

ORDINANCE 2020-###

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING CHAPTER 15.04 OF THE SAN PABLO MUNICIPAL CODE BY ADOPTING BY REFERENCE THE 2019 CALIFORNIA ADMINISTRATIVE CODE, 2019 CALIFORNIA BUILDING CODE VOLUMES 1 AND 2, 2019 CALIFORNIA RESIDENTIAL CODE, 2019 CALIFORNIA ELECTRICAL CODE, 2019 CALIFORNIA MECHANICAL CODE, 2019 CALIFORNIA PLUMBING CODE, 2019 CALIFORNIA ENERGY CODE, 2019 CALIFORNIA HISTORICAL BUILDING CODE, 2019 CALIFORNIA FIRE CODE WITH AMENDMENTS ADOPTED BY THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT, 2019 CALIFORNIA EXISTING BUILDING CODE, 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 CALIFORNIA REFERENCED STANDARDS CODE.

The City Council of the City of San Pablo does ordain as follows:

Section 1. Chapter 15.04, Uniform Construction Codes, of Title 15 of the San Pablo Municipal Code is amended in its entirety to read as follows:

15.04.010 California Building Code adoption by reference.

The California Code, 2019 Edition, including all volumes and appendices listed below, shall be the building code for the city and said code together with the adopted appendices shall regulate and govern the conditions and maintenance of all property, buildings and structures within the city by providing the standards for supplied utilities and facilities and other physical things and condition essential to ensure that structures are safe, sanitary and fit for occupation and use and providing for the condemnation and demolition of buildings and structures that are unfit for human occupancy and use, and the issuance of permits and collection of permit fees. These codes are all located in the California Code of Regulations, Title 24. A copy of the California Codes is on file in the building division for use and examination by the public.

A. The California Code of Regulations, Title 24, 2019 Edition, published by the International Code Council, International Association of Plumbing and Mechanical Officials, and BNi Building News, including all Appendices, is adopted by reference, including:

- Part 1 California Administrative Code
- Part 2 California Building Code – Volumes 1 and 2
- Part 2.5 California Residential Code
- Part 3 California Electrical Code
- Part 4 California Mechanical Code
- Part 5 California Plumbing Code
- Part 6 California Energy Code
- Part 8 Historic Building Code
- Part 9 California Fire Code, as amended by Contra Costa County Fire Protection District per Fire District Ordinance No. 2019-37 (adopted December 17, 2019)

- Part 10 California Existing Building Code
- Part 11 California Green Building Standards Code
- Part 12 California Referenced Standards Code

15.04.020 Other Codes Adoption by Reference. [Reserved]

15.04.030 Permit fees. Permit fees are established by City Council resolution, as authorized by Chapter 1, Section 109 of the California Building Code.

15.04.040 Violation and Penalty. Any person, firm or corporation violating any of the provisions of this chapter, or any of the provisions of the codes adopted by reference by this chapter, shall be guilty of a misdemeanor. The arresting officer or prosecutor may elect to charge an offense that constitutes a misdemeanor as an infraction if the officer or prosecutor identifies mitigating circumstances to justify such a reduced charge. Such mitigating circumstances may include, but are not limited to, a less serious impact on the public or a victim, lack of comprehension by the violator, or prompt correction of the violation. The reasons for the reduced charge shall be indicated on the citation or report filed with the city attorney. The court may also reduce the charge to an infraction upon a finding of mitigating circumstances or as a condition of probation and sentencing.

15.04.050 Withholding of Permit. The city building official may, in his or her sound discretion, withhold the issuance or reinstatement of a permit under this chapter for any structure on a parcel of land concerning either or both of which there exists any violation of law or regulation, including, but not limited to, building, grading, zoning, fire protection and safety, health, sanitation and/or flood control, relating to or affecting that permit. In determining whether a permit shall be issued, he or she shall also consider whether the existing violation constitutes an unlawful occupancy or a hazard to life or property. He or she may require correction of a violation before issuing a permit, or as a condition of issuance within a stated period of time including any extensions granted for good cause shown. Failure to comply with such condition is a ground for revocation as provided by law.

Section 2. Modifications in the code requirements. The City Council recognizes that Health and Safety Code Sections 17958.5 and 17958.7 authorize the city to make such changes or modifications in the requirements contained in the codes adopted by reference in Section 1 of this ordinance as the Council determines are necessary because of local conditions. In accordance with Health and Safety Code Section 17958.7, the City Council expressly finds and determines that any changes and modifications made in the codes adopted by reference in Section 1 are necessary because of local climatic geological or topographical conditions. The only local amendments are those adopted by the Contra Costa County Fire Protection District, because of the following local climatic, geological and topographical conditions:

A. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush, and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks, and embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 114° F. Average summer highs are in the 90° range, with average maximums of 105° F.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building and wildland fires. Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass, and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more Fire District resources in order to

control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire District.

3. Winds

(a) Conditions

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do cause fires, both interior and exterior, to burn and spread rapidly. Fires involving non-irrigated weeds, grass, and brush can grow to a magnitude and be fanned to intensity beyond the control capabilities of the Fire District very quickly even by relatively moderate winds. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. When such fires are not controlled, they can extend to nearby buildings, particularly those with untreated wood shakes or shingles. In building fires, winds can literally force fires back into the building and can create a blow torch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts. Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by the Fire District on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor towards causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas or lacking automatic fire protection systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

B. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Risk Zone 4, which is the worst earthquake area in the United States. Buildings and other structures in Zone 4 can experience major seismic damage. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area. The fire environment of a community is primarily a combination of two factors: the area's physical geologic characteristics and a historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area's fire protection needs. The Fire District has 3 distinct areas. They are: the West, which includes the City of San Pablo and the communities of North Richmond, El Sobrante, and East Richmond Heights; the Central, which includes the Cities of Lafayette, Martinez, Pleasant Hill, Concord, Walnut Creek, Clayton, and the communities of Clyde, Pacheco, Alhambra Valley, and Alamo; and the East, which includes the Cities of Antioch and Pittsburg and the community of Bay Point. Because of the size of the Contra Costa County Fire Protection District (304 Square miles), the characteristics of the fire environment changes from one location to the next. Therefore, the District has not one, but a number of fire environments, each of which has its individual fire protection needs from two major oil refineries, to heavy industrial facilities, freeways, rail lines, waterways, port facilities, wildland areas, urban and suburban town settings, and major downtown areas. Interstates 80 and 680, State Highways 4, 24, and 242, Bay Area Rapid Transit District (BART), and major thoroughfares travel throughout the District. There are 2 major rail lines which run through the District. An overpass or underpass crossing collapse would alter the response route and time for responding emergency equipment. This is due to the limited crossings of the major highways and rail lines. Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities, which, in turn, cause power failures while at the same time starting fires throughout the Fire District. The occurrence of multiple fires will quickly deplete existing fire district resources; thereby reducing and/or delaying their response to any given fire. Additionally, without electrical power, elevators, smoke management systems, lighting systems, alarm systems, and other electrical equipment urgently needed for building evacuation and fire control in large buildings without emergency generator systems would be inoperative, thereby resulting in loss of life and/or major fire losses in such buildings.

(b) Impact

A major earthquake could severely restrict the response of the Fire District

and its capability to control fires involving buildings of wood frame construction, with ordinary wood shake and shingle exteriors, or with large interior areas not provided with automatic smoke and fire control systems.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy. Throughout the Fire District, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. Many of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as down trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be practically impassable.

3. Topographic

(a) Conditions

(i) Vegetation

The service area of the Contra Costa County Fire Protection District has a varied topography and vegetative cover. A conglomeration of flat lands, hills, and ridges make up the terrain. Development has occurred on the flat lands in the District and in the past 15 years development has spread into the hills, valleys, and ridge lands of the District. Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout the Fire District, especially in those fully developed areas and those areas marked for future development.

(ii) Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit efficient response routes for Fire District resources into and through many areas.

(iii) Buildings, Landscaping and Terrain

Many of the “newer” large buildings and building complexes have access

and landscaping features or designs which preclude, or greatly limit, efficient approach or operational access to them by Fire District vehicles. In addition, the presence of security gates, roads of inadequate width and grades which are too steep for Fire District vehicles create an adverse impact on fire suppression efforts. When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires additional fire personnel and resources to successfully and safely mitigate the event. Access problems often result in severely delaying, misdirecting, or making fire and smoke control efforts unsuccessful.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the Contra Costa County Fire Protection District. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public Safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires.

Other variables may intensify the situation:

1. The extent of damage to the water system.
2. The extent of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic conditions (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingles coverings could result in conflagrations.

Any modifications reflected in the above Section 1 of this ordinance are continuations of modifications previously adopted by the city.

Section 3. Environmental Review. The purpose of the City's adoption of the 2019 California Codes of Regulations, Title 24 is to provide minimum standards to safeguard life, limb, health, property, and public welfare for all types of construction. Adoption of these codes will not have the effect of deleting or substantially changing any regulatory standards or required findings, because it can be determined with certainty that the adoption of codes has no potential for causing a significant effect on the environment, the codes and amendments are exempt from the provisions of the California Environmental Quality Act

("CEQA") pursuant to CEQA Guidelines section 15061(b)(3). In addition, adoption of these codes is exempt from review under CEQA Guidelines section 15308 because the project is an action being taken by a regulatory agency where the process involves procedures for the protection of the environment and that does not have the potential to cause significant effects on the environment.

Section 4. Severability. If any sections, subsections, sentences, clauses, phrases, or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

Section 5. Effective Date; Publication. This ordinance shall become effective thirty (30) days following its adoption. The City Clerk's Office shall publish and post the ordinance in accordance with California Government Code section 36933.

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First read at a regular meeting of the City Council of the City of San Pablo on January 21, 2020, and finally passed and adopted at a regular meeting of said City Council held on February 3, 2020, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

Patricia Ponce, City Clerk

Arturo M. Cruz, Mayor