

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING CHAPTER 11.04 (BUILDING CODE) OF TITLE 11 (BUILDING, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE VOLUMES 1 & 2, THE 2022 HISTORICAL BUILDING CODE, AND THE 1997 UNIFORM HOUSING CODE

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Existing Chapter 11.04 (Building Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of October 11, 2022 for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications “are reasonably necessary because of local climatic, geological or topographical conditions”; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climactic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On October 11, 2022, the City Council held a duly-noticed public hearing on the proposed Municipal Code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

Existing Chapter 11.04 (Building Code) of Title 11 (Buildings, Construction and Fire Protection) is hereby amended as shown in underline for additions and ~~striketrough~~ for deletions, as follows:

Chapter 11.04

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BUILDING CODE

Sections:

- 11.04.010** Adoption of the ~~2016 2019~~ 2022 California Building Code, Volumes 1 & 2, the ~~2013~~ 2022 California Historical Code, the ~~2016 2019~~ California Existing Building Code, the ~~2016 2019~~ Residential Building Code, the ~~2016 2019~~ Green Building Standards Code and the 1997 Uniform Housing Code the ~~2015 2018~~ International Building Code.
- 11.04.020** Amendments.
- 11.04.0430** Most restrictive code provision.
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- 11.04.010** Adoption of the ~~2016 2019~~ 2022 California Building Code, Volumes 1 & 2, the ~~2013~~ 2022 California Historical Code, the ~~2016 2019~~ California Existing Building Code, the ~~2016 2019~~ Residential Building Code, the ~~2016 2019~~ Green Building Standards Code and the 1997 Uniform Housing Code the ~~2015 2018~~ International Building Code.

A. Certain documents are marked ~~2016 2019~~ 2022 California Building Code, Volumes 1 & 2, the ~~2016 2019~~ 2022 California Historical Code, the ~~2016 2019~~ California Existing Building Code, the ~~2016 2019~~ Residential Building Code, the ~~2016 2019~~ Green Building Standards and the 1997 Uniform Housing Code and the ~~2015 2018~~ International Building Code. The appendices to the ~~2016 2019~~ California Building Code are excluded from adoption except for CBC Appendix F—Rodent Proofing; Appendix I—Patio Covers; and Appendix J—Grading, which are specifically adopted. The appendices to the ~~2016 2019~~ Residential Building Code are excluded from adoption except Appendix C—Exit Terminals of Mechanical Draft and Direct Venting Systems; Appendix D—Recommended Procedure for Safety Inspection of (E) Appliance Installation; Appendix E—Manufactured Housing Use as Dwellings; Appendix G—Swimming Pools, Spas and Hot Tubs; Appendix H—Patio Covers; Appendix J—(E) Buildings and Structures; Appendix K—Sound Transmission; Appendix O—Gray Water Recycling Systems. A copy of these documents is on file in the office of the building official. The documents are published by the International Code Council and the California Building Standards Commission. The documents with additions, deletions and amendments set forth herein, and any future addenda or errata published by the State of California, are adopted as the building code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of the city's building code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with the discretion to enforce the section, or not to enforce it.

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11.04.020 Amendments.

Amendments to the ~~2019~~ 2022 California Building Code are as follows:

A. Section 107.6 is added to the ~~2019~~ 2022 California Building Code to read as follows:

Protection from Airport Noise. Any residential structure located within the 65 CNEL as determined by the 2020 Noise Forecast adopted by the Comprehensive Airport Land Use Compatibility Plan (SFO CLUP) which is either newly constructed or renovated at a cost equal to or greater than 25% of the valuation shall meet noise insulation standards set by the Federal Aviation Administration.

Any section or table in any of the codes adopted by this chapter that allows any structure dimension to be unlimited must be approved by the building official and the fire code official.

B. Section ~~[A] 110.1 Inspections~~ - is added to the ~~2016~~ 2019 California Building Code to read as follows:

~~The covering of store front windows or obstructing the view in any manner that limits the ability of the Building Official to conduct a visual inspections from outside of building upon vacancy and or prior to and during tenant improvement work is prohibited.~~

C. Section 113.1 of the 2022 California Building Code is amended to read as follows:

Appeal and Review. The building official shall be charged with the duty and responsibility of administrating the provisions of this chapter.

Whenever it is provided herein that certain things shall be done in accordance with the order, opinion, or approval of the building official, such order, opinion or approval shall be complied with; provided, any person aggrieved thereby, or believing that such order, opinion or approval is erroneous or faulty, may appeal except as otherwise provided in this chapter, to the city manager in writing within seventy-two hours after such order, opinion or approval has been given, and the city manager shall affirm, modify or reverse the same within seventy-two (72) hours thereafter The decision of the city manager shall be final and conclusive. In the meantime, except in the case of immediate hazard, the order, opinion, or approval shall be deemed suspended until such person has exhausted his or her right of appeal as herein provided.

D. Section 114.4 of the 2022 California Building Code shall be amended to read as follows:

1. **114.4 Violation Penalties.** Any person, firm, or corporation who violates a provision of this code or fails to comply with any of the requirements of thereof or who erects, constructs, alters or repairs a building or structure in

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violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.

E. Section 502.1 of the 2022 California Building Code shall be amended to read as follows:

502.1.1 Address Identification. When the structure is thirty-six (36) to fifty (50) feet from the street or fire apparatus access, a minimum of one-half inch (1/2") stroke by six inches (6") high is required.

502.1.2 Multi-Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2") stroke by four inches (4") high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction.

502.1.3 Rear Addressing. When required by the fire code official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide and acceptable vehicular access.

~~Newly constructed site address identification in occupancies regulated by this code shall be illuminated and receive their primary power from building wiring. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.~~

F. ~~Section 701.1 Inspection and Certification, of the California Building Code shall be amended to read as follows:~~

~~The determination of Wildland Urban Interface Fire areas and the appropriate non-combustible materials for construction in those areas shall be determined by the City Fire Marshal and Building Official.~~

G. Section 1505.1 Table 1505.1 of the 2022 California Building Code is amended to read as follows:

The minimum roof covering classification for all types of construction regulated by this code in San Bruno shall be Class B fire-retardant rating

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~~H. Sections R319.1 Site Address Identification is amended to read as follows:~~

~~Newly constructed site address identification of R Occupancies shall be illuminated and receive their primary power from building wiring. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.~~

~~I. Section R403.1.3 of the California Residential Code is amended as follows:~~

~~Minimum reinforcement shall be two continuous longitudinal reinforcing bars not smaller than No. 4 bars.~~

~~J. Section R602.10.4 and Table 602.10.4 of the California Residential Code is amended as follows:~~

~~Gypsum wall board (method GB) and plaster (method PCP) shall not be considered for braced wall panels.~~

11.04.030 Most restrictive code provision.

If a discrepancy occurs between the municipal code and the state building codes, the municipal code shall apply. If a discrepancy occurs between the state codes adopted pursuant to this chapter, the most restrictive code shall prevail as interpreted by the building official.

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act

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(CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

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I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

**AMENDMENT TO CHAPTER 11.04 (BUILDING CODE) OF TITLE 11 (BUILDINGS,
CONSTRUCTION AND FIRE PROTECTION)**

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City Attorney