



## **STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Regular Meeting of November 12, 2019

**TO:** Members of the City Council

**SUBMITTED BY:** Holly Smyth, AICP, Planning Director  
Robert Reber, Adjunct Planner

**SUBJECT:** **Ordinance to Amend Hercules Municipal Code Title 9 “Building Regulations,” Adopting by Reference the New California Code of Regulations Title 24, 2019 Edition of the California Building Standards Code with amendments separately adopted by Contra Costa County and the Rodeo-Hercules Fire Protection District**

### **RECOMMENDED ACTION:**

Convene a public hearing, take testimony, waive first reading, and introduce an Ordinance (Attachment 1) repealing and replacing Building Code Regulations of the existing Hercules Municipal Code Title 9, Building Regulations, and adopting 2019 California Building Standards, with local amendments as adopted by Contra Costa County and the Rodeo-Hercules Fire Protection District.

### **FISCAL IMPACT OF RECOMMENDATION:**

Not Applicable.

### **BACKGROUND:**

Title 24 of the California Building Standards Code of Regulations contains most of the construction codes adopted by the City of Hercules. After a thorough review process that takes place over a three year period, the California Building Standards Code is revised and published in its entirety by order of the California Legislature. Jurisdictions then have two choices: adopt the codes as printed, or adopt the codes with local amendments.

A city and county may establish more restrictive building standards (amendments) reasonably necessary because of local climatic, geological, or topographical conditions. The recommended code changes contained in the amended ordinance have been proposed and approved by the County Board of Supervisors (Attachment 2) and the Rodeo-Hercules Fire Protection District (RHFPD) (Attachment 4). The County and RHFPD must file the findings of necessity with the California Building Standards Commission before they become enforceable.

The City’s adoption of County and RHFPD amendments is authorized in Sections 50020-50022.9 of the California Government Code. While the County and RHFPD are required to adopt separate

findings in support of local amendments and forward the local amendments to the California Building Standards Commission, the City is not required to do so when adopting the County and RHFPD code amendments. The County's and RHFPD's findings are provided with this staff report as Attachments 3 and 5, respectively.

## **DISCUSSION:**

The codes used by the City of Hercules for construction are: Administrative Code, Building Code, Plumbing Code, Mechanical Code, Electrical Code, Building Security Code, Abatement of Dangerous Buildings, Energy Code, Historical Code, Existing Building Code, Referenced Standards Code, Fire Code, Green Building Standards Code, and Residential Code. The proposed Hercules ordinance includes the County's and the RHFPD's amendments to the statewide codes due to local conditions described in the referenced ordinances and adopted findings.

County Amendments to the California Building Standards Code. The following is a summary of the County's substantive changes to the 2019 California Building Standards Code:

- Require installation of hard-wired smoke detectors in existing flat roof buildings when a pitched roof is added on top of the existing flat roof, and the solid sheathing of the flat roof is not removed. This amendment is the same as the local amendment made to the previous statewide code.
- Require more reinforcing in some building foundations to better withstand seismic forces found in the region of California. This amendment is the same as the local amendment made to the previous statewide code.
- Prohibit the use of gypsum wallboard as seismic bracing, and restrict the use of Portland Cement Plaster as seismic bracing to single-story, single-and two-family dwellings, and accessory structures. These amendments are the same as the previous code cycle and are based on the performance of these materials during previous earthquakes in California.
- Electric vehicle charging station requirements for new multi-family buildings will be amended as follows. The statewide code requires 10 percent of parking spaces be designated as Electric Vehicle Charging Spaces ("EV spaces") and equipped with the electrical conduit and other associated electrical infrastructure to support the future installation of electrical vehicle charging devices. The ordinance would require that half of the designated EV spaces (5% of the total number of parking spaces) be equipped with fully operational electrical vehicle charging equipment. This amendment would impose a stricter standard than that included in the statewide code, and the percentage of parking spaces required to be equipped with fully operational charging equipment is consistent with the current policy previously adopted by the Contra Costa County Board of Supervisors and, by reference, the City of Hercules.
- Electrical vehicle station requirements for non-residential buildings will be amended as follows. The statewide code generally requires 6 percent of parking spaces be designated as Electric Vehicle Charging Spaces ("EV spaces") and equipped with the electrical conduit

and other associated electrical infrastructure to support the future installation of electric vehicle charging devices. The ordinance would require that all designated EV spaces be equipped with fully operational electric vehicle charging equipment. This amendment is the same local amendment made to the previous statewide code.

- More restrictive construction waste reduction, disposal and recycling standards consistent with those presently enforced in Contra Costa County, including the following:
  - Apply construction waste management requirements in the statewide code to certain projects for existing residential buildings, including: demolition projects when a demolition permit is required, except demolition projects that are necessary to abate a public nuisance; projects that impact 5,000 square feet or more of the total combined conditioned and unconditioned building area; projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more.
  - Delete the exception from construction waste management requirements for projects solely based on their isolated location from diversion facilities.
  - Require measuring and documentation of all generated debris to ensure that at least 65% is diverted from landfills.

Since Contra Costa County has been providing building inspection and plan check services for the City and will be doing so for the foreseeable future, staff agrees with and recommends adoption of the County's proposed amendments to the Hercules code, which will help ensure uniform plan check and inspections whether in Hercules or another part of the County. The Board of Supervisors had its initial public hearing and first reading of the Ordinance for amending the 2019 Building Codes at its October 22, 2019 meeting and is scheduled for its second reading on November 12, 2019.

RHFPD Code Amendments. The Rodeo-Hercules Fire Protection District (RHFPD) participated in a Fire Prevention Panel, composed of county wide prevention officers, to create a consensus document to be utilized county-wide by cities and fire districts in Contra Costa County in an effort to ensure uniformity in requirements. The RHFPD Board of Directors had its initial public hearing and first reading of an ordinance for amending the 2019 Fire Codes at its October 1, 2019 meeting and had a second reading and approval of Ordinance 2019-01 adopting the 2019 California Fire Code with amendments supported by findings based on facts of local climatic, geological, or topographical conditions (see Attachments 4 and 5 respectively). Adoption of the attached Fire Code with amendments by the City will help ensure consistency in carrying out the code.

**CONCLUSION:** Staff has reviewed the amendments proposed by the Fire District and RHFPD, integrated their Ordinances into the City's Municipal Code format, and in order to provide consistency and avoid confusion, is recommending incorporation of the amendments into the Hercules Municipal Code as approved by the County Board of Supervisors and RHFPD Board of Directors.

## **ATTACHMENTS:**

1. Draft Ordinance

2. Contra Costa County Ordinance No. 2019-31 – Building Code Adoption for integration
3. Contra Costa County Ordinance No. 2019-31 Supporting Findings for Building Code Modifications
4. Rodeo–Hercules Fire Protection District Ordinance #2019-31 - Fire Code for integration
5. Rodeo–Hercules Fire Protection District Ordinance #2019-31 – Supporting Findings for Fire Code Modifications

***Financial Impact***

**Description:** No fiscal impact

**Funding Source:** Not applicable

**Budget Recap:**

Total Estimated cost:	\$0	New Revenue:	\$0
Amount Budgeted:	\$0	Lost Revenue:	\$0
New funding required:	\$0	New Personnel:	\$0
Council Policy Change: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			