



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: November 6, 2007

Staff Report #: 07-188

Agenda Item #: D3

CONSENT CALENDAR: Waiver of the Reading and Adoption of an Ordinance Adopting the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electric Code, and Local Amendments to Those Codes.

RECOMMENDATION

Staff recommends that the City Council waive the full reading of and adopt an ordinance adopting the updated California Building Standards Code comprised of the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electric Code, and local amendments to those codes.

BACKGROUND

The State has adopted an updated Building Standards Code, to be effective beginning January 1, 2008. All local jurisdictions are required to enforce the newly adopted Code. For consistency with the State action, staff is proposing the adoption of the State Code with several local amendments to address local geological conditions.

The Council reviewed the proposal at its October 30, 2007 meeting. Following completion of the public hearing on the proposal, the Council acted unanimously to introduce an ordinance adopting the updated State Code, and local amendments to that Code.

ANALYSIS

Staff has prepared the final version of the ordinance adopting the updated California Building Standards Code for use in Menlo Park (Attachment A). If the Council takes action to adopt the ordinance, the action will become effective on January 1, 2008, consistent with the effective date of the updated State Code.

IMPACT ON CITY RESOURCES

The adoption of the updated California Building Standards Code and proposed local amendments will not result in any direct costs to the City.

POLICY ISSUES

The adoption of the updated California Building Standards Code and proposed local amendments do not represent a change in City policy, although they would introduce more stringent seismic codes for tall buildings and minor changes for other building types.

ENVIRONMENTAL REVIEW

The adoption of the proposed ordinance is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA).

Ron La France
Building Official
Report Author

Arlinda Heineck
Community Development Director

PUBLIC NOTIFICATION

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS

- A. Ordinance No. ___ amending Title 12 (Buildings and Construction) of the Menlo Park Municipal Code to adopt an updated California Building Code, California Mechanical Code, California Plumbing Code, California Electric Code, and Local Amendments Thereto

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING TITLE 12 [BUILDINGS AND CONSTRUCTION] OF THE MENLO PARK MUNICIPAL CODE TO ADOPT AN UPDATED CALIFORNIA BUILDING CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ELECTRIC CODE, AND AMENDMENTS THERETO

WHEREAS, the City of Menlo Park ("City") wishes to adopt a building code in accordance with law and to use the most updated regulations in the processing of development in the City; and

WHEREAS, because of the City's unique local geologic and topographic conditions, the City desires to make amendments and additions to the Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK DOES **ORDAIN** AS FOLLOWS:

SECTION 1: FINDINGS AND DETERMINATIONS. The following local geologic and topographic conditions justify modifications to California Building Standards Code.

a. Geologic: The City is located in Seismic Risk Zone 4, which is the most severe earthquake zone in the United States. The area includes various soils and areas with significant movement potential. Buildings and other structures in Zone 4 can experience major seismic damage. Lack of adequate building designs and detailing as well as the lack of flexible materials and/or building systems have been contributing factors to damage that reduces the life-safety of building occupants and increases the cost of the rehabilitation of structures.

b. Topographic: Areas of highly combustible dry grasses, weeds, brush and trees adjacent to structures are common throughout the City. Above ground electrical power transmission lines are suspended through trees and above large areas of dry vegetation. The arrangement of man-made features around many buildings greatly limit any approach to all but one side of a building.

SECTION 2: AMENDMENT OF CODE. Section 12.04.010 [Municipal Building Code] of Chapter 12.04 [Adoption of Codes] of Title 12 [Buildings and Construction] of the Menlo Park Municipal Code is amended to read as follows:

12.04.010. Municipal building code. The following codes are hereby adopted and by reference are incorporated herein as if set forth in full: the International Building Code 2006 Edition, published by the International Conference of Building Officials, together with those omissions, amendments, exceptions and additions thereto as

amended in Title 24 of the California Building Standards Code (“California Building Code”); the Uniform Mechanical Code 2006 Edition, published by the International Association of Plumbing and Mechanical Officials together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Building Standards Code (“California Mechanical Code”); the Uniform Plumbing Code 2006 Edition, including the Installation Standards thereto, published by the International Association of Plumbing and Mechanical Officials together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Building Standards Code (“California Plumbing Code”); and the National Electrical Code 2005 Edition published by the National Fire Protection Association together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Building Standards Code (“California Electrical Code”). A copy of each code is on file in the office of the City Clerk. The provisions of this title, including said codes and amendments thereto, shall be known as the building code of the City.

SECTION 3: AMENDMENT OF CODE. Chapter 12.05 of Title 12 [Buildings and Construction] is hereby amended to read as follows:

**Chapter 12.05
CALIFORNIA BUILDING CODE AMENDMENTS**

Sections:

- 12.05.010 Section 105.2 of Appendix Chapter 1 amended.
- 12.05.020 Section 1614A.1.7 amended.
- 12.05.030 Section 1614A.1.32 added.

12.05.010 Section 105.2 of Appendix Chapter 1 amended.

Section 105.2 of Appendix Chapter 1 of the California Building Code is amended as follows:

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other law or ordinance of the City of Menlo Park. Permits will not be required for the following:

Building:

1. Detached accessory buildings used as tool and storage or garden sheds or similar uses, provided the height does not exceed six feet and the projected roof area does not exceed 50 square feet.
2. Fences not over seven feet high.
3. Oil Derricks.
4. Retaining walls which are not over two feet high measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III liquids.

5. Detached free-standing water tanks supported directly on a concrete foundation at grade if the capacity does not exceed 500 gallons and the height above grade does not exceed six feet and the height to width ratio does not exceed two to one.
6. Platforms, walks, and driveways not more than 12 inches above grade and not over any basement or story below.
7. Painting, papering, carpeting, and similar finish work.
8. Temporary television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R Division 3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings not exceeding 120 square feet as measured at the supports or nine feet in height as measured from existing natural grade to the top of the highest structural member, guard rail, or appendage.
12. Window awnings supported by an exterior wall of Group R Division 3 occupancy when projecting not more than 36 inches.
13. Non-fixed and moveable fixtures, cases, racks, counters, and partitions not over five feet, nine inches in height.

Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work done in a manner in violation of the provisions of these codes or any laws or ordinances of the City of Menlo Park.

12.05.020 Section 1614A.1.7 amended.

Section 1614A.1.7 ASCE 7, Section 12.8.1.1 of the California Building Code is amended by amending Equation 12.8-5 as follows:

$$C_s = \cancel{0.04} 0.044 \text{ SDS } I \geq 0.01 \text{ (Eq. 12.8-5)}$$

12.05.030 Section 1614A.1.32 added.

1614A.1.32. ASCE 7 Section 12.12.3. Replace ASCE 7 Section 12.12.3 as follows:

12.12.3 Minimum Building Separation. All structures shall be separated from adjoining structures. Separations shall allow for the maximum inelastic response displacement (Δ_M). Δ_M shall be determined at critical locations with consideration for both translational and torsional displacements of the structure as follows:

$$\Delta = M d \max C \delta \text{ (Equation 16-45)}$$

where δ_{max} is the calculated maximum displacement at Level x as define in ASCE 7

Section 12.8.4.3.

Adjacent buildings on the same property shall be separated by at least a distance Δ_{MT} ,

where

$$\Delta = \Delta_1 + \Delta_2$$

M_1

M_2

$\Delta_{MT} = M_1 \Delta_1 + M_2 \Delta_2$ (Equation 16-46)

and Δ_{M1} and Δ_{M2} are the maximum inelastic response displacements of the adjacent buildings. Where a structure adjoins a property line not common to a public way, the structure shall also be set back from the property line by at least the displacement, Δ_M , of that structure.

Exception: Smaller separations or property line setbacks shall be permitted when justified by rational analyses.

SECTION 4: AMENDMENT OF CODE. Chapter 12.06 of Title 12 [Buildings and Construction] is hereby is amended to read as follows:

**Chapter 12.06
CALIFORNIA MECHANICAL CODE AMENDMENTS**

(Reserved)

SECTION 5: DELETION OF CODE. Chapter 12.07 [Uniform Housing Code (UHC) Amendments] of Title 12 [Buildings and Construction] is hereby deleted.

SECTION 6: AMENDMENT OF CODE. Chapter 12.08 of Title 12 [Buildings and Construction] is hereby amended to read as follows:

**Chapter 12.08
CALIFORNIA PLUMBING CODE AMENDMENTS**

(Reserved)

SECTION 7. AMENDMENT OF CODE. Chapter 12.09 of Title 12 [Buildings and Construction] is hereby amended to read as follows:

**Chapter 12.09
CALIFORNIA ELECTRICAL CODE AMENDMENTS**

(Reserved)

SECTION 8: EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that it is not a project that has the potential for causing a significant effect on the environment.

SECTION 9: SEVERABILITY. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 10: EFFECTIVE DATE. This ordinance shall become effective January 1, 2008.

SECTION 11: POSTING. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the 30th day of October, 2007.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the ____ day of _____, 2007, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Kelly J. Fergusson
Mayor

ATTEST:

Sylvia M. Vonderlinden
City Clerk