



AGENDA

REGULAR CITY COUNCIL MEETING
Tuesday, November 1, 2016 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

7:00 p.m. CONVENE REGULAR CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – *Mayor Lyman*

2. COUNCIL / STAFF COMMUNICATIONS (*Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.*)

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. PRESENTATION – *None*

5. ADOPTION OF THE CONSENT CALENDAR – **Item No. 5(A) and 5(B)**

A. Approval of Minutes

Approve the October 18, 2016 Regular City Council meeting minutes.

B. Environmental Quality Committee Appointment

Approve an Environmental Quality Committee recommendation to appoint Sean O'Conner to the Environmental Quality Committee, effective November 9, 2016.

6. PUBLIC HEARINGS

Local Modification of the 2016 California Building Standards Code, Including Green Building Code, Building Code, Fire Code and related Construction Codes

First reading of the ordinance occurred on October 18, 2016 and approved by unanimous vote.

Conduct a public hearing and upon conclusion approve by title, waive any further reading and adopt an ordinance which adopts the 2016 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code and related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the ordinance. *Exempt from CEQA.*

7. POLICY MATTERS – None

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, November 15, 2016 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, October 18, 2016 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

Councilmembers Abelson, Bridges, Friedman, Quinto and Lyman all present.

7:00 p.m. CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the Regular City Council meeting at 7:00 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led by Councilmember Jan Bridges.

2. COUNCIL / STAFF COMMUNICATIONS

Cheryl Morse, City Clerk, announced that there is an official secure ballot box located at City Hall for anyone who would like to drop off vote-by-mail ballots. Additionally, the City is also partnering with the Contra Costa County Registrar of Voters in designating City Hall as a Regional Early Voting Center October 31st through November 4th, 11:00 a.m. to 7:00 p.m. and Saturday, November 5th 8:00 a.m. to 5:00 p.m.

Councilmember Quinto reported that the Contra Costa County Board of Supervisors approved a proclamation celebrating October as Filipino American History Month. Councilmember Quinto also reported that Filipino American history will also be taught to middle schoolers and that there are three Filipino American elected officials in Contra Costa County.

Mayor Lyman thanked the Arts and Culture Commission for the Arts Month Festival kick-off event on October 1 and the October 8 Folk Festival. Mayor Lyman also acknowledged the work that the Economic Development Committee did on Restaurant Week and thanked everyone who participated. Additionally, the Rotary Club was acknowledged by Mayor Lyman for its efforts in organizing the Sip-n-Savor fundraiser event held at the Mira Vista Golf and Country Club that benefited El Cerrito High School and the Library Foundation.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, said he was inspired by the kids that spoke at the Summit Charter School public hearing in July, reported that he sent a link to the City Clerk regarding Boards and Commissions and announced an upcoming performance at the Contra Costa Theatre.

Marlene Keller, El Cerrito, Volunteer for the Library Foundation and Friends of the Library, urged all to vote in favor of Measure B/New El Cerrito Library.

Chris Fritz, El Cerrito, spoke in support of Measure B/New El Cerrito Library.

Al Miller, El Cerrito, spoke in support of Measure B/New El Cerrito Library.

Sid Manchester-Jones, El Cerrito, stated that the measure of a society is how those on the lower economic spectrum or those with addictions or who have been displaced are treated. Mr. Manchester-Jones also commented on the El Dorado project.

Georgina Edwards, El Cerrito, thanked the City Council and staff for their service, affirmed her support for a new library in the future and also thanked her neighbors for their safe and informative discourse.

Bill Jones, Former El Cerrito Mayor, El Cerrito, stated that everyone agrees that El Cerrito needs to rebuild its Library and that all the details and costs will be decided through public input. The sooner the City has funding to begin the process the sooner the City will have a modern library that everyone wants. Former Mayor Jones also stated that El Cerrito was unable to apply for Library grants several years ago and urged all to vote yes on Measure B/New El Cerrito Library and participate in the planning and design process.

James M. Richardson, M.D., El Cerrito, expressed concerns regarding a parking hazard in front of his house and the City's lack of response. Dr. Richardson stated that his car has been nearly broadsided 3-4 times within the last 3-4 months.

Melanie Proctor, El Cerrito, stated that it is difficult to reconcile the City's sustainability efforts with the proposed library. Taxes have been passed for city services yet library services have not been increased beyond 35 hours. Ms. Proctor stated that she will vote no on Measure B/New El Cerrito Library and urged residents to re-think Measure B.

Rochelle Pardue-Okimoto, thanked the opposition for their questioning of Measure B and explained why she supports Measure B for a new library.

Norman LaForce, Former El Cerrito Mayor, stated that the need for a new library is established and that the time to do it is now to get it done and done right. Mr. LaForce said the City spends its tax money wisely and provided examples such as the community pool, streets and City Hall. Former Mayor LaForce spoke in support of Measure B/New El Cerrito Library.

Robin Mitchell, El Cerrito, Friends of Dorothy Rosenberg Memorial Park, stated that the Rosenberg Memorial Park Friends Group has spent many hours improving the property and have prepared an extensive workplan. The group hopes to see the house opened in the near future. After attending the El Dorado project hearings and contemplating those who had been displaced, it occurred to Ms. Mitchell that filling the caretaker position in accordance with appropriate city policies and standards would provide an opportunity for low income housing at no unusual risk.

Howdy Goudey, El Cerrito, applauded Mr. Manchester-Jones for his thoughtful comments and stated that the City Council needs to act on its conscience and make it right for the former Audiss residents. Mr. Goudey said he hopes to discuss housing at future Planning Commission and City Council meetings and urged the City Council to take meaningful action to remedy the effects of El Dorado and set policy that will avoid tragic outcomes in the future. Mr. Goudey also stated that he supports Measure B/New El Cerrito Library.

Paul Sterne, El Cerrito, stated that service from the Police Department has been good but service from the Building Department is far from exemplary so he cannot conclude that the City provides exemplary service. The City has one of the highest sales tax rates in the entire state coupled with one of the highest property tax rates in the County. Mr. Sterne also questioned the way the city spends its money to inform residents about Measure B/New El Cerrito Library. City funds should not be spent to support propositions on the ballot.

Patrice Chamberlain, El Cerrito, spoke in support of Measure B/New El Cerrito Library, which she identified as a community investment. Libraries are democracy in action and create equity and inclusion.

Jan Woo, El Cerrito, Former El Cerrito Library Commissioner, noted that although residents stated in Town Hall forums and surveys that they wanted more Library hours as facility improvements there has been no progress in extending hours. Ms. Woo stated that if El Cerrito can't afford to keep the library open for more than 35 hours per week how can it afford to do this for a much larger facility. Ms. Woo said she will vote no on Measure B/New El Cerrito Library.

Paul Fadelli, El Cerrito, stated that the Library will have a broad, transparent and review public process and noted that a real library isn't separate from the City's economic development goals.

Denise Sangster, El Cerrito, encouraged the City Council to withdraw Consent Calendar Item No. 5(J), Arlington Boulevard and Brewster Drive Intersection Safety Improvements, for additional community process.

Nicholas Arzio, El Cerrito, expressed why he is voting no on Measure B/New El Cerrito Library, and questioned the City's use of a Lew Edwards Group for the City's Library informational materials.

4. PRESENTATIONS

A. Unity and Bullying Prevention Awareness Day Proclamation

Approve a proclamation proclaiming October 19, 2016 as Unity Day in the City of El Cerrito and encouraging all schools, students, parents, recreation programs, religious institutions and community organizations to engage in a variety of awareness and prevention activities designed to make our community safer for all children and adolescents and encouraging all El Cerrito residents to wear orange on Unity Day to demonstrate the City's commitment to the prevention of bullying.

Presenter: Vivian Brandt, Community Services Supervisor, Recreation Department.

Speaker: Cordell Hindler, Richmond, shared a personal story about bullying.

Action: Received presentation. Moved, seconded (Friedman/Abelson) and carried unanimously to approve the proclamation.

B. Recreation Department Update – Presentation by Chris Jones, Director, Recreation Department.

Presenters: Chris Jones, Director, Recreation Department; Bridget Cooney, Recreation Supervisor, Sarah Di Benedetto, Recreation Analyst, Janet Bilbas, Senior Services Supervisor, Vivian Brandt, Community Services Supervisor, and Hannah Long, Recreation Supervisor.

Speakers: Cordell Hindler, Richmond, expressed his appreciation for the Recreation Department.

Action: Received presentation.

C. Crime Prevention Committee Workplan – Presentation by Nicholas Arzio, Chair.

Receive a presentation regarding the Crime Prevention Committee's accomplishments, goals and workplan.

Presenter: Nicholas Arzio, Chair.

Speaker: Cordell Hindler, Richmond, said he enjoyed the presentation and has presented ideas to the Committee.

Action: Received presentation.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5(A) through 5(J)

Moved, seconded (Abelson/Friedman) and carried unanimously to approve Consent Calendar Item Nos. 5(A) through 5(G) in one action as indicated below. Consent Calendar Item No. 5(H) was removed from the Consent Calendar for the purpose of recognizing Chief Keith and approved as indicated below. Consent Calendar Item No. 5(J) was removed from the Consent Calendar by Councilmember Bridges.

A. Approval of Minutes

Approve the September 20, 2016 Regular City Council meeting minutes.

Action: Approved minutes.

B. Arts and Humanities Month Proclamation

Approve a proclamation declaring October 2016 as "Arts and Humanities Month" in the City of El Cerrito and encouraging all residents to participate in arts-related events in El Cerrito throughout the month.

Action: Approved proclamation.

C. Proclamation Recognizing Chris Strachwitz and Down Home Music

Approve a proclamation commending Chris Strachwitz, for his many accomplishments, recognizing the fortieth anniversary of the Down Home Music Store and declaring October 20, 2016 as "Chris Strachwitz and Down Home Music Day" in the City of El Cerrito.

Action: Approved proclamation.

D. Shelter-in-Place Education Day Proclamation

Approve a proclamation recognizing the importance of preparing for emergencies and encouraging participation in the Contra Costa Community Awareness Emergency Response Group's (CAER) public education efforts in support of the parents, teachers, students and staff that will be participating with hundreds of other schools and childcare centers in the Shelter-in-Place Drill and proclaiming November 2, 2016 as "Shelter-in-Place Education Day" in the City of El Cerrito.

Action: Approved proclamation.

E. Proclamation Encouraging Autonomous Vehicle Testing as a Public Safety and Economic Development Initiative

Approve a proclamation declaring that the City of El Cerrito welcomes the testing and operation of intelligent vehicles on the streets and roads over which the City has jurisdiction in accordance with applicable law, as a means to encourage the advancement of this technology and to create economic benefit, and will, if necessary, work collaboratively with other jurisdictions in Contra Costa County to address any issues that arise in order to best protect the safety of our residents.

Action: Approved proclamation.

F. Amendments to City's Job Classification Plan

Adopt a resolution amending the City's Job Classification Plan to: 1) Re-title and revise the class specification of "Information Services Manager" to "Information Technology Manager;" and 2) Retitle the class specification of "Administrative Analyst I, II, III" to "Management Analyst I, II, III."

Action: Adopted Resolution No. 2016–76.

G. Conflict of Interest Code Update

Adopt a resolution approving a revised Conflict of Interest Code for the City of El Cerrito, including filing requirements for related agencies, including the Public Financing Authority, the Employee Pension Board, and the Successor Agency to the former Redevelopment Agency and rescinding Resolution No. 2014-47.

Action: Adopted Resolution No. 2016–77.

H. Memorandum of Understanding with the Public Safety Management Group – Police Chief

Adopt a resolution authorizing the City Manager to execute a Memorandum of Understanding between the City of El Cerrito and the Public Safety Management Group – Police Chief.

Presenter: Karen Pinkos, Assistant City Manager.

Speaker: Denise Sangster, El Cerrito, congratulated Chief Keith.

Action: Removed from the Consent Calendar by Mayor Lyman at the request of Karen Pinkos, Assistant City Manager, who provided background information on Chief Keith. Moved, seconded (Abelson/Friedman) and carried unanimously to adopt Resolution No. 2016–78.

I. Financial Support for Youth Soccer Grant for Gilman Sports Fields

Adopt a resolution supporting the application for a California Youth Soccer Program Grant of \$1,000,000 by the Gilman Sports Fields Joint Powers Authority (JPA) and allocating \$20,000 from the City's General Fund Reserve (identified as Option 1) as local matching funds for the construction of a new youth soccer field and public restroom facility. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016–79.

J. Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071, Federal Aid Project No. HSIP-5239(023)

Adopt a resolution taking the following actions: 1) Approve plans for the Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071, Federal Aid Project No. HSIP-5239(023); 2) Accept the two submitted bids; 3) Authorize the City Manager to execute a contract in the amount of \$205,268.50

with FBD Vanguard Construction, Inc. and approve change orders in an amount not to exceed \$21,000 for the construction of the Arlington Boulevard and Brewster Drive Intersection Safety Improvements Project; and 4) Amend the Fiscal Year 2016-17 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A Street Improvement Program to appropriate an additional \$40,000 in the Measure A Street Improvement Fund for the Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071. *Exempt from CEQA.*

Presenter: Yvetteh Ortiz, Public Works Director.

Speaker: Denise Sangster, El Cerrito, stated that neighbors asked for bumps to be placed where an individual was killed and do not want rumble strips placed in the street in front of their homes. Ms. Sangster asked that the item be delayed for two weeks so staff can meet with neighbors.

Action: Removed from the Consent Calendar by Councilmember Bridges. Moved, seconded (Friedman/Quinto) and carried unanimously to adopt Resolution No. 2016–80 as revised to increase the contingency and appropriation amount of the contract and direct staff to meet with residents near the project and authorize staff to exercise its own discretion in making any improvements necessary.

Councilmember Friedman noted that it is his hope that staff will attempt to achieve consensus with residents.

6. PUBLIC HEARINGS

Local Modification of the 2016 California Building Standards Code, Including Green Building Code, Building Code, Fire Code and related Construction Codes

Conduct a public hearing and upon conclusion: 1) Adopt a resolution which makes findings justifying changes or modifications due to local climatic, geologic and topographic conditions in the 2016 California Building Standards Code, which includes the California Green Code, Building Code, Fire Code, Residential Code and related Construction Codes; and 2) Introduce by title and waive first reading of an Ordinance and set the second hearing for November 1, 2016 to adopt the 2016 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code and related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the ordinance. *Exempt from CEQA.*

Presenters: Mark Soltes, Building Official and Michael Bond, Battalion Chief.

Mayor Lyman opened the public hearing. No speakers.

Actions: Moved, seconded (Friedman/Bridges) and carried unanimously to close the public hearing.

Moved, seconded (Friedman/Quinto) and carried unanimously to adopt Resolution No. 2016–81.

Moved, seconded (Quinto/Bridges) and carried unanimously to approve Ordinance No. 2016–04 as revised to correct page five of the ordinance to change the reference in El Cerrito Municipal Code Section 16.02.120 citing Section 1905.1.8 of the California Building Code to Section 1905.1.7. *Second reading of the ordinance is scheduled for November 1, 2016.*

7. POLICY MATTERS

Presentation and Possible Action in Support of California State Proposition 55 – Tax Extension to Fund Education and Healthcare – Presentation by Tony Thurmond, California State Assemblymember, District 15.

Receive a presentation from Assemblymember Tony Thurmond and consider adopting a resolution joining cities and school districts around the state in supporting California Proposition 55 and urging the Legislature to work with the public education community to identify stable, long-term, adequate funding solutions for public schools and support the passage of Proposition 55 because it provides needed revenue to public schools and will specifically benefit the district.

Presenter: Matt Duffy, Superintendent, West Contra Costa Unified School District spoke in place of Assemblymember Thurmond.

Speaker: Cordell Hindler, Richmond, said he is grateful for the money that will go into the District.

Action: Moved, seconded (Friedman/Quinto) and carried unanimously to adopt Resolution No. 2016–82.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

Mayor Pro Tem Abelson reported to that she attended the League of California Cities (League) Annual Conference in Long Beach. The League's Executive Director is retiring at the end of this month. A search is underway for a replacement. The East Bay Division met and elected new officers with Mayor Pro Tem Abelson rotating out of the immediate past president position. Mayor Pro Tem Abelson shared a photo of the Sculpture "Transformation" that it is San Leandro. El Cerrito could also express its vision of the city through art. League Conference Sessions included 1) Homelessness; 2) Preparing for an all active shooter event; 3) Affordable housing challenges; and 4) Sitting is the new smoking – how to get employees moving. She enjoyed connecting with officials from other jurisdictions and learning about their cities. The League Delegates also passed a resolution in support of making safety a top priority for transportation projects and policy formation. The resolution also encourages cities to pursue similar initiatives.

Councilmember Quinto reported that he also attended the League Annual Conference and was installed as a Director-at-Large of the statewide Asian Pacific Islander Caucus (API). Councilmember Quinto looks forward to representing Northern California in the coming year and will be attending a Fall reception with state API legislative leaders on October 29. The Conference provided an opportunity to meet colleagues throughout the state. Councilmember Quinto met individuals involved with hydrogen power who would like to come to El Cerrito to make a presentation at the Mayors Conference or an East Bay Division League meeting.

Councilmember Friedman reported that he moderated a panel on the minimum wage at the League Annual Conference. Suzanne Iarla, Assistant to the City Manager, did a good job organizing the presentation.

Mayor Lyman reported that he attended a Marin Clean Energy (MCE) annual retreat. There is overwhelming support by the MCE Board to proceed with inviting more communities in Contra Costa County to join with MCE. MCE grew by seven

communities in the last year. Mayor Lyman also attended a Tom Bates/Gilman Sports Fields Joint Powers Authority meeting. On October 12 Mayor Lyman attended a RecycleMore internal operations meeting and received a budget briefing. Rates will go up by about 1.5%. At the Contra Costa Mayors Conference architectural critic John King spoke about the Bay Area. Mr. King gave a special shout out to El Cerrito as an area that is not quite urban and not quite rural. It is fairly unique in the Bay Area. The Contra Costa Mayors Conference also approved its budget.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:28 p.m.



AGENDA BILL

Agenda Item No. 5(B)

Date: November 1, 2016
To: El Cerrito City Council
From: Maria Sanders, Operations & Environmental Services Manager
Subject: Environmental Quality Committee Appointment Recommendation

ACTION REQUESTED

Approve an Environmental Quality Committee recommendation to appoint Sean O'Connor to the Environmental Quality Committee, effective November 9, 2016.

BACKGROUND AND ANALYSIS

An application to serve on the Environmental Quality Committee (EQC) was received from Sean O'Connor. During a Special Ad Hoc Membership Subcommittee Meeting on October 10, 2016, members of the EQC interviewed Mr. O'Connor and agreed that he should be considered for membership recommendation. During the EQC's Regular Meeting on October 10, 2016, which immediately followed the Special Meeting, the Committee voted unanimously to recommend to the City Council that Mr. O'Connor be appointed to the Environmental Quality Committee.

Mr. O'Connor is a resident of El Cerrito and a dedicated volunteer at many of the EQC's Green Team events, as well as many of El Cerrito's other environmental events, such as Earth Day. He has demonstrated through his volunteerism, application and interview that he is committed to environmental quality in El Cerrito and the mission of the Committee. He has also attended at least three consecutive regular Committee meetings, as required by the enabling resolution (Resolution 2008-13) for the EQC.

If the Council approves this recommendation, the number of Committee members will be 12 out of a possible membership total of 15, as established by Resolution 2008-13.

STRATEGIC PLAN CONSIDERATIONS

The work of the members on the EQC is instrumental in helping the city achieve Goal F of the El Cerrito Strategic Plan, which is to "Foster environmental sustainability citywide." The EQC initiates and supports a variety of activities that advance all the strategies under Goal F:

- Be a leader in setting policies and providing innovative programs that promote environmental sustainability;
- Promote environmental education to facilitate behavioral changes;
- Implement policies to promote waste diversion;
- Encourage alternative modes of transportation; and

- Implement the Climate Action Plan.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. O'Connor Application



**November 1, 2016
City Council Meeting**

Item No. 5(B) Environmental Quality Committee Appointment

Attachment 1 Sean O'Connor Application

is available for review in hardcopy format at the following
locations:

Office of the City Clerk
10940 San Pablo Avenue
El Cerrito
(510) 215-4305

and

The El Cerrito Library
El Cerrito
6510 Stockton Avenue



AGENDA BILL

Agenda Item No. 6

Date: November 1, 2016
To: El Cerrito City Council
From: Mark Soltes, Building Official,
Michael Bond, Fire Marshall
Margaret Kavanaugh-Lynch, Development Services Manager
Subject: Second Reading and Adoption of Local Modification of the 2016 California Building Standards Code, including Green Building Code, Building Code, Fire Code, and related Construction Codes

ACTION REQUESTED

Conduct a public hearing, and upon conclusion:

Approve by title, waive any further reading and adopt an ordinance which adopts the 2016 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code and related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the ordinance.

BACKGROUND AND ANALYSIS

The 2016 California Building Standards Codes (CBSC), which includes the Fire Code, becomes effective in California cities on January 1, 2017. This hearing serves as the second reading for the local modification of the new California Building Standards Codes, as required by Government Code.

The City Council approved the resolution and ordinance on this action at its first reading of October 18, 2016. No substantial changes have been made to the draft ordinance other than the correction of a typographical error noted at the first hearing.

STRATEGIC PLAN CONSIDERATIONS

The task of updating and adopting the new California codes specifically modified to align with El Cerrito's local climatic, geologic and topographic conditions is in keeping with the Strategic Plan goals of delivering exemplary government services and ensuring the public's health and safety.

ENVIRONMENTAL CONSIDERATIONS

This project is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3), Review for Exemptions – General Rule, in that it can be seen with certainty that there is no possibility for these actions to have a significant effect on the environment.

FINANCIAL CONSIDERATIONS

The cost of implementing this project is already included in the City of El Cerrito's 2016-2017 Budget. No additional funding is necessary.

LEGAL CONSIDERATIONS

The City of El Cerrito is following the general process for adopting another code by reference, pursuant to Government Code 50022.1 et seq. and has caused to be published, the required notice of the ordinance pursuant to Government Code sections 50022.3 and 6066. The City Council must determine that the form of this publication is sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof, and the resolution contains a finding to this effect.

In addition, the City Clerk is required to keep on file a copy of the codes to be adopted by reference for at least 15 days before the public hearing as well as after its adoption pursuant to Government Code section 6066.

The City Attorney has reviewed and approved the attached resolution, ordinance and hearing notice.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Ordinance
2. Resolution
3. Public Hearing Notice

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING TITLE 16 OF THE EL CERRITO MUNICIPAL CODE TO ADOPT, WITH MODIFICATIONS TO ADDRESS UNIQUE LOCAL CONDITIONS, THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING CODE, THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE (BASED ON THE 2015 INTERNATIONAL BUILDING CODE), VOLUMES 1 AND 2, INCLUDING SEVERAL APPENDICES THERETO, THE 2016 CALIFORNIA FIRE CODE (BASED ON THE 2015 INTERNATIONAL FIRE CODE), INCLUDING ALL APPENDICES THERETO, THE 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2015 INTERNATIONAL RESIDENTIAL CODE) WITH SOME APPENDICES, THE 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE (BASED ON THE 2015 INTERNATIONAL EXISTING BUILDING CODE) INCLUDING SOME APPENDICES, THE 2016 CALIFORNIA PLUMBING CODE (BASED ON THE 2015 UNIFORM PLUMBING CODE), THE 2016 CALIFORNIA MECHANICAL CODE (BASED ON THE 2015 UNIFORM MECHANICAL CODE), AND THE 2016 CALIFORNIA ELECTRICAL CODE (BASED ON THE 2014 NATIONAL ELECTRICAL CODE).

The City Council of the City of El Cerrito does hereby ordain as follows:

DIVISION I. That certain documents, copies of which are on file and are open for inspection by the public in the office of the Building Official of the City of El Cerrito, being marked and designated as the California Building Standards Code, 2016 Edition, comprising Title 24, Parts 1, 2 (Vol. 1 and 2), 2.5, 3, 4, 5, 6, 9,10, 11, and 12 California Code of Regulations, together with all appendices thereto and the California Housing Law Regulations, are hereby adopted, with certain modifications to reflect unique local conditions, as contained in the Municipal Code of the City of El Cerrito for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of El Cerrito. Each and all of the regulations, provisions, conditions, and terms of such California Building Standards Code, California Housing Law Regulations, all of which are on file in the office of the Building Official are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance. The application and use of the Appendices in the California Building Standards Codes and California Fire Code are adopted individually and are subject to approval of the Building Official and Fire Chief respectively.

The City Council of the City of El Cerrito further ordains as follows:

DIVISION II. TITLE 16, CHAPTER 16.02., ORDINANCE NO. 2013-05, (CALIFORNIA BUILDING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.02, TITLED "CALIFORNIA BUILDING CODE":

Chapter 16.02

CALIFORNIA BUILDING CODE

Sections:

16.02.010	California Building Code - Adoption
16.02.020	Chapter 1 Subsection 105.2 (4) Amended - Exempted Work
16.02.030	Chapter 1 Section 107.6 Added - Garage, Carport and Driveway Grades
16.02.040	Chapter 1 Subsection 107.3 Amended - Examination of Documents
16.02.050	Chapter 1 Section 114.1.1 Added - Littering of Streets
16.02.060	Chapter 1 Section 117 Added - General Regulation of Construction
16.02.070	Chapter 5 Section 501.2 Amended - Premises Identification Numbering
16.02.080	Chapter 9 Subsection 903.2 Amended - Automatic Fire Extinguishing Systems
16.02.090	Chapter 9 Subsection 904.3.5 Amended - Sprinkler System Supervision Alarm
16.02.100	Chapter 9 Subsection 905.3.1 Amended - Standpipe Requirements
16.02.110	Chapter 17 Subsection 1705.3 Amended - Special Inspection
16.02.120	Chapter 19 Subsection 1905.1.7 Amended - Structural Forces
16.02.130	Chapter 23 Subsections 2308.6.4 and 2308.6.5 and tables 2308.6.1 and 2308.6.3(1) Amended - Wood
16.02.140	Chapter 23 Subsection 2304.11.2.6 Amended - Shingle or Shake Siding Materials
16.02.150	Chapter 25 Section 2505 Deleted - Gypsum Shear
16.02.190	Chapter 1, Section 110.7 Added - Storm Water Control
16.02.200	Appendix G Subsection G102.3 Added - Construction in Flood Hazard Areas

16.02.010 California Building Code - Adoption.

The Building Code for the City, sometimes referred to as “the CBC,” is the 2016 California Building Code, incorporating Volumes 1 and 2, (based on the International Building Code, 2015 Edition), including Appendix chapters D, F, G, H, and J, as approved by the California Building Standards Commission, and as published in Title 24, Part 2, Volumes 1 and 2, and Part 2.5 of the California Code of Regulations.

16.02.020 Chapter 1 Subsection 105.2 (4) Amended - Exempted Work

Subsection 105.2(4) of the CBC is amended to read:

4. Retaining walls which do not retain more than thirty (30) inches of earth when the earth retained is level and where there is no surcharge load, and retaining walls which do not retain more than two (2) feet of earth when the earth retained is sloping not greater than 2h:1v and there is no surcharge load. The above does not apply to retaining walls impounding Class I, II, or IIIA Liquids. See CBC Section 2304.12.5 for treatment of wood used for retaining walls.

16.02.030 Chapter 1 Section 107.6 Added -Garage, Carport & Driveway Grades

Section 107.6 is added to the CBC, to read as follows:

Section 107.6 Garage, Carport and Driveway Grade Requirements.

- (a) Garage and carport floors shall be concrete.
- (b) Any person to whom a building permit has been issued shall, where established, obtain official line and grade information as required in Section 13.20.150 of the City Code prior to the construction of foundations or footings for carports and garages.
- (c) When official line and grade has not been established, it shall be the responsibility of that person to provide such information as required by City Engineer to establish lines and grades.
- (d) Any person to whom a building permit has been issued shall construct the finish floor of carports and garages to an elevation which shall conform to the official driveway data as set forth on plan LL-1031 on file with the City Engineer.

16.02.040 Chapter 1 Subsection 107.3 Amended - Examination of Documents

Subsection 107.3.1.1 is added to the CBC, to read as follows:

Review by Fire Chief. Whenever application is made for a building permit, as required by the CBC, the Building Official shall withhold issuance of the building permit until notification from the Fire Chief that all plans required by the California Fire Code (chapter 16.26 of this title) have been reviewed and approved, and that the requirements specified in Section 16.26 have been met.

16.02.050 Chapter 1 Section 114.1.1 Added - Littering of Streets

Section 114.1.1 is added to the CBC, to read as follows:

Section 114.1.1 - Littering of Streets

It shall be unlawful for any person to excavate, dig or move dirt, rock, or other substances so as to allow fragments thereof from being thrown or dropped against or upon lots or buildings, or upon any public right-of-way. Any person dropping such material or tracking dirt, mud or rocks from private property upon any public right-of-way shall immediately cause the same to be removed. Transportation of dirt and rock requires a permit obtained pursuant to chapter 13.24 of the El Cerrito Municipal Code.

16.02.060 Chapter 1 Section 117 Added - General Regulation of Construction

Section 117 is added to the CBC, to read as follows:

Section 117 - General Regulation of Construction

- (a) Work may be prohibited during inclement weather upon the order of the City Building Official.
- (b) The hours of work shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. Work shall be prohibited on Sundays and Holidays.

Work hours in the public right-of-way shall be regulated by Public Works Department.

- (c) Work must be controlled to prevent causing a public nuisance such as dust, noise, vibrations, uncontrolled storm water runoff, and traffic congestion.

16.02.070 Chapter 5 Section 501.2 Amended - Premises Identification Numbering

Section 501.2 of the CBC is amended to read as follows:

Section 501.2 - Premises Identification Numbering.

- a) The city shall keep on file a description of the method to be used in the assignment of street address identification numbers. This method shall be approved by Council resolution, and shall be available for inspection by any member of the public.
- b) Every main structure or building constructed, altered, repaired or moved into the city shall be assigned a street identification number by the Building Official.
- c) Numbers identifying the street address shall be placed on the street side of the building or structure in such manner as to be plainly visible from the street or public way. Identification numbers shall be a minimum of four (4) inches in height with minimum ½" stroke width for residential, and six (6) inches in height with minimum 1" stroke width for commercial buildings, and of a color to contrast with the surrounding color. Numbers shall be installed prior to final inspection and occupancy of the building or structure.
- d) The premises street address shall be internally or externally illuminated to the satisfaction of the Building Official.
- e) The owner shall be responsible for the maintenance of identification numbers.

- f) Any change of the assigned street identification number must be approved by the Building Official.
- g) Every owner or occupant of any building or structure not numbered in accordance with the provisions of this section shall, within ten (10) days after notice given by the City change the number of such building or structure to the number specified in the notice.

16.02.080 Subsections 903.2 Amended - Automatic Fire-Extinguishing Systems

Subsection 903.2 of the CBC is amended to add:

- a) In every building where the total floor area exceeds 5,000 square feet.
- b) In every building having three (3) or more stories.

16.02.090 Subsection 904.3.5 Amended - Sprinkler System Supervision Alarm

Section 904.3.5 of the CBC is amended by adding the words, “or when required by the Fire Chief.”

16.02.100 Subsection 905.3 Amended - Standpipe Requirements

Subsection 905.3 is amended by adding the following:

Standpipes shall be required in all buildings three (3) stories in height in addition to other requirements in this section, or when required by the Fire Chief.

16.02.110 Subsection 1705.3 Amended - Special Inspection

CBC Subsection 1705.3, Concrete Construction is amended to read as follows:

1705.3 Concrete Construction. The *special inspections* and verifications for concrete construction shall be as required by this section and TABLE 1705.3.

Exceptions: *Special inspections* shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above *grade plane* that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

16.02.120 Subsection 1905.1.7 Amended - Structural Forces

Section 1905.1.7. ACI 318 section 14.1.4 allows the use of plain concrete in structures assigned to seismic design category C, D, E or F.

Section 1905.1.7 ACI 318, section 14.1.4 Delete ACI 318, section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to seismic design category C, D, E or F.

14.1.4.1 - Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

- (b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross –sectional area of the footing.

16.02.130 Chapter 23 Amended - Wood

The following tables 2308.6.1 and 2308.6.3(1) and sections 2308.6.4 and 2308.6.5 are amended to read as follows:

Table 2308.6.1 - Wall Bracing Requirements

Remove “PCP” and “GB” from the table column under the heading of “Bracing method” and remove footnotes “c” and “d” and any other references to “Portland Cement Plaster” and/or “Gypsum board”.

Table 2308.6.3(1) - Bracing Methods

Under column “Methods, Material”, remove rows “GB Gypsum board (double sided)” and “PCP Portland cement plaster” from table.

Section 2308.6.4 - Braced wall panel construction

Remove reference to “PCP” from text.

Section 2308.6.5 – Alternative bracing is amended to read as follows:

2308.6.5 Alternate Bracing

An alternate braced wall (ABW) or a portal frame with hold-downs (PFH) described in this section is permitted to substitute for a 48-inch (1219 mm) braced wall panel of Method DWB, WSP, SFB, PBS, or HPS.

16.02.140 Subsection 2304.12.1.5 Amended - Shingle or Shake Siding Materials

Subsection 2304.12.1.5 of the CBC is amended to add the following sentence at the end thereof:

Siding Materials: Wood shingles or shakes shall be Class B or better which comply with ASTM E108 or UL 790, except that in very high fire hazard severity zones, no wood shake or shingle siding shall be permitted regardless of class designation. See section 8.30.030 of the El Cerrito Municipal Code for roofing standards in very high fire hazard severity zones.

16.02.150 Section 2505 Deleted - Gypsum Shear

Section 2505 of the CBC on the use of gypsum shear is deleted in its entirety.

16.02.160 Chapter 1, Section 110.7 Added - Storm Water Pollution Control Measures

Chapter 1 Section 110.7 is added to the CBC to read as follows:

Storm water pollution control measures shall be implemented during all construction phases of development to prevent pollution from entering waterways. Specific practices of the California Stormwater Quality Association (CASQA) Construction Best Management Practices Handbook shall be incorporated herein.

16.02.170 Appendix G Subsection G102.3 Added - Construction in Flood Hazard Areas

Section G102.3 is added to the CBC, to read as follows:

Section G102.3 - construction in Special Flood Hazard Area

Construction within special Flood Hazard Areas must comply with chapter 13.40 of the Municipal Code.

DIVISION III. TITLE 16, CHAPTER 16.03., (CALIFORNIA RESIDENTIAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.03, TITLED “CALIFORNIA RESIDENTIAL CODE”:

Chapter 16.03

CALIFORNIA RESIDENTIAL CODE

Sections:

- 16.03.010 California Residential Code - Adoption
- 16.03.020 Chapter 1 Subsection R105.2 (3) Amended - Exempted Work
- 16.03.030 Chapter 1 Section R106.2.1 Added - Garage, Carport and Driveway Grades
- 16.03.040 Chapter 1 Subsection R106.3.1 Amended - Examination of Documents
- 16.03.050 Chapter 1 Section R103.5 Added - Littering of Streets
- 16.03.060 Chapter 1 Section R115 Added - General Regulation of Construction
- 16.03.065 Chapter 1 Section 116 Added - Small Residential Rooftop Solar Energy System Review Process
- 16. 03.070 Chapter 3 Section R319.1 Amended - Premises Identification Numbering
- 16.03.080 Chapter 3 Section R322.1 of the CRC Amended-Flood-Resistant Construction
- 16.03.100 Chapter 6 Section R602.10.2 and Table R602.10.3(3) of the CRC Amended – Seismic Reinforcing
- 16.03.110 Chapter 7 Subsection R703.6 Amended - Shingle or Shake Siding Materials

16.03.010 California Residential Code - Adoption

The Residential Code for the City, sometimes referred to as “the CRC,” is the 2016 California Residential Code, (based on the International Building Code, 2015 Edition), including Appendix chapters G and H, as approved by the California Building Standards Commission, and as published in Title 24, Part 2.5 of the California Code of Regulations.

16.03.020 Chapter 1 Subsection 105.2 (3) Amended - Exempted Work

Subsection 105.2(3) of the CRC is amended to read:

3. Retaining walls which do not retain more than thirty (30) inches of earth when the earth retained is level and where there is no surcharge load, and retaining walls which do not retain more than two (2) feet of earth when the earth retained is sloping not greater than 2h:1v and there is no surcharge load. The above does not apply to retaining walls impounding Class I, II, or IIIA Liquids. See CBC Section 2304.12.5 for treatment of wood used for retaining walls.

16.03.030 Chapter 1 Section 106.2.1 Added -Garage, Carport & Driveway Grades

Section 106.2.1 is added to the CBC, to read as follows:

Section 106.2.1 Garage, Carport and Driveway Grade Requirements.

- (a) Garage and carport floors shall be concrete.
- (b) Any person to whom a building permit has been issued shall, where established, obtain official line and grade information as required in Section 13.20.150 of the City Code prior to the construction of foundations or footings for carports and garages.
- (c) When official line and grade has not been established, it shall be the responsibility of that person to provide such information as required by City Engineer to establish lines and grades.
- (d) Any person to whom a building permit has been issued shall construct the finish floor of carports and garages to an elevation which shall conform to the official driveway data as set forth on plan LL-1031 on file with the City Engineer.

16.03.040 Chapter 1 Subsection R106.3.1 Amended - Examination of Documents

Subsection R106.3.1 is amended by adding a second paragraph to the CRC, to read as follows:

Review by Fire Chief. Whenever application is made for a building permit, as required by the CRC, the Building Official shall withhold issuance of the building permit until notification from the Fire Chief that all plans required by the California Fire Code (chapter 16.26 of this title) have been reviewed and approved, and that the requirements specified in Section 16.26 have been met.

16.03.050 Chapter 1 Section R113.5Added - Littering of Streets

Section R113.5 is added to the CRC, to read as follows:

Section R113.5 - Littering of Streets

It shall be unlawful for any person to excavate, dig or move dirt, rock, or other substances so as to allow fragments thereof from being thrown or dropped against or upon lots or buildings, or upon any public right-of-way. Any person dropping such material or tracking dirt, mud or rocks from private property upon any public right-of-way

shall immediately cause the same to be removed. Transportation of dirt and rock requires a permit obtained pursuant to chapter 13.24 of the El Cerrito Municipal Code.

16.03.060 Chapter 1 Section R115 Added - General Regulation of Construction

Section R115 is added to the CRC, to read as follows:

Section R115 - General Regulation of Construction

- (a) Work may be prohibited during inclement weather upon the order of the City Building Official.
- (b) The hours of work shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. Work shall be prohibited on Sundays and Holidays.
- (c) Work hours in the public right-of-way shall be regulated by Public Works Department.
- (d) Work must be controlled to prevent causing a public nuisance such as dust, noise, vibrations, uncontrolled storm water runoff, and traffic congestion.

16.03.065 Chapter 1, Section R116 added—Small Residential Rooftop Solar Energy System Review Process.

Section R116 is added to the CRC to read as follows:

Section 116 – Small Residential Rooftop Solar Energy System Review Process

A. The following words and phrases as used in this section are defined as follows:

“Electronic submittal” means the utilization of one or more of the following:

- 1. e-mail,
- 2. the internet,
- 3. facsimile.

“Small residential rooftop solar energy system” means all of the following:

- 1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
- 2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

“Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

- B. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.
- C. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop a modified version of the eligibility checklist from the 2014 California Solar Permitting Guidebook to conform to the City of El Cerrito’s unique climactic, geological, seismological, or topographical conditions and adopt such checklist.
- D. The checklist shall be published on the city’s internet website. The applicant may submit the permit application and associated documentation to the City’s building division by personal, mailed, or electronic (when developed and available) submittal together with any required permit processing and inspection fees.
- E. Prior to submitting an application, the applicant shall:
 1. Verify to the applicant’s reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
 2. At the applicant’s cost, verify to the applicant’s reasonable satisfaction using standard electrical inspection techniques that the existing electrical system, the main panel make and type, including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic electrical loads and accept new electrical connections.
- F. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the building official and fire chief. If a

small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.

- G. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- H. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

16.03.070 Section R319.1 Amended - Premises Identification Numbering

Section R319.1 of the CRC is amended to read as follows:

Section R319.1 - Premises Identification Numbering.

- h) The city shall keep on file a description of the method to be used in the assignment of street address identification numbers. This method shall be approved by Council resolution, and shall be available for inspection by any member of the public.
- i) Every main structure or building constructed, altered, repaired or moved into the city shall be assigned a street identification number by the Building Official.
- j) Numbers identifying the street address shall be placed on the street side of the building or structure in such manner as to be plainly visible from the street or public way. Identification numbers shall be a minimum of four (4) inches in height with minimum ½" stroke width for residential, and six (6) inches in height with minimum 1" stroke width for commercial buildings, and of a color to contrast with the surrounding color. Numbers shall be installed prior to final inspection and occupancy of the building or structure.
- k) The premises street address shall be internally or externally illuminated to the satisfaction of the Building Official.
- l) The owner shall be responsible for the maintenance of identification numbers.

- m) Any change of the assigned street identification number must be approved by the Building Official.
- n) Every owner or occupant of any building or structure not numbered in accordance with the provisions of this section shall, within ten (10) days after notice given by the City change the number of such building or structure to the number specified in the notice.

16.03.080 Section R322.1 of the CRC Amended-Flood-Resistant Construction

Section R322.1 of the CRC is amended by adding the following sentence:

Construction within special Flood Hazard Areas must comply with Chapter 13.40 of the Municipal Code.

16.03.090 Section R402.1 of the CRC Deleted – Wood Foundations

Section R402.1 of the CRC concerning the use of wood foundations is deleted in its entirety.

16.03.100 Section R602.10.2 and Table R602.10.3(3) of the CRC Amended – Seismic Reinforcing

Section R602.10.4.4 and Table R602.10.3(3) of the CRC are amended by adding a new footnote “f” to the end of CRC Table R602.10.3(3), to read:

- e. In Seismic Design Categories D_0 , D_1 , and D_2 , Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

16.03.110 Subsection R703.6 Amended - Shingle or Shake Siding Materials

Subsection R703.6 of the CRC is amended to add the following sentence:

Wood shingles or shakes shall be Class B or better which comply with ASTM E108 or UL 790, except that in very high fire hazard severity zones, no wood shake or shingle siding shall be permitted regardless of class designation. See section 8.30.030 of the El Cerrito Municipal Code for roofing standards in very high fire hazard severity zones.

DIVISION IV. TITLE 16, CHAPTER 16.04., ORDINANCE NO. XXX-XX, (CALIFORNIA PLUMBING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.04, TITLED “CALIFORNIA PLUMBING CODE”:

Chapter 16.04

CALIFORNIA PLUMBING CODE

Sections:

16.04.010 California Plumbing Code - Adoption

The Plumbing Code for the City, sometimes referred to as “the CPC,” is the California Plumbing Code, 2016 Edition, (based on the Uniform Plumbing Code, 2015 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 5, of the California Code of Regulations.

DIVISION V. TITLE 16, CHAPTER 16.06., ORDINANCE NO. XXX-XX, (CALIFORNIA MECHANICAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.06 TITLED “CALIFORNIA MECHANICAL CODE”:

Chapter 16.06

CALIFORNIA MECHANICAL CODE

Sections:

16.06.010 California Mechanical Code - Adoption.

The Mechanical Code for the City, sometimes referred to as “the CMC,” is the California Mechanical Code, 2016 Edition, (based on the Uniform Mechanical Code, 2015 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 4, of the California Code of Regulations

DIVISION VI. TITLE 16, CHAPTER 16.08., (CALIFORNIA ELECTRICAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.08, TITLED “CALIFORNIA ELECTRICAL CODE”:

Chapter 16.08

CALIFORNIA ELECTRICAL CODE

Sections:

16.08.010 California Electrical Code – Adoption

16.08.040 Article 230.70 (A) (1) Amended - Readily Accessible Location

16.08.010 California Electrical Code - Adoption

The Electrical Code for the City sometimes referred to as “the CEC,” is the California Electrical Code, 2016 Edition, (based on the National Electrical Code, 2014 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 3, of the California Code of Regulations, except as amended and supplemented in the manner set forth in this chapter.

16.08.040 Article 230.70 (A) (1) Amended - Readily Accessible Location

Article 230.70 (A) (1) of the National Electric Code is amended to read as follows:

The service disconnecting means shall be installed at a readily accessible location outside of a building or structure near the point of entrance of the service conductors for single family dwellings. For other occupancies where direct access from the exterior does not occur, a remote control (shunt trip) activating the disconnect shall be located on the exterior of the building in a location and manner acceptable to the Fire and Building Officials.

DIVISION VII. TITLE 16, CHAPTER 16.09., (THE CALIFORNIA EXISTING BUILDING CODE) IS HEREBY ADDED TO THE EL CERRITO MUNICIPAL CODE TITLED “CALIFORNIA EXISTING BUILDING CODE”:

Chapter16.09

The California Existing Building Code

Section:

16.09.010 California Existing Building Code – Adoption

16.09.020 Section 202 Amended - Substantial Structural Damage

16.02.030 Section 404 Added - Repairs including all subsections associated

16.09.010 California Existing Building Code - Adoption

The Existing Building Code for the City, sometimes referred to as “the CEBC,” is the 2016 California Existing Building Code, (based on the International Existing Building Code, 2015 Edition), including Appendix chapters A3 and A4, as approved by the California Building Standards Commission, and as published in Title 24, Part 10 of the California Code of Regulations.

16.09.020 Section 202 Amended - Substantial Structural Damage

Subsection 202 of the CBEC is amended to read as follows:

Substantial Structural Damage. A condition where one or both of the following apply:

1. In any story, the vertical elements of the lateral-force-resisting system, have suffered damage such that the lateral load-carrying capacity of the structure in any direction has been reduced by more than 20 percent from its pre-damaged condition, or
2. The capacity of any vertical gravity load-carrying component, or any group of such components, that supports more than 30 percent of the total area of the structure's floor(s) and roof(s) has been reduced more than 20 percent from its pre-damaged condition, and the remaining capacity of such affected elements with respect to all dead and live loads is less than 75 percent of that required by the building code for new buildings of similar structure, purpose, and location

16.02.030 Section 404 Added - Repairs including all subsections associated

The following repair requirements are hereby added as a new Subsection 404.2.1.1 to Section 404 "Repairs" of the CBC to read as follows:

404 Repairs. Section 404 is amended to add "Repairs of structural elements shall comply with this section."

404.2.1.1 Seismic evaluation and design. Seismic evaluation and design of an existing building and its components shall be based on the following criteria.

404.2.1.2 Evaluation and design procedures. The seismic evaluation and design shall be based on the procedures specified in the building code, ASCE 31 *Seismic Evaluation of Existing Buildings* (for evaluation only) or ASCE 41 *Seismic Rehabilitation of Existing Buildings*. The procedures contained in Appendix A of the *International Existing Building Code* shall be permitted to be used as specified in Section 404.2.1.4.

404.2.1.3 CBC level seismic forces. When seismic forces are required to meet the building code level, they shall be one of the following:

1. 100 percent of the values in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor specified for structural systems classified as "Ordinary" unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as "Intermediate" or "Special".
2. Forces corresponding to BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 404.2.1.3.

**TABLE 404.2.1.3
ASCE 41 and ASCE 31 PERFORMANCE LEVELS**

OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
P e r I	Life Safety (LS)	Collapse Prevention (CP)
f II	Life Safety (LS)	Collapse Prevention (CP)
o III	Note (a)	Note (a)
r IV	Immediate Occupancy (IO)	Life Safety (LS)

a. Performance levels for Occupancy Category III shall be taken as halfway between the performance levels specified for occupancy Category II and Occupancy Category IV.

404.2.1.4 Reduced CBC level seismic forces. When seismic forces are permitted to meet reduced building code levels, they shall be one of the following:

1. 75 percent of the forces prescribed in the building code. The R factor used for analysis in accordance with Chapter 16 of the California Building Code shall be the R factor as specified in Section 404.2.1.3.

2. In accordance with the applicable chapters in Appendix A of the *International Existing Building Code* as specified in Items 2.1 through 2.5 below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced building code force levels.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in

Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

2.5. Seismic evaluation and design of concrete buildings and concrete with masonry infill buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.

3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 404.2.1.3.

4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 404.2.1.3. Where ASCE 41 is used, the design spectral response acceleration parameters S_x and S_{x1} shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_D and S_{D1} defined by the *International Building Code* and its reference standards.

404.2.1.5 Wind Design. Wind design of existing buildings shall be based on the procedures specified in the building code.

404.2.1.6 Repairs to damaged buildings. Repairs to damaged buildings shall comply with this section.

404.2.1.7 Unsafe conditions. Regardless of the extent of structural damage, unsafe conditions shall be eliminated.

DIVISION VIII. TITLE 16, CHAPTER 16.24., (CALIFORNIA GREEN BUILDING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.24, TITLED “CALIFORNIA GREEN BUILDING CODE”:

Chapter 16.24

CALIFORNIA GREEN BUILDING CODE

Section:

16.24.010 California Green Building Code - Adoption.

The Green Building Code for the City is the California Green Building Standards Code, 2016 Edition, as approved by the California Building Standards Commission, and as published in Title 24, Part 11, of the California Code of Regulations.

DIVISION IX. TITLE 16, CHAPTER 16.26., (CALIFORNIA FIRE CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.26, TITLED “CALIFORNIA FIRE CODE”:

Chapter 16.26
CALIFORNIA FIRE CODE

Section:

- 16.26.010 California Fire Code - Adoption
- 16.26.020 Chapter 1 Section 1.1.1.2 Added - Title
- 16.26.030 Chapter 1 Section 1.1.8 Amended - Amendments to the Fire Code
- 16.26.040 Chapter 1 Section 1.11.1 Amended - Office of the State Fire Marshall
- 16.26.050 Chapter 1 Section 102.1 Amended - Applicability
- 16.26.060 Chapter 1 Section 102.9 Amended - Matters Not Provided For
- 16.26.070 Chapter 1 Section 104.1 Amended - General Authority and Responsibility
- 16.26.080 Chapter 1 Section 104.1.1A and 104.1.1B Added - General Authority
Peace Officer Status
- 16.26.090 Chapter 1 Section 104.9 Amended - Alternative materials and methods
- 16.26.100 Chapter 1 Section 105.1.1 Amended - Required permits
- 16.26.110 Chapter 1 Section 105.6 Amended - Required operational permits
- 16.26.120 Chapter 1 Section 108 Amended - Board of Appeals
- 16.26.130 Chapter 2 Section 202 Amended – General Definitions
- 16.26.140 Chapter 2 Section 202 Amended - Definitions - F
- 16.26.150 Chapter 2 Section 202 Amended - Definitions - R
- 16.26.160 Chapter 3 Section 320 Added - General precautions against fire
- 16.26.170 Chapter 4 Section 401.5 Amended - Making false report
- 16.26.180 Chapter 5 Sections 503, 504, 505 and 507 Amended -Fire Service
Features
- 16.26.190 Chapter 6 Section 603.6 Amended - Building Services and Systems
- 16.26.200 Chapter 9 Section 903.2 Amended – Automatic Fire Extinguishing
Systems
- 16.26.210 Chapter 9 Section 903.2 Amended - Automatic Fire Sprinkler Systems
- 16.26.220 Chapter 9 Section 905.3.1 Amended - Standpipe Systems
- 16.26.230 Chapter 9 Section 907.2 Amended - Fire Alarm and Detection Systems
- 16.26.240 Chapter 9 Section 907.8.2 Amended - Record of completion
- 16.26.250 Chapter 10 Section 1010.1.9.3 Amended - Panic and fire exit hardware
- 16.26.260 Chapter 10 Section 1028.5 Amended - Exit and pathways
- 16.26.270 Chapter 50 Section 5004. Added - Hazardous Materials
- 16.26.280 Chapter 50 Section 5004.1 Amended - General Provisions

- 16.26.290 Chapter 53 Section 5304.2S Added - Compressed Gasses
- 16.26.300 Chapter 56 Section 5601.1.1A Added - Explosives and Fireworks
- 16.26.310 Chapter 57 Section 5704.2.11.6 Added - Flammable and Combustible Liquids – Below Ground Tanks
- 16.26.320 Chapter 57 Section 5704 Amended - Flammable and Combustible Liquids - Above Ground Tanks
- 16.26.330 Chapter 58 Section 5803A Added - Flammable Gases and Flammable Cryogenic Fluids
- 16.26.340 Chapter 61 Section 6103.2.1.7 Amended - Liquefied Petroleum Gases – Inside Buildings
- 16.26.350 Chapter 61 Section 6104.2A Added - Liquefied Petroleum Gases - Outside Buildings

16.26.010 California Fire Code - Adoption.

It is hereby adopted by the city council of the city of El Cerrito for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain codes and standards known as the 2013 California Building Standards Code, Title 24, California Code of Regulations (CCR), Part 9 (California Fire Code), and by reference the 2012 International Fire Code published by the International Code Council, Inc. (ICC), (including Appendix Chapters A, B, C, D, E, F, G, I, and J) save and except such portions as are deleted, modified or amended by this chapter, of which not less than one copy each have been and are now filed in the office of the Fire Chief and the Building Official of the City of El Cerrito and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of El Cerrito.

16.26.020 Chapter 1 Section 1.1.1.2 Added - Title

Section 1.1.1.2 Title is added as follows:

Section 1.1.1.2 These regulations shall be known as the Fire Code of the City of El Cerrito, hereinafter referred to as "this code." The California Fire Code and the International Fire Code adopted by reference in Section 1, amendments thereto, additions, and deletions as set forth in this Section shall become effective as set forth in Section 1.1.8 Division and Appendix numbers used are those of the California Fire Code.

16.26.030 Chapter 1 Section 1.1.8 Amended - Amendments to the Fire Code

Section 1.1.8 is amended by adding the following:

The limits referred to in Section 1.1.8.1 of the California Fire Code and International Fire Code adopted by reference in Section 1, amendments thereto, additions, and deletions and appendices as set forth in this section shall become effective as set forth in Section 1.1.9 Article, Section, Division, and Appendix numbers used are those of the California Fire Code.

16.26.040 Chapter 1 Section 1.11.1 Amended - Office of the State Fire Marshall

Section 1.11.1 is amended by adding 1.11.1 A, B and C

A. The California Fire Code as adopted and amended herein shall be enforced by the city fire prevention division which is hereby established and which shall be operated under the supervision of the fire marshal.

B. The fire marshal in charge of the fire prevention division shall be appointed by the fire chief of the city of El Cerrito on the basis of examination to determine his or her qualifications for the position.

C. The chief of the fire department shall recommend to the city council the employment of technical staff members, who, when such authorization is made, shall be selected on the basis of examination to determine their qualifications for the position.

16.26.050 Chapter 1 Section 102.1 Amended - Applicability

Section 102.1 is amended by adding Section 102.1.1

Section 102.1.1 Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this code, provided such continued use is not dangerous to life.

Section 102.2 is amended by adding section 102.2.1

Section 102.2.1 Plans for compliance. Upon written notice to the responsible property owner, plans for compliance shall be submitted and approved, and within 18 months or earlier depending on the life-safety significance of the hazard work shall be completed or the building shall be vacated until made to conform.

16.26.060 Chapter 1 Section 102.9 Amended - Matters Not Provided For

Section 102.9 is amended by adding subsection 102.9.1A

102.9.1A Unless otherwise limited by law, the applicable provisions of this code shall apply to vehicles, ships, boats, and mobile vehicles and other facilities when fixed in a specific location within the boundaries of this jurisdiction.

16.26.070 Chapter 1 Section 104.1 Amended - General Authority and Responsibility

Section 104.1 is amended by adding the following:

The Fire Chief or the Fire Code Official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations in order to carry out the application of its provisions. The Chief may be guided by the 2013 Supplement to the Uniform Fire Code. Such interpretations, rules and regulations, and supplements shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours.

16.26.080 Chapter 1 Section 104.1.1A and 104.1.1B Added - General Authority Peace Officer Status

Section 104.1.1A and 104.1.1B are added in their entirety to read as follows:

Section 104.1.1A The Fire Chief and his designated representatives shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention, investigation, and suppression of fires and the protection and preservation of life and property against the hazards of fire and conflagration.

Section 104.1.1B The Chief, or his duly authorized agents, may issue citations for violations of this ordinance in accordance with Chapter 5C (commencing with Section 853.5), Title 4, Part 2, of the Penal Code.

16.26.090 Chapter 1 Section 104.9 Amended - Alternative materials and methods

Section 104.9 is amended by adding 104.9.3

Section 104.9.3 - The city council, the fire chief and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the California Fire Code. The fire marshal shall post such list in a conspicuous place at the offices of the fire prevention division and distribute copies thereof to interested persons.

16.26.100 Chapter 1 Section 105.1.1 Amended - Required permits

Section 105.1.1 is amended by adding Section 105.1.1A:

Section 105.1.1A Fee for Plan Review, Inspection and Permits. Fees required by the City shall be established in the City's master fee schedule, to defray: the costs for plan review of plans required by this code; requested or required inspection services; administrative costs; issuance of permits and all other direct costs incurred by the city.

Section 105.4.1.1 is amended by adding Section 105.4.1.2 (1 to 6):

Section 105.4.1.2 Review of Plans. Whenever required by this Code, plans shall be submitted to the Fire Chief for review and approval prior to construction. Whenever application is made for a building permit, as required by the Building Code, the Building Official shall withhold issuance of the building permit until notification from the Fire Department that plans required by this code have been reviewed and approved and that the requirements set forth in section 105 have been met. In addition to plan submittals required by other sections of this Code, plans shall be submitted whenever any of the following land developments and/or improvements are proposed:

1. Subdivision of land.
2. Construction, alteration or renovation of a building.

3. Demolition of a building.
4. Provision of a water supply for fire protection.
5. Provision of access for fire apparatus.
6. An occupancy for the storage, use, or handling of any hazardous substance, hazardous material process, or hazardous device.

16.26.110 Chapter 1 Section 105.6 Amended - Required operational permits

Section 105.6 is amended by adding 105.6.50 thru 105.6.53.

48. Christmas tree sales. To use a property for the purpose of selling cut Christmas trees. See applicable provisions of Chapter 3 General Precautions against fire.

49. Pumpkin patches/lots. To use a property for the purpose of selling pumpkins and seasonal items. See applicable provisions of Chapter 3 General Precautions against fire.

50. Liquefied petroleum gases. To store, use, or handle liquefied petroleum gas inside buildings. See Chapter 38.

51. Rockets. To launch model rockets. See California Code of Regulations Title 19, Division 1, Article 17.

16.26.120 Chapter 1 Section 108 Amended - Board of Appeals

Section 108 is amended by adding 108.1.1

Section 108.1.1 Whenever the fire chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal within thirty days the chief's decision to the city council.

16.26.130 Chapter 2 Section 202 Amended – General Definitions

Section 202 - General Definitions is amended as follows: by changing the definition of Jurisdiction and adding the definition for Fire Marshal by adding Sections 202. A and 202. B.

- A. Wherever the word "jurisdiction" is used in the California Fire Code, it shall be held to mean the City of El Cerrito.
- B. Where the party responsible for the enforcement of the California Fire Code is given the title of "Fire Marshal," add the following definition: Fire Marshal is the chief of the bureau of fire prevention.

16.26.140 Chapter 2 Section 202 Amended - Definitions - F

Section 202 -F - is amended by adding:

Facility - any structure or location used for storing, processing or handling material or

equipment.

Fair - a temporary enterprise principally devoted to the exhibit or sale of products of commerce, agriculture or industry, or to entertainment and amusement and may include the operation of amusement rides or devices, or concession booths.

Firebreak - a continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn when dry has been abated or otherwise removed in order to prevent the surface extension of fire from one area to another.

Fire trail - a graded firebreak of sufficient width, surface, and design to provide access for fire personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Fuel break - a specified width, strip, or block of land on which the vegetation has been permanently modified to a low volume fuel type so that fires burning on it can be more readily controlled.

16.26.150 Chapter 2 Section 202 Amended - Definitions - R

Section 202 - R is amended by adding:

Response Time - the calculated time difference between receiving a report of an alarm and the application of extinguishing agent.

Running Time - the calculated time difference between leaving the first due fire station and arriving on the emergency scene.

Rural Area - that area generally designated for agricultural or open space uses with parcels over 10 acres in size.

Rural Residential Area - that area generally designated for single family residential use with parcels between 3 and 10 acres in size.

16.26.160 Chapter 3 Section 320 Added - General precautions against fire

Chapter 3 Section 320 is added in its entirety:

Section 320 Exterior hazard control.

Section 320.1 Weeds and Rubbish to be Destroyed or Removed.

It shall be unlawful for any person owning, occupying, renting, managing or controlling any real property in this jurisdiction to cause, or permit to remain on the property, or on portions of streets adjoining such property, any weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise

noxious or dangerous. It shall be the duty of every such person to remove or destroy such weeds, rubbish, litter or other flammable material. Destruction by burning within the jurisdictions unlawful unless the written permission of the Fire Chief of the City is first obtained and all other applicable permits are obtained from appropriate governing jurisdictions.

Section 320.2 Definitions, as used in this article

1. "Weed," as used in this part, means all weeds growing upon streets or private property in this jurisdiction and includes any of the following:
2. Weeds that bear seeds of a downy nature or are subject to flight.
3. Sagebrush, chaparral and any other brush or weeds which obtain such large growth as to become, when dry, a fire menace to adjacent improved property or to streets.
4. Weeds that are otherwise noxious or dangerous.
5. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
6. Dry grass, stubble, brush, litter or other flammable materials that endanger the public safety by creating a fire hazard.
7. "Rubbish" means waste matter, litter, trash, refuse, debris and dirt on streets, or private property in the jurisdiction that is, or when dry may become a fire hazard.
8. "Streets" include alleys, parkways, driveways, sidewalks and areas between sidewalks and curbs.
9. "Person" includes individuals, firms, partnerships and corporations.
10. "Cost of Abatement" shall include all expenses incurred by jurisdiction, including administrative costs, in its work of abatement undertaken pursuant Section 318 of this ordinance.
11. "Superintendent" shall mean the City Manager or designee.

Section 320.3 Declaration of Policy.

The City Council, as the supervising, legislative and executive authority of this jurisdiction, hereby declares that the removal of dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous is a matter of extreme municipal

importance. The City Council hereby adopts the following Fire Hazard Abatement Program for the purpose of abating fire hazards caused by the presence of dry grass, stubble, brush, rubbish, litter or other flammable material on private properties within the City. This program shall be conducted in accordance with the provisions of Government Code Sections 39560-39588 as those sections presently exist or as may be amended. The City Manager or designee shall be deemed the street superintendent for the purpose of carrying out the provisions of this policy.

Section 320.4 Abatement Procedures

- a. The City Council of El Cerrito shall declare by resolution annually, or as often as may be necessary, those properties which are deemed public nuisances because of the presence of dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous.
- b. The resolution may also declare that certain identified properties are seasonal and recurrent nuisances as defined by Government Code Section 39562.1
- c. The resolution shall designate a date, time and place for a hearing at which the owners of the properties identified in the resolution may object to the designation of their properties as public nuisances, and object to the abatement actions proposed by the City as authorized by Government Code Sections 39560-39588.
- d. Written notice shall be provided to the owners of the properties identified in the resolution informing them of the date, time and place of the hearing. This notice shall be in substantially the same form as contained in Government Code Section 39566. Notice to the owners of those properties declared seasonal and recurrent nuisances shall incorporate the provisions contained in Government Code Section 39562.1. The notice shall be served as provided for in Government Code Sections 39564-39567.1.
- e. At the hearing, the City Council shall hear and consider all objections. By resolution, the City Council shall allow or overrule these objections. The City Council shall also order the City Manager or designee to abate the public nuisances conditions at the properties designated in the initial resolution by having the dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous removed.
- f. The City Manager may abate these public nuisance conditions either through the use of City employees or by private contract. The City Manager is authorized to execute such public contracts as may be necessary to abate these public nuisance conditions.
- g. The City Manager shall keep a report of the cost of abatement for each property subject to the City Council resolution. At such time as the City Manager deems appropriate, a hearing shall be scheduled before the City Council for confirming the

report. Notice shall be mailed to each property owner at least five days before the date of the hearing. The notice shall inform the property owner of the costs of abatement of the public nuisance conditions on the property; date, time and place of the hearing at which the property owner may object to the report; and a statement that if the report is confirmed by the City Council, that the costs of tax bill levied against the parcel for collection at the time and in the manner of ordinary municipal taxes. The report shall also be posted at least three days prior to the hearing date at or near the hearing place as required by Government Code Section 39575.

h. At the time fixed for the hearing, the City Council shall consider the report and hear any objections from the property owners liable to be assessed the costs of abatement. The City Council may modify the report if it is deemed necessary. The City Council may also establish installment payments for the abatement costs as provided for in Government Code Section 39581. At the conclusion of the hearing, the City Council shall confirm the report by resolution.

i. The cost of abatement upon each property and the costs incurred by the City in enforcing the abatement shall constitute a special assessment against the property as provided for in Government Code Section 39577. A lien shall attach to the property upon recordation of the order confirming the assessment by the County Recorder. On or before August 10th of each year, the City Manager shall file a certified copy of the report with the County Auditor. As authorized by Government Code Section 39581, the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes, subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes.

Section 320.5 Alternate Mitigation.

In lieu of ordering abatement of fire hazards as provided in Section 319.4, the Fire Chief may order the preparation of firebreaks/fuel breaks around parcels of property when combustible weeds, crops, or brush is present. In determining the proper width of firebreaks/fuel breaks, the Fire Chief shall consider the height of the growth, weather conditions, topography and accessibility to the property of fire protection equipment. The procedure set forth in Section 319.4 for the abatement of weeds and rubbish shall also apply to the preparation of firebreaks/fuel breaks.

Section 320.6 Alternate Procedures

The procedures provided for by this Article are an alternative to any other procedure adopted by the City Council for the abatement of public nuisances, such as Chapter 8.34 of the El Cerrito Municipal Code, or which may be authorized by the law of the State of California.

Section 320.7 Peat Fire, Penalties Therefore

a. It is the duty of each person, firm, corporation or association not to permit on their property a peat fire in, or a fire involving combustible vegetable materials under the surface of the natural ground. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetative material at his/her own cost and expense.

b. If there exists upon the lands of any person herein defined, subsurface fire involving the burning or combustion of peat or vegetative matter, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, the City of El Cerrito may, in addition to its regular duties to extinguish or minimize such fire or combustion, enter upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire Department in fighting the fire and for the cost of providing rescue or emergency medical services shall be a charge against said person. The charge shall constitute a debt of that person and is collectable by the fire department incurring those costs in the same manner as in the case of an obligation under contract, express or implied. (Health & Safety Code 13009.)

16.26.170 Chapter 4 Section 401.5 Amended - Making false report

Section 401.5 is amended by adding an additional sentence:

Section 401.5 A charge may be made for excessive false alarms.

16.26.180 Chapter 5 Sections 503, 504, 505 and 507 Amended -Fire Service Features

Chapter 5 Sections 503, 504, 505 and 507 are amended as follows.

Section 503.4 is amended by adding Section 503.4.2:

Section 503.4.2 When approved, gates and barriers may be installed across or over Fire Department access roads. These installations shall meet the standards approved by the Fire Chief and design shall be approved prior to installation.

Section 504.1 is amended by adding:

504.1.1 Exterior exit pathway surfaces leading from an exit to a public way shall be maintained and suitable for pedestrian use in all weather conditions.

Section 505 is amended by adding 505.1.1

505.1.1 Approved address numbers attached to the building or the primary address of the building shall be internally or externally illuminated.

Section 507.1 is amended by adding a preface sentence to read as follows: The type of water supply provided shall meet the standards approved by the Fire Chief.

16.26.190 Chapter 6 Section 603.6 Amended - Building Services and Systems

Section 603.6 is amended by adding subsection 603.6.6:

Section 603.6.6 Spark Arrester. Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators by the mechanical code.

16.26.200 Chapter 9 Section 903.2 Amended – Automatic Fire Extinguishing Systems

Section 903.2 is amended by adding 903.2.20:

903.2.20. An automatic fire extinguishing system shall be required in all occupancies of 5000 square feet or greater. This shall include addition of square footage causing building to be greater than 5,000 square feet.

16.26.210 Chapter 9 Section 903.2 Amended - Automatic Fire Sprinkler Systems

Section 903.2 is amended by adding subsections 903.2.20.1 through 903.2.20.10

Section 903.2.20.1 Fire Department Delivery Capability. An automatic fire sprinkler system shall be installed in all new buildings or occupancies or in existing buildings or structures that change occupancy classification or use when the required fire flow exceeds 2,000 GPM, or the total floor area exceeds 5,000 square feet.

For the purpose of this section, buildings separated by area separation walls, as set forth in Section 706 of the California Building Code, shall not be considered to create separate buildings unless such walls are constructed as specified in the California Fire Code.

Section 903.2.20.2 Undetermined Occupancy. When fire sprinkler systems are required in buildings of undetermined occupancy, they shall be designed and installed to have a sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with a minimum design area of 3,000 square feet. Occupancy is considered undetermined if not classified at the time the building permit is issued. Where a subsequent occupancy requires a fire sprinkler system of greater density than Ordinary Hazard Group 2, the system shall be upgraded to such use.

Section 903.2.20.3 Response Times. An automatic fire sprinkler system shall be installed in all new buildings or occupancies when any of the following requirements is exceeded.

Section 903.2.20.4 Run Times. A maximum running time of 3 minutes or a maximum response time of 5 minutes from the first-due station. Times shall be measured by the most direct route on surface streets.

Section 903.2.20.5 Distance from Fire Apparatus Access. The Fire Chief may require installation of automatic fire sprinkler system when the exterior wall of the 1st story is located more than 150 feet from approved fire apparatus access.

Section 903.2.20.6 Other Codes. An automatic sprinkler system shall be installed in all other occupancies as may be required by the Uniform Building Code or the California Building Code.

Section 903.2.20.7 NFPA 13D fire sprinkler systems installed shall be interconnected to the structure's smoke detection or fire alarm system. The smoke of fire alarm systems need not be monitored by a central monitoring station.

16.26.220 Chapter 9 Section 905.3.1 Amended - Standpipe Systems

Section 905.3.1 Subsection (2) is amended by replacing subsection (2) in its entirety:

Section 905.3.1 Subsection (2). "three stories" (3) or more in height replaces four stories (4) or more in height.

Section 905.3.1 is amended by adding subsection (6):

6. When standpipes are required and the building is equipped with automatic fire sprinklers, a class one standpipe(s) is required and the standpipe shall be interconnected with the fire sprinkler system.

16.26.230 Chapter 9 Section 907.2 Amended - Fire Alarm and Detection Systems

Section 907.2 is amended by adding subsection 907.2 A:

Section 907.2 A. At the discretion of the Fire Chief, single-station smoke alarms or multiple-station smoke alarms may be required to be connected to an approved 24-hour monitored fire alarm system.

16.26.240 Chapter 9 Section 907.8.2 Amended - Record of completion

Section 907.8.2 is amended by adding subsection 907.8.2.1

Section 907.8.2.1 Acceptance, maintenance and testing records. A copy of acceptance, maintenance and testing records shall be maintained on site and shall be available to the city upon request.

16.26.250 Chapter 10 Section 1010.1.9.3 Amended - Panic and fire exit hardware.

Section 1010.1.9.3 Exception is amended by adding the following sentence:

The use of this exception may be revoked by the Fire Chief or the Building Official for due cause.

16.26.260 Chapter 10 Section 1028.5 Amended – Access to Public Way

Section 1028.5 is amended by adding Subsection 1028.5.1:

Section 1028.5.1. Exterior Exit Pathways. Exterior exit pathway surfaces leading from an exit to a public way shall be maintained and suitable for pedestrian use in all weather conditions.

16.26.270 Chapter 50 Section 5001.2 Added - Hazardous Materials

Section 5001.1 is amended by adding subsection 5001.1.2:

Section 5001.1.2 Coordinated Enforcement. Where the Contra Costa County Health Services Department is enforcing State Health and Safety and/or County health regulations, the Fire Department will coordinate efforts to eliminate duplication of time and resources to comply with hazardous material regulations. When approved by the Fire Chief equivalent documentation and compliance may be accepted in lieu of requirements of Appendix E. Where Contra Costa County Health & Safety regulations and California Fire Code regulations conflict, the more restrictive provisions shall prevail.

Exception: Where state or county regulations specifically limit or pre-empt local regulations to be more restrictive.

16.26.280 Chapter 50 Section 5004.1 Amended - General Provisions

Section 5004.1 is amended by adding 5004.1. A, and 5004.1. B

A. The limits referred to in Section 5004.1 of the California Fire Code, in to which the storage of hazardous materials is restricted are hereby established as follows: All areas within the jurisdiction shall be for retail in group M occupancies.

B. Exception - A permit shall be obtained from the Fire Marshal approving on site Hazardous Materials for retail sales, storage or commercial/industrial use.

16.26.290 Chapter 53 Section 5304.2A Added - Compressed Gasses

Section 5304.2 is amended by adding 5304.2A

A. The limits referred to in Section 5304.2 (ch 54, 58, 60 through 67) of the California Fire Code, in which the storage of compressed natural gas is restricted, are hereby amended as follows: All areas within the jurisdiction without and approved permit by the Fire Marshall.

16.26.300 Chapter 56 Section 5601.1.1A Added - Explosives and Fireworks

Section 5601.1.1 is amended by adding 5601.1A and Exception:

A. The limits referred to in Section 5601.1 of the California Fire Code and Title 19 Division 1 Chapter 6 and 10 subchapter 3, in which the storage of storage of explosives and blasting agents is restricted, are hereby amended as follows: All areas within the jurisdiction.

Exception: The Fire Marshall may authorize limited amount of explosives or blasting agents with permit.

16.26.310 Chapter 57 Section 5704.2.11.6 Added - Flammable and Combustible Liquids – Below Ground Tanks

Section 5704.2.11.5 is added in its entirety to read:

Section 5704.2.11.5. Abandonment and status of tanks. Tanks taken out of service as a result of properties being abandoned or its use being changed shall be removed in accordance with Section 5704.2.14.2

Section 5704.2.13.1.3 is amended in its entirety to read:

Section 5704.2.13.1.3 Out of Service for More Than 180 Days. Underground tanks that have been out of service for a period greater than 180 days shall be removed from the ground in accordance with Section 5704.2.14 and the site shall be restored in an approved manner. Permit requirements with the Contra Costa County Health Services Department, Environmental Division shall be complied concurrently with the permit requirements of the City.

Section 5704.2.13.2.3 is deleted in its entirety.

Section 5704.2.13.2.3 is amended to replace “one year” with “more than 180 days”

Section 5704.2.13.2.3. Out of service for more than 180 days aboveground tanks which have been out of service for a period greater than 180 days shall be removed in

accordance with Section 5704.2.14 and the site shall be restored in an approved manner. Permit requirements with the Contra Costa County Health Services Department, Environmental Division shall be complied with concurrently with the permit requirements of the City.

16.26.320 Chapter 57 Section 5704 Amended - Flammable and Combustible Liquids - Above Ground Tanks

Section 5704.2.9.6.1 is amended by adding 5704.2.9.6.1A and 5704.2.9.6.1B establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited or restricted:

A. The limits referred to in Section 5704.2.9.6.1 of the California Fire Code, in which the storage of flammable or combustible liquids in outside above ground tanks is restricted, are hereby amended as follows: All areas within the jurisdiction without an approved permit by the Fire Marshal.

B. The limits referred to in Section 5704.2.9.6.1 in which new bulk plants for flammable or combustible liquids are prohibited, are hereby amended as follows: Any area which is zoned other than industrial without an approved permit from the Fire Marshal.

16.26.330 Chapter 58 Section 5803A Added - Flammable Gases and Flammable Cryogenic Fluids

Section 5803 is amended by adding 5803A and Exception:

A. Stationary containers is restricted, are hereby established as follows: All areas within the jurisdiction without an approved permit by the Fire Marshal.

Exception: The Fire Marshall may authorize limited amount of explosives or blasting agents with permit.

16.26.340 Chapter 61 Section 6103.2.1.7 Amended - Liquefied Petroleum Gases - Inside Buildings

Section 6103.2.1.7 is amended in its entirety to read:

Section 6103.2.1.7 Individual portable containers used, stored, or handled inside of buildings used for assembly or business for people cooking, display, or similar use shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the Fire Chief or authorized representative.

16.26.350 Chapter 61 Section 6104.2A Added - Liquefied Petroleum Gases - Outside Buildings

Section 6104.2 is amended by adding 6104.2 A

A. The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby amended as follows: All areas of the jurisdiction without an approved permit from the Fire Marshal.

DIVISION X. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and in this case it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).

DIVISION XI. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Council hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

DIVISION XII. EFFECTIVE DATE

This ordinance shall take effect thirty days after passage and shall within fifteen days after passage, be posted in accordance with Section 36933 of the Government Code of the State of California with the names of these City Council members voting for and against it.

THE FOREGOING ordinance was introduced at a regular meeting of the City Council of the City of El Cerrito, held on October 18, 2016 and passed by the following vote:

AYES:	Councilmembers Abelson, Bridges, Friedman, Quinto and Mayor Lyman
NOES:	None
ABSTAIN:	None
ABSENT:	None

ADOPTED AND ORDERED published and posted at a meeting of the City Council for the City of El Cerrito held on the 1st of November, 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

Gregory B. Lyman, Mayor

ATTEST:

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2016-04 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the 1st day of November, 2016; and that said Ordinance has been ordered published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this XX day of November, 2016.

Cheryl Morse, City Clerk

RESOLUTION NO. 2016-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING FINDINGS TO SUPPORT LOCAL MODIFICATIONS TO THE STANDARDS CONTAINED IN THE 2016 CALIFORNIA BUILDING STANDARDS CODE, ENACTED AS PART OF ORDINANCE NO. 2016-04; AND DIRECTING THE CITY CLERK TO SCHEDULE A HEARING AND PUBLISH NOTICE

WHEREAS, Section 17922 of the California Health and Safety Code requires that local agencies adopt Title 24, which is including but not limited to the building standards contained in the California Building Code, the California Fire Code, the California Plumbing Code, the California Mechanical Code, and the California Electrical Code, as such codes are approved by the State Building Standards Commission (collectively, the "California Building Standards Code"); and

WHEREAS, Section 17958.5 of the California Health and Safety Code allows local agencies to enact modifications to those building standards provided that such modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, Section 17958.7 of the California Health and Safety Code further provides that a local agency which enacts modifications to those building standards must adopt findings which tie those modifications to such local climatic, geological or topographical conditions; and

WHEREAS, the El Cerrito City Council has considered whether certain modifications to the building standards contained in the California Building Standards Code are necessary in El Cerrito due to local climatic, geological, or topographical conditions.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does hereby adopt the following findings in conformance with its obligations under Section 17958.7 of the California Health and Safety Code

I. The City of El Cerrito is subject to the following climatic, geological and topographical conditions:

A. Climatic Conditions

General Conditions

The seasonal climatic conditions during late summer, fall and early winter create serious difficulties regarding the control of and protection against fires in El Cerrito. The hot, dry weather typical of this area in the summer and fall, and the extreme dryness of fuel stands in the early winter, coupled with wind, temperature and precipitation conditions outlined below frequently cause fire events which threaten the City.

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of 18 inches per year. Ninety-five percent of all rainfall occurs during the seven months of October through April and only five percent occurs from May through September. The dry season is considered to last at least six months in this area, where typically 0.8 percent of the annual rainfall occurs in any given month during this period. In addition, the Northern California area is subject to recurrent periods of drought lasting for several years. Relative humidity remains in the middle range most of the year with 45 to 65 percent occurring during the spring, summer and fall, and a wider range of 60 to 90 percent in the winter. Occasionally, the relative humidity falls as low as 12 percent during temporary changes in climate and wind direction. Such low humidity periods can occur any time of year. Coastal fog, on the other hand, can raise humidity especially during night hours.

(b) Impact

During the dry season generally and during occasional periods of low humidity, burning conditions are worse than normal. Such weather conditions cause extreme dryness in combustible material including untreated wood shakes and shingles on buildings, wood siding, and combustible building materials. Non-irrigated grass, brush, and weeds, which are often near buildings, are also subject to extreme drying. Extremely dry, combustible materials are vulnerable to rapidly spreading exterior fires which can quickly transfer to other buildings by means of radiation or flying brands, sparks, or embers. Under such conditions, a small fire can rapidly grow in magnitude beyond the capabilities of the fire department to control. Such fires produce excessive fire loss that has a negative impact on the quality of life in the community.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 106° F. Seasonal highs over 90° can be sustained for several days in a row.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, reducing their effectiveness and ability to control large building and wildland fires. High temperatures will preheat combustible building materials and non-irrigated weeds, grass and brush causing their materials to ignite readily and burn more rapidly and intensely. In addition, a series of local ridges and valleys produce differences in solar heating of fuels which increase the probability of erratic fire behavior, including area-wide ignition and "blow-up" conditions. Higher air and fuel temperatures increase the rate of fire spread and reduce the effectiveness of water applied to extinguish fires. Additional fire department resources and water will be required for timely and effective suppression of fires. Temperature has a direct relationship to the intensity and size of fires.

3. Winds

(a) Conditions

Prevailing winds in the area occur from the west or southwest. Off shore winds from the northeast and east, known locally as Diablo winds, frequently occur during the summer and fall and are prevalent during periods of hot, dry weather. Virtually any time during the year a climatic pattern of strong, steady, dry winds can occur for several days in succession, creating extremely dry conditions. Hillside elevation differences are ideal for the creation of localized up slope or down slope winds, which follow ridgelines or canyon valleys. Because of these topographic variables, winds can be experienced from virtually every direction depending on location and surrounding climatic conditions. Wind velocities range generally from 15 to 25 mph, with typical gusting to 35 mph. Severe storm gusts have been recorded as high as 80 mph. Westerly afternoon winds are common. Forty mph winds are experienced occasionally during extreme fire weather conditions. In rare circumstances, both on shore and off shore breezes up to 55 mph have been registered locally during non-storm conditions.

(b) Impact

Local winds can cause water intrusion and structural deterioration to building components, this deterioration may facilitate a premature structural building collapse. These local winds cause interior and exterior fires to burn intensely and spread rapidly. Wind driven fires involving non-irrigated weeds, grass and brush can grow to a magnitude and intensity beyond the capabilities of the fire department to control. Even relatively moderate winds can cause extreme and erratic fire behavior. Prevailing winds generally align with local topographical features creating ideal avenues for uphill fire spread. Wind driven fires can move uphill or downhill with great speed. When wind driven fires are not controlled they can spread from property to property and threaten the entire community.

Summary

The local climatic conditions created by precipitation patterns, temperature and wind conditions combine to affect the rate of acceleration, intensity, and magnitude of fire in the community. Periods with little or no rainfall, low humidity and high temperatures create extreme fire hazard conditions. Temperature extremes can create intense and erratic fire behavior. Local winds can have a tremendous impact on fire intensity, growth, and spread. Winds can carry sparks and burning brands to other areas up to one-mile away thus spreading fire and causing conflagrations. In building fires and fires at the bottom of canyons, winds can literally create a "blow torch" effect, which concentrates heat and resists control efforts.

B. Geologic Conditions

General Conditions

The geologic features of the local area create conditions that leave the area vulnerable to local flooding, earthquakes, land sliding, restricted access and conflagration. These events create serious difficulty regarding the control of and protection against fires in El Cerrito. Local flooding conditions can impede the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency tasks. Among the potential effects of earthquake activity are isolation of neighborhoods or the entire community, loss of water sources and conflagration. Seismic events and landslides may isolate El Cerrito from surrounding communities and restrict or eliminate internal circulation by rendering surface

travel difficult or impossible. Topographic features present multiple problems in the delivery of emergency services including fire protection.

1. Seismic

(a) Conditions

El Cerrito is located in a High Risk Seismic Zone, the worst risk rating in the United States. Buildings and other structures in High Risk Zones can experience major damage as the result of a seismic event. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, Rogers and other lesser faults. The Hayward and Calaveras faults have been identified as likely sites for a major seismic event in the 7 + Richter scale range within the next 25 years. Minor seismic events have been localized in the El Cerrito-Berkeley area.

Much of the transportation infrastructure is built upon soils classified as subject to liquefaction or landslide. San Pablo Avenue, a major north-south route through the city, is subject to liquefaction. Arlington Blvd., the other main north-south route, is subject to damage from landslide. Potrero, Moeser and Stockton Avenues, primary east-west routes, are all subject to damage from landslide. Damage to these roadbeds would have a significant, negative impact on response times.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities which in turn, cause power failures while at the same time starting fires throughout the city. The simultaneous occurrence of multiple fires will quickly disperse available fire department resources, thereby reducing and delaying an emergency response to any additional fires. An electrical power outage would incapacitate elevators, building smoke management systems, lighting systems, alarm systems and other electrical equipment. Since these are urgently needed to assist evacuation and fire control in large buildings there is increased expectation of life loss and major fire losses in such larger buildings.

A seismic event powerful enough to damage roadways would also damage other utility systems such as water mains, natural gas pipelines and telephone lines. The East Bay Municipal Utilities District anticipates seismic disruption of water service. Damage to these systems would have a negative impact on the service delivery capabilities of local emergency services.

(b) Impact

The above listed local geologic conditions increase accessibility problems and fire hazards in the City of El Cerrito. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to a larger number of citizens should a leak occur during a significant seismic event. Public safety resources would have to be prioritized to meet the greatest threat and may be unavailable for smaller structure fires in dwellings or other structures. Smaller fires may grow to conflagration proportions. Other factors can intensify the situation:

- 1) The extent of damage to the water system;
- 2) The extent of isolation due to bridge or freeway overpass collapse;
- 3) The extent of roadway damage or amount of debris blocking

- the roadway;
- 4) Climatic conditions (hot, dry weather with high winds);
- 5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- 6) The availability of timely mutual aid or military assistance;
- 7) Dwellings with wood shingle roof coverings could burn and result in conflagrations.

Summary

The local geologic conditions leave the city vulnerable to emergency conditions created by local flooding, earthquakes, landslide, and conflagration. Local flooding from the drainages and slopes of the East Bay Hills could result in conditions rendering the roads impassible. Earthquakes can occur at anytime. Earthquakes can isolate the community or significant portions of the community, cause loss of water sources used to provide fire protection and cause injury or rescue situations, which could then overtax the available resources to respond to new fires. Land movement can impair, restrict or deny emergency access to significant portions of the city. Geologic features and conditions can make firefighting strategy and tactics difficult at best. When coupled with prevailing climatic and topographic conditions, the City is at risk to conflagration at any time and is extremely vulnerable during or after a triggering event such as earthquake, floods, landslide or fire.

C. Topographic

General Conditions

The topographic features of the city increase the difficulty of fighting fires. Steep hillsides, ridges and deep, well-defined canyons are subject to fires that, in those areas, are easily influenced by wind and weather. Steep canyons are subject to rapid-fire spread, spot fires and area ignition. Fire growth controlled by topographic features (topography-driven fires) is subject to erratic fire behavior including blowups, fire whirls, and sudden changes in fire front direction. On the other hand, certain topographic features such as moist or sparse vegetation conditions, surface features, and man-made improvements such as roads have a dampening influence on erratic fire behavior.

1. Soils

(a) Conditions

The area is replete with various soils, which are unstable: clay loam, unconsolidated fills, and alluvial fans are predominant. These soil conditions are moderately to severely prone to swelling and shrinking, and are plastic and tend to liquefy. Large hillside portions of the city are subject to landslide, slumping and collapse.

(b) Impact

Throughout El Cerrito the topography and the pattern of growth and development have created a network of aging, narrow roads which limit access to some neighborhoods even in the best conditions. These roads are subject to damage and closure from mud and rock slides caused by earthquakes, storms or erosion. Unstable soils can slip causing trees, power poles and lines, or other obstructions to close roadways. Any significant seismic or weather event can close roadways isolating residential subdivisions.

2. Vegetation

(a) Conditions

Highly combustible dry grass, weeds and brush are common six to eight months of each year in the hilly and open space areas adjacent to built-up locations. Many of these areas have experienced wildland fires, which have threatened nearby buildings; particularly those with wood roofs or siding. The City Council has designated areas of the city as Very High Fire Hazard Severity Zones (VHFHSZ) and has adopted vegetation management standards for these areas. Many residential areas border parklands, which contain vegetation fire hazards.

(b) Impact

Combustible dry grass, weeds and brush contribute to a recognized conflagration hazard. City programs like the vegetation management program, the Hillside Natural Area Fire Hazard Reduction Program and strict fire code enforcement have reduced but not eliminated the threat of conflagration due to rapid fire spread in vegetation stands. Should active fire become established in vegetation stands, this growing fire could rapidly overcome fire department control efforts.

3. Surface Features

(a) Conditions

The arrangement and location of natural and man-made surface features, including hills, valleys, creeks, roadways, housing density, commercial areas, and fire stations combine to limit feasible emergency response routes to certain areas.

(b) Impact

The arrangement and location of natural surface features produce an area very similar to those conditions found in the Oakland-Berkeley hills prior to their conflagration of October 1991. Surface features can easily produce fires of great magnitude or with erratic fire behavior that could threaten the entire community.

4. Buildings and Landscaping

(a) Conditions

Many commercial buildings and apartment complexes have building and landscape features, which preclude or greatly limit the operational access of fire department vehicles. There are many concentrations of houses and other buildings with untreated wood shake or shingle roofs or siding in the City which are within 10 feet of each other. There are many such buildings to which access to all but one side is virtually impossible due to landscaping, fences, electrical transmission lines, slopes or other buildings.

(b) Impact

When Fire Department vehicles cannot gain access to buildings on fire, there is a high potential for complete loss. Difficult access to a fire site often requires that personnel must carry equipment for long distances. Such operations quickly exhaust fire

personnel and reduce the effective number of personnel available for suppression. Access problems often result in severe delays, the misdirection of fire and smoke control efforts, or the failure to make a timely fire attack.

Summary

The above listed local topographical conditions increase accessibility problems and fire hazards in the City of El Cerrito. Should a significant emergency occur, such as an area wide conflagration, public safety resources would be prioritized to mitigate the greatest threat and may likely remain unavailable for smaller single dwelling or structure fires. Other variables may intensify the situation:

- 1) The extent of damage to the water system;
- 2) The extent of isolation due to bridge and/or freeway overpass collapse;
- 3) The extent of roadway damage and/or amount of debris blocking the roadways;
- 4) Climatic conditions (hot, dry weather with high winds);
- 5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business and commute hours;
- 6) The availability of timely mutual aid or military assistance;
- 7) The large proportion of dwellings with wood single roof coverings could result in conflagrations.

D. Conclusion

Based on the local climatic, geologic, and topographic conditions outlined above, there is a real risk of damage to the community from a disaster. A seismic event can cause structural damage to buildings and utility infrastructure; storm flooding and high winds may increase the damages. Any of these conditions may negatively affect fire prevention efforts by increasing the frequency, spread, acceleration, intensity, and size of fires involving buildings in this community. Further, these conditions will increase the potential damage to all structures occurring from any earthquake and subsequent fire. It is found, therefore, to be reasonably necessary that the California Fire Code and the State Building Standards Code are changed or modified to mitigate the effects of the above conditions.

II. Pursuant to Sections 17958.5 and 17958.7 of the State of California Health and Safety Code, the City Council of the City of El Cerrito makes the finding that changes, modifications, and amendments to the 2016 Edition of the California Building Standards Codes are needed and are reasonably necessary because of certain local climatic, geologic and topographic features and conditions as described in Section I above, and that those features and conditions, under certain circumstances, affect delivery of emergency services. The amendments to the California Building Standards Codes are enacted to mitigate the impact of those local features and conditions by (i) preventing the chance of accident or injury by requiring standards more stringent than required by the current codes; and (ii) requiring additional built-in automatic fire protection systems which will provide for early detection and initial fire control.

III. The following changes and/or modifications to the 2016 California Building Standards Code are found to be necessary to mitigate the impacts caused by the local climatic, geologic and topographic conditions and are listed as follows:

<u>Municipal</u> <u>Code Section</u>	<u>CBC Section</u>	<u>Findings in Section 1</u>
16.02.020	105.2 (4)	A, B, C, D
16.02.030	107.6	B.1, C.1
16.02.040	107.3	A, B, C, D
16.02.050	114.1.1	A, C.2, C.4
16.02.060	117	A, C.2, C.4
16.02.070	501.2	A, C.2, C.4
16.02.080	903.2	A, C.2, C.4
16.02.090	904.3.5	A, C.2, C.4
16.02.100	905.3	A, C.2, C.4
16.02.110	1705.3	B, C
16.02.120	1905.1.7	B, C
16.02.130	Chapter 23	A, C.2, C.4
16.02.140	2304.12.1.5	A, C.2, C.4
16.02.150	2505	A, C.2, C.4
16.02.160	Chapter 1, Section 110.7	A, C
16.02.170	Appendix G, Section 102.3	A, B, C
16.03.020	R105.2	A,B,C,D
16.03.030	R106.2.1	B1, C1
16.03.040	R106.3.1	A,B,C,D
16.03.050	R113.5	A,C2,C4
16.03.060	R115	A,C2,C4
16.03.070	R319.1	A,C2,C4
16.03.080	R322.1	A,B,C
	R402.3	A,C2,C4
	R602.10.4.4	A,C2,C4
	And/Table R602.10.3(3)	

16.03.090.	R703.6	A,C2,C4
16.03.100		
16.03.110		
16.08.040	Article 23.70(A)(1)	A, C.2, A,C.2,C.4,D
16.09.020	202	B, C
16.09.030	404	B, C
16.26.020	1.1.1.2	A, C.2, C.4, D
16.26.030	1.1.8	A, C.2, C.4, D
16.26.040	1.11.1	A, C.2, C.4, D
16.26.050	102.1	A, C.2, C.4, D
16.26.060	102.9	A, C.2, C.4, D
16.26.070	104.1	A, C.2, C.4, D
16.26.080	104.1.1A and 104.1.1B	A, C.2, C.4, D
16.26.090	104.9	A, C.2, C.4, D
16.26.100	105.1.1	A, C.2, C.4, D
16.26.110	105.6	A, C.2, C.4, D
16.26.120	108	A, C.2, C.4, D
16.26.130	202	A, C.2, C.4, D
16.26.140	202	A, C.2, C.4, D
16.26.150	202	A, C.2, C.4, D
16.26.160	320	A, C.2, C.4, D
16.26.170	401.5	A, C.2, C.4, D
16.26.180	503, 504 and 507	A, C.2, C.4, D
16.26.190	603.6	A, C.2, C.4, D
16.26.200	903.2	A, C.2, C.4, D
16.26.210	903.2	A, C.2, C.4, D
16.26.220	905.3.1	A, C.2, C.4, D
16.26.230	907.2	A, C.2, C.4, D
16.26.240	907.8.2	A, C.2, C.4, D
16.26.250	1010.1.9.3	A, C.2, C.4, D
16.26.260	1028.5	A, C.2, C.4, D
16.26.270	5004	A, C.2, C.4, D
16.26.280	5004.1	A, C.2, C.4, D
16.26.290	5304.2	A, C.2, C.4, D
16.26.300	5601.1.1A	A, C.2, C.4, D
16.26.310	5704.2.11.6	A, C.2, C.4, D
16.26.320	5704	A, C.2, C.4, D

16.26.330	5803	A, C.2, C.4, D
16.26.340	6103.2.1.7	A, C.2, C.4, D
16.26.350	6104.2A	A, C.2, C.4, D

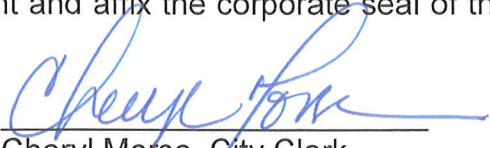
The aforementioned amendments have been incorporated in detail in Ordinance 2016-04.

BE IT FURTHER RESOLVED that the City Council of the City of El Cerrito does hereby direct the City Clerk to schedule a public hearing for consideration of Ordinance No. 2016-04, to be held November 1, 2016, at 7:00 p.m. at the City Council Chambers, and to publish a notice of such hearing in accordance with Government Code Section 50022.3; and that such notice state that the purpose of the ordinance is to adopt the 2016 California Building Standards Code (including the Fire Code) and the California Housing Regulations, with modifications to address unique local conditions.

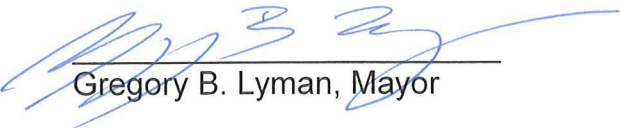
I CERTIFY that at a regular meeting on October 18, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	Councilmembers Abelson, Bridges, Friedman, Quinto and Mayor Lyman
NOES:	None
ABSTAIN:	None
ABSENT:	None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on October 20, 2016.


Cheryl Morse, City Clerk

APPROVED:


Gregory B. Lyman, Mayor



EL CERRITO CITY COUNCIL

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the El Cerrito City Council will conduct a public hearing on **Tuesday, November 1, 2016 at 7:00 p.m.** or as soon thereafter as the matter can be heard, in the Council Chambers at the El Cerrito City Hall, 10890 San Pablo Avenue, El Cerrito, California, for the purpose of considering the following:

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING TITLE 16 OF THE EL CERRITO MUNICIPAL CODE TO ADOPT, WITH MODIFICATIONS TO ADDRESS UNIQUE LOCAL CONDITIONS, THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING CODE, THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE (BASED ON THE 2015 INTERNATIONAL BUILDING CODE), VOLUMES 1 AND 2, INCLUDING SEVERAL APPENDICES THERETO, THE 2016 CALIFORNIA FIRE CODE (BASED ON THE 2015 INTERNATIONAL FIRE CODE), INCLUDING ALL APPENDICES THERETO, THE 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2015 INTERNATIONAL RESIDENTIAL CODE) WITH SOME APPENDICES, THE 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE (BASED ON THE 2015 INTERNATIONAL EXISTING BUILDING CODE) INCLUDING SOME APPENDICES, THE 2016 CALIFORNIA PLUMBING CODE (BASED ON THE 2015 UNIFORM PLUMBING CODE), THE 2016 CALIFORNIA MECHANICAL CODE (BASED ON THE 2015 UNIFORM MECHANICAL CODE), AND THE 2016 CALIFORNIA ELECTRICAL CODE (BASED ON THE 2014 NATIONAL ELECTRICAL CODE).

The purpose of this public hearing is for the City Council to consider adopting the Ordinance identified above to add and update references to various state building codes including, but not limited to, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Existing Building Code, the 2016 California Plumbing Code, the 2016 California Mechanical Code, the 2016 California Electrical Code, and the 2016 California Green Buildings Standards Code. Any person wishing to speak to the City Council on this matter is invited to attend the hearing and/or to furnish written comments to the City Council in care of the City Clerk, City of El Cerrito, 10890 San Pablo Avenue, El Cerrito, CA 94530, prior to the hearing. Comments received no later than Monday, October 24, 2016 will be included in Council agenda packets. Comments received thereafter will be submitted to Council as supplemental communications at the meeting. Copies of the proposed Ordinance and the referenced codes are available and open for public inspection at the Office of the City Clerk. You may also contact

the Building Official by telephone at (510) 215-4360 if you have questions regarding the ordinance.

CITY OF EL CERRITO

Cheryl Morse, City Clerk