

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: Ordinance No. 583 to Amend Brisbane Municipal Code Title 15 Regarding the 2013 California Building Standards Codes, with Certain Local Modifications, and the 2012 International Property Maintenance Code

DATE: April 21, 2014

City Council Goals:

To provide for effective and efficient delivery of City services (Goal #1).
To provide public service that assures the safety of property and citizens residing, working, or visiting in Brisbane (Goal #9).

Purpose:

To adopt the most recent version of the California Building Standards Codes (Code of Regulations, Title 24) with local modifications to the California Fire Code (Title 24, Part 9) and the 2012 International Property Maintenance Code.

Recommendation:

That the City Council introduce Ordinance No. 583.

Background:

The draft Ordinance was introduced by the City Council on December 16, 2013 and December 16 Council Report is attached for information. However, at the meeting of January 6, 2014, the second reading of the draft ordinance was postponed so the ordinance could be referred to the Planning Issues Subcommittee for consideration. Specific issues of concern related to whether storage of compressed natural gas, flammable or combustible liquids, and liquefied petroleum gas (LPG) should be regulated by zoning district, rather than by General Plan subarea, and whether a required separation of such storage from residential uses should be specified. It was also questioned whether LPG tanks should be prohibited outright.

Discussion:

The Planning Subcommittee (Councilmembers Liu and O'Connell) met several times for further consideration and ultimately recommended the following changes to the draft Ordinance:

1. Define permitted locations by zoning district rather than by General Plan subarea. The permitted zones include C-1 (Baylands), HC (Beatty), M-1 (Northeast and Southeast Bayshore and the PG&E portion of Northwest Bayshore) and TC-1 (Crocker Park) zoning districts. The permitted locations as recommended by the Subcommittee differ from those in the current ordinance in that storage would be permitted in the M-1 zoned area of the Northwest Bayshore subarea (PG&E property), where it is not currently allowed. Conversely storage would be prohibited in the mixed-use SCRO-1 District (Southwest Bayshore General Plan subarea) where it is now currently permitted. The subcommittee's reasoning in excluding the SCRO-1 zone was that such facilities would not be appropriate in zones where residential uses are permitted, even on a conditional basis. These regulations if adopted would apply to new businesses. Legally permitted existing facilities would retain nonconforming rights and be allowed to remain.

2. In all permitted locations establish a 200-foot setback from a tank to any property occupied by a residential or school use. This requirement would apply to new tanks, and legally established tanks already in place would retain nonconforming rights and be allowed to remain.

3. In regard to liquid petroleum gas (LPG) storage, the subcommittee recommended the maximum cumulative storage be reduced from 2000 gallons to 500 gallons in non-industrial areas. It was felt that this tank size limitation would enhance public safety while still accommodating incidental and business users.

The changes endorsed by the subcommittee are shown in blue in the attached redline/strikeout version of the draft ordinance.

Environmental Determination:

Actions by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment are categorically exempt from the provisions of the California Environmental Quality Act per Section 15308 of the State CEQA Guidelines.

Fiscal Impact:

None.

Measure of Success:

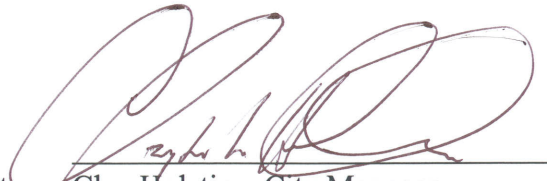
Application of updated standards to comply with State law while incorporating requirements which respond to unique circumstances found in Brisbane.

Attachments:

Redline/Strikeout Version
Draft Ordinance No. 583



John Swiecki, Community Development Director



Clay Holstine, City Manager

“REDLINE” VERSION OF DRAFT ORDINANCE AMENDMENTS

Recommended changes in the current Municipal Code are indicated ~~by striking through~~ the existing language to be deleted and putting the new language *in italics*. ~~Text in red was as originally proposed to City Council, Changes shown in blue were proposed subsequent to City Council consideration.~~

TITLE 15 BUILDINGS AND CONSTRUCTION

CHAPTER 15.04 ADOPTION OF CONSTRUCTION CODES

15.04.010 - Purpose and authority.

The purpose of this chapter is to adopt by reference the ~~2010~~ *2013* edition of the California Building Standards Code, Title 24 of the California Code of Regulations. This chapter is also adopted to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of the city of Brisbane. This chapter is adopted under the authority of Government Code ~~Section 38660 and~~ Subsection 50022.2 and Health and Safety Code Section 18941.5.

15.04.040 - Adoption of Construction Codes

Title 24 of the California Code of Regulations, ~~2010~~ *2013* Edition of the California Building Standards Code, is hereby adopted by reference and incorporated in this code, including the following parts:

- A. ~~Part 1:~~ *2013* California Administrative Code, *Title 24, Part 1.*
- B. ~~Part 2:~~ *2013* California Building Code, ~~2010 Edition~~, Volumes 1 and 2, based on the ~~2009~~ *2012* International Building Code (ICC), ~~including Appendix Chapters G (Flood-Resistant Construction), H (Signs) and I (Patio Covers)~~ *Title 24, Part 2, including Appendix Chapters G – Flood Construction and H - Signs.*
- C. ~~Part 2.5:~~ *2013* California Residential Code, ~~2010 Edition~~, based on the ~~2009~~ *2012* Edition International Residential Code (ICC), *Title 24, Part 2.5*, including Appendix Chapters ~~H (Patio Covers) and Appendix Chapter J (Existing Buildings)~~ *E – Manufactured Homes, G – Swimming Pools and Hot Tubs, H – Patio Covers, and J – Existing Buildings and Structures.*
- D. ~~Part 3:~~ *2013* California Electrical Code, ~~2010 Edition~~, based on the ~~2008~~ *2011* Edition National Electric Code as published by the National Fire Protection Association (NFPA), ~~including appendix chapters~~ *Title 24, Part 3.*
- E. ~~Part 4:~~ *2013* California Mechanical Code, ~~2010 Edition~~, based on the ~~2009~~ *2012* Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including *all* appendix chapters, *Title 24, Part 4.*

F. ~~Part 5: 2013~~ California Plumbing Code, ~~2010 Edition~~, based upon the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including *all* appendix chapters, *Title 24, Part 5*.

G. ~~Part 6: 2013~~ California Energy Code, ~~2010 Edition~~, including appendix chapters *Title 24, Part 6*.

H. ~~Part 8: 2013~~ California Historical *Building* Code, ~~2010 Edition~~, including appendix chapters *Title 24, Part 8*.

I. ~~Part 9:~~ For adoption of the ~~2010 Edition of the 2013~~ California Fire Code, *Title 24, Part 9*, and modifications thereof, see Chapter 15.44 of this title.

J. ~~Part 11: 2013~~ California Green Building Standards Code, ~~2010 Edition~~ *Title 24, Part 11*.

K. ~~Part 12: 2013~~ California Referenced Standards Code, including appendix chapters *Title 24, Part 12*.

L. ~~Uniform Code for Abatement of Dangerous Buildings, 1997 Edition~~
In addition, the 2012 International Property Maintenance Code is hereby adopted by reference and incorporated in this code.

CHAPTER 15.08 ORGANIZATION AND ENFORCEMENT

15.08.010 – Building official—Defined.

The term "building official" refers to the city manager of the city and his/her designated representative. The city manager, with the approval of the city council, may provide for building inspection services to be performed by contract with the County of San Mateo or other public or private agency. Whenever this code or the construction codes use the terms "administrative authority," "responsible official," "chief inspector," "*code official*" or "code enforcement officer" they shall mean the "building official" as defined in this section.

15.08.140 - Additions or alterations in excess of fifty percent of ~~value or~~ *floor* area.

A. When additions or alterations to a lawfully constructed building or structure which are made within any five (5) year period exceed ~~either: (1) fifty percent (50%) of the market value of the pre-existing building or structure; or (2)~~ fifty percent (50%) of the floor area of the pre-existing building or structure, as determined by the building official, then except as otherwise provided in subsection C of this section, the pre-existing building or structure shall be brought into conformity with such of the standards for new construction as the building official may determine to be necessary or appropriate to eliminate existing health or safety hazards, including, but not limited to, defects in structural integrity, defective or inadequate electrical installations, defective or inadequate *fire sprinkler*, sanitary sewer or storm drainage facilities, and substandard street access to the property.

B. For the purposes of making the determinations required by subsection A of this section, the following definitions, rules of interpretation, and procedures shall be applied:

1. Additions or alterations performed at different periods of time shall be considered to have been made within a five (5) years period if any building permits are issued or any work is commenced within five (5) years following the date of completion of any earlier work on the same building or structure. The date of completion shall normally be established as the date on which final inspection approval of the earlier work is granted by the city.

2. ~~The~~ *For the purposes of this section, the* "floor area" of a building or structure shall mean the sum of the gross horizontal areas of all floors of a building or structure measured from the interior face of the exterior walls, but excluding each of the following:

a. Any area where the floor to ceiling height is less than six (6) feet; or

b. Any detached garage or other detached accessory structure which does not constitute habitable space; or

c. *Any attached carport or covered deck.*

3. ~~6.~~ The area of any ~~minor expansion additions or alterations~~ not exceeding a cumulative total of four hundred (400) square feet, permitted to be made under the provisions of Section 17.34.110 of this title, *shall not be subject to the provisions of this section.*

~~3.~~ 4. The "standards for new construction" shall mean: (a) the requirements of the buildings code adopted by this Title 15; and (b) the storm water management and discharge requirements established by Chapter 13.06 of this code; and (c) the standard specifications and street standards adopted by Section 12.24.010 of this code.

~~4.~~ 5. *Replacements Alterations, renovations* or repairs which do not essentially change the original size, configuration, and habitable floor area of the building or structure *or basic uses of the rooms within the building or structure*, as determined by the building official, shall not be considered as additions or alterations subject to the provisions of this section. *Additionally, work involving exterior surfaces, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck shall not be considered alterations subject to the provisions of this ordinance.*

~~5. The building official may require the applicant to furnish evidence of market value of the building or structure prior to the performance of any additions or alterations and the estimated value of the building or structure after all such work has been completed, but in making the determinations of market value, the building official shall not be limited to such evidence and may consider any other information the building official deems appropriate.~~

C. Where an existing building or structure is required by this section to be brought into conformity with the standards for new construction, the building official shall have authority in individual cases to grant modifications of any such requirements, if the building official is able to find and determine that:

1. Compliance with the requirement will cause practical difficulties or unreasonable hardship; and
2. The modification does not reduce any requirements for fire protection or any requirements relating to structural support and integrity; and
3. The modification does not create any new or increased hazard to the health or safety of the occupants of the existing building or structure.

D. This section is intended to establish requirements which are in addition to, and not in replacement of, any other ordinance, rule, regulation, or policy of the city which may be applicable to the proposed development project, including any of the uniform codes adopted by this title and include also any policy adopted in the Brisbane general plan.

E. Where the requirements of subsection A of this section are not applicable because the additions or alterations do not exceed ~~fifty percent (50%) of the market value or~~ fifty percent (50%) of the floor area of the pre-existing building or structure, the proposed development shall nevertheless comply with the requirements of Section 17.01.060 of the zoning ordinance unless: (1) the pre-existing building or structure is located upon a lot of record, as such term is defined in Chapter 17.02 of the zoning ordinance, and (2) a public street abutting such lot of record provides the principal means of access to that lot.

~~15.08.200 — Maintenance of buildings and structures.~~

~~———— All buildings or structures, both existing and new, and all parts thereof shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the construction codes in a building or structure when erected, altered, or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of buildings and structures.~~

~~15.08.220 – Unsafe buildings—Generally.~~

~~———— The provisions of Sections 15.08.230 through 15.08.270 shall govern unsafe buildings.~~

~~15.08.230 – Unsafe buildings—Defined—Nuisance declared—Abatement.~~

~~———— All buildings or structures which are structurally unsafe or which are not provided with adequate egress, or which constitute a fire hazard, or which are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in the construction codes, are deemed, for the purpose of Sections 15.08.220 through 15.08.270 to be unsafe buildings. All such unsafe buildings are declared to be public nuisances and shall be abated~~

through repair, rehabilitation, demolition, or removal in accordance with the procedures provided by law.

~~15.08.240 – Unsafe buildings—Unsanitary plumbing systems declared nuisance.~~

~~—— Any portion of a plumbing system or any construction or work regulated by the construction codes found or determined to be unsanitary as defined in this code or the construction codes, or otherwise a menace to life, health, or property, is declared to be a public nuisance.~~

~~15.08.250 – Unsafe buildings—Dangerous electrical systems declared nuisance.~~

~~—— Any portion of an electrical system or any construction or work regulated by the construction codes found or determined to be dangerous or hazardous as defined in this code or in the construction codes, or otherwise a menace to life, health or property, is declared to be a public nuisance.~~

~~15.08.260 – Unsafe buildings—Unsafe appendages declared nuisance.~~

~~—— Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or are otherwise unable to sustain the design loads which are specified in this code, are designated as unsafe building appendages. All such unsafe building appendages are declared to be public nuisances and shall be abated in accordance with procedures provided by law.~~

~~15.08.270 – Unsafe buildings—Order by building official to discontinue use.~~

~~—— A. —— The building official shall order the owner and any other responsible parties to discontinue the use or maintenance of unsafe conditions as described in Sections 15.08.220 through 15.08.260 and to repair, alter, change, remove, or demolish same as is necessary for the protection of life, health and property.~~

~~—— B. —— Every order issued under this section shall be in writing, addressed to the owner, agent, or party responsible for the premises on which the unsafe condition exists and shall specify the date or time for compliance with such order. In the event the building official is unable to reach the owner or other responsible party in this manner, he shall cause the premises to be posted for a period of at least two (2) weeks with a notice specifying the date or time for compliance with such order.~~

~~—— C. —— Refusal, failure or neglect to comply with such order shall constitute a separate violation of this code and the construction codes.~~

~~ABATEMENT OF DANGEROUS BUILDINGS CODE~~

~~15.41.010 -- Adoption.~~

~~———— The code of rules and regulations known and designated as the "Uniform Code for the Abatement of Dangerous Buildings," published by the International Conference of Building Officials and modified by them from time to time, is adopted and by reference incorporated herein as if fully set forth, as the abatement code of the city. A current copy of the Uniform Code for the Abatement of Dangerous Buildings shall be kept on file in the office of the city clerk.~~

~~15.41.020 -- Application.~~

~~———— This chapter shall apply to all buildings or portions thereof in the city.~~

~~15.41.030 -- Board of appeals.~~

~~———— A. ——— In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the Uniform Code for the Abatement of Dangerous Buildings, there is created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The board of appeals shall be appointed by the city council and shall hold office at the pleasure of the city council.~~

~~———— B. ——— The building official is an ex officio member and shall act as secretary to the board, but shall have no vote upon any matter before the board.~~

~~———— C. ——— The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Copies of all rules adopted by the board shall be delivered to the building official, who shall make them freely available to the public.~~

~~———— D. ——— Appeals to the board shall be processed in accordance with the provisions contained in the Uniform Code for the Abatement of Dangerous Buildings.~~

~~———— E. ——— The board shall have no authority relative to interpretation of the administrative provisions of the Uniform Code for the Abatement of Dangerous Buildings, nor shall the board be empowered to waive requirements of the Uniform Code for the Abatement of Dangerous Buildings.~~

~~15.41.040 -- Hearing examiner.~~

~~———— The board of appeals may from time to time appoint a hearing examiner to act in its stead. The hearing examiner will have all authority and power of the board of appeals.~~

~~15.41.050 – Enforcement.~~

~~—— The building official is given the authority to enforce the provisions of this chapter. "Building official" shall mean the city manager and his/her designated representatives as set forth in Chapter 15.08.010 of this code.~~

~~15.41.060 – Inspections.~~

~~—— The building official, fire marshal and health officer or their designees are authorized to make inspections pursuant to this chapter, and may, if necessary, obtain inspection warrants to carry out their duties.~~

~~15.41.070 – Procedural manual.~~

~~—— The city council may, by resolution, adopt and publish rules, regulations and a procedural manual for the purpose of carrying out the intent of this chapter.~~

~~15.41.080 – Citation and authority.~~

~~—— This chapter is enacted under the authority granted by Chapter 10 (commencing with Section 38660) of Division 3 of Title 4 of the Government Code.~~

Chapter 15.44 FIRE PREVENTION CODE

15.44.010 - Adoption of fire prevention code.

The fire prevention code for the city of Brisbane shall be the ~~2009~~ **2012** Edition of the International Fire Code and the ~~2010~~ **2013** Edition of the California Fire Code, including Appendices B, C, D, ~~and F and J~~ (hereinafter referred to as the "Fire Code"), as promulgated by the International Code Council, and the same is hereby adopted and incorporated herein by reference, subject to the modifications as contained in this Chapter 15.44. Two (2) copies of the Fire Code have been filed for use and examination by the public, one copy being located at Brisbane City Hall and the other copy being located at the ~~Brisbane Fire Station~~ **Fire Administration**.

15.44.040 – Section 105.7.1-~~4-7~~ added—Permit fees.

Section 105.7.1-~~4-7~~ is added to the Fire Code, to read as follows:

1205.7.1.1-~~4-7~~ Permit fees. The Fire Department shall be authorized to charge such fees and costs for services performed pursuant to the Fire Code as

may be established from time to time by ordinance or resolution of the City Council.

15.44.080 - Section 903 amended—Automatic sprinkler systems.

Section 903 of the Fire Code is amended in its entirety to read as follows:

903 Automatic fire extinguishing systems.

- (a) Notwithstanding any other provisions of this Code or any other code or ordinance of the City of Brisbane, automatic fire sprinkler systems, approved by the Fire Marshall, shall be installed in the following buildings and structures that are classified as new construction:
 - 1. For all occupancies except R-3 occupancies: Any new building or structure, regardless of size, except stand alone, uninhabitable buildings, garages and sheds having a floor area of less than 400 square feet.
 - 2. For all R-3 occupancies: Any new single-family or duplex structure, excluding any *stand-alone detached* accessory structure that *is not intended for human habitation does not constitute habitable space* having a floor area of less than 400 square feet.
- (b) ~~Sprinkler systems for existing buildings. Any existing building or structure which was not required to be protected by an automatic fire sprinkler system, according to codes in effect at the time of its construction, shall have installed an automatic sprinkler system whenever the following condition is met: When an existing building undergoes any alteration, renovation, or addition which exceeds 50% of the building's original gross area, as determined by the fire marshal, the entire building shall be protected by an automatic fire sprinkler system. Gross area shall be the area included within surrounding exterior walls.~~
~~— Exceptions: Work involving exterior surfaces only, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck.~~
~~When additions or alterations made to an existing building fall within the requirements under Brisbane Municipal Code Section 15.08.140, an automatic fire sprinkler system shall be provided for the entire building.~~
- (c) Where automatic fire sprinkler systems are required to be installed, the following additional requirements shall also be satisfied, as applicable:
 - 1. A minimum of three (3) copies of plans and specifications for automatic sprinkler installations, plus water supply calculations, shall be provided to the Fire Department for review and approval prior to commencement of the installation work.

2. All required automatic sprinkler systems shall be approved by the Fire Department.
3. All acceptance tests and such periodic tests as required by the Fire Marshall or pursuant to NFPA Pamphlets No. 13, 13D, 13R and/or Subchapter 5, Title 19, California Code of Regulations, shall be conducted and, where applicable, witnessed by a representative of the Fire Department.
4. An approved exterior visual fire alarm device may be required for buildings that have numerous fire department connections (FDC's). Type and locations will be determined by the Fire Department. Such visual alarm devices are not to replace the exterior audible device, but to assist fire suppression personnel as to location(s) of systems which require pumping operations.

15.44.090 - Section ~~3308.1~~ 5608.1 amended—Fireworks display.

Section ~~3308.1~~ 5608.1 of the Fire Code is amended by adding the following paragraph to the end of ~~said section~~ *the first paragraph*:

The possession, storage, sale, use or discharge of California State Fire Marshal approved "safe and sane" fireworks is prohibited within the City of Brisbane.

15.44.100 - Section 904.2.~~1~~ amended—~~Floor markings~~ *Where required*.

Section 904.2.~~1~~ of the Fire Code is amended by adding the following ~~paragraph to the end of said subsection~~ *after Subsection 904.2.1 Commercial hood and duct systems*:

904.2.2 Floor markings. The location(s) of all cooking appliances that are protected by an approved automatic fire extinguishing system shall be permanently identified either by a wall mounted "approved" appliance floor plan or marked on the floor in a manner approved by the Fire Marshal.

15.44.110 - Section 907.~~9.58.1~~ amended—~~Maintenance, inspection and testing required~~.

Section 907.~~9.58.1~~ of the Fire Code is amended by adding the following paragraph at the end of said section:

Owners and operators of group R-1 occupancies shall provide documentation to the Fire Department, such as annual inspection forms, which confirm that all smoke detection devices and equipment within apartment units are installed and are in good operating condition.

15.44.130 - Section ~~705~~ 706 added—Roof coverings.

Section ~~705~~ 706 is added to the Fire Code, to read as follows:

~~705~~ 706 Roof coverings. Roof coverings on all buildings shall be fire retardant non-wood materials and shall comply with the standards of the California Building Code, Class A or B, prepared or built-up roofing. Re-roofing of existing buildings which occurs within any twelve (12) month period shall comply with the foregoing requirement if the re-roofing involves fifty percent (50%) or more of the roof area in the case of a non-wood roof or ten percent (10%) or more of the roof area in the case of a wood roof.

15.44.140 - Section ~~3001.1~~ 5301.1 amended—~~Maximum capacity for storage of compressed natural gas~~ Scope.

Section ~~3001.1~~ 5301.1 of the Fire Code is amended by adding the following paragraph at the end of ~~said section the first paragraph~~:

The storage of compressed natural gas is prohibited in all areas of the City except within the C-1 Commercial Mixed-Use District, HC Beatty Heavy Commercial District, M-1 Manufacturing District, and TC-1 Crocker Park Trade Commercial District when the storage container or tank is located at least 200 (two hundred) feet from the closest property line of a property occupied by a residence or school. ~~for the following subareas as identified in the General Plan for the City of Brisbane: Northeast Bayshore, Southeast Bayshore, Southwest Bayshore, Crocker Park, Beatty, and the Baylands.~~ Notwithstanding the foregoing, the Fire Marshal may grant a permit for storage of compressed natural gas in other areas of the City if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

15.44.150 - Section ~~3301.2~~ 5601 amended—~~Limits for storage of explosive materials~~ General.

Section ~~3301.2~~ 5601 of the Fire Code is amended by adding the following ~~paragraph at the end of said section subsection~~:

5601.2 Storage of explosives and blasting agents. The storage of explosives and blasting agents is prohibited in all areas of the City, except that the Fire Marshal may grant a permit to allow such storage if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this

Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

15.44.160 - Section ~~3404.1~~ 5704.1 amended—~~Locations where above-ground tanks are prohibited~~ General.

Section ~~3404.1~~ 5704.1 of the Fire Code is amended by adding the following paragraph at the end of said section:

The storage of flammable or combustible liquids in outside aboveground tanks is prohibited in all areas of the City except within the C-1 Commercial Mixed-Use District, HC Beatty Heavy Commercial District, M-1 Manufacturing District, and TC-1 Crocker Park Trade Commercial District when the storage container or tank is located at least 200 (two hundred) feet from the closest property line of a property occupied by a residence or school. ~~for the following subareas as identified in the General Plan for the City of Brisbane: Northeast Bayshore, Southeast Bayshore, Southwest Bayshore, Crocker Park, Beatty, and the Baylands.~~ Notwithstanding the foregoing, the Fire Marshal may grant a permit for such storage in other areas of the City if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

15.44.170 - Section ~~3804.2~~ 6104.2 amended—~~Location of containers of liquefied petroleum gas~~ Maximum capacity within established limits.

Section ~~3804.2~~ 6104.2 of the Fire Code is amended by adding the following paragraph at the end ~~of the first paragraph~~ of said section:

The aggregate storage of liquefied petroleum gas at any one installation in excess of ~~two thousand (2,000)~~ five hundred (500) gallons ~~(7570 1893 L)~~ is prohibited in all areas of the City except within the C-1 Commercial Mixed-Use District, HC Beatty Heavy Commercial District, M-1 Manufacturing District, and TC-1 Crocker Park Trade Commercial District when the storage container or tank is located at least 200 (two hundred) feet from the closest property line of a property occupied by a residence or school. ~~for the following subareas as identified in the General Plan for the City of Brisbane: Northeast Bayshore, Southeast Bayshore, Southwest Bayshore, Crocker Park, Beatty, and the Baylands.~~ Notwithstanding the foregoing, the Fire Marshal may grant a permit for such storage in other areas of the City if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will

not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

15.44.175 – Section 914.3.8 added – Firefighter breathing air replenishment system.

Section 914 of the Fire Code is amended by adding the following paragraph:

Section 914.3.8 Firefighter breathing air replenishment system. *All Group B and Group R occupancies, each having floors used for human occupancy located more than seventy-five feet (75') above the lowest level of fire department vehicular access, shall be equipped with an approved rescue air replenishment system. Such a system shall provide an adequate pressurized fresh air supply through a permanent piping system for the replenishment of portable life sustaining air equipment carried by fire department, rescue, and other personnel in the performance of their duties. Location and specifications or access stations to, and the installation of, such air replenishment systems shall be in accordance with the requirements of the fire chief.*

draft
ORDINANCE NO. 583

**AN ORDINANCE OF THE CITY OF BRISBANE AMENDING
CHAPTER 15.04, ADOPTION OF CONSTRUCTION CODES,
CHAPTER 15.08, ORGANIZATION AND ENFORCEMENT, AND
CHAPTER 15.44, FIRE PREVENTION CODE, AND REPEALING
CHAPTER 15.41, ABATEMENT OF DANGEROUS BUILDINGS
CODE IN TITLE 15, BUILDINGS AND CONSTRUCTION, OF
THE MUNICIPAL CODE**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: The City Council finds and determines as follows:

A. Certain hillside areas of the City are characterized by heavy vegetation and close proximity of structures to the vegetation and to each other. These areas contain narrow, winding streets, with steep grades and congested parking and traffic, making access difficult for fire apparatus and equipments in the event of emergency. Numerous dwellings located within the upper hillsides can only be reached by means of private access ways which may not be adequately constructed or maintained for access by Fire Department vehicles.

B. There are several natural conditions that affect the risk of fire damage within the City, including the following:

1. Brisbane is located near the San Andreas Fault and is subject to seismic activity that could potentially ignite fires throughout the City.
2. Brisbane regularly experiences strong winds, with average velocities ranging from approximately 15 to 25 miles per hour and reaching high velocities of 50 miles per hour. These winds may significantly contribute to the spread of fire and will increase the difficulty of fire suppression work.
3. The hillside areas of the City are constructed on the east slope of San Bruno Mountain, immediately adjacent to a protected habitat conservation area which is subject to wildland fires. During recent years, several wildland fires have threatened the safety of persons and property located near these areas.

C. By reason of the foregoing climatic, geographical, topographical, and community conditions, it is necessary to adopt certain local amendments to the California Fire Code in order to provide a high level of fire and life safety for all persons who live

and work within the City of Brisbane and to adequately protect both public and private property within the City.

SECTION 2: Section 15.04.010 of Chapter 15.04, Adoption of Construction Codes, is amended to read as follows:

15.04.010 - Purpose and authority.

The purpose of this chapter is to adopt by reference the 2013 edition of the California Building Standards Code, Title 24 of the California Code of Regulations. This chapter is also adopted to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of the city of Brisbane. This chapter is adopted under the authority of Government Code Section 38660 and Subsection 50022.2 and Health and Safety Code Section 18941.5.

SECTION 3: Section 15.04.040 of Chapter 15.04, Adoption of Construction Codes, is amended to read as follows:

15.04.040 - Adoption of Construction Codes

Title 24 of the California Code of Regulations, 2013 Edition of the California Building Standards Code, is hereby adopted by reference and incorporated in this code, including the following parts:

- A. 2013 California Administrative Code, Title 24, Part 1.
- B. 2013 California Building Code, Volumes 1 and 2, based on the 2012 International Building Code (ICC), Title 24, Part 2, including Appendix Chapters G – Flood Construction and H - Signs.
- C. 2013 California Residential Code, based on the 2012 Edition International Residential Code (ICC), Title 24, Part 2.5, including Appendix Chapters E – Manufactured Homes, G – Swimming Pools and Hot Tubs, H – Patio Covers, and J – Existing Buildings and Structures.
- D. 2013 California Electrical Code, based on the 2011 Edition National Electric Code as published by the National Fire Protection Association (NFPA), Title 24, Part 3.
- E. 2013 California Mechanical Code, based on the 2012 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 4.
- F. 2013 California Plumbing Code, based upon the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 5.
- G. 2013 California Energy Code, Title 24, Part 6.
- H. 2013 California Historical Building Code, Title 24, Part 8.
- I. For adoption of the 2013 California Fire Code, Title 24, Part 9, and modifications thereof, see Chapter 15.44 of this title.
- J. 2013 California Green Building Standards Code, Title 24, Part 11.
- K. 2013 California Referenced Standards Code, Title 24, Part 12.

In addition, the 2012 International Property Maintenance Code is hereby adopted by reference and incorporated in this code.

SECTION 4: Section 15.08.010 of Chapter 15.08, Organization and Enforcement, is amended to read as follows:

15.08.010 – Building official—Defined.

The term "building official" refers to the city manager of the city and his/her designated representative. The city manager, with the approval of the city council, may provide for building inspection services to be performed by contract with the County of San Mateo or other public or private agency. Whenever this code or the construction codes use the terms "administrative authority," "responsible official," "chief inspector," "code official" or "code enforcement officer" they shall mean the "building official" as defined in this section.

SECTION 5: Section 15.08.140 of Chapter 15.08, Organization and Enforcement, is amended to read as follows:

15.08.140 - Additions or alterations in excess of fifty percent of floor area.

A. When additions or alterations to a lawfully constructed building or structure which are made within any five (5) year period exceed fifty percent (50%) of the floor area of the pre-existing building or structure, as determined by the building official, then except as otherwise provided in subsection C of this section, the pre-existing building or structure shall be brought into conformity with such of the standards for new construction as the building official may determine to be necessary or appropriate to eliminate existing health or safety hazards, including, but not limited to, defects in structural integrity, defective or inadequate electrical installations, defective or inadequate fire sprinkler, sanitary sewer or storm drainage facilities, and substandard street access to the property.

B. For the purposes of making the determinations required by subsection A of this section, the following definitions, rules of interpretation, and procedures shall be applied:

1. Additions or alterations performed at different periods of time shall be considered to have been made within a five (5) years period if any building permits are issued or any work is commenced within five (5) years following the date of completion of any earlier work on the same building or structure. The date of completion shall normally be established as the date on which final inspection approval of the earlier work is granted by the city.

2. For the purposes of this section, the "floor area" of a building or structure shall mean the sum of the gross horizontal areas of all floors of a building or structure measured from the interior face of the exterior walls, but excluding each of the following:

a. Any area where the floor to ceiling height is less than six (6) feet; or

b. Any detached garage or other detached accessory structure which does not constitute habitable space; or

c. Any attached carport or covered deck.

3. The area of any additions or alterations not exceeding a cumulative total of four hundred (400) square feet, permitted to be made under the provisions of Section 17.34.110 of this title, shall not be subject to the provisions of this section.

4. The "standards for new construction" shall mean: (a) the requirements of the buildings code adopted by this Title 15; and (b) the storm water management and discharge requirements established by Chapter 13.06 of this code; and (c) the standard specifications and street standards adopted by Section 12.24.010 of this code.

5. Alterations, renovations or repairs which do not essentially change the original size, configuration, and habitable floor area of the building or structure or basic uses of the rooms within the building or structure, as determined by the building official, shall not be considered as additions or alterations subject to the provisions of this section. Additionally, work involving exterior surfaces, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck shall not be considered alterations subject to the provisions of this ordinance.

C. Where an existing building or structure is required by this section to be brought into conformity with the standards for new construction, the building official shall have authority in individual cases to grant modifications of any such requirements, if the building official is able to find and determine that:

1. Compliance with the requirement will cause practical difficulties or unreasonable hardship; and

2. The modification does not reduce any requirements for fire protection or any requirements relating to structural support and integrity; and

3. The modification does not create any new or increased hazard to the health or safety of the occupants of the existing building or structure.

D. This section is intended to establish requirements which are in addition to, and not in replacement of, any other ordinance, rule, regulation, or policy of the city which may be applicable to the proposed development project, including any of the uniform codes adopted by this title and include also any policy adopted in the Brisbane general plan.

E. Where the requirements of subsection A of this section are not applicable because the additions or alterations do not exceed fifty percent (50%) of the floor area of the pre-existing building or structure, the proposed development shall nevertheless comply with the requirements of Section 17.01.060 of the zoning ordinance unless: (1) the pre-existing building or structure is located upon a lot of record, as such term is defined in Chapter 17.02 of the zoning ordinance, and (2) a public street abutting such lot of record provides the principal means of access to that lot.

SECTION 6: Section 15.08.200 of Chapter 15.08, Organization and Enforcement, is repealed in its entirety.

SECTION 7: Section 15.08.220 of Chapter 15.08, Organization and Enforcement, is repealed in its entirety.

SECTION 8: Section 15.08.230 of Chapter 15.08, Organization and Enforcement, is repealed in its entirety.

SECTION 9: Section 15.08.240 of Chapter 15.08, Organization and Enforcement, is repealed in its entirety.

SECTION 10: Section 15.08.250 of Chapter 15.08, Organization and Enforcement, is repealed in its entirety.

SECTION 11: Section 15.08.260 of Chapter 15.08, Organization and Enforcement, is repealed in its entirety.

SECTION 12: Section 15.08.270 of Chapter 15.08, Organization and Enforcement, is repealed in its entirety.

SECTION 13: Chapter 15.41, Abatement of Dangerous Buildings Code, is repealed in its entirety.

SECTION 14: Section 15.44.010 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.010 - Adoption of fire prevention code.

The fire prevention code for the city of Brisbane shall be the 2012 Edition of the International Fire Code and the 2013 Edition of the California Fire Code, including Appendices B, C, D, and F (hereinafter referred to as the "Fire Code"), as promulgated by the International Code Council, and the same is hereby adopted and incorporated herein by reference, subject to the modifications as contained in this Chapter 15.44. Two (2) copies of the Fire Code have been filed for use and examination by the public, one copy being located at Brisbane City Hall and the other copy being located at the Fire Administration office.

SECTION 15: Section 15.44.040 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.040 – Section 105.7.17 added—Permit fees.

Section 105.7.17 is added to the Fire Code, to read as follows:

1205.7.1.17 Permit fees. The Fire Department shall be authorized to charge such fees and costs for services performed pursuant to the Fire Code as may be established from time to time by ordinance or resolution of the City Council.

SECTION 16: Section 15.44.080 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.080 - Section 903 amended—Automatic sprinkler systems.

Section 903 of the Fire Code is amended in its entirety to read as follows:

903 Automatic fire extinguishing systems.

- (a) Notwithstanding any other provisions of this Code or any other code or ordinance of the City of Brisbane, automatic fire sprinkler systems, approved by the Fire Marshall, shall be installed in the following buildings and structures that are classified as new construction:
 - 1. For all occupancies except R-3 occupancies: Any new building or structure, regardless of size, except stand alone, uninhabitable buildings, garages and sheds having a floor area of less than 400 square feet.
 - 2. For all R-3 occupancies: Any new single-family or duplex structure, excluding any detached accessory structure that does not constitute habitable space having a floor area of less than 400 square feet.
- (b) When additions or alterations made to an existing building fall within the requirements under Brisbane Municipal Code Section 15.08.140, an automatic fire sprinkler system shall be provided for the entire building.
- (c) Where automatic fire sprinkler systems are required to be installed, the following additional requirements shall also be satisfied, as applicable:
 - 1. A minimum of three (3) copies of plans and specifications for automatic sprinkler installations, plus water supply calculations, shall be provided to the Fire Department for review and approval prior to commencement of the installation work.
 - 2. All required automatic sprinkler systems shall be approved by the Fire Department.
 - 3. All acceptance tests and such periodic tests as required by the Fire Marshall or pursuant to NFPA Pamphlets No. 13, 13D, 13R and/or Subchapter 5, Title 19, California Code of Regulations, shall be conducted and, where applicable, witnessed by a representative of the Fire Department.
 - 4. An approved exterior visual fire alarm device may be required for buildings that have numerous fire department connections (FDC's). Type and locations will be determined by the Fire Department. Such visual alarm devices are not to replace the exterior audible device, but to assist fire suppression personnel as to location(s) of systems which require pumping operations.

SECTION 17: Section 15.44.090 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.090 - Section 5608.1 amended—Fireworks display.

Section 5608.1 of the Fire Code is amended by adding the following paragraph to the end of the first paragraph:

The possession, storage, sale, use or discharge of California State Fire Marshal approved "safe and sane" fireworks is prohibited within the City of Brisbane.

SECTION 18: Section 15.44.100 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.100 - Section 904.2 amended—Where required.

Section 904.2 of the Fire Code is amended by adding the following subsection after Subsection 904.2.1 Commercial hood and duct systems:

904.2.2 Floor markings. The location(s) of all cooking appliances that are protected by an approved automatic fire extinguishing system shall be permanently identified either by a wall mounted "approved" appliance floor plan or marked on the floor in a manner approved by the Fire Marshal.

SECTION 19: Section 15.44.110 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.110 - Section 907.8.1 amended—Maintenance required.

Section 907.8.1 of the Fire Code is amended by adding the following paragraph at the end of said section:

Owners and operators of group R-1 occupancies shall provide documentation to the Fire Department, such as annual inspection forms, which confirm that all smoke detection devices and equipment within apartment units are installed and are in good operating condition.

SECTION 20: Section 15.44.130 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.130 - Section 706 added—Roof coverings.

Section 706 is added to the Fire Code, to read as follows:

706 Roof coverings. Roof coverings on all buildings shall be fire retardant non-wood materials and shall comply with the standards of the California Building Code, Class A or B, prepared or built-up roofing. Re-roofing of existing buildings which occurs within any twelve (12) month period shall comply with the foregoing requirement if the re-roofing involves fifty percent (50%) or more of the roof area in the case of a non-wood roof or ten percent (10%) or more of the roof area in the case of a wood roof.

SECTION 21: Section 15.44.140 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.140 - Section 5301.1 amended—Scope.

Section 5301.1 of the Fire Code is amended by adding the following paragraph at the end of the first paragraph:

The storage of compressed natural gas is prohibited in all areas of the City except within the C-1 Commercial Mixed-Use District, HC Beatty Heavy Commercial District, M-1 Manufacturing District, and TC-1 Crocker Park Trade Commercial District when the storage container or tank is located at least 200 (two hundred) feet from the closest property line of a property occupied by a residence or school. Notwithstanding the foregoing, the Fire Marshal may grant a permit for storage of compressed natural gas in other areas of the City if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

SECTION 22: Section 15.44.150 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.150 - Section 5601 amended—General.

Section 5601 of the Fire Code is amended by adding the following subsection:

5601.2 Storage of explosives and blasting agents. The storage of explosives and blasting agents is prohibited in all areas of the City, except that the Fire Marshal may grant a permit to allow such storage if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

SECTION 23: Section 15.44.160 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.160 - Section 5704.1 amended—General.

Section 5704.1 of the Fire Code is amended by adding the following paragraph at the end of said section:

The storage of flammable or combustible liquids in outside aboveground tanks is prohibited in all areas of the City except within the C-1 Commercial Mixed-Use District, HC Beatty Heavy Commercial District, M-1 Manufacturing District, and TC-1 Crocker Park Trade Commercial District when the storage container or tank is located at least 200 (two hundred) feet from the closest property line of a property occupied by a residence or school. Notwithstanding the foregoing, the Fire Marshal may grant a permit for such storage in other areas of the City if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

SECTION 24: Section 15.44.170 of Chapter 15.44, Fire Prevention Code, is amended to read as follows:

15.44.170 - Section 6104.2 amended—Maximum capacity within established limits.

Section 6104.2 of the Fire Code is amended by adding the following paragraph at the end of the first paragraph of said section:

The aggregate storage of liquefied petroleum gas at any one installation in excess of five hundred (500) gallons (*1893 L*) is prohibited in all areas of the City except within the C-1 Commercial Mixed-Use District, HC Beatty Heavy Commercial District, M-1 Manufacturing District, and TC-1 Crocker Park Trade Commercial District when the storage container or tank is located at least 200 (two hundred) feet from the closest property line of a property occupied by a residence or school. Notwithstanding the foregoing, the Fire Marshal may grant a permit for such storage in other areas of the City if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

SECTION 25: Section 15.44.175 is added to Chapter 15.44, Fire Prevention Code, to read as follows:

15.44.175 – Section 914.3.8 added – Firefighter breathing air replenishment system.

Section 914 of the Fire Code is amended by adding the following paragraph:

Section 914.3.8 Firefighter breathing air replenishment system. All Group B and Group R occupancies, each having floors used for human occupancy located more than seventy-five feet (75') above the lowest level of fire department vehicular access, shall be equipped with an approved rescue air replenishment system. Such

a system shall provide an adequate pressurized fresh air supply through a permanent piping system for the replenishment of portable life sustaining air equipment carried by fire department, rescue, and other personnel in the performance of their duties. Location and specifications or access stations to, and the installation of, such air replenishment systems shall be in accordance with the requirements of the fire chief.

SECTION 26: Except for the specific sections amended by this Ordinance, all other sections set forth in Chapter 15.44 of the Municipal Code shall remain in full force and effect and shall constitute amendments to the 2012 Edition of the International Fire Code and the 2013 Edition of the California Fire Code.

SECTION 27: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 28: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney