06.070(b) no building, structure or building service equipment regulated by this code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.

(b) Work Exempt from Permit. A permit shall not be required for the types of work listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

(1) Building permits. A building permit shall not be required for the following:

(i). One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m^2).

(ii). Fences not over 6 feet (1829 mm) high.

(iii). Oil derricks.

(iv) 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.

(v) 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.

(vi) Sidewalks 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.

(vii) Platforms, walks and driveways not more than 18"inches (457 mm) above grade and not over any basement or story below, if located other than in the front or street side yard as defined by Title 27 (Zoning Code). (Ord. 1999-8 § 2, 1999; Ord. 1992-16 § 20, 1992).

(viii) Temporary motion picture, television and theater stage sets and scenery.

(ix) Prefabricated swimming pools accessory to a Group R-e 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.

(x) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

(xi) Swings and other playground equipment accessory to detached one- and two-family dwellings.

(xii) 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.

(xiii) Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

(2) Plumbing permits. A plumbing permit shall not be required for the following:

(i) The stopping of leaks in drains, soil, waste or vent pipes, provided, however, that if any concealed trap, drain pipe, soil, waste or vent pipes become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered new work and a permit shall be procured and inspection made as provided in this code.

(ii) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(3) Electrical permits. An electrical permit shall not be required for the following:

(i) Portable motors or other portable appliances energized by 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.

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

(iii) Temporary decorative lighting.

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

(v) Reinstallation of attachment plug receptacles, but not the outlets therefore.

(vi) Repair or replacement of any overcurrent device of the required capacity in the same location.

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

(viii) Taping joints.

(ix) Removal of electrical wiring.

(x) Temporary wiring for experimental purposes in suitable experimental laboratories.

(xi) The wiring for temporary theater, motion picture or television stage sets.

(xii) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

(xiii) Low-energy power, control and signal circuits of Class II and Class III as defined in the Electrical Code.

(xiv) A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

(4) Mechanical permits. A mechanical permit shall not be required for the following:

(i) A portable heating appliance.

(ii) Portable ventilating equipment.

(iii) A portable cooling unit.

(iv) A portable evaporative cooler.

(v) A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code.

(vi) Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes.

(vii) Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes.

(viii) A unit refrigerating system as defined in the Mechanical Code.

23.06.080 APPLICATION FOR PERMIT

(a) Application. To obtain a permit, the applicant shall first file an application therefore in

writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

(i) Identify and describe the work to be covered by the permit for which the application is made.

(ii) 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.

(iii) Indicate the use or occupancy for which the proposed work is intended.

(iv) Be accompanied by plans, diagrams, computations and specifications, and other data as required in Section 23.06.080(b).

(v) State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.

(vi) Be signed by the applicant, or the applicant's authorized agent.

(vii) Give such other data and information as may be required by the building official.

(b) Submittal Documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(c) Information on Plans and Specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and 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 all relevant laws, ordinances, rules and regulations.

Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire-resistive integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

(d) Architect or Engineer of Record.

(i) General. When it is required that documents be prepared by an architect or engineer, the building official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all the duties required of the original architect or engineer of record. The building official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

(ii) Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have prior approval of the building official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

(e) Inspection and Observation Program. When special inspection is required by Section 23.06.130, the architect or engineer of record shall prepare an inspection program which shall be submitted to the building official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors.

The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

When structural observation is required by Section 23.06.140, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

The inspection program shall include samples of inspection reports and provide time limits for

submission of reports.

23.06.090 PERMITS ISSUANCE

(a) Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the building official or his designees. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and the technical codes and other pertinent laws and ordinances, and that the fees specified in Section 23.06.120 have been paid, the building official shall issue a permit therefore to the applicant.

When a permit is issued for required plans, the building official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved plans.

The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. No building permit for construction of a superstructure shall be issued unless a complete superstructure application is made not later than 90 days after issuance of a foundation permit and a superstructure permit is taken out not later than 6 months after issuance of the foundation permit. For purposes of this section, the determination of whether a building or structure is a superstructure shall be made by the building official. The holder of a partial permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted. (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1992-9 § 1, 1992).

(b) Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 90 days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

(c) Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, a violation of any of the provisions of this code or the technical codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in

violation of these codes or of any other ordinance of this jurisdiction.

(d) Expiration. Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit over one year after expiration, the permittee shall pay a new full permit fee.

A foundation permit shall expire by limitation and become null and void, unless a complete superstructure application is made not later than 90 days after issuance of a foundation permit and a superstructure permit is taken out not later than 6 months after issuance of the foundation permit. (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1992-9 § 1, 1992).

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken and that extension will not result in violation of this code or any other laws. Permits shall not be extended more than two times.

(e) Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

23.06.100 DEMOLITION PERMIT CONDITIONS

(a) Demolition permits may be issued if at least one of the following is applicable:

(1) Demolition has been ordered by the building official because of major structural damage or a condition resulting in imminent or immediate danger to public health or safety; or

(2) A building permit has been issued authorizing work to be performed which requires the prior removal of an existing structure to accomplish the new construction; or

(3) The city has determined that demolition is necessary in order to perform appropriate soil tests for a proposed project; or

(4) Demolition is required by the city as a condition of approval of a planning application under Title 27 or a subdivision under Title 26 of this code, and the application for the demolition permit complies with the time frame set in the condition of approval.

(5) The demolition involves a nonresidential structure of 3,000 square feet or less.

(6) The building official finds that:

(i) If intended for residential use, the structure is not habitable due to violations of the Uniform Housing Code, as adopted in chapter 7.14; or, if intended for nonresidential use, the structure cannot be occupied due to violations of uniform codes or local, state or federal laws; and

(ii) Substantial evidence has been provided that repair of the structure is not feasible. As used in this subsection "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, social and technological factors. Evidence provided by the applicant may be independently reviewed by consultants hired by the City at the applicant's expense; and

(iii) Demolition of the structure would have a less significant effect on the neighborhood than allowing the existing dilapidated structure to remain.

A demolition permit shall not be issued pursuant to this subsection unless notice of the proposed demolition and appeal procedures is posted on the premises in a location visible from off-site at least fifteen (15) days before issuance of the demolition permit. Pursuant to SMMC 2.22.030, the building official's proposal to issue a demolition permit is appealable to the Community Improvement Commission within the 15-day posting period by filing a notice of appeal with the City Clerk. If demolition is requested as part of a planning application pursuant to Section 27.68.020, the Planning Commission shall review the request as required by Section 27.68.020 prior to any action by the building official.

(7) The demolition involves a non-required accessory building.

(8) The demolition of structures where a master plan or specific plan has been approved for development of the site provided that (1) the building official receives written confirmation that the demolition is needed to facilitate the timely construction of new structures under the approved master plan, (2) the structures are substantially vacant, (3) there is written documentation from a lending institution that the project (at least in substantial part) is capable of being financed and the applicant is credit worthy.

(b) All demolition permits shall comply with the following conditions:

(1) If the site is a service station or listed on the Hazardous Waste and Substances Sites List (prepared pursuant to Government Code Section. 65962.5), or if the City has any other substantial evidence that the site may contain hazardous wastes, the application for a permit must be accompanied by evidence that the soil has been inspected for contamination and, if contamination has been found, that a plan has been submitted to and approved by the San Mateo County Division of Environmental Health.

(2) The site shall be fenced when open holes in the ground exist, if required by the building official because of other hazards or to ensure maintenance of the site.

(3) All debris, weeds, and other nuisances shall be removed from the site, and the site shall be leveled unless requirements regarding hazardous wastes make leveling infeasible. If planting is not required by subsection 23.06.100(b)(iv), and construction does not commence within 30 days after demolition, the soil shall be treated with a weed inhibitor approved by the City.

(4) If deemed appropriate, the City may require that the entire site be planted and maintained with a drought tolerant ground cover that will fully cover all exposed soil within six months of planting, or covered to a minimum depth of 2" with crushed rock.

(5) That the site be fenced according to code, or if deemed appropriate, the City may require that any driveway curb cuts not used be provided with bollards and chains, located and installed so as to prevent vehicular entry into the site.
(6) The applicant shall comply with all other conditions that may be attached by the building official to ensure maintenance of the site. (Ord. 1999-8 § 2, 1999; Ord. 1995-22 § 1 (part), 1995; Ord. 1992-12 § 1 (part), 1992; Ord. 1991-15 § 1, 1991; Ord. 1990-3 § 1, 1990; Ord. 1990-1 § 1 (part), 1990; Ord. 1990-3 § 1, 1990; Ord. 1988-4 § 1, 1988; Ord. 1986-25 § 1, 1986; Ord. 1985-4 § 1, (part), 1985; Ord. 1984-5 § 199 (part), 1984).

23.06.110 INSPECTIONS

(a) General. Construction or work for which a permit is required shall be subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in Section 23.06.130.

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 this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

(b) Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

(c) Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspections required either by this code or the technical codes to provide access to and means for inspection of the work.

(d) 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 that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

(e) Required Building Inspections. Reinforcing steel or structural framework of a building or structure shall not be covered or concealed without first obtaining the approval of the building official. Protection of joints and penetrations in fire resistive assemblies shall not be concealed from view until inspected and approved.

The building official, upon notification, shall make the following inspections:

(1.) Foundation inspection. To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

(2.) Concrete slab or under-floor inspection. To be made after in-slab or under-floor 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.

(3.) Frame inspection. To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.

(4.) Lath and/or wallboard inspection. To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.

(5.) Final inspection. To be made after finish grading and the building is completed and ready for occupancy.

(f) Required Building Service Equipment Inspections.

(1) General. Building service equipment for which a permit is required by this code shall be inspected by the building official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by

the technical codes shall not be connected to the water, fuel or power supply, or sewer system until authorized by the building official.

(2) Operation of building service equipment. The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

(3) Other Inspections. In addition to the explicit inspections specified above, the building official may make or require other inspections of construction work to ascertain compliance with the provisions of this code or technical codes and other laws which are enforced by the code enforcement agency.

(4) Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with the fee schedule adopted by this jurisdiction.

In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

23.06.120 – FEES

(a) General. All permit fees, surcharges, plan checking fees, fees for inspections and reinspections, and all other fees, shall be those established by resolution of the City Council.

(b) Expiration of Plan Review. Applications for which no permit is issued within 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 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken and that extension will not result in violation of this code or any other laws.. An application shall not be extended more than two times. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of the application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(1) Planning Applications. For applications for which a planning application was approved, a completed building permit application shall be filed before the two-year expiration date of the planning approval and a building permit shall be issued no later than six months before the two-year expiration date. A further extension of six months for issuance of a building permit may be granted by the Building Official only if the applicant demonstrates that the delay in performance was caused by action or inaction of governmental permitting agencies other than the City of San Mateo, and that the applicant has diligently pursued approval of the permit (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1992-8 § 2, 1992).

(c) Investigation Fees: Work without a Permit.

(1) Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

(2) 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 permit fee required by this code. The minimum investigation fee shall be established in the fee schedule adopted by the city council. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

(d) Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent 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 examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

23.06.130 SPECIAL INSPECTIONS

(a) General. In addition to the inspections required by Section 23.06.110, the owner, or the engineer or architect of record acting as the owner's agent, shall employ one or more special inspectors who shall provide inspections during construction on the types of work as specified in the Building Code Section 1704.

(b) 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.

(c) 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.

(d) 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.

(e) Continuous and Periodic Special Inspection.

> **(1.) Continuous special inspection**. Continuous special inspection means that the special inspector is on the site at all times observing the work requiring special inspection.
>
> **(2.) Periodic special inspection**. Some inspections may be made on a periodic basis and satisfy the requirements of continuous inspection, provided this periodic scheduled inspection is performed as outlined in the project plans and specifications and approved by the building official.

23.06.140 STRUCTURAL OBSERVATION

Structural observation shall be provided in accordance to the Building Code Section 1710.

23.06.150 CONNECTION TO UTILITIES

(1) Energy Connections. Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the technical codes and for which a permit is required by this code, until approved by the building official.

(2) Temporary Connections. The building official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

23.06.160 CERTIFICATE OF OCCUPANCY

(a) Use or Occupancy. Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the building official has issued a certificate of occupancy therefore as provided herein.

EXCEPTION: Group R, Division 3, and Group U Occupancies.

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. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

(b) Change in Use. Changes in the character or use of a building shall not be made except as specifically provided for in the Building Code.

(c) Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws which are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy which shall contain the following:

(1.) The building permit number.

(2.) The address of the building.

(3.) The name and address of the owner.

(4.) A description of that portion of the building for which the certificate is issued.

(5.) A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.

(6.) The name of the building official.

(7.) The edition of the code under which the permit was issued.

(8.) The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code.

(9.) The type of construction as defined in Chapter 6 of the California Building Code.

(10.) The design occupant load.

(11.) If an automatic sprinkler system is provided, whether the sprinkler system is required.

(12.) Any special stipulations and conditions of the building permit.

(d) Temporary Certificate. If the building official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.

(e) Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

(f) Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this code.

23.06.170 FIRE AND HEALTH PROTECTION

Fire and Health Protection. The chief of the fire department and the health officer that has jurisdiction shall have concurrent jurisdiction, respectively, with the building official in the enforcement of all those provisions of this code relating to or involving protection against fire, or the maintenance of public health. The building official, fire chief, and/or health officer, or their authorized representative, may enter any building or premises for the purpose of inspection or enforcing the provisions of this code.

Whenever any building work is being done contrary to the provisions of this code, the building official, or his authorized representative, may order the work stopped by notice in writing served on the contractor, or his representative, or any persons engaged in doing or causing that work to be done, and any such persons shall forthwith stop that work until authorized by the building official to resume the work.

In case the work is being done in such a manner as to increase the fire hazard or jeopardize the public health, the fire chief and the health officer shall have concurrent jurisdiction with the building official to stop the work as provided above. (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1990-1 § 1 (part), 1990; Ord. 1988-4 § 1, 1988; Ord. 1985-4 § 1 (part), 1985).

23.06.180 PENALTIES

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair,

move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building, structure, or building service equipment, or cause or permit the same to be done in violation of this code and/or the Residential Code, Building Code, Plumbing Code, Mechanical Code, Housing Code, Electrical Code, Fire Prevention Code, Fire Protection Facilities Code, and Green Building Code. (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1990-1 § 1 (part), 1990; Ord. 1988-4 § 1, 1988; Ord. 1985-4 § 1 (part), 1985).

Section 2. Chapter 23.07 (Residential Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.07: RESIDENTIAL CODE

Sections:

23.07.010	**Adoption.**
23.07.020	**SECTION R319.1 Site Address AMENDED**
23.07.030	**SECTION R319.2 Address Numbers - Multi-Tenant Buildings.**
23.07.040	**SECTION R319.3 Address Numbers - Rear Addressing ADDED**
23.07.060	**SECTION R313.1 AMENDED—Townhouse automatic fire sprinkler Systems - Exception**
23.07.070	**SECTION R313.2 AMENDED— One-and-two-family dwellings automatic fire sprinkler systems – Exception**
23.07.080	**SECTIONS R902.1, R902.1.1, R902.1.3 AMENDED--ROOFING REQUIREMENTS.**
23.07.100	**Section R401.1.3 Seismic reinforcing on footing**
23.07.110	**Section R602.10.2.1 and Table R602.10.1.2(2) add footnote**

23.07.010 ADOPTION. (a) The code published by the International Code Council entitled California Residential Code, 2010 Edition, as adopted and amended by the State of California, are hereinafter called "residential code," and are adopted as the rules, regulations and standards within this city as to all matters therein contained except that:

(1) Sections R105.2 Building items 1 – 10 are not adopted. Instead, chapter 23.06 (Administrative Code) applies to this chapter on permit exemption. Sections R109.1 – R109.1.6 are not adopted. Instead, Chapter 23.06 (Administrative Code) applies to the inspection.

(2) Certain sections of the Residential Code have heretofore been amended and may hereafter be amended. As amended, they are adopted;

(3) **R403.1.3 Seismic reinforcing – Exception** is not adopted;

(b) No section of the residential code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.

(c) One copy of the Residential Code shall at all times be kept on file in the office of the city clerk.

23.07.020 SECTION R319.1 Site Address AMENDED.

R319.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction. Numbers shall be as follows:

1. Minimum of one-half inch (1/2″) stroke by four inches (4″) high.
2. When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access a minimum of one-half inch (1/2″) stroke by six inches (6″) high is required.
3. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one inch (1”) stroke by nine inches (9″) high is required.

23.07.030 SECTION R319.2 Address Numbers - Multi-Tenant Buildings. ADDED. (Duplicate of SMMC 23.28.120)

R319.2 Multi -Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2″) stroke by four inches (4″) high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5′ 6″) above the finished floor and shall be either internally or externally illuminated in all new construction.

23.07.040 SECTION R319.3 Address Numbers - Rear Addressing ADDED. (Duplicate of SMMC 23.28.130)

R319.3 Rear Addressing. When required by the chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with R319.1.

23.07.060 SECTION R313.1 AMENDED—Townhouse automatic fire sprinkler systems – Exception

Section R313.1 Exception is amended to read as follows:

Exception: An automatic residential sprinkler system shall not be required when any addition, alteration, repair or combination thereof is made to less than 50% of the existing floor area of the existing townhomes. For purposes of this section, an addition, alteration or repair is defined as any change to a building that requires a permit other than a mechanical, electrical or plumbing permit.

23.07.070 SECTION R313.2 AMENDED— One-and-two-family dwellings automatic fire sprinkler systems – Exception

Section R313.2 Exception is amended to read as follows:

Exception: An automatic residential sprinkler system shall not be required when any addition, alteration, repair or combination thereof is made to less than 50% of the existing floor area of the existing one-and-two family dwellings. For purposes of this section, an addition, alteration or repair is defined as any change to a building that requires a permit other than a mechanical, electrical or plumbing permit.

23.07.080 SECTIONS R902.1, R902.1.1, R902.1.3 AMENDED--ROOFING REQUIREMENTS.

Section R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roofing shall be installed in areas designated by this section. Classes A or B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Section R902.1.1 AMENDED--Roof coverings within very high fire hazard severity zone and the Western Hills Area.

R902.1.1 Roof coverings within very high fire severity zones and the Western Hills Area. The entire roof covering of every existing structure where more than 300 square feet of roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure shall be a fire-retardant roof covering that is at least Class A.

The roof covering on any structure within the boundaries of the Western Hills Area, as designated by the Fire Chief and shown on a map on file with the City Clerk and the Community Development Department, shall be Class A fire retardant roof.

Exception:

1. Detached patio covers, spa covers, gazebos, awning covers, and detached sheds, less than 120 square feet of roof area.

Section R902.1.3 AMENDED--Roof coverings within all other areas.

Section R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 300 square feet of roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

23.07.100 SECTION R403.1.3 AMENDED—SEISMIC REINFORCING ON FOOTING

Section R403.1.3 is amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D_0, D_1, D_2, as established in Table R301.2 (1), shall have minimum reinforcement. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D_0, D_1 and D_2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No.4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D_0, D_1 and D_2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D_0, D_1 and D_2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

23.07.110 SECTION R Section R602.10.2.1 and Table R602.10.1.2(2) AMENDED—prohibit the use of gypsum board and limit the use of Portland cement plaster as prescriptive wall bracing materials in Seismic Design Categories D_0, D_1 and D_2

1.) Add a new footnote "d" to the end of CRC Table R602.10.1.2(2), to read:

d. In Seismic Design Categories D_0, D_1, and D_2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

2.) Add the "d" footnote notation in the title of Table R602.10.1.2(2) after the three footnotes currently shown, to read: **TABLE R602.10.1.2(2)[a,b,c,d]**

3.) Add a new subsection R602.10.2.1.1, to read:

R602.10.2.1.1 Limits on methods GB and PCP. In Seismic Design Categories D_0, D_1, and D_2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D_0, D_1, and D_2, the use of Method PCP is limited to one-story

single family dwellings and accessory structures.

Section 3. Chapter 23.08 (Building Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.08: BUILDING CODE

Sections:

23.08.010 Adoption.
23.08.020 Section 501.2 PREMISES IDENTIFICATION - Address numbers. Amended
23.08.030 Section 501.2.1 Address Numbers - Multi-Tenant Buildings. Added
23.08.040 Section 501.2.2 Address Numbers - Rear Addressing Added
23.08.050 Section 903.1.2 Existing Buildings and Structures. Added
23.08.060 Section 903.1.3 Existing Group R Occupancies. Added
23.08.090 Section 903.2 AUTOMATIC SPRINKLER SYSTEMS - Where required. Amended
23.08.070 Section 905.3 Standpipe Systems – Required installation. Amended
23.08.100 Sections 1505.1, 1505.1.3 Amended--Roofing Requirements.
23.08.110 SECTION 1613.8 Added – Modification to ASCE-7
23.08.120 SECTION 1704.4 Amended – Special Inspection
23.08.130 Section 2308.9.3 Amended--Bracing.
23.08.140 Section 3109 Amended—Swimming Pool Enclosures

23.08.010 ADOPTION.

(a) Codes published in two volumes by the International Code Council, entitled California Building Code, 2010 Edition, Section 3303-3308, Section 3408 and Appendix C, as adopted and as amended by the State of California, hereinafter collectively called the "Building Code", are adopted as the rules, regulations, and standards within this city as to all matters therein contained, except as otherwise provided in this chapter.

The following sections are not adopted:

(1) Sections 105.2 items 1 - 13 are not adopted. Instead, Chapter 23.06 (Administrative Code) applies to this chapter.

(b) No section of the Building Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council or commission with discretion to enforce the section, or not to enforce it.

(c) A copy of the Building Code shall at all times be kept on file in the office of the city clerk. (Ord. 1999-8 § 3, 1999; Ord. 1992-12 § 2 (part), 1992; Ord. 1990-1 § 2 (part), 1990; Ord. 1988-4 § 2, 1988; Ord. 1985-4 § 2 (part), 1985; Ord. 1981-4 § 2 (part), 1981: Ord. 1977-19 § 1 (part), 1977: Ord. 1974-23 § 1 (part), 1974: Ord. 1971-25 § 1 (part), 1971: prior code § 161.01).

23.08.020 SECTION 501.1 PREMISES IDENTIFICATION - Address numbers. AMENDED

501.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction. Numbers shall be as follows:

1. Minimum of one-half inch (1/2") stroke by four inches (4") high.
2. When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access a minimum of one-half inch (1/2") stroke by six inches (6") high is required.
3. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one inch (1") stroke by nine inches (9") high is required.

23.08.030 SECTION 501.1.1 Address Numbers - Multi-Tenant Buildings. ADDED

501.1.1 Multi -Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2") stroke by four inches (4") high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction.

23.08.040 SECTION 501.1.2 Address Numbers - Rear Addressing ADDED

501.1.2 Rear Addressing. When required by the chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with 501.1.

23.08.050 SECTION 903.1.2 Existing Buildings and Structures. ADDED

903.1.2 Existing Buildings and Structures. An automatic fire sprinkler system shall be installed throughout an existing building, except Group R-3 and R-3.1 occupancies, as follows;

1. Additions that increase the existing gross floor area by more than 50% or increase the number of floors and/or stories require the entire building to be installed with an automatic fire sprinkler system.
2. Any combination of alterations and/or repairs to more than 50% of the existing gross building area requires the entire existing building to be installed with an automatic fire sprinkler system.

3. Any alteration and/or repair within a building that contains an automatic fire sprinkler system requires that the automatic fire sprinkler system be extended/modified to the area of proposed work.
4. Any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Chief requires that an automatic fire sprinkler system be installed in the space where the change in use or occupancy is proposed.
5. Any combination of addition, alteration, repair and/or change of use of any basement requires the installation of a fire sprinkler system in the basement.

Exceptions:

1. Seismic or Accessibility improvements
2. Any exemption otherwise allowable under the Fire Code, as adopted by the City of San Mateo if in the discretion of the Fire Chief, the safety of the public is not compromised.
3. Exterior improvements and work not requiring permits as provided in the Building Code.
4. Detached Group U occupancies less than 400 square feet.
5. Work requiring only a mechanical, electrical, plumbing and/or demolition permit.

23.08.060 SECTION 903.1.3 Existing Group R Occupancies. ADDED

903.1.3 Existing Group R Occupancies. An automatic sprinkler system shall be installed throughout when any addition, alteration, repair or combination thereof is made to more than 50% of the existing floor area of the building. For purposes of this section, an addition, alteration or repair is defined as any change to a building that requires a permit other than a mechanical, electrical or plumbing permit.

23.08.090 SECTION 903.2 AUTOMATIC SPRINKLER SYSTEMS - Where required. AMENDED.

903.2 Where required. Approved automatic sprinkler systems shall be installed in all new buildings unless the structure does not require a building permit.

23.08.070 SECTION 905.3 Standpipe Systems – Required installation. AMENDED.

905.3 Required installations. Standpipe systems shall be installed throughout buildings two or more stories and/or in basements and as required in Sections 905.3.1 through 905.3.10.1 except in Group R-3 occupancies and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems shall be combined with automatic sprinkler system and provided 2½" caps fitted with 1½" reducers. The Fire Chief shall determine the requirements for additional outlets.

23.08.100 SECTIONS 1505.1, 1505.1.3 AMENDED--ROOFING REQUIREMENTS.

The roof covering or roofing assembly on any structure regulated by this code shall be minimum Class B fire retardant as specified in Table 1505.1 and as classified in Section 1505.

TABLE 1505.1 MINIMUM COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION. AMENDED

TABLE 1505.1
MINIMUM ROOF COVERING CLASSIFICATION
FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

Section 1505.1.1 AMENDED--Roof coverings within very high fire hazard severity zone and the Western Hills Area.

1505.1.1 Roof coverings within very high fire severity zones and the Western Hills Area. The entire roof covering of every existing structure where more than 300 square feet of roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure shall be a fire-retardant roof covering that is at least Class A.

The roof covering on any structure within the boundaries of the Western Hills Area, as designated by the Fire Chief and shown on a map on file with the City Clerk and the Community Development Department, shall be Class A fire retardant roof.

Exception:

2. Detached patio covers, spa covers, gazebos, awning covers, and detached sheds, less than 120 square feet of roof area.

Section 1505.1.3 Amended--Roof coverings within all other areas.

Section 1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 300 square feet of roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

23.08.110 SECTION 1613.8 Added – Modification to ASCE-7

Section 1613.8 is added to 2010 CBC Section 1613 to read as follows:

1613.8 ASCE 7, Section 12.8.7. Modify ASCE 7, Section 12.8.7 by amending Equation 12.8-16 as follows:

$$\theta = \frac{P_x \Delta I}{V_x h_{sx} C_d} \qquad (12.8\text{-}16)$$

23.08.120 SECTION 1704.4 Amended – Special Inspection

Section 1704.4 is amended to read 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 above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified MPa strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 MPa)

23.08.130 SECTION 2308.9.3 AMENDED--BRACING

Section 2308.9.3 Bracing, is amended as follows:

(a) Delete Item 5 (gypsum board);

(b) Add the following to the end of Item 7 (Portland Cement Plaster): Limited to one story structures of R-3 and U occupancies. (Ord. 1999-8 § 3, 1999).

FINDINGS:

Local Geological Conditions – San Mateo is located near a vast array of fault systems capable of producing major earthquakes, including but not limited to, the recent 1989 Loma Prieta. Gypsum wallboard and exterior portland cement plaster have performed poorly during recent California seismic events. The shear values for gypsum wallboard and portland cement stucco contained in the code are based on mono-directional testing. It is appropriate to limit the use of these products until cyclic loading testing are performed and evaluated.

23.08.140 SECTIONS 3109 Amended—SWIMMING POOLS

Section 3109 is amended to read as shown below:

Section 3109.1 General. Swimming pools shall comply with the requirements of Chapter 23.44 of the San Mateo Municipal Code and other applicable sections of this code.

Section 4. Chapter 23.10 (Earthquake Hazard Reduction Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.10: EARTHQUAKE HAZARD REDUCTION CODE

Sections:

23.10.010 Adoption.
23.10.012 Definitions.
23.10.014 Administration.
23.10.016 Time Limits for Compliance.

23.10.010 ADOPTION. (a) The code published by International Code Council entitled California Existing Building Code 2010 Edition is adopted as the rules, regulations and standards within this city as to all matters therein contained, except as otherwise provided in this Chapter.

(b) No section of this appendix shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.

(c) A copy of the California Existing Building Code shall at all times be kept on file in the Office of the City Clerk. (Ord. 1999-8 §5, 1999).

23.10.012 Section A103 – DEFINITIONS -- AMENDED

(a) HIGH RISK BUILDING: Any building (except essential and hazardous facilities listed in Section A102.2) having an occupant load of 100 or more, as determined by 2010 CBC Section 1004.

(b) LOW RISK BUILDING: Any building (except essential and hazardous facilities listed in Section A102.2) having an occupant load of less than 100 occupants as determined by 2010 CBC Section 1004. (Ord. 1999-8 §5, 1999).

23.10.014 ADMINISTRATION.

Section A105 is modified by adding the following:

1. Administration. (a) Service of Order. The building official shall issue an order as described in (b) below to the owner of each building known to the building official to be within the scope of this Chapter. The order shall be in writing and shall be served either personally or by certified mail upon the owner as shown on the last equalized assessment roll. A copy of such order shall also be given by the building official by first-class mail to known tenants of each building and

the owner of each building shall thereafter provide the order to succeeding tenants.

(b) Contents of Order. The order shall specify that the building has been determined by the building official to be within the scope of this Chapter and is required to meet minimum seismic standards. The order shall inform the owner(s) of alternatives and time limits for compliance.

(c) Appeal. The building owner may appeal the building official's initial determination that the building is within the scope of this Chapter to the building official. Such appeal shall be filed with the building official within 60 days from the service date of the order. Any such appeal shall be decided by the building official no later than 60 days after the date that the appeal is filed. The basis for the appeal shall be evidence that the building does not fall within the scope of Appendix Chapter 1 of the California Existing Building Code as defined in Section A102. Any appeal shall be made in writing.

(d) Recordation. Upon service of the order, the building official shall file with the office of the county recorder a certificate stating that the subject building is within the scope of Chapter 23.10 of the San Mateo Municipal Code. The certificate shall also state that the owner has been ordered to structurally analyze the building and to alter it to comply with this Chapter. If the building is found not to be within the scope of this Chapter, or as a result of analysis and/or structural alterations is found to be capable of resisting minimum seismic forces required by this Chapter, the building official shall file with the office of the county recorder a certificate terminating the status of the subject building as being classified within the scope of this Chapter.

(e) Enforcement. If the owner of the subject building fails to comply with any order issued by the building official pursuant to this Chapter within any of the time limits set forth in Section A105.1 the building official may seek compliance through any means authorized by California statute or San Mateo Municipal Codes. (Ord. 1999-8 §5, 1999).

23.10.016 TIME LIMITS FOR COMPLIANCE.

Section A105.1 is amended by adding the following:

(a) Structural analysis and upgrade. The owner of each building within the scope of this chapter shall cause a structural analysis of the building to be made by a civil or structural engineer or architect licensed by the State of California. If the building does not meet the minimum earthquake standards specified in this Chapter, the owner shall cause it to be structurally altered to conform to such standards.

(b) Time limits. The owner of a building within the scope of this Chapter shall comply with the requirements set forth above by submitting the following to the building official for review within the stated time limits:

(1) Within one year after the service of the order, a structural analysis, which is subject to approval by the building official, and which shall demonstrate that the building meets the minimum requirements of this Chapter; or

(2) Within one year after the service of the order, a structural analysis and plans for the proposed structural alterations of the building necessary to comply with the minimum requirements of this chapter. After plans are submitted and approved by the building official, the owner shall obtain a building permit, commence and complete the required construction within four years from service of the order, for high-risk buildings, and within six years from service of the order for low-risk buildings. (Ord. 1999-8 §5, 1999

Section 5. Chapter 23.12 (Electrical Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.12: ELECTRICAL CODE

Sections:
23.12.010 Adoption

23.12.010 ADOPTION. (a) The code of rules and regulations known and designated as the California Electrical Code 2010 Edition (and the appendices printed therein), as published by the National Fire Protection Association as adopted and amended by the State of California, is adopted as and for the rules, regulations and standards within this city as to all matters contained except as hereinafter modified or amended.

(b) All electrical work in or on any building or other structure, pumping plant, exterior electrical wiring on private property, or similar installations within the city shall be in conformance with the requirements set forth in said California Electrical Code except as hereinafter modified or amended.

(c) The Administrative Code, Chapter 23.06, shall apply to this chapter.

(d) No section of the California Electrical Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council, or commission thereof with discretion to enforce the section, or not to enforce it.

(e) A copy of the California Electrical Code shall at all times be kept on file in the office of the city clerk. (Ord. 1999-8 § 6, 1999; Ord. 1992-12 § 3 (part), 1992; Ord. 1988-4 § 6, 1988; Ord. 1983-8 § 1, 1983; Ord. 1981-4 § 4, 1981; Ord. 1979-11 § 1, 1979; Ord. 1975-18 § 1, 1975; Ord. 1971-1 § 1 (part), 1971: prior code § 162.01).

Section 6. Chapter 23.16 (Plumbing Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.16: PLUMBING CODE

Sections:

23.16.010 Adoption.
23.16.020 Section 719.0 Amended--Cleanouts.

23.16.010 ADOPTION. (a) The code published by the International Association of Plumbing and Mechanical Officials entitled California Plumbing Code, 2010 Edition, including appendix B thereto, as adopted and amended by the State of California, are hereinafter called "plumbing code," and are adopted as the rules, regulations and standards within this city as to all matters therein contained except that:

(1) Sections 103.1.2 and subsections are not adopted. Instead, chapter 23.06 (Administrative Code) applies to this chapter.

(2) Certain sections of the plumbing code have heretofore been amended and may hereafter be amended. As amended, they are adopted;

(b) No section of the plumbing code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.

(c) One copy of the Plumbing Code shall at all times be kept on file in the office of the city clerk. (Ord. 1999-8 § 7, 1999; Ord. 1992-12 § 4 (part), 1992; Ord. 1990-1 § 3 (part), 1990; Ord. 1988-4 § 3, 1988; Ord. 1985-4 § 3 (part), 1985; Ord. 1981-4 § 9, 1981; Ord. 1977-19 § 2, 1977; Ord. 1975-11 § 1, 1975; Ord. 1971-25 § (part), 1971: prior code § 163.01).

23.16.020 SECTION 719.0 AMENDED--CLEANOUTS.

Section 719.0 is amended by adding Section 719.7 as follows:

719.7 Cleanout. Cleanouts shall be installed at the property line where the private sewer system connects to the publicly-maintained sanitary sewer lateral. All such line cleanouts shall be extended to grade with materials and according to specifications approved by the Director of Public Works, or his designee, and terminate within a concrete box. (Ord. 1999-8 § 7, 1999).

Section 7. Chapter 23.20 (Mechanical Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.20: MECHANICAL CODE

Sections:
23.20.010 Adoption.

23.20.010 ADOPTION. (a) The code by the International Code Council entitled California Mechanical Code, 2010 Edition, as adopted and amended by the State of California, hereinafter called "mechanical code," is adopted as the rules, regulations and standards within this city as to all matters contained therein, except as otherwise provided in this chapter.

EXCEPTIONS:

(1) Sections 112.2 through 112.2.5 are not adopted. Instead, Chapter 23.06 applies to this chapter;

(b) No section of the mechanical code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the City, and the appropriate officer, official, agent, employee, board, council or commission thereof with discretion to enforce the section or not enforce it.

(c) A copy of the mechanical code shall at all times be kept on file in the office of the city clerk. (Ord. 1999-8 § 8, 1999; Ord. 1992-12 § 5, 1992; Ord. 1990-1 § 4, 1990; Ord. 1988-4 § 4, 1988; Ord. 1985-4 § 4, 1985; Ord. 1981-4 § 15, 1981; Ord. 1977-19 § 3, 1977; Ord. 1975-12 § 1, 1975; Ord. 1971-25 § 3 (part), 1971; prior code § 164.01).

Section 8. Chapter 23.70 (Green Building Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.70: GREEN BUILDING CODE

Sections:

23.70.010 Adoption.
23.70.110 Purpose
23.70.120 Applicability
23.70.130 Definition
23.70.140 Compliance Matrix
23.70.150 Administrative Procedures and Promulgation of Implementing Regulations
23.70.160 Hardship or Infeasibility Exemption

23.70.010 ADOPTION. (a) The code published by the International Code Council entitled California Green Building Code, 2010 Edition, adopted and amended by the State of California; California Green Building Code 2010 Section A4.203.1 – Tier 1 "Exceeding California Energy Code based on the 2008 energy standards requirements by 15%"; California Green Building Code 2010 Section A5.203.1.1 – Tier 1 "Energy Efficiency – 15% above Title 24 Part 6", are hereinafter called "Green Building Code," and are adopted as the rules, regulations and standards within this city as to all matters therein contained except as hereinafter modified or amended:

(1) The Administrative Code, Chapter 23.06, shall apply to this chapter for all actions related to Building permits;

(2) **Section 101.2 (Purpose)** is not adopted. Instead 23.70.110 (Purpose) applies to this chapter;

(3) **Section 101.3 (Scope)** is not adopted. Instead 23.70.120 (Applicability) applies to this chapter;

(4) **Section 303.1.1** is amended to read as follows:

The provisions of this code shall apply to the initial and all subsequent tenant or occupant improvements to a covered project;

(b) No section of the green building code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead,

if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.

(c) One copy of the Green Building Code shall at all times be kept on file in the office of the city clerk.

23.70.110 SECTION 101.2 Amended – Purpose:

The purpose of this Chapter is to enhance the public welfare and assure that further commercial, residential and civic development is consistent with the City's desire to create a more sustainable community by incorporating green building measures into the design, construction and maintenance of buildings. The green building provisions referenced in this chapter are designed to achieve the following goals:

A. To conserve natural resources and reduce the emission of greenhouse gases;
B. To reduce the waste generated by construction projects;
C. To increase energy efficiency;
D. To provide durable buildings that are efficient and economical to own and operate; and
E. To promote the health and productivity of residents, workers, and visitors to the City.

23.70.120 SECTION 101.3 Added – Applicability:

As such, in addition to the California Green Building Code requirements, the requirements set forth in SMMC 23.70 apply to all "Covered Projects," as defined below, except that it shall not apply to any project for which a planning application has been deemed complete or a building permit application which was submitted prior to the effective date of this ordinance.

23.70.130 SECTION 202 Amended – Definitions:

As used in this chapter, certain words and terms shall be defined as follows:

A. **Applicant** means any entity that applies to the City for the applicable permits or approvals to undertake any covered project within the city.

B. **Build It Green** means the nonprofit organization that publishes the Residential Green Building Guidelines and the Residential Green Points Checklists, and any successor nonprofit entity that assumes responsibility for the programs and operations of Build It Green.

C. **Compliance Official** is the Community Development Department Director, or his designee, charged with the administration and enforcement of this code.

D. **Compliance Threshold** means the minimum number of points or rating level of a Green Building Rating System that must be attained for a particular Covered project, as described in the Compliance Matrix in Section 23.70.140.

E. **Covered Projects** means all private construction and development projects, unless otherwise exempt from these requirements by City Council resolution.

F. **Green Building** means a whole system approach to the design, construction, and operation of buildings that helps mitigate the environmental, economic and social impacts of buildings. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment.

G. **Green Building Project Checklist** means a checklist or scorecard developed by one of the accepted Green Building Rating Systems for the purpose of calculating a green building rating score.

H. **Green Building Rating System** means a system associated with specific green building criteria and used to determine the compliance thresholds. Examples of rating systems include, but are not limited to, the LEED and GPR systems.

I. **GPR** means Green Point Rated.

J. **LEED®** means Leadership in Energy and Environmental Design.

K. **Qualified Green Building Professional** means an individual who has been trained through the USGBC as a LEED accredited professional or through Build It Green as a certified green building professional or similar qualifications if acceptable to the Building Official.

L. **USGBC** means the United States Green Building Council.

23.70.140 Compliance Matrix

The City Council shall establish by resolution, and may periodically review and update as necessary, the Green Building Compliance Matrix. The Compliance Matrix shall include, but is not limited to, the following:

(a) The green building rating system to be applied to the various types of projects;

(b) Minimum thresholds of compliance for various types of projects

23.70.150 Procedures for Determining and Insuring Project Compliance

(a) The procedures for compliance documentation for any Covered Project shall be as follows:

(1) Planning Applications. Along with the submittal of an application for any required planning approval, including but not limited to, Site Plan Architecture Review (SPAR), Site Development Review, Planned Development Review, Conditional Use or Variance request, the applicant shall submit the appropriate completed Green Building Project Checklist, as required by the Compliance Matrix described in Section 23.70.140, and any supporting documentation. All documentation shall be provided by a Qualified Green Building Professional. If the Compliance Official determines that the application satisfies the requirements as described in the Compliance Matrix, the Compliance Official shall inform the decision maker on the planning application of this finding. No planning application may be approved, unless, in addition to all other applicable requirements, the Compliance Official has determined the project satisfies the requirements as described in the Compliance Matrix.

(2) Building Permit Review. Along with the submittal of an application for a building permit, building plans shall include the appropriate completed Green Building Project Checklist, as required by the Compliance Matrix described in Section 23.70.140. The Green Building Project Checklist shall be incorporated onto a separate plan sheet included with the building plans. All documentation shall be provided by a Qualified Green Building Professional. If the Compliance Official determines that the application satisfies the requirements as described in the Compliance Matrix, the Compliance Official shall inform the Building Official of this finding. No building permit application shall be approved, unless, in addition to all other applicable requirements, the Compliance Official has determined that the proposed construction satisfies the requirements as described in the Compliance Matrix.

(3) Project Compliance during Construction. If, as a result of any inspection, the City determines that the covered project does not comply with the approved plans, a stop work order shall be issued if the Compliance Officer determines continuation of construction activities will jeopardize the project's ability to meet the required compliance threshold. The stop work order shall remain in effect until the Compliance Official determines that the covered project will be brought into compliance with the approved plans.

(4) Final Determination of Compliance. Prior to the scheduling of a final building inspection, the applicant shall submit to the Compliance Official a completed Green Building Project Checklist demonstrating compliance

with the Compliance Matrix described in Section 23.70.140 and a letter from a Qualified Green Building Professional that verifies that the project has been constructed in accordance with the approved Green Building Project Checklist. The Compliance Official shall review the documentation submitted by the Qualified Green Building Professional, and determine whether the project has achieved the required Compliance Threshold as set forth in the Compliance Matrix described in Section 23.70.140. If the Compliance Official determines that the project has met the Compliance Threshold, the final building inspection may proceed, provided the project has received approval from all other inspections. If the Compliance Official determines that the project has not met the Compliance Threshold or if the Qualified Green Building Professional fails to submit the documentation required, then the project shall be determined to be non-compliant, and the final inspection for the project shall be withheld.

(b) The Compliance Official shall have the responsibility to administer and monitor compliance with the requirements set forth in this chapter and with any procedures promulgated there under and to grant exemptions from the requirements, where so authorized.

(c) Compliance with the provisions of this chapter shall be listed as a condition of approval on any planning application approval and on the building plans for building permit approval for any Covered Project.

23.70.160 Undue Hardship Exemption

(a) Exemption. If an applicant for a Covered Project believes that circumstances exist that make it an undue hardship to meet all of the requirements of this Chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show undue hardship.

(b) Application. If an applicant for a Covered Project believes such circumstances exist, the applicant may apply for an exemption at the time of the planning application and/or building permit submittal. The applicant shall indicate the maximum threshold of compliance he or she believes is feasible and the circumstances that he or she believes create an undue hardship to fully comply with this Chapter. For the purposes of this section, an undue hardship exists if:

(1) There is a lack of commercially available green building materials and technologies, or

(2) The green building compliance standards do not include enough green building measures that are compatible with the scope of the covered project; or

(3) The green building compliance standards conflict with other City goals, codes, or policies.

(c) Granting of Exemption. If the Compliance Official determines that it is an undue hardship for the applicant to fully meet the requirements of this chapter based on the information provided, the Compliance Official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. The decision of the Compliance Official shall be provided to the applicant in writing. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve, in accordance with this chapter, the threshold of compliance determined to be achievable by the Compliance Official.

(d) Denial of Exemption. If the Compliance Official determines compliance would not constitute an undue hardship, the request shall be denied and the Compliance Official shall so notify the applicant in writing.

(e) All decisions of the Compliance Official under this section shall be final.

Section 9. Chapter 23.09, "Occupancy Code" is hereby deleted from the from the San Mateo Municipal Code.

Section 10. PUBLICATION. This Ordinance shall be published once in the San Francisco Examiner and shall be effective 30 days after adoption or upon the filing with the California Building Standards Commission, whichever is later.

Section 11. The City Clerk shall send this Ordinance to the California Building Standards Commission.

ATTEST:

NORMA GOMEZ, CITY CLERK

JOHN LEE, MAYOR

***

Ordinance No. 2010-16 introduced on November 1, 2010 and adopted on November 15, 2010 by the City Council of the City of San Mateo, California, at a regular meeting held on November 15, 2010, by the following vote of the Council:

AYES: Council Members LIM, MATTHEWS, ROSS and LEE

NOES: NONE

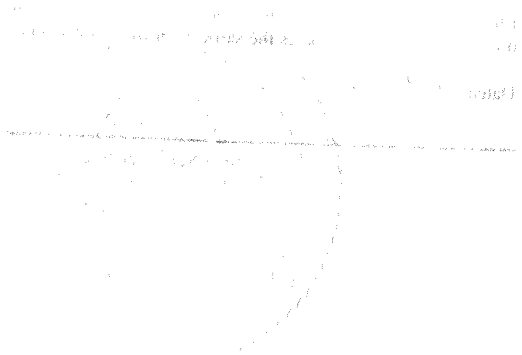
ABSENT: GROTTE

(SEAL) /s/ NORMA GOMEZ, City Clerk

I hereby certify this to be a full, true and correct copy of the document it purports to be as the same is on file in my office.

Dated November 23, 2010

City Clerk of the City of San Mateo



CITY OF SAN MATEO
330 WEST TWENTIETH AVENUE
OFFICE OF THE CITY CLERK

Date: November 16, 2010 Minute Order No. 218-10

To: California Building Standards Commission
2525 Natomas Park Drive, Ste. 130
Sacramento, CA 95833

In the matter of: Ordinance for Adoption – 2010 California Fire Prevention Code

(Agenda Item 14)

At the meeting of the City Council of the City of San Mateo on November 15, 2010 at which were present Council Members: LIM, MATTHEWS, ROSS and LEE, and, upon motion of Council Member MATTHEWS, seconded by Council Member LIM, duly carried and entered in the minutes, it was ordered to adopt:

.

(a) Ordinance No. 2010-17 Amending Chapter 23.28 of the San Mateo Municipal Code to Adopt the 2009 Edition of the International Fire Code.

Enclosed is a copy of the adopted ordinance.

NORMA GOMEZ, CITY CLERK

cc: Fire Chief
Fire Marshal
Word Processing

14a

RECEIVED

2010 OCT 27 A 11:39

OFFICE OF CITY CLERK
CITY HALL
SAN MATEO, CA

BEFORE THE COUNCIL OF THE CITY OF SAN MATEO IN THE COUNCIL CHAMBERS, 330 WEST 20TH AVENUE

ORDINANCE INTRODUCED: November 1, 2010
ORDINANCE ADOPTION TO BE CONSIDERED AT 7 P.M. November 15, 2010

ORDINANCE NO. 2010-17

AMENDING CHAPTER 23.28 OF THE
SAN MATEO MUNICIPAL CODE TO ADOPT THE
2009 EDITION OF THE INTERNATIONAL FIRE CODE

The City Council of the City of San Mateo, California, ordains that:

Section 1. Chapter 23.28 is hereby amended to adopt the 2009 Edition of the International Fire Code, as amended by the 2010 Edition of the California Fire Code Volume I (Code) and Volume II (Standards), to read:

Chapter 23.28
FIRE PREVENTION CODE

Sections:

23.28.010	**Adoption**
23.28.020	**Applicability**
23.28.030	**Section 101.1 Title**
23.28.040	**Section 108 Board of Appeals**
23.28.050	**Section 302.1 Definitions. Added**
23.28.060	**Section 315.1 Miscellaneous Combustible Materials Storage – General. Amended**
23.28.070	**Section 316.1 Fireworks Displays – General. Added**
23.28.080	**Section 316.2 Fireworks Displays – Seizure. Added**
23.28.090	**Section 503.3.1 FIRE APPARATUS ACCESS ROADS – Marking. Added**
23.28.100	**Section 505.1 PREMISES IDENTIFICATION - Address numbers. Amended**
23.28.110	**Section 505.1.1 Address Numbers - Multi-Tenant Buildings. Added**
23.28.120	**Section 505.1.2 Address Numbers - Rear Addressing Added**
23.28.130	**Section 506.1 KEY BOXES - Where Required Amended**
23.28.140	**Section 506.1.1.1 Key Box contents requirements Added**
23.28.150	**Section 510.1.1 FIRE PROTECTION EQUIPMENT IDENTIFICATION AND ACCESS - Utility Identification. Added**
23.28.160	**Section 903.1.2 AUTOMATIC SPRINKLER SYSTEMS - Existing Buildings and Structures. Added**

Q:\cityatty\Ordinances\Ch 23.28 Fire Code 2010 Adoption.doc

ORIGINAL

23.28.170 Section 903.1.3 AUTOMATIC SPRINKLER SYSTEMS - Existing Group R Occupancies. Added
23.28.180 Section 903.2 AUTOMATIC SPRINKLER SYSTEMS - Where required. Amended
23.28.190 Section 905.3 Standpipe Systems – Required installation. Amended
23.28.200 Violations
23.28.210 Fire and Life Safety Inspections

23.28.010 ADOPTION. (a) Adopted are Codes published by the International Code Council, entitled 2010 California Fire Code, based on the 2009 International Fire Code with California amendments, including specified appendix chapters. This Code including all amendments thereto, shall hereafter be called the "Fire Prevention Code," and/or this "Code" and are adopted as and for the rules, regulations, and standards within the City as to all matters therein, except otherwise provided. (b) The mandatory requirements of the appendices to the Fire Prevention Code shall be enforced to the same extent as contained in the body of the Code. (c) Certain sections of the Fire Prevention Code are amended by the City Council, and may hereafter be amended by the City Council, and as amended they are adopted. (d) No section of the Fire Prevention Code shall impose a mandatory duty of enforcement on the City, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the City, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it. (d) A copy of the Fire Prevention Code, as defined herein, shall be kept on file on the office of the City Clerk.

23.28.020 APPLICABILITY. (a) All sections of this Chapter shall apply to all buildings, structures and portions thereof, and to all appurtenances and fixtures thereto, and anything connected with, or by, or in, or on, any premise or building. (b) Whenever any provision of this Chapter or in any other law, ordinance, or resolution of any kind, impose overlapping or contradictory regulations, or contain any restrictions covering the same subject matter, the provision that is more restrictive or imposes higher standards or requirements shall govern.

23.28.030 CHAPTER 1 - ADMINISTRATION AMENDED. Chapter 1 is adopted in its entirety and amended to read as follows:
SECTION 101.1 Title AMENDED.
101.1 Title. These regulations shall be known as the 2010 CALIFORNIA FIRE CODE, and with amendments adopted by the City of San Mateo, will be referred to herein as this "CODE," and/or "FIRE PREVENTION CODE."

23.28.040 SECTION 108 BOARD OF APPEALS AMENDED.
Section 108 BOARD OF APPEALS. For appeal and review of the provisions of Appendix Chapter 1, see Chapter 2 of the San Mateo Municipal Code.

23.28.050 SECTION 302.1 Definitions. ADDED.
FIREWORKS. Any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, detonation or any fireworks

including "safe and sane" as defined by section 12529 of the State of California Health and Safety Code.

23.28.060 SECTION 315.1 MISCELLANEOUS COMBUSTIBLE MATERIALS STORAGE. - General. AMENDED.

315.1 General. Storage, use and handling of miscellaneous combustible materials shall be in accordance with this section. A permit shall be obtained in accordance with Section 105.6.

Exception:
Storage of combustible materials other than motorized vehicles or vessels shall not be permitted in a public parking garage or in a garage or carport serving a Group R, Division 1 or Group R, Division 2 Occupancy, unless the method of storage is approved by the Fire Code Official.

23.28.070 SECTION 318 FIREWORKS DISPLAYS - General. ADDED

318.1 General. The manufacture, storage, sale, possession, handle or use of all fireworks as defined in Section 302.1 is prohibited.

23.28.080 Section 318.2 FIREWORKS DISPLAYS - Seizure. ADDED

318.2 Seizure. The Chief shall seize, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this code.

23.28.090 SECTION 503.3.1 FIRE APPARATUS ACCESS ROADS - Marking ADDED

503.3.1 Fire Lane Designation. Designation of fire lanes shall be by one of the following means:

1. By a white sign measuring at least twelve inches by eighteen inches (12" x 18") posted immediately adjacent thereto and clearly visible. It should clearly state in red letters not less than one inch (1") in height, that the space is a fire lane and parking is prohibited.
2. By outlining and hash marking the area in contrasting colors clearly marking it with the words "Fire Lane - No Parking."
3. By identifying the space with a red curb upon which the words "Fire Lane - No Parking" are stenciled every 15 feet.
   a. Both sides of fire lanes shall be red curbed when the fire lane is twenty (20) feet to twenty eight (28) feet in width.
   b. At least one side of a fire lane shall be red curbed and stenciled when the fire lane is over twenty eight (28) and up to thirty-six (36) feet in width.
   c. Curbs need not be painted red nor stenciled when the fire lane is more than thirty-six (36) feet in width.

23.28.100 SECTION 505.1 PREMISES IDENTIFICATION - Address numbers. AMENDED. (Duplicate of SMMC 23.08.020)

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction. Numbers shall be as follows:

1. Minimum of one-half inch (1/2") stroke by four inches (4") high.

2. When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access a minimum of one-half inch (1/2") stroke by six inches (6") high is required.
3. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one inch (1") stroke by nine inches (9") high is required.

23.28.110 SECTION 505.1.1 Address Numbers - Multi-Tenant Buildings. ADDED. (Duplicate of SMMC 23.08.030)

505.1.1 Multi -Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2") stroke by four inches (4") high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction.

23.28.120 SECTION 505.1.2 Address Numbers - Rear Addressing ADDED. (Duplicate of SMMC 23.080.040)

505.1.2 Rear Addressing. When required by the chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with 505.1.

23.28.130 SECTION 506.1 KEY BOXES - Where Required AMENDED.

506.1 Where Required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain contents as established in Section 506.1.1.1.

23.28.140 SECTION 506.1.1.1 Key Box contents requirements ADDED.

506.1.1.1 Key box contents requirements. The keys provided shall be a master key to all spaces including multi-tenant spaces. Additional keys shall be included for card access, elevator control, fire alarm control panels, and fire sprinkler control valve access. If the business/operation is required to have a Hazardous Material Inventory Statement (HMIS), the HMIS shall be include in the key box.

Exceptions:

1. Multi-tenant spaces which provide a key box for each tenant and installed per Section 506.1. Electronic card keys and codes may not be utilized as a substitute for manual keys.
2. When electronic locks release upon loss of electrical power a manual key need not be provided.

23.28.150 SECTION 509.1.1 FIRE PROTECTION EQUIPMENT IDENTIFICATION AND ACCESS - Utility Identification. ADDED.

509.1.1 Utility Identification. In multi-unit commercial and residential buildings, gas and electric meters, service switches and shut off valves shall be clearly and legibly marked to identify the unit or space that it serves.

23.28.160 SECTION 903.1.2 AUTOMATIC SPRINKLER SYSTEMS - Existing Buildings and Structures. ADDED. (Duplicate of SMMC 23.08.050)

903.1.2 Existing Buildings and Structures. An automatic fire sprinkler system shall be installed in existing buildings and structures, except Group R-3 and R-3.1 occupancies, as follows;

1. Additions that increase the existing gross floor area by more than 50% or increase the number of floors and/or stories require the entire building to be installed with an automatic fire sprinkler system.
2. Any combination of alterations and/or repairs to more than 50% of the existing gross building area requires the entire existing building to be installed with an automatic fire sprinkler system.
3. Any alteration and/or repair within a building that contains an automatic fire sprinkler system requires that the automatic fire sprinkler system be extended/modified to the area of proposed work.
4. Any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Chief requires that an automatic fire sprinkler system be installed in the space where the change in use or occupancy is proposed.
5. Any combination of addition, alteration, repair and/or change of use of any basement requires the installation of a fire sprinkler system in the basement.

Exceptions:

1. Seismic or Accessibility improvements
2. Any exemption otherwise allowable under the Fire Code, as adopted by the City of San Mateo if in the discretion of the Fire Chief, the safety of the public is not compromised.
3. Exterior improvements and work not requiring permits as provided in the Building Code.
4. Detached Group U occupancies less than 400 square feet.
5. Work requiring only a mechanical, electrical, plumbing and/or demolition permit.

23.28.170 SECTION 903.1.3 AUTOMATIC SPRINKLER SYSTEMS - Existing Group R Occupancies. ADDED. (Duplicate of SMMC 23.08.060)

903.1.3 Existing Group R Occupancies. An automatic sprinkler system shall be installed throughout when any addition, alteration, repair or combination thereof is made to more than 50% of the existing floor area of the building. For purposes of this section, an addition, alteration or repair is defined as any change to a building that requires a permit other than a mechanical, electrical or plumbing permit.

23.28.180 SECTION 903.2 AUTOMATIC SPRINKLER SYSTEMS - Where required. AMENDED. (Duplicate of SMMC 23.08.090)

903.2 Where required. Approved automatic sprinkler systems shall be installed in all new buildings unless the structure does not require a building permit.

23.28.190 SECTION 905.3 Standpipe Systems – Required installation. AMENDED. (Duplicate of SMMC 23.08.070)

905.3 Required installations. Standpipe systems shall be installed throughout buildings two or more stories and/or in basements and as required in Sections 905.3.1 through 905.3.10.1 except in Group R-3 occupancies and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems shall be combined with automatic sprinkler system and provided 2½" caps fitted with 1½" reducers. The Fire Chief shall determine the requirements for additional outlets.

23.28.200 VIOLATIONS. It is unlawful to violate or fail to comply with any provisions of this Chapter, or violate or fail to comply with any order made under this Chapter or to build in violation of any detailed statement of specification or plans submitted and approved under this Chapter, or any certificate or permit issued under this Chapter.

23.28.210 FIRE AND LIFE SAFETY INSPECTIONS. Inspections by the Fire Department shall periodically be made of buildings and structures that are used for residential or non-residential purposes as follows:

a) The time and frequency of inspections shall be determined by the Fire Chief. No buildings shall be inspected for a fee more than annually except for re-inspections to assure that code corrections have been made or hazards have been corrected.
b) A fee for inspections shall be established in the adopted City Fee Schedule to offset costs of the regulatory inspection program and shall be collected upon inspection from each property subject to this ordinance. Revenues shall be used for the inspection and enforcement program.
c) All properties shall be subject to inspection fees.
d) Nothing in this section is intended to prevent inspections of property under nuisance abatement or other laws.

Section 2. PUBLICATION. This Ordinance shall be published in summary in the San Francisco Examiner, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the Charter and shall be effective 30 days after the date of adoption.

ATTEST:

NORMA GOMEZ, CITY CLERK

JOHN LEE, MAYOR

***

Ordinance No. 2010-17 introduced on November 1, 2010 and adopted on November 15, 2010 by the City Council of the City of San Mateo, California, at a regular meeting held on November 15, 2010, by the following vote of the Council:

AYES: Council Members LIM, MATTHEWS, ROSS and LEE

NOES: NONE

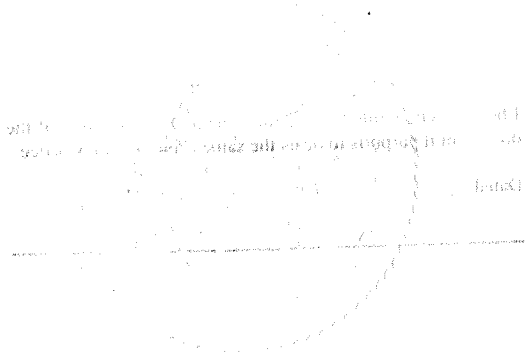
ABSENT: GROTTE

(SEAL) /s/ NORMA GOMEZ, City Clerk

I hereby certify this to be a full, true and correct copy of the document it purports to be as the same is on file in my office.

Dated: November 23, 2010

City Clerk of the City of San Mateo



CITY OF SAN MATEO
330 WEST TWENTIETH AVENUE
OFFICE OF THE CITY CLERK

Date: November 16, 2010

Minute Order No. 218-10

To: California Building Standards Commission
2525 Natomas Park Drive, Ste. 130
Sacramento, CA 95833

In the matter of: Ordinance for Adoption – 2010 California Fire Prevention Code

(Agenda Item 14)

At the meeting of the City Council of the City of San Mateo on November 15, 2010 at which were present Council Members: LIM, MATTHEWS, ROSS and LEE, and, upon motion of Council Member MATTHEWS, seconded by Council Member LIM, duly carried and entered in the minutes, it was ordered to adopt:

(a) Ordinance No. 2010-17 Amending Chapter 23.28 of the San Mateo Municipal Code to Adopt the 2009 Edition of the International Fire Code.

Enclosed is a copy of the adopted ordinance.

NORMA GOMEZ, CITY CLERK

cc: City Attorney
Fire Chief
Fire Marshal
Building Official
Word Processing

BEFORE THE COUNCIL OF THE CITY OF SAN MATEO IN THE COUNCIL CHAMBERS, 330 WEST 20TH AVENUE

RECEIVED
2010 OCT 27 A 11:39
OFFICE OF CITY CLERK
CITY HALL
SAN MATEO, CA

ORDINANCE INTRODUCED: November 1, 2010
ORDINANCE ADOPTION TO BE CONSIDERED AT 7 P.M. November 15, 2010

ORDINANCE NO. 2010-17

AMENDING CHAPTER 23.28 OF THE
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Chapter 23.28
FIRE PREVENTION CODE

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23.28.010	**Adoption**
23.28.020	**Applicability**
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23.28.040	**Section 108 Board of Appeals**
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ORIGINAL

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23.28.010 ADOPTION. (a) Adopted are Codes published by the International Code Council, entitled 2010 California Fire Code, based on the 2009 International Fire Code with California amendments, including specified appendix chapters. This Code including all amendments thereto, shall hereafter be called the "Fire Prevention Code," and/or this "Code" and are adopted as and for the rules, regulations, and standards within the City as to all matters therein, except otherwise provided. (b) The mandatory requirements of the appendices to the Fire Prevention Code shall be enforced to the same extent as contained in the body of the Code. (c) Certain sections of the Fire Prevention Code are amended by the City Council, and may hereafter be amended by the City Council, and as amended they are adopted. (d) No section of the Fire Prevention Code shall impose a mandatory duty of enforcement on the City, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the City, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it. (d) A copy of the Fire Prevention Code, as defined herein, shall be kept on file on the office of the City Clerk.

23.28.020 APPLICABILITY. (a) All sections of this Chapter shall apply to all buildings, structures and portions thereof, and to all appurtenances and fixtures thereto, and anything connected with, or by, or in, or on, any premise or building. (b) Whenever any provision of this Chapter or in any other law, ordinance, or resolution of any kind, impose overlapping or contradictory regulations, or contain any restrictions covering the same subject matter, the provision that is more restrictive or imposes higher standards or requirements shall govern.

23.28.030 CHAPTER 1 - ADMINISTRATION AMENDED. Chapter 1 is adopted in its entirety and amended to read as follows:
SECTION 101.1 Title AMENDED.
101.1 Title. These regulations shall be known as the 2010 CALIFORNIA FIRE CODE, and with amendments adopted by the City of San Mateo, will be referred to herein as this "CODE," and/or "FIRE PREVENTION CODE."

23.28.040 SECTION 108 BOARD OF APPEALS AMENDED.
Section 108 BOARD OF APPEALS. For appeal and review of the provisions of Appendix Chapter 1, see Chapter 2 of the San Mateo Municipal Code.

23.28.050 SECTION 302.1 Definitions. ADDED.
FIREWORKS. Any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, detonation or any fireworks

including "safe and sane" as defined by section 12529 of the State of California Health and Safety Code.

23.28.060 SECTION 315.1 MISCELLANEOUS COMBUSTIBLE MATERIALS STORAGE. - General. AMENDED.

315.1 General. Storage, use and handling of miscellaneous combustible materials shall be in accordance with this section. A permit shall be obtained in accordance with Section 105.6.

Exception:
Storage of combustible materials other than motorized vehicles or vessels shall not be permitted in a public parking garage or in a garage or carport serving a Group R, Division 1 or Group R, Division 2 Occupancy, unless the method of storage is approved by the Fire Code Official.

23.28.070 SECTION 318 FIREWORKS DISPLAYS - General. ADDED

318.1 General. The manufacture, storage, sale, possession, handle or use of all fireworks as defined in Section 302.1 is prohibited.

23.28.080 Section 318.2 FIREWORKS DISPLAYS - Seizure. ADDED

318.2 Seizure. The Chief shall seize, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this code.

23.28.090 SECTION 503.3.1 FIRE APPARATUS ACCESS ROADS - Marking ADDED

503.3.1 Fire Lane Designation. Designation of fire lanes shall be by one of the following means:

1. By a white sign measuring at least twelve inches by eighteen inches (12" x 18") posted immediately adjacent thereto and clearly visible. It should clearly state in red letters not less than one inch (1") in height, that the space is a fire lane and parking is prohibited.
2. By outlining and hash marking the area in contrasting colors clearly marking it with the words "Fire Lane - No Parking."
3. By identifying the space with a red curb upon which the words "Fire Lane - No Parking" are stenciled every 15 feet.
   a. Both sides of fire lanes shall be red curbed when the fire lane is twenty (20) feet to twenty eight (28) feet in width.
   b. At least one side of a fire lane shall be red curbed and stenciled when the fire lane is over twenty eight (28) and up to thirty-six (36) feet in width.
   c. Curbs need not be painted red nor stenciled when the fire lane is more than thirty-six (36) feet in width.

23.28.100 SECTION 505.1 PREMISES IDENTIFICATION - Address numbers. AMENDED. (Duplicate of SMMC 23.08.020)

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction. Numbers shall be as follows:

1. Minimum of one-half inch (1/2") stroke by four inches (4") high.

2. When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access a minimum of one-half inch (1/2″) stroke by six inches (6″) high is required.
3. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one inch (1”) stroke by nine inches (9″) high is required.

23.28.110 SECTION 505.1.1 Address Numbers - Multi-Tenant Buildings. ADDED. (Duplicate of SMMC 23.08.030)

505.1.1 Multi -Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2″) stroke by four inches (4″) high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5′ 6″) above the finished floor and shall be either internally or externally illuminated in all new construction.

23.28.120 SECTION 505.1.2 Address Numbers - Rear Addressing ADDED. (Duplicate of SMMC 23.080.040)

505.1.2 Rear Addressing. When required by the chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with 505.1.

23.28.130 SECTION 506.1 KEY BOXES - Where Required AMENDED.

506.1 Where Required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain contents as established in Section 506.1.1.1.

23.28.140 SECTION 506.1.1.1 Key Box contents requirements ADDED.

506.1.1.1 Key box contents requirements. The keys provided shall be a master key to all spaces including multi-tenant spaces. Additional keys shall be included for card access, elevator control, fire alarm control panels, and fire sprinkler control valve access. If the business/operation is required to have a Hazardous Material Inventory Statement (HMIS), the HMIS shall be include in the key box.

Exceptions:

1. Multi-tenant spaces which provide a key box for each tenant and installed per Section 506.1. Electronic card keys and codes may not be utilized as a substitute for manual keys.
2. When electronic locks release upon loss of electrical power a manual key need not be provided.

23.28.150 SECTION 509.1.1 FIRE PROTECTION EQUIPMENT IDENTIFICATION AND ACCESS - Utility Identification. ADDED.

509.1.1 Utility Identification. In multi-unit commercial and residential buildings, gas and electric meters, service switches and shut off valves shall be clearly and legibly marked to identify the unit or space that it serves.

23.28.160 SECTION 903.1.2 AUTOMATIC SPRINKLER SYSTEMS - Existing Buildings and Structures. ADDED. (Duplicate of SMMC 23.08.050)

903.1.2 Existing Buildings and Structures. An automatic fire sprinkler system shall be installed in existing buildings and structures, except Group R-3 and R-3.1 occupancies, as follows;

1. Additions that increase the existing gross floor area by more than 50% or increase the number of floors and/or stories require the entire building to be installed with an automatic fire sprinkler system.
2. Any combination of alterations and/or repairs to more than 50% of the existing gross building area requires the entire existing building to be installed with an automatic fire sprinkler system.
3. Any alteration and/or repair within a building that contains an automatic fire sprinkler system requires that the automatic fire sprinkler system be extended/modified to the area of proposed work.
4. Any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Chief requires that an automatic fire sprinkler system be installed in the space where the change in use or occupancy is proposed.
5. Any combination of addition, alteration, repair and/or change of use of any basement requires the installation of a fire sprinkler system in the basement.

Exceptions:

1. Seismic or Accessibility improvements
2. Any exemption otherwise allowable under the Fire Code, as adopted by the City of San Mateo if in the discretion of the Fire Chief, the safety of the public is not compromised.
3. Exterior improvements and work not requiring permits as provided in the Building Code.
4. Detached Group U occupancies less than 400 square feet.
5. Work requiring only a mechanical, electrical, plumbing and/or demolition permit.

23.28.170 SECTION 903.1.3 AUTOMATIC SPRINKLER SYSTEMS - Existing Group R Occupancies. ADDED. (Duplicate of SMMC 23.08.060)

903.1.3 Existing Group R Occupancies. An automatic sprinkler system shall be installed throughout when any addition, alteration, repair or combination thereof is made to more than 50% of the existing floor area of the building. For purposes of this section, an addition, alteration or repair is defined as any change to a building that requires a permit other than a mechanical, electrical or plumbing permit.

23.28.180 SECTION 903.2 AUTOMATIC SPRINKLER SYSTEMS - Where required. AMENDED. (Duplicate of SMMC 23.08.090)

903.2 Where required. Approved automatic sprinkler systems shall be installed in all new buildings unless the structure does not require a building permit.

23.28.190 SECTION 905.3 Standpipe Systems – Required installation. AMENDED. (Duplicate of SMMC 23.08.070)

905.3 Required installations. Standpipe systems shall be installed throughout buildings two or more stories and/or in basements and as required in Sections 905.3.1 through 905.3.10.1 except in Group R-3 occupancies and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems shall be combined with automatic sprinkler system and provided 2½" caps fitted with 1½" reducers. The Fire Chief shall determine the requirements for additional outlets.

23.28.200 VIOLATIONS. It is unlawful to violate or fail to comply with any provisions of this Chapter, or violate or fail to comply with any order made under this Chapter or to build in violation of any detailed statement of specification or plans submitted and approved under this Chapter, or any certificate or permit issued under this Chapter.

23.28.210 FIRE AND LIFE SAFETY INSPECTIONS. Inspections by the Fire Department shall periodically be made of buildings and structures that are used for residential or non-residential purposes as follows:

a) The time and frequency of inspections shall be determined by the Fire Chief. No buildings shall be inspected for a fee more than annually except for re-inspections to assure that code corrections have been made or hazards have been corrected.
b) A fee for inspections shall be established in the adopted City Fee Schedule to offset costs of the regulatory inspection program and shall be collected upon inspection from each property subject to this ordinance. Revenues shall be used for the inspection and enforcement program.
c) All properties shall be subject to inspection fees.
d) Nothing in this section is intended to prevent inspections of property under nuisance abatement or other laws.

Section 2. PUBLICATION. This Ordinance shall be published in summary in the San Francisco Examiner, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the Charter and shall be effective 30 days after the date of adoption.

ATTEST:

NORMA GOMEZ, CITY CLERK

JOHN LEE, MAYOR

***

Ordinance No. 2010-17 introduced on November 1, 2010 and adopted on November 15, 2010 by the City Council of the City of San Mateo, California, at a regular meeting held on November 15, 2010, by the following vote of the Council:

AYES: Council Members LIM, MATTHEWS, ROSS and LEE

NOES: NONE

ABSENT: GROTTE

(SEAL) /s/ NORMA GOMEZ, City Clerk

CITY OF SAN MATEO
330 WEST TWENTIETH AVENUE
OFFICE OF THE CITY CLERK

Date: November 16, 2010 Minute Order No. 217-10

To: California Building Standards Commission
2525 Natomas Park Drive, Ste. 130
Sacramento, CA 95833

In the matter of: Ordinance for Adoption – Adoption of the Administrative Code, Adoption of the 2010 California Building, Residential, Electrical, Mechanical, Plumbing, Existing Code and Green Building Codes and Deletion of the Existing Building Code – Change of Occupancy

(Agenda Item 13)

At the meeting of the City Council of the City of San Mateo on November 15, 2010 at which were present Council Members: LIM, MATTHEWS, ROSS and LEE, and, upon motion of Council Member MATTHEWS, seconded by Council Member LIM, duly carried and entered in the minutes, it was ordered to concur in the recommendation of the Community Development Director and adopt the Administrative Code as Chapter 23.06 and the 2010 California Building, Residential, Electrical, Mechanical, Plumbing, and Existing and Green Building Codes; delete the San Mateo Municipal Code Chapter 23.09 – Existing Building Code – Change of Occupancy; and adopt:

(a) Ordinance No. 2010-16 Amending Title 23 of the San Mateo Municipal Code to Adopt the Administrative Code as Chapter 23.06, and the 2010 Edition of the California Building, Residential, Electrical, Mechanical, Plumbing, Existing Building and Green Building Codes, and Deleting Chapter 23.09 "Change of Occupancy."

Enclosed is a copy of the adopted ordinance.

NORMA GOMEZ, CITY CLERK

cc: City Attorney
Director of Community Development
Fire Marshal
Building Official
Word Processing

BEFORE THE COUNCIL OF THE CITY OF SAN MATEO IN THE COUNCIL CHAMBERS, 330 WEST 20TH AVENUE

ORDINANCE INTRODUCED: November 1, 2010
ORDINANCE ADOPTION TO BE CONSIDERED AT 7 P.M. November 15, 2010

ORDINANCE NO. 2010-16

AMENDING TITLE 23 OF THE SAN MATEO MUNICIPAL CODE TO ADOPT THE ADMINISTRATIVE CODE AS CHAPTER 23.06, AND THE 2010 EDITION OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, EXISTING BUILDING AND GREEN BUILDING CODES, AND DELETING CHAPTER 23.09 "CHANGE OF OCCUPANCY"

The City Council of the City of San Mateo, California, ordains as follows:

Section 1. Chapter 23.06 (Administrative Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.06 – Administrative Code

Sections:

23.06.010	**Adoption**
23.06.011	**Application to Existing Buildings and Building Service Equipment**
23.06.012	**Definition**
23.06.013	**Conflicting Provisions**
23.06.014	**Alternate Materials, Methods of Design and Methods of Construction**
23.06.015	**Modifications**
23.06.016	**Tests**
23.06.020	**Authority**
23.06.021	**Power and Duties of Building Official**
23.06.030	**Unsafe Buildings, Structures or Building Service Equipment**
23.06.040	**Board of Appeals**
23.06.050	**Violations**
23.06.060	**Hours of Work**
23.06.070	**Permits**
23.06.080	**Application for Permit**
23.06.090	**Permits Issuance**
23.06.100	**Demolition Permit Conditions**
23.06.110	**Inspections**
23.06.120	**Fees**
23.06.130	**Special Inspection**
23.06.140	**Structural Observation**

ORIGINAL

23.06.150 Connection to Utilities
23.06.160 Certificate of Occupancy
23.06.170 Fire and Health Protection
23.06.180 Penalties

23.06.010 ADOPTION

(a) Purpose. The purpose of this code is to provide for the administration and enforcement of the technical codes embodied in Chapters 23.07, 23.08, 23.09, 23.10, 23.12, 23.16, 23.20, 23.44, 23.48, 23.54, 23.58, 23.56, 23.70 and 23.80.

(b) Scope. The provisions of this code shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within this jurisdiction.
Exceptions:

(1) No section of the Administrative Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council or commission with discretion to enforce the section, or not to enforce it.

(c) A copy of the Administrative Code shall at all times be kept on file in the office of the city clerk.

23.06.011- APPLICATION TO EXISTING BUILDINGS AND BUILDING SERVICE EQUIPMENT

(a) General. Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in this section.

(b) Additions, Alterations or Repairs. Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the technical codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the technical codes nor shall such additions or alterations cause the existing building or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the Building Code or will obstruct existing exits; will create

a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the Building Code for new buildings. A building plus new additions shall not exceed the height, number of stories and area specified by the Building Code for new buildings.

Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the Building Code except when the addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

> **EXCEPTION**: Alterations of existing structural elements, or additions of new structural elements, which are not required by Section 23.06.011(d) and which are initiated for the purpose of increasing the lateral-force-resisting strength or stiffness of an existing structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:
>
> **(1.)** The capacity of existing structural elements required to resist forces is not reduced, and
> **(2.)** The lateral loading to required existing structural elements is not increased beyond their capacity, and
> **(3.)** New structural elements are detailed and connected to the existing structural elements as required by these regulations, and
> **(4.)** New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations, and
> **(5.)** An unsafe condition as defined above is not created.

Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member part of the building or structure having required fire resistance be made with the same materials of which the building or structure is constructed, subject to approval by the building official. Installation or replacement of glass shall be as required for installations.

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the technical code in effect at the time the original installation was made, subject to approval of the building official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, unsanitary or overloaded.

(c) Existing Installations. Building service equipment lawfully in existence at the time of the adoption of the technical codes have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

(d) Existing Occupancy. Buildings in existence at the time of the adoption of the Building Code (SMMC Chapter 23.08) may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the Building Code, and provided continued use is not dangerous to life, health and safety;

A change in the use or occupancy of any existing building or structure shall comply with the provisions of Section 23.06.160 of this code and Chapter 34 of the Building Code.

(e) Maintenance. Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the technical codes shall be maintained in conformance with the technical code under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this section, the building official may cause a structure to be re-inspected.

(f) Moved Buildings. Buildings, structures and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new building or structures and their building service equipment.

(g) Temporary Structures. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the Building Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit state in the permit.

(h) Historic Buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the technical codes when authorized by the building official, provided:

> **(1.)** The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.
> **(2.)** Unsafe conditions as described in this code are corrected.
> **(3.)** The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire-safety and sanitation than the existing building.

23.06.012 DEFINITIONS

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged,* copyright 1986, shall be considered as providing ordinarily 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.

ADDITION is an extension or increase in floor area or height of a building or structure.
ALTER or ALTERATION is a change or modification in construction or building service equipment.
APPROVED, as to materials, types of construction, equipment and systems, refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.
APPROVED AGENCY is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.
BUILDING is a structure used or intended for supporting or sheltering a use or occupancy.
BUILDING CODE is the *California Building Code* promulgated by the International Code Council, as adopted by this jurisdiction.
BUILDING, EXISTING is a building erected prior to the adoption of this code, or one for which a legal building permit has been issued.
BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this code, or a regularly authorized deputy.
BUILDING SERVICE EQUIPMENT refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.
DANGEROUS BUILDINGS CODE is the *Uniform Code for the Abatement of Dangerous Buildings* promulgated by the International Conference of Building Officials as adopted by this jurisdiction
ELECTRICAL CODE is the *California Electrical Code* promulgated by the National Fire Protection Association, as adopted by this jurisdiction.
ELEVATOR CODE is the safety code for elevators, dumbwaiters, escalators and moving walks as adopted by this jurisdiction.
GREEN BUILDING CODE is the *California Green Building Standards Code* promulgated by the International Code Council, as adopted by this jurisdiction
JURISDICTION, as used in this code, is a state or political subdivision which adopts this code for administrative regulations in its area of authority.
LISTED and LISTING are terms referring to equipment and materials included in a list published by an approved testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of current productions of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.
MECHANICAL CODE is the *California Mechanical Code* promulgated by the International Association of Plumbing and Mechanical Officials, adopted by this jurisdiction.

OCCUPANCY is the purpose for which a building, or part thereof, is used or intended to be used.
OWNER is any person, agent, firm or corporation having a legal or equitable interest in the property.
PERMIT is an official document or certificate issued by the building official authorizing performance of a specified activity.
PERSON is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
PLUMBING CODE is the *California Plumbing Code*, as adopted by this jurisdiction.
REPAIR is the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.
RESIDENTIAL CODE is the *California Residential Code* promulgated by the International Code Council, as adopted by this jurisdiction
SHALL, as used in this code, is mandatory.
SRUCTURAL OBSERVATION means the visual observation of the structural system, for general conformance to the approved plans and specifications, at significant construction stages at completion of the structural system. Structural observation does not include or waive the responsibility for the inspections required by Sections 23.06.110 and 23.06.130.
SRUCTURE is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or posed of parts joined together in some definite manner.
TECHNICAL CODES refer to those codes adopted by this jurisdiction containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as herein defined.
VALUATION or VALUE, as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

23.06.013 CONFLICTING PROVISIONS

When conflicting provisions or requirements occur between this code, the technical codes and other codes or laws, the most restrictive shall govern.

When conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

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

When conflicts occur between specific provisions of this code and administrative provisions in a

technical code which is then applicable within this jurisdiction, those provisions becoming the law most recently shall prevail.

23.06.014 ALTERNATE MATERIALS, METHODS OF DESIGN AND METHODS OF CONSTRUCTION

The provisions of the technical codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the technical codes, provided an alternate has been approved and its use authorized by the building official.

The building official may approve an alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of the technical codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in suitability, strength, effectiveness, life resistance, durability, safety and sanitation.

The building official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

23.06.015 MODIFICATIONS

Whenever there are practical difficulties involved in carrying out provisions of the technical codes, the building official may grant modifications for individual cases. The building official shall first find that a special and unique reason makes the strict letter of the technical code impractical, the modification is in conformity with the intent and purpose of the technical code, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

23.06.016 TESTS

Whenever there is insufficient evidence of compliance with the provisions of the technical codes or evidence that materials or construction do not conform to the requirements of the technical codes, the building official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

Test methods shall be as specified by the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall determine test procedures.

Tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

23.06.017 TEMPORARY BUILDING

Real estate sales and leasing of the building or buildings under construction may be conducted from a temporary structure located on the construction site, subject to the conditions and procedures established in Section 26.04.130 of this code. (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1990-1 § 1 (part), 1990; Ord 1988-4 § 1, 1988; Ord. 1985-4 § 1 (part), 1985; Ord. 1981-23 § 1, 1981).

23.06.020 AUTHORITY

(a) Creation of Enforcement Agency. There is hereby established in this jurisdiction a permit and inspection agency which shall be under the administrative and operational control of the building official.

(b) General. Whenever the term or title "administrative authority" "responsible official," "building official," "plan examiners," "related technical officers," or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the building official designated them due to his appointing authority in this jurisdiction.

23.06.021 POWERS AND DUTIES OF BUILDING OFFICIAL

(a) General. The building official is hereby authorized and directed to enforce all the provisions of this code and the referred technical codes. For such purposes, the building official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code and the referenced technical codes, and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary 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) Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

(c) Right of Entry. When necessary to make an inspection to enforce any of the provisions of this code and the technical codes, or when the building official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code, provided that such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be

refused, the building official shall have recourse the remedies provided by law to secure entry.

(d) Stop Orders. When work is being done contrary to the provisions of this code, the technical codes, or other pertinent laws or ordinances implemented through the enforcement of this code, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the building official to proceed with the work.

(e) Occupancy Violations. When a building or structure or building service equipment therein regulated by this code and the technical codes is being used contrary to the provisions of such codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

(f) Authority to Disconnect Utilities. The building official or the building official's authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

(g) Authority to Condemn Building Service Equipment. When the building official ascertains that building service equipment regulated in the technical codes has become hazardous to life, health or property, or has become unsanitary, the building official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

(h) Connection after Order to Disconnect. Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected, ordered to be disconnected, or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

(i) Liability. The building official charged with the enforcement of this code and the technical

codes, acting in good faith and without malice in the discharge of his duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the building official or any City employee because of such act or omission performed by the building official or employee in the enforcement of the provisions of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from, shall be assumed by this jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the code enforcement agency or the City be held as assuming such liability by reason of the inspections authorized by this code or permits or the certificates issued under this code.

(j) Cooperation of Other Officials and Officers. The building official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent laws and ordinances.

23.06.030 UNSAFE BUILDINGS, STRUCTURES OR BUILDING SERVICE EQUIPMENT

Buildings or structures regulated by this code and the technical codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings.

Building service equipment regulated by such codes, which constitutes a fire, electrical or health hazard, an unsanitary condition, or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are hereby designated as unsafe building appendages.

Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the building official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, correct or abate the violation.

23.06.040 APPEALS

Pursuant to SMMC 2.22.030, the Community Improvement Commission will hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of these codes.

23.06.050 - VIOLATIONS

It shall be unlawful for a 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 building service equipment, or cause or permit the same to be done in violation of this code and the technical codes.

23.06.060 – HOURS OF WORK

No work regulated by this Code shall be permitted between the hours of 7 p.m. and 7 a.m., Monday through Friday, nor prior to 9 a.m. or after 5 p.m. on Saturday, nor prior to 12 noon or after 4 p.m. on Sundays. These hours do not apply to construction work that takes place inside a completely enclosed building and does not exceed the exterior ambient noise level as measured ten feet from the exterior property lines. (Ord. 2001-4 § 1, 2001; Ord. 1999-8 § 2, Ord. 1992-12 § 1 (part), 1992; Ord. 1990-4 § 1, 1990).

23.06.061 HOURS OF WORK EXEMPTION

As a condition of approval of a planning application issued pursuant to Title 26 and Title 27 of this code, a condition may be established which authorizes an exemption from the hours of work designated in Section 23.06.060 if the Building Official finds that:

(a) The following criteria are met:

- **(1)** Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or
- **(2)** An emergency situation exists where the construction is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.

(b) The exemption will not conflict with any other conditions of approval required by the City to mitigate significant impacts.

(c) The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification must be provided three days prior to the start of the construction activity.

(d) The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by an interested member of the public.

(e) The Building Official may revoke the exemption at any time if the contractor or owner of the property fails to abide by the conditions of the exemption or if it is determined that the peace, comfort and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction. (Ord. 2001-4 § 2, 2001).

23.06.070 PERMITS

(a) Permits Required. Except as specified in Section 23.06.070(b) no building, structure or building service equipment regulated by this code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.

(b) Work Exempt from Permit. A permit shall not be required for the types of work listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

(1) Building permits. A building permit shall not be required for the following:

(i). One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m^2).

(ii). Fences not over 6 feet (1829 mm) high.

(iii). Oil derricks.

(iv) 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.

(v) 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.

(vi) Sidewalks 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.

(vii) Platforms, walks and driveways not more than 18"inches (457 mm) above grade and not over any basement or story below, if located other than in the front or street side yard as defined by Title 27 (Zoning Code). (Ord. 1999-8 § 2, 1999; Ord. 1992-16 § 20, 1992).

(viii) Temporary motion picture, television and theater stage sets and scenery.

(ix) Prefabricated swimming pools accessory to a Group R-e 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.

(x) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

(xi) Swings and other playground equipment accessory to detached one- and two-family dwellings.

(xii) 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.

(xiii) Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

(2) Plumbing permits. A plumbing permit shall not be required for the following:

(i) The stopping of leaks in drains, soil, waste or vent pipes, provided, however, that if any concealed trap, drain pipe, soil, waste or vent pipes become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered new work and a permit shall be procured and inspection made as provided in this code.

(ii) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(3) Electrical permits. An electrical permit shall not be required for the following:

(i) Portable motors or other portable appliances energized by 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.

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

(iii) Temporary decorative lighting.

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

(v) Reinstallation of attachment plug receptacles, but not the outlets therefore.

(vi) Repair or replacement of any overcurrent device of the required capacity in the same location.

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

(viii) Taping joints.

(ix) Removal of electrical wiring.

(x) Temporary wiring for experimental purposes in suitable experimental laboratories.

(xi) The wiring for temporary theater, motion picture or television stage sets.

(xii) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

(xiii) Low-energy power, control and signal circuits of Class II and Class III as defined in the Electrical Code.

(xiv) A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

(4) Mechanical permits. A mechanical permit shall not be required for the following:

(i) A portable heating appliance.

(ii) Portable ventilating equipment.

(iii) A portable cooling unit.

(iv) A portable evaporative cooler.

(v) A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code.

(vi) Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes.

(vii) Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes.

(viii) A unit refrigerating system as defined in the Mechanical Code.

23.06.080 APPLICATION FOR PERMIT

(a) Application. To obtain a permit, the applicant shall first file an application therefore in

writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

(i) Identify and describe the work to be covered by the permit for which the application is made.

(ii) 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.

(iii) Indicate the use or occupancy for which the proposed work is intended.

(iv) Be accompanied by plans, diagrams, computations and specifications, and other data as required in Section 23.06.080(b).

(v) State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.

(vi) Be signed by the applicant, or the applicant's authorized agent.

(vii) Give such other data and information as may be required by the building official.

(b) Submittal Documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(c) Information on Plans and Specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and 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 all relevant laws, ordinances, rules and regulations.

Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire-resistive integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

(d) Architect or Engineer of Record.

(i) General. When it is required that documents be prepared by an architect or engineer, the building official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all the duties required of the original architect or engineer of record. The building official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

(ii) Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have prior approval of the building official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

(e) Inspection and Observation Program. When special inspection is required by Section 23.06.130, the architect or engineer of record shall prepare an inspection program which shall be submitted to the building official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors.

The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

When structural observation is required by Section 23.06.140, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

The inspection program shall include samples of inspection reports and provide time limits for

submission of reports.

23.06.090 PERMITS ISSUANCE

(a) Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the building official or his designees. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and the technical codes and other pertinent laws and ordinances, and that the fees specified in Section 23.06.120 have been paid, the building official shall issue a permit therefore to the applicant.

When a permit is issued for required plans, the building official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved plans.

The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. No building permit for construction of a superstructure shall be issued unless a complete superstructure application is made not later than 90 days after issuance of a foundation permit and a superstructure permit is taken out not later than 6 months after issuance of the foundation permit. For purposes of this section, the determination of whether a building or structure is a superstructure shall be made by the building official. The holder of a partial permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted. (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1992-9 § 1, 1992).

(b) Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 90 days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

(c) Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, a violation of any of the provisions of this code or the technical codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in

violation of these codes or of any other ordinance of this jurisdiction.

(d) Expiration. Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit over one year after expiration, the permittee shall pay a new full permit fee.

A foundation permit shall expire by limitation and become null and void, unless a complete superstructure application is made not later than 90 days after issuance of a foundation permit and a superstructure permit is taken out not later than 6 months after issuance of the foundation permit. (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1992-9 § 1, 1992).

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken and that extension will not result in violation of this code or any other laws. Permits shall not be extended more than two times.

(e) Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

23.06.100 DEMOLITION PERMIT CONDITIONS

(a) Demolition permits may be issued if at least one of the following is applicable:

(1) Demolition has been ordered by the building official because of major structural damage or a condition resulting in imminent or immediate danger to public health or safety; or

(2) A building permit has been issued authorizing work to be performed which requires the prior removal of an existing structure to accomplish the new construction; or

(3) The city has determined that demolition is necessary in order to perform appropriate soil tests for a proposed project; or

(4) Demolition is required by the city as a condition of approval of a planning application under Title 27 or a subdivision under Title 26 of this code, and the application for the demolition permit complies with the time frame set in the condition of approval.

(5) The demolition involves a nonresidential structure of 3,000 square feet or less.

(6) The building official finds that:

(i) If intended for residential use, the structure is not habitable due to violations of the Uniform Housing Code, as adopted in chapter 7.14; or, if intended for nonresidential use, the structure cannot be occupied due to violations of uniform codes or local, state or federal laws; and

(ii) Substantial evidence has been provided that repair of the structure is not feasible. As used in this subsection "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, social and technological factors. Evidence provided by the applicant may be independently reviewed by consultants hired by the City at the applicant's expense; and

(iii) Demolition of the structure would have a less significant effect on the neighborhood than allowing the existing dilapidated structure to remain.

A demolition permit shall not be issued pursuant to this subsection unless notice of the proposed demolition and appeal procedures is posted on the premises in a location visible from off-site at least fifteen (15) days before issuance of the demolition permit. Pursuant to SMMC 2.22.030, the building official's proposal to issue a demolition permit is appealable to the Community Improvement Commission within the 15-day posting period by filing a notice of appeal with the City Clerk. If demolition is requested as part of a planning application pursuant to Section 27.68.020, the Planning Commission shall review the request as required by Section 27.68.020 prior to any action by the building official.

(7) The demolition involves a non-required accessory building.

(8) The demolition of structures where a master plan or specific plan has been approved for development of the site provided that (1) the building official receives written confirmation that the demolition is needed to facilitate the timely construction of new structures under the approved master plan, (2) the structures are substantially vacant, (3) there is written documentation from a lending institution that the project (at least in substantial part) is capable of being financed and the applicant is credit worthy.

(b) All demolition permits shall comply with the following conditions:

(1) If the site is a service station or listed on the Hazardous Waste and Substances Sites List (prepared pursuant to Government Code Section. 65962.5), or if the City has any other substantial evidence that the site may contain hazardous wastes, the application for a permit must be accompanied by evidence that the soil has been inspected for contamination and, if contamination has been found, that a plan has been submitted to and approved by the San Mateo County Division of Environmental Health.

(2) The site shall be fenced when open holes in the ground exist, if required by the building official because of other hazards or to ensure maintenance of the site.

(3) All debris, weeds, and other nuisances shall be removed from the site, and the site shall be leveled unless requirements regarding hazardous wastes make leveling infeasible. If planting is not required by subsection 23.06.100(b)(iv), and construction does not commence within 30 days after demolition, the soil shall be treated with a weed inhibitor approved by the City.

(4) If deemed appropriate, the City may require that the entire site be planted and maintained with a drought tolerant ground cover that will fully cover all exposed soil within six months of planting, or covered to a minimum depth of 2" with crushed rock.

(5) That the site be fenced according to code, or if deemed appropriate, the City may require that any driveway curb cuts not used be provided with bollards and chains, located and installed so as to prevent vehicular entry into the site.
(6) The applicant shall comply with all other conditions that may be attached by the building official to ensure maintenance of the site. (Ord. 1999-8 § 2, 1999; Ord. 1995-22 § 1 (part), 1995; Ord. 1992-12 § 1 (part), 1992; Ord. 1991-15 § 1, 1991; Ord. 1990-3 § 1, 1990; Ord. 1990-1 § 1 (part), 1990; Ord. 1990-3 § 1, 1990; Ord. 1988-4 § 1, 1988; Ord. 1986-25 § 1, 1986; Ord. 1985-4 § 1, (part), 1985; Ord. 1984-5 § 199 (part), 1984).

23.06.110 INSPECTIONS

(a) General. Construction or work for which a permit is required shall be subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in Section 23.06.130.

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 this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

(b) Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

(c) Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspections required either by this code or the technical codes to provide access to and means for inspection of the work.

(d) 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 that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

(e) Required Building Inspections. Reinforcing steel or structural framework of a building or structure shall not be covered or concealed without first obtaining the approval of the building official. Protection of joints and penetrations in fire resistive assemblies shall not be concealed from view until inspected and approved.

The building official, upon notification, shall make the following inspections:

(1.) Foundation inspection. To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

(2.) Concrete slab or under-floor inspection. To be made after in-slab or under-floor 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.

(3.) Frame inspection. To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.

(4.) Lath and/or wallboard inspection. To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.

(5.) Final inspection. To be made after finish grading and the building is completed and ready for occupancy.

(f) Required Building Service Equipment Inspections.

(1) General. Building service equipment for which a permit is required by this code shall be inspected by the building official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by

the technical codes shall not be connected to the water, fuel or power supply, or sewer system until authorized by the building official.

(2) Operation of building service equipment. The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

(3) Other Inspections. In addition to the explicit inspections specified above, the building official may make or require other inspections of construction work to ascertain compliance with the provisions of this code or technical codes and other laws which are enforced by the code enforcement agency.

(4) Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with the fee schedule adopted by this jurisdiction.

In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

23.06.120 – FEES

(a) General. All permit fees, surcharges, plan checking fees, fees for inspections and reinspections, and all other fees, shall be those established by resolution of the City Council.

(b) Expiration of Plan Review. Applications for which no permit is issued within 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 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken and that extension will not result in violation of this code or any other laws.. An application shall not be extended more than two times. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of the application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(1) Planning Applications. For applications for which a planning application was approved, a completed building permit application shall be filed before the two-year expiration date of the planning approval and a building permit shall be issued no later than six months before the two-year expiration date. A further extension of six months for issuance of a building permit may be granted by the Building Official only if the applicant demonstrates that the delay in performance was caused by action or inaction of governmental permitting agencies other than the City of San Mateo, and that the applicant has diligently pursued approval of the permit (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1992-8 § 2, 1992).

(c) Investigation Fees: Work without a Permit.

(1) Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

(2) 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 permit fee required by this code. The minimum investigation fee shall be established in the fee schedule adopted by the city council. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

(d) Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent 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 examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

23.06.130 SPECIAL INSPECTIONS

(a) General. In addition to the inspections required by Section 23.06.110, the owner, or the engineer or architect of record acting as the owner's agent, shall employ one or more special inspectors who shall provide inspections during construction on the types of work as specified in the Building Code Section 1704.

(b) 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.

(c) 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.

(d) 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.

(e) Continuous and Periodic Special Inspection.

> **(1.) Continuous special inspection**. Continuous special inspection means that the special inspector is on the site at all times observing the work requiring special inspection.
>
> **(2.) Periodic special inspection**. Some inspections may be made on a periodic basis and satisfy the requirements of continuous inspection, provided this periodic scheduled inspection is performed as outlined in the project plans and specifications and approved by the building official.

23.06.140 STRUCTURAL OBSERVATION

Structural observation shall be provided in accordance to the Building Code Section 1710.

23.06.150 CONNECTION TO UTILITIES

(1) Energy Connections. Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the technical codes and for which a permit is required by this code, until approved by the building official.

(2) Temporary Connections. The building official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

23.06.160 CERTIFICATE OF OCCUPANCY

(a) Use or Occupancy. Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the building official has issued a certificate of occupancy therefore as provided herein.

EXCEPTION: Group R, Division 3, and Group U Occupancies.

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. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

(b) Change in Use. Changes in the character or use of a building shall not be made except as specifically provided for in the Building Code.

(c) Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws which are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy which shall contain the following:

(1.) The building permit number.

(2.) The address of the building.

(3.) The name and address of the owner.

(4.) A description of that portion of the building for which the certificate is issued.

(5.) A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.

(6.) The name of the building official.

(7.) The edition of the code under which the permit was issued.

(8.) The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code.

(9.) The type of construction as defined in Chapter 6 of the California Building Code.

(10.) The design occupant load.

(11.) If an automatic sprinkler system is provided, whether the sprinkler system is required.

(12.) Any special stipulations and conditions of the building permit.

(d) Temporary Certificate. If the building official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.

(e) Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

(f) Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this code.

23.06.170 FIRE AND HEALTH PROTECTION

Fire and Health Protection. The chief of the fire department and the health officer that has jurisdiction shall have concurrent jurisdiction, respectively, with the building official in the enforcement of all those provisions of this code relating to or involving protection against fire, or the maintenance of public health. The building official, fire chief, and/or health officer, or their authorized representative, may enter any building or premises for the purpose of inspection or enforcing the provisions of this code.

Whenever any building work is being done contrary to the provisions of this code, the building official, or his authorized representative, may order the work stopped by notice in writing served on the contractor, or his representative, or any persons engaged in doing or causing that work to be done, and any such persons shall forthwith stop that work until authorized by the building official to resume the work.

In case the work is being done in such a manner as to increase the fire hazard or jeopardize the public health, the fire chief and the health officer shall have concurrent jurisdiction with the building official to stop the work as provided above. (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1990-1 § 1 (part), 1990; Ord. 1988-4 § 1, 1988; Ord. 1985-4 § 1 (part), 1985).

23.06.180 PENALTIES

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair,

move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building, structure, or building service equipment, or cause or permit the same to be done in violation of this code and/or the Residential Code, Building Code, Plumbing Code, Mechanical Code, Housing Code, Electrical Code, Fire Prevention Code, Fire Protection Facilities Code, and Green Building Code. (Ord. 1999-8 § 2, 1999; Ord. 1992-12 § 1 (part), 1992; Ord. 1990-1 § 1 (part), 1990; Ord. 1988-4 § 1, 1988; Ord. 1985-4 § 1 (part), 1985).

Section 2. Chapter 23.07 (Residential Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.07: RESIDENTIAL CODE

Sections:

23.07.010	**Adoption.**
23.07.020	**SECTION R319.1 Site Address AMENDED**
23.07.030	**SECTION R319.2 Address Numbers - Multi-Tenant Buildings.**
23.07.040	**SECTION R319.3 Address Numbers - Rear Addressing ADDED**
23.07.060	**SECTION R313.1 AMENDED—Townhouse automatic fire sprinkler Systems - Exception**
23.07.070	**SECTION R313.2 AMENDED— One-and-two-family dwellings automatic fire sprinkler systems – Exception**
23.07.080	**SECTIONS R902.1, R902.1.1, R902.1.3 AMENDED--ROOFING REQUIREMENTS.**
23.07.100	**Section R401.1.3 Seismic reinforcing on footing**
23.07.110	**Section R602.10.2.1 and Table R602.10.1.2(2) add footnote**

23.07.010 ADOPTION. (a) The code published by the International Code Council entitled California Residential Code, 2010 Edition, as adopted and amended by the State of California, are hereinafter called "residential code," and are adopted as the rules, regulations and standards within this city as to all matters therein contained except that:

(1) Sections R105.2 Building items 1 – 10 are not adopted. Instead, chapter 23.06 (Administrative Code) applies to this chapter on permit exemption. Sections R109.1 – R109.1.6 are not adopted. Instead, Chapter 23.06 (Administrative Code) applies to the inspection.

(2) Certain sections of the Residential Code have heretofore been amended and may hereafter be amended. As amended, they are adopted;

(3) **R403.1.3 Seismic reinforcing – Exception** is not adopted;

(b) No section of the residential code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.

(c) One copy of the Residential Code shall at all times be kept on file in the office of the city clerk.

23.07.020 SECTION R319.1 Site Address AMENDED.

R319.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction. Numbers shall be as follows:

1. Minimum of one-half inch (1/2″) stroke by four inches (4″) high.
2. When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access a minimum of one-half inch (1/2″) stroke by six inches (6″) high is required.
3. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one inch (1”) stroke by nine inches (9″) high is required.

23.07.030 SECTION R319.2 Address Numbers - Multi-Tenant Buildings. ADDED.

(Duplicate of SMMC 23.28.120)

R319.2 Multi -Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2″) stroke by four inches (4″) high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5′ 6″) above the finished floor and shall be either internally or externally illuminated in all new construction.

23.07.040 SECTION R319.3 Address Numbers - Rear Addressing ADDED.

(Duplicate of SMMC 23.28.130)

R319.3 Rear Addressing. When required by the chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with R319.1.

23.07.060 SECTION R313.1 AMENDED—Townhouse automatic fire sprinkler systems – Exception

Section R313.1 Exception is amended to read as follows:

Exception: An automatic residential sprinkler system shall not be required when any addition, alteration, repair or combination thereof is made to less than 50% of the existing floor area of the existing townhomes. For purposes of this section, an addition, alteration or repair is defined as any change to a building that requires a permit other than a mechanical, electrical or plumbing permit.

23.07.070 SECTION R313.2 AMENDED— One-and-two-family dwellings automatic fire sprinkler systems – Exception

Section R313.2 Exception is amended to read as follows:

Exception: An automatic residential sprinkler system shall not be required when any addition, alteration, repair or combination thereof is made to less than 50% of the existing floor area of the existing one-and-two family dwellings. For purposes of this section, an addition, alteration or repair is defined as any change to a building that requires a permit other than a mechanical, electrical or plumbing permit.

23.07.080 SECTIONS R902.1, R902.1.1, R902.1.3 AMENDED--ROOFING REQUIREMENTS.

Section R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roofing shall be installed in areas designated by this section. Classes A or B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Section R902.1.1 AMENDED--Roof coverings within very high fire hazard severity zone and the Western Hills Area.

R902.1.1 Roof coverings within very high fire severity zones and the Western Hills Area. The entire roof covering of every existing structure where more than 300 square feet of roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure shall be a fire-retardant roof covering that is at least Class A.

The roof covering on any structure within the boundaries of the Western Hills Area, as designated by the Fire Chief and shown on a map on file with the City Clerk and the Community Development Department, shall be Class A fire retardant roof.

Exception:

1. Detached patio covers, spa covers, gazebos, awning covers, and detached sheds, less than 120 square feet of roof area.

Section R902.1.3 AMENDED--Roof coverings within all other areas.

Section R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 300 square feet of roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

23.07.100 SECTION R403.1.3 AMENDED—SEISMIC REINFORCING ON FOOTING

Section R403.1.3 is amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D_0, D_1, D_2, as established in Table R301.2 (1), shall have minimum reinforcement. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D_0, D_1 and D_2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No.4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D_0, D_1 and D_2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D_0, D_1 and D_2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

23.07.110 SECTION R Section R602.10.2.1 and Table R602.10.1.2(2) AMENDED—prohibit the use of gypsum board and limit the use of Portland cement plaster as prescriptive wall bracing materials in Seismic Design Categories D_0, D_1 and D_2

1.) Add a new footnote "d" to the end of CRC Table R602.10.1.2(2), to read:

d. In Seismic Design Categories D_0, D_1, and D_2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

2.) Add the "d" footnote notation in the title of Table R602.10.1.2(2) after the three footnotes currently shown, to read: **TABLE R602.10.1.2(2)[a,b,c,d]**

3.) Add a new subsection R602.10.2.1.1, to read:

R602.10.2.1.1 Limits on methods GB and PCP. In Seismic Design Categories D_0, D_1, and D_2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D_0, D_1, and D_2, the use of Method PCP is limited to one-story

single family dwellings and accessory structures.

Section 3. Chapter 23.08 (Building Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.08: BUILDING CODE

Sections:

23.08.010 Adoption.
23.08.020 Section 501.2 PREMISES IDENTIFICATION - Address numbers. Amended
23.08.030 Section 501.2.1 Address Numbers - Multi-Tenant Buildings. Added
23.08.040 Section 501.2.2 Address Numbers - Rear Addressing Added
23.08.050 Section 903.1.2 Existing Buildings and Structures. Added
23.08.060 Section 903.1.3 Existing Group R Occupancies. Added
23.08.090 Section 903.2 AUTOMATIC SPRINKLER SYSTEMS - Where required. Amended
23.08.070 Section 905.3 Standpipe Systems – Required installation. Amended
23.08.100 Sections 1505.1, 1505.1.3 Amended--Roofing Requirements.
23.08.110 SECTION 1613.8 Added – Modification to ASCE-7
23.08.120 SECTION 1704.4 Amended – Special Inspection
23.08.130 Section 2308.9.3 Amended--Bracing.
23.08.140 Section 3109 Amended—Swimming Pool Enclosures

23.08.010 ADOPTION.

(a) Codes published in two volumes by the International Code Council, entitled California Building Code, 2010 Edition, Section 3303-3308, Section 3408 and Appendix C, as adopted and as amended by the State of California, hereinafter collectively called the "Building Code", are adopted as the rules, regulations, and standards within this city as to all matters therein contained, except as otherwise provided in this chapter.

The following sections are not adopted:

(1) Sections 105.2 items 1 - 13 are not adopted. Instead, Chapter 23.06 (Administrative Code) applies to this chapter.

(b) No section of the Building Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council or commission with discretion to enforce the section, or not to enforce it.

(c) A copy of the Building Code shall at all times be kept on file in the office of the city clerk. (Ord. 1999-8 § 3, 1999; Ord. 1992-12 § 2 (part), 1992; Ord. 1990-1 § 2 (part), 1990; Ord. 1988-4 § 2, 1988; Ord. 1985-4 § 2 (part), 1985; Ord. 1981-4 § 2 (part), 1981: Ord. 1977-19 § 1 (part), 1977: Ord. 1974-23 § 1 (part), 1974: Ord. 1971-25 § 1 (part), 1971: prior code § 161.01).

23.08.020 SECTION 501.1 PREMISES IDENTIFICATION - Address numbers. AMENDED

501.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction. Numbers shall be as follows:

1. Minimum of one-half inch (1/2″) stroke by four inches (4″) high.
2. When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access a minimum of one-half inch (1/2″) stroke by six inches (6″) high is required.
3. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one inch (1”) stroke by nine inches (9″) high is required.

23.08.030 SECTION 501.1.1 Address Numbers - Multi-Tenant Buildings. ADDED

501.1.1 Multi -Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2″) stroke by four inches (4″) high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5′ 6″) above the finished floor and shall be either internally or externally illuminated in all new construction.

23.08.040 SECTION 501.1.2 Address Numbers - Rear Addressing ADDED

501.1.2 Rear Addressing. When required by the chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with 501.1.

23.08.050 SECTION 903.1.2 Existing Buildings and Structures. ADDED

903.1.2 Existing Buildings and Structures. An automatic fire sprinkler system shall be installed throughout an existing building, except Group R-3 and R-3.1 occupancies, as follows;

1. Additions that increase the existing gross floor area by more than 50% or increase the number of floors and/or stories require the entire building to be installed with an automatic fire sprinkler system.
2. Any combination of alterations and/or repairs to more than 50% of the existing gross building area requires the entire existing building to be installed with an automatic fire sprinkler system.

3. Any alteration and/or repair within a building that contains an automatic fire sprinkler system requires that the automatic fire sprinkler system be extended/modified to the area of proposed work.
4. Any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Chief requires that an automatic fire sprinkler system be installed in the space where the change in use or occupancy is proposed.
5. Any combination of addition, alteration, repair and/or change of use of any basement requires the installation of a fire sprinkler system in the basement.

Exceptions:

1. Seismic or Accessibility improvements
2. Any exemption otherwise allowable under the Fire Code, as adopted by the City of San Mateo if in the discretion of the Fire Chief, the safety of the public is not compromised.
3. Exterior improvements and work not requiring permits as provided in the Building Code.
4. Detached Group U occupancies less than 400 square feet.
5. Work requiring only a mechanical, electrical, plumbing and/or demolition permit.

23.08.060 SECTION 903.1.3 Existing Group R Occupancies. ADDED

903.1.3 Existing Group R Occupancies. An automatic sprinkler system shall be installed throughout when any addition, alteration, repair or combination thereof is made to more than 50% of the existing floor area of the building. For purposes of this section, an addition, alteration or repair is defined as any change to a building that requires a permit other than a mechanical, electrical or plumbing permit.

23.08.090 SECTION 903.2 AUTOMATIC SPRINKLER SYSTEMS - Where required. AMENDED.

903.2 Where required. Approved automatic sprinkler systems shall be installed in all new buildings unless the structure does not require a building permit.

23.08.070 SECTION 905.3 Standpipe Systems – Required installation. AMENDED.

905.3 Required installations. Standpipe systems shall be installed throughout buildings two or more stories and/or in basements and as required in Sections 905.3.1 through 905.3.10.1 except in Group R-3 occupancies and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems shall be combined with automatic sprinkler system and provided 2½" caps fitted with 1½" reducers. The Fire Chief shall determine the requirements for additional outlets.

23.08.100 SECTIONS 1505.1, 1505.1.3 AMENDED--ROOFING REQUIREMENTS.

The roof covering or roofing assembly on any structure regulated by this code shall be minimum Class B fire retardant as specified in Table 1505.1 and as classified in Section 1505.

TABLE 1505.1 MINIMUM COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION. AMENDED

TABLE 1505.1
MINIMUM ROOF COVERING CLASSIFICATION
FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

Section 1505.1.1 AMENDED--Roof coverings within very high fire hazard severity zone and the Western Hills Area.

1505.1.1 Roof coverings within very high fire severity zones and the Western Hills Area. The entire roof covering of every existing structure where more than 300 square feet of roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure shall be a fire-retardant roof covering that is at least Class A.

The roof covering on any structure within the boundaries of the Western Hills Area, as designated by the Fire Chief and shown on a map on file with the City Clerk and the Community Development Department, shall be Class A fire retardant roof.

Exception:

2. Detached patio covers, spa covers, gazebos, awning covers, and detached sheds, less than 120 square feet of roof area.

Section 1505.1.3 Amended--Roof coverings within all other areas.

Section 1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 300 square feet of roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

23.08.110 SECTION 1613.8 Added – Modification to ASCE-7

Section 1613.8 is added to 2010 CBC Section 1613 to read as follows:

1613.8 ASCE 7, Section 12.8.7. Modify ASCE 7, Section 12.8.7 by amending Equation 12.8-16 as follows:

$$\theta = \frac{P_x \Delta I}{V_x h_{sx} C_d} \qquad (12.8\text{-}16)$$

23.08.120 SECTION 1704.4 Amended – Special Inspection

Section 1704.4 is amended to read 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 above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified MPa strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 MPa)

23.08.130 SECTION 2308.9.3 AMENDED--BRACING

Section 2308.9.3 Bracing, is amended as follows:

(a) Delete Item 5 (gypsum board);

(b) Add the following to the end of Item 7 (Portland Cement Plaster): Limited to one story structures of R-3 and U occupancies. (Ord. 1999-8 § 3, 1999).

FINDINGS:

Local Geological Conditions – San Mateo is located near a vast array of fault systems capable of producing major earthquakes, including but not limited to, the recent 1989 Loma Prieta. Gypsum wallboard and exterior portland cement plaster have performed poorly during recent California seismic events. The shear values for gypsum wallboard and portland cement stucco contained in the code are based on mono-directional testing. It is appropriate to limit the use of these products until cyclic loading testing are performed and evaluated.

23.08.140 SECTIONS 3109 Amended—SWIMMING POOLS

Section 3109 is amended to read as shown below:

Section 3109.1 General. Swimming pools shall comply with the requirements of Chapter 23.44 of the San Mateo Municipal Code and other applicable sections of this code.

Section 4. Chapter 23.10 (Earthquake Hazard Reduction Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.10: EARTHQUAKE HAZARD REDUCTION CODE

Sections:

23.10.010 Adoption.
23.10.012 Definitions.
23.10.014 Administration.
23.10.016 Time Limits for Compliance.

23.10.010 ADOPTION. (a) The code published by International Code Council entitled California Existing Building Code 2010 Edition is adopted as the rules, regulations and standards within this city as to all matters therein contained, except as otherwise provided in this Chapter.

(b) No section of this appendix shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.

(c) A copy of the California Existing Building Code shall at all times be kept on file in the Office of the City Clerk. (Ord. 1999-8 §5, 1999).

23.10.012 Section A103 – DEFINITIONS -- AMENDED

(a) HIGH RISK BUILDING: Any building (except essential and hazardous facilities listed in Section A102.2) having an occupant load of 100 or more, as determined by 2010 CBC Section 1004.

(b) LOW RISK BUILDING: Any building (except essential and hazardous facilities listed in Section A102.2) having an occupant load of less than 100 occupants as determined by 2010 CBC Section 1004. (Ord. 1999-8 §5, 1999).

23.10.014 ADMINISTRATION.

Section A105 is modified by adding the following:

1. Administration. (a) Service of Order. The building official shall issue an order as described in (b) below to the owner of each building known to the building official to be within the scope of this Chapter. The order shall be in writing and shall be served either personally or by certified mail upon the owner as shown on the last equalized assessment roll. A copy of such order shall also be given by the building official by first-class mail to known tenants of each building and

the owner of each building shall thereafter provide the order to succeeding tenants.

(b) Contents of Order. The order shall specify that the building has been determined by the building official to be within the scope of this Chapter and is required to meet minimum seismic standards. The order shall inform the owner(s) of alternatives and time limits for compliance.

(c) Appeal. The building owner may appeal the building official's initial determination that the building is within the scope of this Chapter to the building official. Such appeal shall be filed with the building official within 60 days from the service date of the order. Any such appeal shall be decided by the building official no later than 60 days after the date that the appeal is filed. The basis for the appeal shall be evidence that the building does not fall within the scope of Appendix Chapter 1 of the California Existing Building Code as defined in Section A102. Any appeal shall be made in writing.

(d) Recordation. Upon service of the order, the building official shall file with the office of the county recorder a certificate stating that the subject building is within the scope of Chapter 23.10 of the San Mateo Municipal Code. The certificate shall also state that the owner has been ordered to structurally analyze the building and to alter it to comply with this Chapter. If the building is found not to be within the scope of this Chapter, or as a result of analysis and/or structural alterations is found to be capable of resisting minimum seismic forces required by this Chapter, the building official shall file with the office of the county recorder a certificate terminating the status of the subject building as being classified within the scope of this Chapter.

(e) Enforcement. If the owner of the subject building fails to comply with any order issued by the building official pursuant to this Chapter within any of the time limits set forth in Section A105.1 the building official may seek compliance through any means authorized by California statute or San Mateo Municipal Codes. (Ord. 1999-8 §5, 1999).

23.10.016 TIME LIMITS FOR COMPLIANCE.

Section A105.1 is amended by adding the following:

(a) Structural analysis and upgrade. The owner of each building within the scope of this chapter shall cause a structural analysis of the building to be made by a civil or structural engineer or architect licensed by the State of California. If the building does not meet the minimum earthquake standards specified in this Chapter, the owner shall cause it to be structurally altered to conform to such standards.

(b) Time limits. The owner of a building within the scope of this Chapter shall comply with the requirements set forth above by submitting the following to the building official for review within the stated time limits:

(1) Within one year after the service of the order, a structural analysis, which is subject to approval by the building official, and which shall demonstrate that the building meets the minimum requirements of this Chapter; or

(2) Within one year after the service of the order, a structural analysis and plans for the proposed structural alterations of the building necessary to comply with the minimum requirements of this chapter. After plans are submitted and approved by the building official, the owner shall obtain a building permit, commence and complete the required construction within four years from service of the order, for high-risk buildings, and within six years from service of the order for low-risk buildings. (Ord. 1999-8 §5, 1999

Section 5. Chapter 23.12 (Electrical Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.12: ELECTRICAL CODE

Sections:
23.12.010 Adoption

23.12.010 ADOPTION. (a) The code of rules and regulations known and designated as the California Electrical Code 2010 Edition (and the appendices printed therein), as published by the National Fire Protection Association as adopted and amended by the State of California, is adopted as and for the rules, regulations and standards within this city as to all matters contained except as hereinafter modified or amended.

(b) All electrical work in or on any building or other structure, pumping plant, exterior electrical wiring on private property, or similar installations within the city shall be in conformance with the requirements set forth in said California Electrical Code except as hereinafter modified or amended.

(c) The Administrative Code, Chapter 23.06, shall apply to this chapter.

(d) No section of the California Electrical Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council, or commission thereof with discretion to enforce the section, or not to enforce it.

(e) A copy of the California Electrical Code shall at all times be kept on file in the office of the city clerk. (Ord. 1999-8 § 6, 1999; Ord. 1992-12 § 3 (part), 1992; Ord. 1988-4 § 6, 1988; Ord. 1983-8 § 1, 1983; Ord. 1981-4 § 4, 1981; Ord. 1979-11 § 1, 1979; Ord. 1975-18 § 1, 1975; Ord. 1971-1 § 1 (part), 1971: prior code § 162.01).

Section 6. Chapter 23.16 (Plumbing Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.16: PLUMBING CODE

Sections:

23.16.010 Adoption.
23.16.020 Section 719.0 Amended--Cleanouts.

23.16.010 ADOPTION. (a) The code published by the International Association of Plumbing and Mechanical Officials entitled California Plumbing Code, 2010 Edition, including appendix B thereto, as adopted and amended by the State of California, are hereinafter called "plumbing code," and are adopted as the rules, regulations and standards within this city as to all matters therein contained except that:

(1) Sections 103.1.2 and subsections are not adopted. Instead, chapter 23.06 (Administrative Code) applies to this chapter.

(2) Certain sections of the plumbing code have heretofore been amended and may hereafter be amended. As amended, they are adopted;

(b) No section of the plumbing code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.

(c) One copy of the Plumbing Code shall at all times be kept on file in the office of the city clerk. (Ord. 1999-8 § 7, 1999; Ord. 1992-12 § 4 (part), 1992; Ord. 1990-1 § 3 (part), 1990; Ord. 1988-4 § 3, 1988; Ord. 1985-4 § 3 (part), 1985; Ord. 1981-4 § 9, 1981; Ord. 1977-19 § 2, 1977; Ord. 1975-11 § 1, 1975; Ord. 1971-25 § (part), 1971: prior code § 163.01).

23.16.020 SECTION 719.0 AMENDED--CLEANOUTS.

Section 719.0 is amended by adding Section 719.7 as follows:

719.7 Cleanout. Cleanouts shall be installed at the property line where the private sewer system connects to the publicly-maintained sanitary sewer lateral. All such line cleanouts shall be extended to grade with materials and according to specifications approved by the Director of Public Works, or his designee, and terminate within a concrete box. (Ord. 1999-8 § 7, 1999).

Section 7. Chapter 23.20 (Mechanical Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.20: MECHANICAL CODE

Sections:
23.20.010 Adoption.

23.20.010 ADOPTION. (a) The code by the International Code Council entitled California Mechanical Code, 2010 Edition, as adopted and amended by the State of California, hereinafter called "mechanical code," is adopted as the rules, regulations and standards within this city as to all matters contained therein, except as otherwise provided in this chapter.

EXCEPTIONS:

(1) Sections 112.2 through 112.2.5 are not adopted. Instead, Chapter 23.06 applies to this chapter;

(b) No section of the mechanical code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the City, and the appropriate officer, official, agent, employee, board, council or commission thereof with discretion to enforce the section or not enforce it.

(c) A copy of the mechanical code shall at all times be kept on file in the office of the city clerk. (Ord. 1999-8 § 8, 1999; Ord. 1992-12 § 5, 1992; Ord. 1990-1 § 4, 1990; Ord. 1988-4 § 4, 1988; Ord. 1985-4 § 4, 1985; Ord. 1981-4 § 15, 1981; Ord. 1977-19 § 3, 1977; Ord. 1975-12 § 1, 1975; Ord. 1971-25 § 3 (part), 1971; prior code § 164.01).

Section 8. Chapter 23.70 (Green Building Code) of the San Mateo Municipal code is hereby amended to read:

Chapter 23.70: GREEN BUILDING CODE

Sections:

23.70.010 Adoption.
23.70.110 Purpose
23.70.120 Applicability
23.70.130 Definition
23.70.140 Compliance Matrix
23.70.150 Administrative Procedures and Promulgation of Implementing Regulations
23.70.160 Hardship or Infeasibility Exemption

23.70.010 ADOPTION. (a) The code published by the International Code Council entitled California Green Building Code, 2010 Edition, adopted and amended by the State of California; California Green Building Code 2010 Section A4.203.1 – Tier 1 "Exceeding California Energy Code based on the 2008 energy standards requirements by 15%"; California Green Building Code 2010 Section A5.203.1.1 – Tier 1 "Energy Efficiency – 15% above Title 24 Part 6", are hereinafter called "Green Building Code," and are adopted as the rules, regulations and standards within this city as to all matters therein contained except as hereinafter modified or amended:

(1) The Administrative Code, Chapter 23.06, shall apply to this chapter for all actions related to Building permits;

(2) **Section 101.2 (Purpose)** is not adopted. Instead 23.70.110 (Purpose) applies to this chapter;

(3) **Section 101.3 (Scope)** is not adopted. Instead 23.70.120 (Applicability) applies to this chapter;

(4) **Section 303.1.1** is amended to read as follows:

The provisions of this code shall apply to the initial and all subsequent tenant or occupant improvements to a covered project;

(b) No section of the green building code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council or commission thereof. Instead,

if any section purports to impose a mandatory duty of enforcement, that section shall invest the city, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.

(c) One copy of the Green Building Code shall at all times be kept on file in the office of the city clerk.

23.70.110 SECTION 101.2 Amended – Purpose:

The purpose of this Chapter is to enhance the public welfare and assure that further commercial, residential and civic development is consistent with the City's desire to create a more sustainable community by incorporating green building measures into the design, construction and maintenance of buildings. The green building provisions referenced in this chapter are designed to achieve the following goals:

A. To conserve natural resources and reduce the emission of greenhouse gases;
B. To reduce the waste generated by construction projects;
C. To increase energy efficiency;
D. To provide durable buildings that are efficient and economical to own and operate; and
E. To promote the health and productivity of residents, workers, and visitors to the City.

23.70.120 SECTION 101.3 Added – Applicability:

As such, in addition to the California Green Building Code requirements, the requirements set forth in SMMC 23.70 apply to all "Covered Projects," as defined below, except that it shall not apply to any project for which a planning application has been deemed complete or a building permit application which was submitted prior to the effective date of this ordinance.

23.70.130 SECTION 202 Amended – Definitions:

As used in this chapter, certain words and terms shall be defined as follows:

A. **Applicant** means any entity that applies to the City for the applicable permits or approvals to undertake any covered project within the city.

B. **Build It Green** means the nonprofit organization that publishes the Residential Green Building Guidelines and the Residential Green Points Checklists, and any successor nonprofit entity that assumes responsibility for the programs and operations of Build It Green.

C. **Compliance Official** is the Community Development Department Director, or his designee, charged with the administration and enforcement of this code.

D. **Compliance Threshold** means the minimum number of points or rating level of a Green Building Rating System that must be attained for a particular Covered project, as described in the Compliance Matrix in Section 23.70.140.

E. **Covered Projects** means all private construction and development projects, unless otherwise exempt from these requirements by City Council resolution.

F. **Green Building** means a whole system approach to the design, construction, and operation of buildings that helps mitigate the environmental, economic and social impacts of buildings. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment.

G. **Green Building Project Checklist** means a checklist or scorecard developed by one of the accepted Green Building Rating Systems for the purpose of calculating a green building rating score.

H. **Green Building Rating System** means a system associated with specific green building criteria and used to determine the compliance thresholds. Examples of rating systems include, but are not limited to, the LEED and GPR systems.

I. **GPR** means Green Point Rated.

J. **LEED®** means Leadership in Energy and Environmental Design.

K. **Qualified Green Building Professional** means an individual who has been trained through the USGBC as a LEED accredited professional or through Build It Green as a certified green building professional or similar qualifications if acceptable to the Building Official.

L. **USGBC** means the United States Green Building Council.

23.70.140 Compliance Matrix

The City Council shall establish by resolution, and may periodically review and update as necessary, the Green Building Compliance Matrix. The Compliance Matrix shall include, but is not limited to, the following:

(a) The green building rating system to be applied to the various types of projects;

(b) Minimum thresholds of compliance for various types of projects

23.70.150 Procedures for Determining and Insuring Project Compliance

(a) The procedures for compliance documentation for any Covered Project shall be as follows:

(1) Planning Applications. Along with the submittal of an application for any required planning approval, including but not limited to, Site Plan Architecture Review (SPAR), Site Development Review, Planned Development Review, Conditional Use or Variance request, the applicant shall submit the appropriate completed Green Building Project Checklist, as required by the Compliance Matrix described in Section 23.70.140, and any supporting documentation. All documentation shall be provided by a Qualified Green Building Professional. If the Compliance Official determines that the application satisfies the requirements as described in the Compliance Matrix, the Compliance Official shall inform the decision maker on the planning application of this finding. No planning application may be approved, unless, in addition to all other applicable requirements, the Compliance Official has determined the project satisfies the requirements as described in the Compliance Matrix.

(2) Building Permit Review. Along with the submittal of an application for a building permit, building plans shall include the appropriate completed Green Building Project Checklist, as required by the Compliance Matrix described in Section 23.70.140. The Green Building Project Checklist shall be incorporated onto a separate plan sheet included with the building plans. All documentation shall be provided by a Qualified Green Building Professional. If the Compliance Official determines that the application satisfies the requirements as described in the Compliance Matrix, the Compliance Official shall inform the Building Official of this finding. No building permit application shall be approved, unless, in addition to all other applicable requirements, the Compliance Official has determined that the proposed construction satisfies the requirements as described in the Compliance Matrix.

(3) Project Compliance during Construction. If, as a result of any inspection, the City determines that the covered project does not comply with the approved plans, a stop work order shall be issued if the Compliance Officer determines continuation of construction activities will jeopardize the project's ability to meet the required compliance threshold. The stop work order shall remain in effect until the Compliance Official determines that the covered project will be brought into compliance with the approved plans.

(4) Final Determination of Compliance. Prior to the scheduling of a final building inspection, the applicant shall submit to the Compliance Official a completed Green Building Project Checklist demonstrating compliance

with the Compliance Matrix described in Section 23.70.140 and a letter from a Qualified Green Building Professional that verifies that the project has been constructed in accordance with the approved Green Building Project Checklist. The Compliance Official shall review the documentation submitted by the Qualified Green Building Professional, and determine whether the project has achieved the required Compliance Threshold as set forth in the Compliance Matrix described in Section 23.70.140. If the Compliance Official determines that the project has met the Compliance Threshold, the final building inspection may proceed, provided the project has received approval from all other inspections. If the Compliance Official determines that the project has not met the Compliance Threshold or if the Qualified Green Building Professional fails to submit the documentation required, then the project shall be determined to be non-compliant, and the final inspection for the project shall be withheld.

(b) The Compliance Official shall have the responsibility to administer and monitor compliance with the requirements set forth in this chapter and with any procedures promulgated there under and to grant exemptions from the requirements, where so authorized.

(c) Compliance with the provisions of this chapter shall be listed as a condition of approval on any planning application approval and on the building plans for building permit approval for any Covered Project.

23.70.160 Undue Hardship Exemption

(a) Exemption. If an applicant for a Covered Project believes that circumstances exist that make it an undue hardship to meet all of the requirements of this Chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show undue hardship.

(b) Application. If an applicant for a Covered Project believes such circumstances exist, the applicant may apply for an exemption at the time of the planning application and/or building permit submittal. The applicant shall indicate the maximum threshold of compliance he or she believes is feasible and the circumstances that he or she believes create an undue hardship to fully comply with this Chapter. For the purposes of this section, an undue hardship exists if:

(1) There is a lack of commercially available green building materials and technologies, or

(2) The green building compliance standards do not include enough green building measures that are compatible with the scope of the covered project; or

(3) The green building compliance standards conflict with other City goals, codes, or policies.

(c) Granting of Exemption. If the Compliance Official determines that it is an undue hardship for the applicant to fully meet the requirements of this chapter based on the information provided, the Compliance Official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. The decision of the Compliance Official shall be provided to the applicant in writing. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve, in accordance with this chapter, the threshold of compliance determined to be achievable by the Compliance Official.

(d) Denial of Exemption. If the Compliance Official determines compliance would not constitute an undue hardship, the request shall be denied and the Compliance Official shall so notify the applicant in writing.

(e) All decisions of the Compliance Official under this section shall be final.

Section 9. Chapter 23.09, "Occupancy Code" is hereby deleted from the from the San Mateo Municipal Code.

Section 10. PUBLICATION. This Ordinance shall be published once in the San Francisco Examiner and shall be effective 30 days after adoption or upon the filing with the California Building Standards Commission, whichever is later.

Section 11. The City Clerk shall send this Ordinance to the California Building Standards Commission.

ATTEST:

NORMA GOMEZ, CITY CLERK

JOHN LEE, MAYOR

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Ordinance No. 2010-16 introduced on November 1, 2010 and adopted on November 15, 2010 by the City Council of the City of San Mateo, California, at a regular meeting held on November 15, 2010, by the following vote of the Council:

AYES: Council Members LIM, MATTHEWS, ROSS and LEE

NOES: NONE

ABSENT: GROTTE

(SEAL) /s/ NORMA GOMEZ, City Clerk