



Item No. 9 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: MIKE GREENLEE, BUILDING OFFICIAL

DATE: NOVEMBER 20, 2019

**SUBJECT: ADOPTION OF AN ORDINANCE TO AMEND TITLE 15 OF THE
ATHERTON MUNICIPAL CODE ADOPTING BY REFERENCE THE
2019 CALIFORNIA BUILDING STANDARDS CODE, RETAINING
EXISTING MODIFICATIONS**

RECOMMENDATION

Adopt Ordinance 638 amending Title 15 of the Atherton Municipal Code and direct the Building Official to file the amendments with State of California as required by law.

BACKGROUND/ANALYSIS

Utilizing nine-point criteria as provided for in state statute, the California Building Standards Commission (CBSC), through a public hearing process, considers amendments and revisions to the Model Codes from State Regulatory Agencies every three years. Upon CBSC approval, the amended Model Codes are published, and become a part of Title 24 of the California Code of Regulations which are in effect 180 days after publication.

The 2019 California Building Standards Codes that will take effect throughout California on January 1, 2020 (Health and Safety Code (HSC) Section 18938). The Codes specified in the California Code of Regulations, are mandated by the State of California and the Building Official is required to administer and enforce those codes.

The amending of certain portions of Title 15 of the Town of Atherton Municipal Code is necessary to maintain consistency among the new building codes, procedures and terminology and the Town's existing regulations.

Provisions within California statute (HSC Sections 17958.7 and 18941.5 (b)) allow local agencies the authority to establish more restrictive building standards when reasonably necessary because of local climatic, geologic, or topographical conditions but not the authority to reduce the minimum standards established by the California Code of Regulations.

The City Council opted to ratify the Menlo Park Fire Protection District Ordinance at the October 16, 2019 City Council Meeting with the exception of Section 101.6 of the Bureau of Fire Prevention and Life Safety Standards and Guidelines Manual.

Adoption of Title 15 and Ratification of Fire Regulations

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The more restrictive modifications and findings carry forward the current more restrictive fire sprinkler requirements were adopted by the Menlo Park Fire District, which provides fire protection to Atherton and neighboring communities. The specific factors that require and bring forward the more extensive requirements for the installation of fire sprinklers were identified with findings by the Board of the Menlo Park Fire Protection District. Similar findings are set forth in Section 1 of the attached Ordinance.

Adoption

Government Code Section 50022.2 and Health and Safety Code section 17922 requires that local agencies adopt the Building Codes. Because Staff is also recommending re-adopting an administrative appendix by reference and a more restrictive modification to the code by ratifying the Menlo Park Fire Regulations the adopting procedure outlined in Government Code Section 50022.3 should be followed.

Copies of the codes are available at the Town’s Permit Center offices during regular hours.

FISCAL IMPACT

None

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ___ has or X has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- PMC & Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)

ATTACHMENTS

1. Ordinance 638 Amending Title 15 of the Atherton Municipal Code

ORDINANCE _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON AMENDING CHAPTERS 15.02 15.04. 15.08, 15.12, 15.16, 15.18,
15.19, 15.20, 15.22 AND 15.44 IN ORDER TO ADOPT BY REFERENCE THE
2019 CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE
BUILDING, RESIDENTIAL, ELECTRICAL, PLUMBING, MECHANICAL,
ENERGY, HISTORICAL BUILDING, FIRE (BY RATIFICATION), GREEN
AND EXISTING BUILDING CODES AND CHAPTER 1 DIVISION II OF
THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE AS THE
ATHERTON ADMINISTRATIVE CODE**

WHEREAS, the California Building Standards Code (CBSC), also known as Title 24 of the California Code of Regulations (CCR), is updated by the California Building Standards Commission from time to time based upon published model codes specified in the California Health and Safety Code; and

WHEREAS, the 2019 CBSC and modifications will take effect on January 1, 2020;
and

WHEREAS, local jurisdictions responsible for enforcement of the California Buildings Standards Code must enact local administrative regulations and amendments in order to implement the California Building Standards Code; and

WHEREAS, the City Council wishes to ratify the adoption by Menlo Park Fire Protection District of the new Fire Code with local modification regarding the installation of automatic fire suppression systems and other fire safety enhancements as allowed by the Sections 13869 and 17958 of the California Health and Safety Code;

**NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES
ORDAIN AS FOLLOWS:**

Section 1. Findings

The City Council finds and determines that:

A. A duly noticed hearing before the City Council was held on October 16, 2019. Copies of the codes to be adopted are on file and available for inspection.

B. The adoption of these codes is exempt from the California Environmental Quality Act under Section 15061(b)(3) of Title 14 of the California Code of Regulations because it will not have a significant effect on the environment.

C. This ordinance is adopted pursuant to Health and Safety Code Section 17958.5 and 17922.1 and Government Code Sections 50022.2 and 50022.3

Ordinance No. _____

D. Greater than normal vulnerability to seismic events and to fire requires the modification of the State Building Standards Code for the protection of the public health, safety and welfare due to local climatic, geologic or topographical conditions as follows:

1. Climate

The Town, on average, experiences an annual rainfall of 19.7 inches. This rainfall can be expected between October and April of each year. However, during the summer months there is little, if any measurable precipitation. During this dry period the temperatures are usually between 70 – 95 F degrees with light to gusty westerly winds. These drying winds, combined with the natural and imported vegetation, which is dominant throughout the area, create a hazardous fuel condition that can cause extensive encroaching into these wooded and grass covered areas where wind-driven fires can have severe consequences. Because of variable weather patterns, normal rainfall cannot always be relied upon. This can result in water rationing and water allocation programs, as demonstrated in past drought patterns. Water shortages may also be expected in the future due to limited water storage capabilities and increased consumption.

2. Geology

The Town is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zones. The location makes older structures particularly vulnerable to damage and caused by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the District sits between two active earthquake faults (San Andreas and the Hayward/Calaveras), and numerous potentially active faults. A majority of the Town’s land surface is in the high-to-moderate seismic hazard zones. Bedrock lies beneath the area at depths generally 300 feet or more. The predominant soils patterns increase adverse effects on structures from major seismic events. A significant portion of the Town’s residential and commercial structures are located in seismic risk zones. Fires following an earthquake have the potential of causing greater loss of life and damage than the earthquake itself.

3. Topography.

The Town’s topography does not lend itself to a systematic street and road layout which would promote easy traffic flow, especially during emergencies. The Town is divided by a major state highway (El Camino Real) and a railroad track. It includes hilly areas and heavily wooded areas with winding roads and numerous cul de sac streets. These conditions are likely to adversely affect response times of emergency personnel during periods of heavy traffic or conditions of major emergencies. The Town’s location on the San Francisco Peninsula, where there is a strong north-south commute pattern between a number of cities and towns on limited transportation corridors, results in very congested roads during peak commute hours. This creates barriers that increase the response time of fire equipment and other emergency services.

4. Built in Automatic Fire Suppression Systems

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The increased risk to persons and property from fire makes it necessary to require the installation of built-in automatic fire protection systems that provide early detection and initial control until the arrival of emergency resources. During large scale disasters, such as seismic events, these fire protection systems reduce the hazard of the spread of multiple fires to adjacent properties.

Section 2. Section 15.02.010 of the Atherton Municipal Code is hereby amended to read as follows:

Section 15.02.010 Adoption of the Administrative Code, 2019 Edition

That certain document, one printed copy of which is on file with the building official of the town, being marked and designated as Chapter 1 of Division II of the 2019 Edition of the *California Building Code* as published by the International Code Council is adopted and incorporated by reference and made a part of this chapter as if fully set out in this chapter, subject to amendments, deletions and additions to it as provided in this chapter. A copy of the 2019 California Building Code printed in code book form shall be kept on file in the office of the City Clerk.

Section 3. Section 15.04.10 of the Atherton Municipal Code is hereby amended to read as follows:

15.04.010 Adopted.

That a certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the 2019 California Building Code, Volumes 1 and 2 (Title 24, Part 2), and the 2019 California Residential Code (Title 24, Part 2.5) with Appendix Chapters G (Swimming Pools and Hot Tubs), H (Patio Covers) & J (Existing Buildings) as published by the International Code Council and adopted by the California Building Standards Commission as Title 24 California Code of Regulations, is adopted as the Building Code of the Town for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the Town; control of excavation and grading; providing for the issuance of permits and collection of fees; providing penalties for violation of such code; and each and all of the regulations, provisions, penalties of such 2019 California Building Code, and the 2019 California Residential Code and are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

Section 4. Section 15.08.010 of the Atherton Municipal Code is hereby amended to read as follows:

15.08.010 Adoption of the California Electrical Code, 2019 Edition

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2019 California Electrical Code," California Code of Regulations, Title 24, Part 3, is adopted as the Electrical Code of the Town for the purpose of providing for the issuance of permits for the installation or alteration of electrical systems, and the collection of fees for the same, defining certain terms, establishing minimum regulations for the installation or alterations or additions or repairs of electrical systems and the inspection thereof,

providing penalties for its violation; and each and all of the regulations , provisions, penalties, conditions and terms of such 2019 California Electrical Code, are referred to, adopted and made part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

Section 5. Section 15.12.010 of the Atherton Municipal Code is hereby amended to read as follows:

15.12.010 Adoption of the California Plumbing Code, 2019 Edition

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2019 California Plumbing Code," including Appendix Chapters as published by the International Association of Plumbing and Mechanical officials, and adopted by the California Building Standards Commission as Title 24, California Code of Regulations, Part 5, is adopted as the Plumbing Code of the Town, requiring a permit for the installation or alteration of plumbing and drainage systems; defining certain terms; establishing minimum regulations for the installation or alteration or addition or repairs of plumbing and drainage systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations, provisions, penalties, conditions and terms of the 2019 California Plumbing Code are referred to, adopted and made a part of this chapter, as if fully set out in this chapter, subject to the amendments, deletions, and additions thereto, as provided in this chapter.

Section 6. Chapter 15.16.010 of the Atherton Municipal Code is hereby amended to read as follows

15.16.010 Adoption of the California Mechanical Code, 2019 edition

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2019 California Mechanical Code," including Appendix Chapters, as published by the International Association of Plumbing and Mechanical officials, and adopted by the California Building Standards Commission as Title 24, Part 4, California Code of Regulations, is adopted as the Mechanical Code of the Town in order to provide complete requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems; and each and all of the regulations, provisions, and penalties of such 2019 California Mechanical Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

Section 7. Chapter 15.18.010 of the Atherton Municipal Code is hereby amended to read as follows:**15.18.010**

Adoption of the California Energy Code, 2019 edition

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2019 California Energy Code", including Appendix Chapter 1-A, as published by the California Building Standards Commission and identified as California Code of Regulations Title 24, Part 6, is adopted as the Energy Code for the Town regulating energy efficiency and conservation for all buildings and structures and each and all of the regulations, provisions, and penalties of such 2019 California Energy Code, are referred to,

adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

Section 8. Chapter 15.19.010 of the Atherton Municipal Code is hereby amended to read as follows:

15.19.010 Adoption of the California Green Building Code, 2019 edition

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the “2019 California Green Building Standards Code or CalGreen”, as published by the California Building Standards Commission and identified as California Code of Regulations, Title 24, Part 11, is adopted as the Green Building Code for the Town regulating improving public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact for all buildings and structures and each and all of the regulations, provisions, and penalties of such 2019 California Green Building Standards Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

Section 9. Chapter 15.20.010 of the Atherton Municipal Code is hereby amended to read as follows:

15.20.010 Adoption of the California Historical Building Code, 2019 edition

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the 2019 California Historical Buildings Code, as published by the International Code Council, and adopted by the California Building Standards Commission as California Code of Regulations Title 24, Part 8, regulating construction in an effort to preserve the character and nature of Historical Buildings within the Town.

Section 10. Chapter 15.22.010 of the Atherton Municipal is hereby added to read as follows:

15.22.010 California Fire Code Ratified.

The Menlo Park Fire Protection District Ordinance Number 36-2019 entitled *District Fire Prevention Code*, which adopts the 2018 Edition of the International Fire Code (generally know as the California Fire Code, codified as Title 24 of the California Code of Regulations Part 9), with local amendments in response local conditions, is hereby ratified.

Section 11. Chapter 15.44.010 of the Atherton Municipal Code is hereby amended to read as follows:

15.44.010 Adoption of the California Existing Buildings Code, 2019 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the “2019 California Existing Buildings Code” Appendix Chapter A1, as published by the International Code Council and adopted by the California Building Standards Commission, as California Code of Regulations Title 24, Part 10, is adopted as the code

for the maintenance of existing buildings and structures throughout the Town that are constructed of Unreinforced Masonry and establishing a program for the same.

Section 12. Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

Section 13. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 14. This Ordinance shall be posted as required by law within the Town of Atherton and shall be effective on January 1, 2020.

* * * * *

*I hereby certify that a public hearing of the foregoing ordinance was held at a regular meeting of the City Council of the Town of Atherton held on October 16, 2019 and was adopted by said City Council at a regular meeting held on **DATE**, by the following roll call vote:*

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

Bill Widmer, MAYOR
Town of Atherton

ATTEST:

Anthony Suber, City Clerk

APPROVED AS TO FORM:

William B. Conners, City Attorney

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