



THE CITY OF SAN DIEGO

REPORT TO THE CITY COUNCIL

DATE ISSUED: February 27, 2008

REPORT NO: 08-025

ATTENTION: Council President and City Council

Docket of March 4, 2008

SUBJECT: Adoption Of The 2007 California Building Code & Local Municipal Code Amendments.

REFERENCES: Report PC-07-163

REQUESTED ACTION:

Approval of the proposed changes to the Municipal Code necessary to adopt State mandated 2007 California building standards, and necessary due to local geologic, climactic and topographic conditions.

STAFF RECOMMENDATION:

1. Recommend to the City Council adoption of the 2007 edition of the California Building Code, California Electrical Code, California Fire Code, California Mechanical Code and California Plumbing Code.
2. Recommend to the City Council approval of amendments to the Municipal Code related to the City's Building, Electrical, Plumbing and Mechanical regulations as well as the Fire Code (Chapter 5, Article 5; Chapter 12, Article 9, Division 3; Chapter 12, Article 9, Division 4; Chapter 14, Article 5; Chapter 14, Article 6; Chapter 14, Article 7; new Chapter 14, Article 8).

SUMMARY:

At its January 30, 2007, meeting, the California Building Standards Commission completed adoption of new building standards that have been published in the 2007 editions of the California Building, Electrical, Fire, Mechanical, Plumbing, Historical and Existing Building Codes.

Local jurisdictions are mandated to enforce the codes locally for permit applications accepted on or after January 1, 2008. Local amendments to the State's building standards reasonably necessary due to local climactic, geological or topographical conditions have been developed and are proposed as amendments to Chapter 5 and 14 of the Municipal Code. The findings made shall be approved by the local decision making body and be filed with the California Building Standards Commission prior to the effective date.

The requested action satisfies requirements of State law for implementation of the new building standards.

ENVIRONMENTAL IMPACT:

This activity is exempt from CEQA pursuant to State CEQA guidelines Section 15061 (b) (3).

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.

The proposed local amendments were developed by staff from the Development Services Department and the Fire-Rescue Department after a thorough review of the State mandated codes, as well as the model codes that were used as the basis for development of the State codes. Certain amendments proposed are made in conjunction with similar action by various large California jurisdictions.

The proposed local amendments have been divided into two parts to accommodate the City Attorney's request for additional time to perform legal review of the proposed changes. Only Part 1 is proposed as a part of this action. It is expected that Part 2 will follow later in spring.

The Planning Commission and the Board of Building Appeals and Advisors recommended approval of all of the proposed changes in October and November of 2007. The proposed amendments include a complete reorganization of the Fire Protection and Prevention regulations in Chapter 5, Article 5, as well as the Building Regulations in Chapter 14, Article 5, and the Plumbing and Mechanical Regulations in Chapter 14, Article 7 and Article 8. With the exception of the Plumbing and Mechanical Regulations, the reorganization aligns the Division numbers to correspond to the chapter number in the State code and allows section numbers in the Municipal Code to correlate with the amended section in the State code.

DISCUSSION:

The amendments being brought forward in round 1 will be limited to those necessary to make modifications and additions to the building standards in the 2007 California Building Code, and those necessary to reformat Chapter 5 and 14 regulations for Fire, Building, Plumbing and Mechanical Regulations. Additionally, the Electrical and Plumbing/Mechanical Permit Procedures in Chapter 12, Article 9, Division 3 and Chapter 12, Article 9, Division 4 are being updated. Chapter 5, Article 5 also includes amendments to adopt portions of the 2007 California Fire Code not adopted by the State and necessary for local enforcement of the fire regulations.

Fire Code

The proposed amendments are being divided into two rounds to allow for additional review time by the City Attorney. In round 1, the San Diego Fire-Rescue Department is proposing the adoption of the 2007 California Fire Code, including chapters that were not adopted by the State. Municipal Code amendments in round 1 will be updates necessary for coordination and consistency with the format and language of the 2007 California Building Code. Additionally, divisions in Chapter 5, Article 5 have been renumbered so that the Municipal Code section numbering convention corresponds to that of the section being modified in the California Fire Code. Several existing Municipal Code sections are also being relocated and renumbered as a part of the reformatting effort to better coordinate with the numbering system in the 2007 California Fire Code.

In round 2, it is the Fire-Rescue Department's intent to populate a reformatted Chapter 5, Article 5 with additional local amendments and return the item to Council in collaboration and conjunction with the round 2 package proposed by Development Services. Municipal Code amendments in round 2 will include a number of local amendments based on regulations published in the 2007 Supplement to the International Fire Code. It is expected that requirements published in the supplement will be incorporated into the 2010 edition of the California Fire Code. Round 2 amendments will also include the local amendments codifying existing San Diego Fire-Rescue Department Policies into the Municipal Code. The purpose behind codification is consistent application by incorporation into one common document that provides the public a single standard that is simpler and easier to create and maintain, to design, to construct, and to enforce.

All proposed amendments to Chapter 5, Article 5, including those proposed in round 2, have been reviewed by the Board of Building Appeals and Advisors as well as the Planning Commission, and both hearing bodies unanimously recommended approval. An issue discussed at the Planning Commission regarding the size of building address numbering will be addressed in the round 2 packet.

Building Regulations

The Building Permit Procedures in Chapter 12, Division 9, and certain Sections in Chapter 11 and 12 will be brought forward in round 2 to allow for additional review time by the City

Attorney. All items, including those proposed for round 2, have been reviewed by the Board of Building Appeals and Advisors as well as the Planning Commission, and both review bodies unanimously recommended approval.

Several proposed amendments that were considered by the Planning Commission and the Board of Building Appeals and Advisors were modified during the City Attorney review process while drafting the submitted ordinance. The changes were made necessary due to cleanup of existing Municipal Code language that was to be relocated as a result of the reformat of Chapter 14, Article 5 and due to difficulties in obtaining copies of the 2007 California Building Code. The amendments proposed to the Planning Commission and the Board of Building Appeals and Advisors were based on the 2006 International Building Code that was adopted and modified by the State as the 2007 California Building Code (CBC). The following is a list of changes made to various Divisions in Chapter 14, Article 5.

1. The amendments to new Division 3 (on site generator fuel supply) and 4 (hydrogen vehicle fueling pad) will be proposed in round 2.
2. The Roofing amendments in Division 15 were updated by reformatting certain sections to be consistent with the 2007 CBC and recently published State Fire Marshal amendments.
3. Division 16 was updated to incorporate input from the Structural Engineers Association of San Diego and add a minimum base shear. Round 2 may include an amendment limiting applicability to analysis not involving determination of building drift under seismic forces.
4. Division 17 was modified by withdrawing a proposed amendment to not require special inspection for certain minor masonry construction. The change was withdrawn due to City Attorney advice on the difficulty of making a local finding and since the proposed change would be less restrictive than the State code.
5. Division 29 was updated due to an errata issued by the State to the 2007 CBC to make clear that the 2007 California Plumbing Code is to be used in determining the number of plumbing fixtures.
6. Division 31 was substantially modified to eliminate relocated Municipal Code language that is redundant and addressed in the 2007 CBC. Additionally, an erratum to the 2007 CBC issued in December included suction entrapment protection regulations and therefore eliminated the need for a local amendment for the same issue.
7. Division 32 was updated to eliminate redundant relocated language addressed in the 2007 CBC.
8. Division 36 amendments will be determined in round 2 when issues related to Appendix chapters are considered.
9. Division 37 amendments were updated to improve clarity of certain relocated text and to incorporate comments made by stakeholders. Additionally, the State adopted the 2007 California Existing Building Code and did not follow past practice by adopting the Appendix 1 of the International Existing Building Code, which required updates to the proposed amendments to definitions. Additional edits have been made to definitions by deleting sections addressing defined terms.

Electrical Regulations

Proposed local amendments to the 2007 California Electrical Code have been published as proposed in the submitted ordinance. The changes proposed are necessary for consistency with the State published code and are necessary to reflect current practice in enforcement of the electrical regulations.

Plumbing Regulations

The Plumbing Regulations in Municipal Code Chapter 14, Article 7 include a reformat whereby the Mechanical Regulations were relocated to a separate article. This reformat was necessary to accommodate proposed amendments to the 2007 California Plumbing and the 2007 California Mechanical Code. Several modifications were incorporated into the submitted ordinance.

1. Appendix chapters of the 2007 California Plumbing Code adopted by a State agency for enforcement at the local level were identified.
2. Regulations limiting the locations of gas pressure reducing valves within buildings have been deferred to round 2.
3. Regulations limiting the use of waterless urinals in food establishments have been deferred to round 2.

Mechanical Regulations

The Mechanical Regulations were relocated to a new Article 8 in Chapter 14. Local amendments that were developed to correct omission in the 2007 California Mechanical Code were necessary for consistent enforcement of the ventilation in parking garages as well as dwellings.

1. Proposed amendments defining parking garage and open parking garage were withdrawn by Development Services.
2. Proposed amendments adopting Table 4-4 were withdrawn as a result of an errata issued by the State including the table into the mechanical code.
3. Proposed amendments allowing intermittent operation of garage ventilation systems as well as regulations prescribing the minimum height of exhaust inlet have been deferred to round 2.
4. Alternative ventilation rates for opening parking garages requiring ventilation under the California Mechanical code were withdrawn by Development Services due to publication of Table 4-4 as a part of recently published errata.

FISCAL CONSIDERATIONS:

Administration of the Building, Electrical, Plumbing and Mechanical regulations as well as the Fire Code for new construction or alterations to existing buildings is based upon a fee for service paid for by applicants in the development process.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Staff did not present the proposed amendments to the Land Use and Housing Committee due to the lack of controversial items. Additionally, the City Attorney opined that proposed regulations had to be considered by the Planning Commission, and as a result staff felt no additional benefit to the process would be added by going before LU&H.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

A list of 36 stakeholders, which included individual design professionals as well as local industry associations, was developed and representatives were invited to comment on the proposed changes in writing, or in person at the Board of Building Appeals and Advisors. Stakeholders were also informed of the scheduled Planning Commission meeting date as well as the targeted City Council meeting date.

The deadline for receipt of comments was November 5, 2007. As of this date staff have received letters of support from the Structural Engineers Association of San Deigo and the San Diego chapter of the Building Industry Association. We have also received verbal comments and have addressed all issues and concerns. A list of stakeholders is attached to the Executive Summary Sheet.

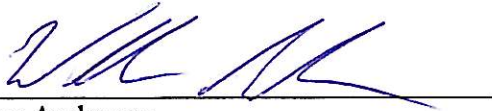
KEY STAKEHOLDERS AND PROJECTED IMPACTS:

1. The BIA expressed a concern with new Section 55.0503 on fire lane widths that have been withdrawn as well as new Section 55.0508 that relocates current fire hydrant spacing requirements when not located in the public right of way. This item will be considered in round 2.
2. The Structural Engineers Association of San Diego raised issues with amendments to Section 121.0403 as well as new Sections 145.3705 and 145.3706 as they apply to Unreinforced Masonry Buildings. Their concerns were accepted and corrections made.
3. The Structural Engineers Association of San Diego in its letter of support agreed for the need to include a minimum base shear for the design of buildings to resist earthquake forces. Their concerns were accepted and corrections made.

CONCLUSION:

The proposed amendments, in combination with State mandated codes, will update the City of San Diego's building standards to be consistent with San Diego's local geologic, topographic and climactic conditions as well as action by other major California jurisdictions. Amendments proposed in round 2 will include a limited number of items, some of which may be controversial. Staff recommends that the amendments be reevaluated at a future date to ensure that future errata and updates by the State are incorporated where necessary and to update the Municipal Code with items discovered during the ordinance drafting process and not considered by the Board of Building Appeals and Advisors or the Planning Commission. This follow up review may go before the City Council in the fall of 2008.

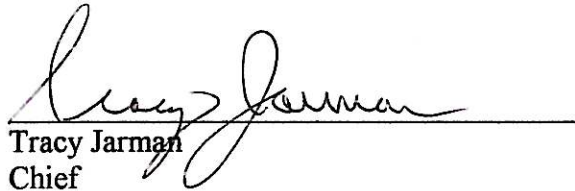
Respectfully submitted,



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 FOR

Kelly Broughton
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Tracy Jarman
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Attachments: Ordinances
Strike-out Ordinances
Planning Commission Report