



CONSENT CALENDAR

Agenda Item # 1

AGENDA REPORT SUMMARY

Meeting Date: December 10, 2019

Subject: Building, Construction, and Fire Code Amendments: Public Hearing and Adoption of second reading of Ordinance No. 2019-464

Prepared by: Kirk Ballard, Building Official

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment:

1. Ordinance No. 2019-464

Initiated by:

Staff

Fiscal Impact:

None Anticipated.

Environmental Review:

This ordinance is exempt from environmental review under Section 15061(b)(3) of the State of California Environmental Quality Act ("CEQA") Guidelines, because CEQA applies only to projects that have the potential for causing a significant effect on the environment, and it can be seen with certainty that the ordinance does not have a significant adverse effect on the environment.

Policy Question for Council Consideration:

- Will the proposed local amendments to the 2019 California Code of Regulations enhance and safeguard public health, safety, and general welfare in addition to providing safety to firefighters and emergency responders during emergency operations?

Summary:

- The State recently adopted the California Building Standards Code, 2019 edition, as provided in the California Code of Regulations, Title 24 and all jurisdictions are responsible for implementation and enforcement of these regulations.
- State law allows a local jurisdiction to modify or change these codes and establish more restrictive building standards if the local jurisdiction finds that the modifications and changes are reasonably necessary because of local, climatic, geological, or topographical conditions. This ordinance would adopt the statewide codes and local amendments that are intended to enhance and safeguard public health, safety and general welfare in addition to providing safety to firefighters and emergency responders during emergency operations.



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Staff Recommendation:

Conduct a Public Hearing and to consider second reading and final adoption of Ordinance No. 2019-464 to repeal and reenact the Building and Construction Code, Title 12 of the Municipal Code, adopting, by reference, the 2019 California Code of Regulations, Title 24, with added local amendments.

Purpose

Update the Building and Construction Code, Title 12 of the Municipal Code, and adopt the 2019 California Code of Regulations with added local amendments to align the City of Los Altos with the codes mandated by the State of California, which will keep the Los Altos Building Codes current with State Regulations.

Background

At its meeting of November 19, 2019 the City Council introduced and waived further reading of Ordinance 2019-464 and adopted the first reading of Ordinance 2019-464. Consideration of this ordinance was continued from the City Council meeting of October 22, 2019 to allow staff an opportunity to make some clarifications/corrections to the proposed ordinance, which have been incorporated into the draft ordinance attached with this agenda report.

The 2019 California Building Standards Code, contained in the California Code of Regulations, Title 24, are State mandated construction codes and since 1953 have been required to be updated on a triennial cycle. These codes establish minimum building standards to protect the public welfare and provide uniformity in building laws. In order to incorporate the updated version of the California Building Standards Code into the Municipal Code, the Council must adopt an ordinance revising the appropriate chapters of the Municipal Code. The City of Los Altos has continued to adopt the most recent editions of the California Building Standards Code along with appropriate amendments to reflect community standards and stay current with State Law.

Discussion/Analysis

The California Building Standards Commission has published the 2019 California Building Standards Code, contained in the California Code of Regulations, Title 24. California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions. The 2019 California Building Standards Code includes the: California Administration Code, California Building Code (2 volumes), California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Code, California Fire Code, California Existing Building Code (regulates



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existing buildings), California Green Building Standards Code and the California Referenced Standards Code.

The 2019 California Building Standards Code establishes construction standards to protect the public welfare and provide uniformity in building laws. State law requires updating the Building Codes every three years. The updated 2019 Building Codes go into effect automatically January 1, 2020 regardless of the City taking any action or not. However, an ordinance must be adopted in order to incorporate the City's local amendments and the Santa Clara County Fire Department amendments into the Building Codes. Staff is recommending that the City Council adopt the updated California Building Standards Code including previously adopted City amendments.

Below are examples of the substantive local amendments previously adopted:

- All new residential and commercial structures are required to install fire sprinklers. Staff recommends expanding this requirement to include residential and commercial additions exceeding seven hundred and fifty (750) square feet of floor area for residential and commercial buildings. Staff also proposes deleting the definition and sprinkler requirements related to "Tear Downs", which eliminate confusion and thresholds for fire sprinkler requirements. These place our fire sprinkler ordinance in-line with surrounding jurisdictions.
- Added section: "Correction of Violations" to the California Building Code and California Residential Code for expired work and work commenced prior to permit issuance.
- Construction projects commenced without building permits are required to pay additional fees. In addition, these projects inherently do not follow time constraints imposed in order to bring the project into compliance. A one-year final completion time-frame has been added under this section "Corrections and Violations" so that these projects continue in a timely fashion towards completion.
- Earthquake-actuated gas shutoff valves certified by the State Architect shall be installed in all new buildings and when reinstalling or relocating gas meters. This will greatly reduce the potential for explosions and fires due to catastrophic seismic events. These requirements are in the City's current Buildings and Construction Ordinance.

The City of Los Altos contracts with the Santa Clara County Fire Department to enforce the Fire Codes. The Santa Clara County Fire Department has provided their 2019 Fire Code modifications that include a variety of amendments that reflect the local rules they administer amongst the eight jurisdictions they provide fire services to. Including these local amendments to the fire code provide a consistency of fire regulations throughout the eight jurisdictions the Santa Clara County Fire



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Department serves. Some local amendment highlights to the Fire Code include language that provides for:

- Administration and Scope of Permits for Uses and Certain Materials
- Penalties in Accordance with the Los Altos Municipal Code
- Storage and Handling of Lithium Batteries

- Protection of Firefighters from Hazards
- Rules for Additive Manufacturing (3D Printing)
- Fire Apparatus Access Roads
- Access to Buildings and Roofs
- Fire Protection and Safety Systems, along with Sprinkler Systems

These amendments to the Fire Code are found at Section 12.24.080 in the attached draft ordinance.

One final highlight of these proposed amendments is a modification to Section 12.68.020, Underground Utilities, of the Municipal Code. This section clarifies that the removal of roof framing with their associated exterior walls while carrying out a remodel or addition to an existing structure will result in the need to underground utilities. The following underlined language reflects the changes to Section 12.68.020:

It is the intent of the city to ensure that all new utility services and relocated existing utility services are placed underground, including additions exceeding fifty (50) percent of floor area and/or seven hundred fifty (750) square feet or more, excluding basements. For the purpose of this section, removal of roof framing with associated exterior walls down to, or below the subfloor/slab shall be included in the above calculations. Therefore, the following shall apply:

In addition, the City of Los Altos Environmental Commission has finalized a recommendation on a proposal being brought forward by the Silicon Valley Clean Energy (SVCE) organization. This proposal is referred to as the “Reach Codes”. Adopting these proposed Reach Codes involves amending the 2019 California Energy and Green Building Standards Codes and adopting, by ordinance, measures that require a greater level of new electric vehicle charging infrastructures, provisions for requiring all-electric buildings (building electrification) and removing natural gas for multiple reasons, including health, safety economics and environmental benefits.

This proposal by the Environmental Committee requires a separate local ordinance to be considered by the Los Altos City Council. If adopted the “Reach Codes” will amend the electrical and green building codes previously that are an element of this ordinance.



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Options

- 1) Adopt the 2019 California Building Standards Code with recommended local amendments.

Advantages: Will enhance and safeguard public health, safety, general welfare and provide safety to local firefighters and emergency responders during emergency operations.

Disadvantages: None

- 2) Adopt the 2019 California Code of Regulations without recommended local amendments.

Advantages: None

Disadvantages: Will not provide the same level of enhanced safety and general welfare for the public.

Recommendation

The staff recommends Option 1.