



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Introduce Ordinance No. 65.147 Relating to Code Administration and Adopting by Reference the 2019 California Building Codes with Amendments, and Set a Public Hearing on December 3, 2019 for Adoption of the Ordinance (Staff Contact: Sharon Goei, 408-586-3260)</b>
<b>Category:</b>	Consent Calendar-Community Development
<b>Meeting Date:</b>	11/5/2019
<b>Staff Contact:</b>	Director of Building Safety & Housing Sharon Goei, 408-586-3260 Building Official Bill Tott, 408-586-3263
<b>Recommendations:</b>	<ol style="list-style-type: none"> <li>1. Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 65.147 amending Chapters 1, 3, 3.5, 4, 5, 6, 7, 10, 13, 14, 150, and 170 of Title II of the Milpitas Municipal Code relating to Code Administration; adopting by reference the 2019 California Building Code, 2019 California Residential Code, 2018 International Property Maintenance Code, 2019 California Mechanical Code, 2019 California Electrical Code, 2019 California Plumbing Code, 2018 International Swimming Pool and Spa Code, 2019 California Existing Building Code, and 2019 California Historical Building Code, with amendments; and amending regulations pertaining to grading, excavation, paving, and erosion control, and gas shut-off devices.</li> <li>2. Set a public hearing on December 3, 2019, pursuant to California Government Code Section 50022.3, for adoption of the Ordinance.</li> </ol>

### **Background:**

Title 24 of the California Code of Regulations, also referred to as the California Building Standards Code, governs the design and construction of buildings and associated facilities and equipment throughout California. It is updated and published on a triennial basis by the California Building Standards Commission (CBSC) by order of the California legislature. Each code cycle update improves safety, sustainability, and resiliency, and incorporates new technology, design, and construction methods. Throughout each code adoption cycle, amendments to the codes are developed through an extensive public participation process. Milpitas staff serves on two of the six Code Advisory Committees that provide recommendations to the California Building Standards Commission. In July 2019, the CBSC published the 2019 edition of the California Building Standards Code, making this year a code adoption year.

The building regulations in the California Building Standards Code have the same force of law and take effect 180 days after their publication. On January 1, 2020, the 2019 California Building Standards Code will become effective statewide. This 2019 Code has prompted jurisdictions statewide to adopt the new code and complete local amendments as necessary.

In accordance with California Health and Safety Code, a city may establish more restrictive building standards than those in the California Building Standards Code if the city makes an express finding that each amendment is reasonably necessary because of local climatic, geological, or topographical conditions.

### **Analysis:**

As part of the triennial code adoption cycle, and pursuant to California Health and Safety Code Sections 17958 and 18941.5, staff recommends that the City of Milpitas adopt the 2019 California Building Standards Code. The parts of the 2019 California Building Standards Code that are included in this proposed adoption

ordinance are: The California Building Code, Residential Code, Mechanical Code, Electrical Code, Plumbing Code, Existing Building Code, and Historical Building Code.

Staff also proposes several local amendments be adopted as part of the code adoption. The amendments along with the findings that support them are included in the proposed ordinance and briefly described below. If approved, the Building Official will file a copy of this ordinance with the California Building Standards Commission.

#### Title II Chapter 1 Code Administration:

Significant examination of current and prior referenced codes and Milpitas Municipal Code was performed. The main purpose was to remove provisions that are already contained in the referenced codes such as the Building Code, provide clarification to the administrative provisions in those referenced codes, and to carry forward or provide Milpitas-specific provisions regarding enforcement, violations, permit issuance, and fees. For each code adopted by reference in Title II (for example, the Building Code or the Mechanical Code), the administrative chapter of each code provides for the code's scope and administration. Several sections specific to Milpitas are provided under this Chapter regarding enforcement, violations, permit issuance, and fees. The administrative chapters of the referenced codes work collectively with those sections in Chapter 1 to provide for the administration and enforcement of the codes and municipal ordinances in Title II. For the section on permit issuance, language was amended to align with Assembly Bill 2913 regarding permit extension such that a permit would remain valid if the work is commenced within 12 months after permit issuance instead of 180 days under the prior code. As a result of revamping the entire administration chapter, the number of sections was reduced from 87 to 26 in Chapter 1.

#### Title II Chapter 3 Building Code:

The 2019 California Building Code is adopted by reference. Close examination of current and prior California Building Code and Municipal Code was performed. As for local amendments, four amendments are proposed that are necessary to address local conditions. One set of amendments is to parallel the sprinkler system amendments to the Fire Code by the Fire Prevention team. The second local amendment is to require higher classification roof covering for hillside construction to address a local climatic condition. Higher classification roof covering is effective against higher fire-test exposure. The hillside area has a history of high winds, with an associated risk of accelerated and more significant structure damage and higher potential for related casualties in a fire. The recent fire danger in the hillside makes this local amendment important. The third local amendment is to implement more stringent special inspection requirements for spread concrete footings due to the expansive (clay) soils and seismic activity common to this geological area. The fourth local amendment is to implement more stringent foundation requirements, again to address the expansive (clay) soils and seismic activity common to this geological area. Similar to Chapter 1, staff performed a thorough examination of Chapter 3 local amendments. Provisions that are already addressed in the referenced codes (including the California Building Code, Mechanical Code, and Plumbing Code) were deleted. All design methods such as national standards and all materials allowed under the California Building Code were amended to be allowed in Milpitas, as opposed to the prior Milpitas local amendments. The number of local amendment subsections was reduced from 18 to 4.

#### Title II Chapter 3.5 (Residential Code); Chapter 5 (Mechanical Code); Chapter 7 (Plumbing Code); Chapter 14 (Existing Building Code); and Chapter 150 (Historical Building Code):

The Residential Code was adopted and amended in a similar way as the Building Code. Same was done with the Mechanical, Plumbing, Existing Building, and Historical Building Codes.

#### Title II Chapter 6 Electrical Code:

The 2019 California Electrical Code is adopted by reference with three local amendments. All new electrical services are required to be underground. As some buildings in Milpitas are located in high wind areas or flood plains, amending the code to provide for elimination of overhead services that are inherently less safe in the event of disasters will provide a higher level of safety. Amending the Electrical Code to require the disconnects of electrical power for each building to be in a readily accessible location on the first floor will provide a quicker means of finding the main power disconnects in a seismic, fire, or other emergency event. Requiring grounding

systems in new buildings to be an electrode encased in concrete allows significantly higher assurances that the grounding of the building electrical system will not deteriorate and fail due to the acidic and expansive properties of local soils. Providing equipment grounding conductors enhances capability of keeping electrical systems grounded, which is important in high amperage electrical services common to the City of Milpitas.

Title II Chapter 4 (Property Maintenance Code); and Chapter 10 (Swimming Pool and Spa Code):

In addition to the California codes, the International Swimming Pool and Spa Code (ISPSC) and the International Property Maintenance Code (IPMC) are included. Staff determined that inclusion of the ISPSC is needed and deemed appropriate as it contains more detailed provisions regarding the plumbing and mechanical elements and is in line with the California Codes. The IPMC was also deemed needed and appropriate because the City Housing Code was repealed in 2007 and the City Neighborhood Preservation Ordinance does not have the requirements for housing habitability that are in the IPMC.

Title II Chapter 13 Grading, Excavation, Paving and Erosion Control:

One section was revised to update the California Regional Water Quality Control Board Order Number from R2-2009-0074 to R2-2015-0049 for the Municipal Stormwater National Pollutant Discharge Eliminations System Permit.

Title II Chapter 170 Gas Shut-off Devices:

Staff proposed to remove the requirement for excess flow valves at each gas appliance. The Milpitas Municipal Code already provides for seismic shut-off or excess flow valves at the gas meters, so this requirement to have an excess flow valve at every gas appliance outlet is redundant and in actuality, not that effective at reducing or eliminating a hazard associated with a ruptured gas line as the stipulated location of the excess flow valve is at the gas outlet for the appliance, which is immediately adjacent to, and upstream of the appliance flexible connector. The location at each gas appliance outlet does not provide protection for gas line ruptures that are upstream of the valve. An excess flow valve or seismic shut-off valve at the meter provides this protection for the entire gas piping system. In addition, manufacturers have significantly reduced their production of the smaller excess flow valves that are required at each gas appliance outlet. Local supplies have dwindled to a point where the sizes required for gas appliance outlets are so limited that the situation has caused a significant impact on the ability of developers to complete final inspections on hundreds of multi-family dwelling units and commercial projects. Furthermore, the standard gas line pressure and operating pressure of the majority of gas appliances is very low, averaging approximately ¼ pounds per square inch (psi). A seismic shut-off valve or excess flow valve located at the meter protects the entire gas piping system in the event of motion (seismic or other vibration) or non-motion events (pipe rupture). For the reasons above, staff proposed to remove the requirement for excess flow valves at each gas appliance outlet.

The California Energy Code and Green Building Standards Code are being adopted under separate ordinances due to the introduction of local amendments known as “reach codes” as part of the adoption of these codes.

Adoption of the new 2019 codes will ensure that buildings and structures in Milpitas will safeguard the health, safety, and general welfare of the public. Staff recommends that the Council introduce the proposed ordinance adopting the new codes with amendments and set a public hearing on December 3, 2019. This timeline will allow notice of the public hearing to be published once a week for two successive weeks pursuant to Government Code Section 6066.

**Policy Alternatives:**

**Alternatives:** Adopt the new codes with only a portion of the amendments; adopt the new codes without any of the amendments; or adopt the new codes with modifications to the amendments.

Pros: Adopting the new codes as base code would provide minimum safety standards.

Cons: Without the complete code adoption with amendments, the base code would provide only the minimum standards without considering local conditions in Milpitas.

Reason for Not Recommending: The alternatives would not provide the complete code adoption with amendments to address local conditions in Milpitas.

**Fiscal Impact:**

There is no cost to the City other than administrative staff time and expense. Staff training on the new codes is needed and has been planned for in the budget. Training has begun and will be ongoing.

**California Environmental Quality Act:**

The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

**Recommendations:**

1. Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce Ordinance No. 65.147 amending Chapters 1, 3, 3.5, 4, 5, 6, 7, 10, 13, 14, 150, and 170 of Title II of the Milpitas Municipal Code relating to Code Administration; adopting by reference the 2019 California Building Code, 2019 California Residential Code, 2018 International Property Maintenance Code, 2019 California Mechanical Code, 2019 California Electrical Code, 2019 California Plumbing Code, 2018 International Swimming Pool and Spa Code, 2019 California Existing Building Code, and 2019 California Historical Building Code, with amendments; and amending regulations pertaining to grading, excavation, paving, and erosion control, and gas shut-off devices.
2. Set a public hearing on December 3, 2019, pursuant to California Government Code Section 50022.3, for adoption of the Ordinance.

**Attachment:**

Ordinance No. 65.147