

DATE ISSUED: September 4, 2002

REPORT NO. 02-196

ATTENTION: Honorable Mayor and City Council
Docket of September 9, 2002

SUBJECT: Adoption of the 2001 California Building, Electrical, Mechanical,
Plumbing and Fire Codes

REFERENCE: Land Use and Housing Committee Report 02-177 (Attachment 1)

SUMMARY

Issues(s) :

1. Should the City Council adopt an ordinance to amend the Municipal Code and incorporate the current editions of the California Building, Electrical, Mechanical and Plumbing Codes as well as the California Fire Code with related amendments? (Attachment 2)
2. Should the Municipal Code be amended to codify the current exemptions which allow work done by employees of the City on City-owned or leased buildings to continue to be exempt from obtaining building, electrical, mechanical or plumbing permits?

Manager's Recommendation:

1. Adopt the 2001 California Building, Electrical, Mechanical and Plumbing Codes as well as the California Fire Code and the proposed changes to the Municipal Code in Attachment 2.
2. The Manager recommends that work done by employees of the City on City-owned or leased buildings **continue to be exempt from** obtaining building, electrical, mechanical or plumbing permits.

Land Use & Housing Committee Recommendation:

1. The committee voted 4-0 to approve the Manager's recommendation, including proposed deletions outlined in a memo dated July 29th from Isam Hasenin, Chief Building Official (Attachment 4), with a referral back to the Manager to report back to the Rules Committee on the viability of seeking State legislation to allow local adoption of portions of the International Residential Code which will result in a reduction in the cost of constructing Townhomes and Rowhomes.

2. The committee voted 4-0 to recommend that work done by City employees on City-owned or leased buildings **be required to obtain all building permits.**

The committee requested that staff provide information on the fiscal impact of the construction permit fees to the General Fund, and potential time delays associated with obtaining construction permits for this minor work done by City forces. (See Attachment 3.)

Other Recommendations

The Board of Building Appeals and Advisors approved the amendment package with some minor modifications at their July 11, 2002 meeting (these are included in the draft ordinance); they recommended that the Land Use and Housing Committee adopt the proposed codes and approve the proposed amendments to the San Diego Municipal Code as revised.

Fiscal Impact

None with this action as recommended by the Manager.

Administration of the Building and Fire codes is based upon a fee for service paid for by applicants in the development process.

In the alternative, if the City Council supports the recommendation of the LU & H Committee to require construction permits for work done by employees of the City on City-owned or leased buildings, then it is anticipated that an annual fiscal impact of up to \$1.1 million could occur for the General Services Department. This is discussed in Attachment 3.

HOUSING AFFORDABILITY IMPACT STATEMENT

None with this action. Adoption of these codes is mandated by State law. Local amendments that are proposed do not impact housing affordability.

BACKGROUND

On a triennial basis, the City of San Diego adopts the latest editions of the California construction codes and Fire Code. This is done in coordination with the State of California's adoption of these codes. This procedure provides an additional opportunity to modify local regulations and maintain local and state wide consistency.

The City's building and fire safety laws are incorporated in the San Diego Municipal Code as shown below:

1. Chapter 5 Article 5 contains the Fire Code.
2. Chapter 11 Article 1 includes the Board of Building Appeals and Advisors regulations.

3. Chapter 11 Article 2 Division 2 includes procedures for unsafe buildings.
4. Chapter 12 Article 9 Division 1 outlines general construction permit authority and procedures.
5. Chapter 12 Article 9 Division 2 and Chapter 14 Article 5 contain building permit procedures and the Building Code amendments.
6. Chapter 12 Article 9 Division 3 and Chapter 14 Article 6 contain electrical permit procedures and the Electrical Code amendments.
7. Chapter 12 Article 9 Division 4 and Chapter 14 Article 7 contain plumbing and mechanical code permit procedures and the Plumbing and Mechanical Code amendments.

DISCUSSION:

This ordinance amends these San Diego Municipal Code Chapters and Articles so as to :

1. Adopt the 2001 Edition of the California Building Code (1997 Uniform Building Code with state amendments);
2. Adopt the 2001 Edition of the California Electrical Code (1999 National Electrical Code with state amendments);
3. Adopt the 2001 Edition of the California Plumbing Code (2000 Uniform Plumbing Code by IAPMO with state amendments);
4. Adopt the 2001 Edition of the California Mechanical Code (2000 Uniform Mechanical Code by IAPMO with state amendments);
5. Adopt the 2001 Edition of the California Fire Code (2000 Uniform Fire Code by Western Fire chiefs Association with state amendments);

Reasons and justifications for significant proposed amendments to the Municipal Code are attached as part of attachments 5 and 6 of City Manager report number 02-177 (Attachment 1). The proposed changes are primarily editorial in nature and include no new substantive regulations. In some cases regulations have been reduced and redundant language eliminated.

These editions are the most recent versions of the California Building, Electrical, Mechanical, Plumbing and Fire Codes. Adoption of this ordinance will update the City's building standards to reflect the most recent improvements and innovations in design and construction techniques.

State law requires that, except for local climatic, geological, or topographical conditions, local jurisdictions adopt and enforce the same regulations which are adopted by the State. As a result, jurisdictions in the San Diego metropolitan area are in the process of adopting the same code editions with minor local amendments. As such, this will result in substantial uniformity and consistency in the enforcement of construction regulations throughout the region.

The State of California has mandated an effective date of November 1, 2002 for the City to comply with this action. If this effective date is not met, the City will be required to implement the new editions of the State codes and Fire Code regardless of the Council's

action on the local amendments. Approval of these amendments in coordination with the State-mandated adoption and effective date will improve the City's administration and implementation of these codes.

The proposed Municipal Code exemption that is the subject of Issue 2 in this report reflects current practice in the City. The Manager recommends that the exemption be maintained. The responsibility for compliance with the building regulations is assigned directly to the General Services director, or other responsible departments, for work done by City forces. This exemption is typically applied to minor tenant finish work and remodels done by certified plumbers and electricians as well as carpenters and professionals in other construction trades. City forces are used on these minor projects to reduce cost and to permit more efficient use of limited general fund monies. New construction and most remodels of City-owned facilities and buildings are required to be submitted, reviewed and inspected by Development Services in similar fashion to work done in the private sector. Requiring construction permits for minor work performed by City forces will have a potential annual cost of 1.1 million dollars in cost impact to the general fund as described in the Fiscal Impact section of this report. In addition, potential time delays ranging from one day to one week or more can result due to the time needed to prepare construction drawings, for Development Services to perform a plan review, approve the plans, issue the necessary construction permit(s), and for Development Services to perform the necessary construction inspections prior to approving project completion and occupancy. Staff did receive comments from the BIA and Mr. Thompson indicating they objected to the exemption for work done by City forces.

Should the Council wish to decide to pursue this alternative, the exemption would need to be deleted from the proposed Municipal Code amendment package in Sections 129.0203, 129.0303 and 147.0107.

The following organizations and individuals were notified seeking comment on adoption of the updated Building, Electrical, Mechanical, Plumbing and Fire Codes and the associated amendments.

San Diego Chapter of the American Institute of Architects

San Diego Chapter of the American Society of Civil Engineers

Structural Engineers Association of San Diego

Associated General Contractors of America

Associated Builders & Contractors

Building Industry Association of San Diego County

San Diego Association of Geologists c/o Kleinfelder, Inc.

David Thompson, Architects Bundy and Thompson

All correspondence received on the proposed code adoption is contained in Attachment 5. The issues raised have been resolved and staff reflected the recommended charges in the attached ordinance, except the issue of permits being required of City forces for work done on City buildings. It should be noted that all changes contained in Chapter 12 Article 2 will be considered later this year concurrent with the department's comprehensive fee study.

In conclusion, staff recommends adoption of the ordinance, which will ensure compliance with the State mandate for adoption of the 2001 California Building Codes statewide.

ALTERNATIVES

1. Do not recommend adoption of this ordinance as presented under Issue 1 in this report. This will result in enforcement of State regulations without local amendments in connection with all building construction.
2. Do not recommend adoption of the Municipal Code revisions exempting from permit work performed by City forces on City owned buildings as presented under Issue 2 in this report. This will result in a reduction of available funds and delays in the construction of minor alterations.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Jeff Bowman
Fire Chief

Approved: P. Lamont Ewell
Assistant City Manager

HASENIN/FATTAH

Note: Attachment Nos. 2, 3, 4 and 5 are not available in electronic format. A copy is available for review in the Office of the City Clerk.

ATTACHMENTS

1. [Manager's report # 02-177 dated July 25, 2002 submitted to LU & H.](#)
2. Proposed Ordinance.
3. Memo from General Services dated August 13, 2002 explaining the fee impact of requiring construction permits for presently exempted City projects.
4. Memo to LU & H dated July 29, 2002 from Isam Hasenin.
5. Written responses from AIA, SEAOSD, ABC and David Thompson.

Note: Due to the volume of the attachments, only a limited distribution was made. Copies of the attachments are available in the City Clerk's Office.