COUNCILMEMBERS
Melissa Hernandez, Mayor
Jean Josey, Vice Mayor
Shawn Kumagai, Councilmember
Dr. Sherry Hu, Councilmember
Michael McCorriston, Councilmember

City Council Chamber
Dublin Civic Center
100 Civic Plaza
Dublin, CA 94568
www.dublin.ca.gov

Regular Meeting of the

DUBLIN CITY COUNCIL

Tuesday, November 1, 2022

Location: City Council Chamber
100 Civic Plaza
Dublin, CA 94568

REGULAR MEETING 7:00 PM

Pursuant to AB 361, the City is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public, without making available any physical location for the public.

Additional Meeting Procedures Available During the COVID-19 Pandemic

This City Council meeting will be broadcast live on Comcast T.V. channel 28 beginning at 7:00 p.m. This meeting will also be livestreamed at www.tv30.org and on the City's website at: https://dublin.ca.gov/ccmeetings

Members of the public who wish to participate in the meeting electronically have the option of giving public comment via Zoom, subject to the following procedures:

• Fill out an online speaker slip available at www.dublin.ca.gov. The speaker slip will be made available at 10:00 a.m. on Tuesday, November 1, 2022. Upon submission, you will receive Zoom link information from the City Clerk. Speakers slips will be accepted until the public comment period ends, or until the public comment period on non-agenda items is closed.

• Once connected to the Zoom platform using the Zoom link information from the City Clerk, the public speaker will be added to the Zoom webinar as an attendee and muted. The speaker will be able to observe the meeting from the Zoom platform.

• When the agenda item upon which the individual would like to comment is addressed, the City Clerk will announce the speaker in the meeting when it is their time to give public comment. The speaker will then be unmuted to give public comment via Zoom.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ORAL COMMUNICATIONS

3.1 Employee Introduction

New City of Dublin Staff member, Darlynn Haas, Management Analyst II with the Administrative Services Department, will be introduced.

STAFF RECOMMENDATION:

Welcome the new City of Dublin Staff member.

Staff Report

3.2 Public Comment

At this time, the public is permitted to address the City Council on non-agendized items. Please step to the podium and clearly state your name for the record. COMMENTS SHOULD NOT EXCEED THREE (3) MINUTES. In accordance with State Law, no action or discussion may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter. Any member of the public may contact the City Clerk's Office related to the proper procedure to place an item on a future City Council agenda. The exceptions under which the City Council MAY discuss and/or take action on items not appearing on the agenda are contained in Government Code Section 54954.2(b)(1)(2)(3).

4. CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the City Council with one single action. Members of the audience, Staff or the City Council who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor to remove the item.

4.1 Approval of the October 18, 2022 Regular City Council Meeting Minutes

The City Council will consider approval of the minutes of the October 18, 2022 Regular City Council Meeting.

STAFF RECOMMENDATION:

Approve the minutes of the October 18, 2022 Regular City Council Meeting.

Staff Report

Attachment 1 - October 18, 2022 Regular City Council Meeting Minutes

4.2 Updates to the City's Construction and Fire Codes in Accordance with Requirements of State Law

The City Council will consider introducing an Ordinance repealing the 2019 California Building Standards Code and adopting the 2022 California Building Code and setting a public hearing for November 15, 2022. In connection with this action, the City Council will be asked to approve findings relating to the City's local amendments to the California Building Standards Code. The 2022 Edition of the California Building Standards Code was approved by the California Building Standards Commission earlier this year and will go into effect on January 1, 2023. The City must adopt an Ordinance incorporating the updated provisions to ensure accuracy and alignment with state law.

STAFF RECOMMENDATION:

Take the following actions: 1) Waive the first reading and INTRODUCE the Ordinance Repealing and Replacing Chapters 5.08 (Fire Code), 7.28 (Building Regulation Administration Code), 7.32 (Building Code), 7.34 (Residential Code), 7.36 (Electrical

Code), 7.40 (Plumbing Code), 7.44 (Mechanical Code), 7.48 (Building Maintenance Code) and 7.94 (Green Building Code) of the Dublin Municipal Code, and Repealing Chapter 7.24 (Flood Control) and Adopting Chapter 7.24 (Floodplain Management Regulations and Adding Chapter 7.46 (Existing Building Code) to the Dublin Municipal Code, in Order to Adopt by Reference and Amend Provisions of the 2022 Edition of the California Building Standards Code, Title 24, California Code of Regulations, and Adding Chapter 7.45 (Swimming Pool and Spa Code) to the Dublin Municipal Code in Order to Adopt by Reference and Amend Provisions of the 2021 Edition of the International Swimming Pool and Spa Code; and 2) Set the public hearing for November 15, 2022, to waive the second reading and adopt said Ordinance and adopt the Resolution Approving the Finding of Necessity for Amendments to the 2022 California Building Standards Code.

Staff Report
Attachment 1 - Resolution Approving Amendments to the California Building Standards Code
Attachment 2 - Exhibit A to the Resolution - 2022 California Building Standards Code Findings
Attachment 3 - Ordinance Amending Sections of the California Building Standards Code
Attachment 4 - Exhibit A to the Ordinance - DMC Chapter 5.08 DMC 2022 Fire Code
Attachment 5 - Exhibit B to the Ordinance - DMC Chapter 7.24 Floodplain Management Regulations
Attachment 6 - Exhibit C to the Ordinance - DMC Chapter 7.28 Building Administration Code
Attachment 7 - Exhibit D to the Ordinance - DMC Chapter 7.32 Building Code
Attachment 8 - Exhibit E to the Ordinance - DMC Chapter 7.34 Residential Code
Attachment 9 - Exhibit F to the Ordinance - DMC Chapter 7.36 Electrical Code
Attachment 10 - Exhibit G to the Ordinance - DMC Chapter 7.40 Plumbing Code
Attachment 11 - Exhibit H to the Ordinance - DMC Chapter 7.44 Mechanical Code
Attachment 12 - Exhibit I to the Ordinance - DMC Chapter 7.45 Swimming Pool and Spa Code
Attachment 13 - Exhibit J to the Ordinance - DMC Chapter 7.46 Existing Building Code
Attachment 14 - Exhibit K to the Ordinance - DMC Chapter 7.48 Building Maintenance Code
Attachment 15 - Exhibit L to the Ordinance - DMC Chapter 7.94 Green Building Code
Item 4.2 - SB 343

4.3 Amendment to Consulting Services Agreement with Keyser Marston Associates, Inc.

The City Council will consider approving an amendment to the agreement with Keyser Marston Associates, Inc. to increase the compensation for additional consulting services.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving an Amendment to the Consulting Services Agreement Between the City of Dublin and Keyser Marston Associates, Inc. for On-Call Real Estate and Development Consulting Services.

Staff Report
Attachment 1 - Resolution Approving an Amendment to the Consulting Services Agreement Between the City of Dublin and Keyser Marston Associates, Inc. for On-Call Real Estate and Development Consulting Services
Attachment 2 - Exhibit A to the Resolution - First Amendment to Consulting Services Agreement Between the City of Dublin and Keyser Marston Associates, Inc. for On-Call Real Estate and Development Consulting Services

Attachment 3 - Consulting Services Agreement Between the City of Dublin and Keyser Marston Associates, Inc. for On-Call Real Estate and Development Consulting Services

4.4 Ordinance Amending Chapter 2.24 of the Dublin Municipal Code Pertaining to the City's Conflict of Interest Code

At the June 7, 2022 meeting, the City Council directed Staff to review the City's Conflict of Interest Code and make a determination if there is a need to update the Code. Staff conducted a review of the Code and determined that several positions should be added or deleted. An Ordinance was introduced on October 18, 2022 and is now ready for adoption.

STAFF RECOMMENDATION:

Waive the reading and adopt the Ordinance Amending Chapter 2.24 of the Dublin Municipal Code Relating to the City's Conflict of Interest Code.

Staff Report

Attachment 1 - Amending Chapter 2.24 of the Dublin Municipal Code Relating to the City's Conflict of Interest Code

4.5 Approve Purchases from JAM Services, Inc. of Traffic Signal, Communications, and Streetlight Equipment

The City Council will consider authorizing purchases from JAM Services, Inc. of traffic signal, communications, and streetlight equipment up to $300,000. JAM Services, Inc. was approved as a sole source vendor for such equipment on April 2, 2019.

STAFF RECOMMENDATION:

Adopt the Resolution Approving the Purchase of Traffic Signal, Communication, and Streetlight Equipment Purchases from JAM Services, Inc.

Staff Report

Attachment 1 - Resolution Approving the Purchase of Traffic Signal, Communication, and Streetlight Equipment Purchases from JAM Services, Inc.

Attachment 2 - Resolution No. 21-19

4.6 Wallis Ranch Community Park Naming

The City Council will select a name for the new community park located near the Wallis Ranch residential neighborhood.

STAFF RECOMMENDATION:

Select the name Wallis Ranch Community Park for the new community park near the Wallis Ranch residential neighborhood.

Staff Report

Attachment 1 - City Council Approved Conceptual Design

4.7 Two-Year Strategic Plan Quarterly Update

The City Council will receive a status update on the City's Two-Year Strategic Plan.

STAFF RECOMMENDATION:

Receive the report.

Staff Report

Attachment 1 - Strategic Plan Quarterly Update

4.8 Nissan Commercial Car Wash (PLPA-2022- 00003)

On October 18, 2022, the City Council held a Public Hearing to consider the Nissan Commercial Car Wash project consisting of a 3,574-square-foot building housing a drive-thru automatic car wash tunnel, a vacuum area with 15 parking spaces and related site improvements. The City Council waived the first reading and introduced the Ordinance approving an amendment to the Planned Development Zoning and adopted a Resolution approving the Conditional Use Permit and Site Development Review Permit. The City Council will hold a second reading of the Ordinance approving the Planned Development Zoning.

STAFF RECOMMENDATION:

Waive the reading and adopt the **Ordinance** Approving an Amendment to Planned Development Zoning Ordinance No. 03-19 for Kaiser Commercial Project.

Staff Report

Attachment 1 - Ordinance Approving an Amendment to Planned Development Zoning Ordinance No. 03-19 for Kaiser Commercial Project

Attachment 2 - City Council October 18 2022 Staff Report without Attachments

4.9 Authorizing Remote Meetings of City Council and City Commissions Due to Increase in COVID-19 Cases

From March 2020 through September 2021, the City conducted meetings of its legislative bodies remotely pursuant to various executive orders that suspended certain Brown Act provisions. In October 2021, the City returned to in-person meetings and the Brown Act was amended to allow for teleconferencing during a state of emergency. Under the new law, AB 361, the City can continue to conduct virtual meetings where the Governor has proclaimed a State of Emergency, or state or local health officials have imposed or recommended social distancing, if the City Council makes certain required findings. From January 11 – February 10, 2022, and since May 3, 2022, the City Council has operated under a resolution pursuant to AB 361 authorizing teleconferenced meetings for at least 30 days. The City Council will consider adopting a resolution that would allow for virtual attendance for the next 30 days.

STAFF RECOMMENDATION:

Adopt the **Resolution** Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361.

Staff Report

Attachment 1 - Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361

5. WRITTEN COMMUNICATION - None.

6. PUBLIC HEARING – None.

7. UNFINISHED BUSINESS

7.1 Informational Item on Voluntary Special Needs Registry

The City Council will receive a report on voluntary special needs registries (SNRs), which function as channels for parents or guardians of community members with special needs to provide the police with information regarding any assistance those persons may require during an interaction with first responders. The City Council received a report on the SNR concept at the June 15, 2021 meeting. This report provides additional information and next steps for establishing an SNR in Dublin.

STAFF RECOMMENDATION:

Receive the report.

Staff Report
Attachment 1 - June 15, 2021 Staff Report on Special Needs Registries
Attachment 2 - Example Registration Form
Item 7.1 PowerPoint Presentation

8. NEW BUSINESS – None.

9. OTHER BUSINESS

Brief information only reports from City Council and/or Staff, including committee reports and reports by City Council related to meetings attended at City expense (AB1234).

10. ADJOURNMENT

This AGENDA is posted in accordance with Government Code Section 54954.2(a)

If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability- related modification or accommodation, please contact the City Clerk's Office (925) 833-6650 at least 72 hours in advance of the meeting.

Mission

The City of Dublin promotes and supports a high quality of life, ensures a safe and secure environment, fosters new opportunities, provides equity across all programs, and champions a culture of diversity and inclusion.

Agenda Item 3.1

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Employee Introduction
Prepared by: Sarah Monnastes, Human Resources Director

EXECUTIVE SUMMARY:

New City of Dublin Staff member, Darlynn Haas, Management Analyst II with the Administrative Services Department, will be introduced.

STAFF RECOMMENDATION:

Welcome the new City of Dublin Staff member.

FINANCIAL IMPACT:

None.

DESCRIPTION:

New City of Dublin Staff member, Darlynn Haas, Management Analyst II with the Administrative Services Department, will be introduced.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

None.

Agenda Item 4.1

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Approval of the October 18, 2022 Regular City Council Meeting Minutes
Prepared by: Marsha Moore, MMC, City Clerk

EXECUTIVE SUMMARY:

The City Council will consider approval of the minutes of the October 18, 2022 Regular City Council Meeting.

STAFF RECOMMENDATION:

Approve the minutes of the October 18, 2022 Regular City Council Meeting.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The City Council will consider approval of the minutes of the October 18, 2022 Regular City Council Meeting.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) October 18, 2022 Regular City Council Meeting Minutes

MINUTES OF THE CITY COUNCIL OF THE CITY OF DUBLIN

Regular Meeting: October 18, 2022

The following are minutes of the actions taken by the City of Dublin City Council. A full video recording of the meeting with the agenda items indexed and time stamped is available on the City's website at: https://dublin.ca.gov/ccmeetings

CLOSED SESSION 6:30 PM

I. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 2 cases.

REGULAR MEETING 7:00 PM

A Regular Meeting of the Dublin City Council was held on **Tuesday, October 18, 2022**, in the City Council Chamber. The meeting was called to order at 7:00 PM, by Mayor Hernandez.

1) CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by the Dublin 4-H Club who then received a certificate of appreciation.

Attendee Name	Status
Melissa Hernandez, Mayor	Present
Jean Josey, Vice Mayor	Present
Shawn Kumagai, Councilmember	Present
Michael McCorriston, Councilmember	Present
Dr. Sherry Hu, Councilmember	Present

2) REPORT ON CLOSED SESSION

Mayor Hernandez reported there was no reportable action out of Closed Session.

3) ORAL COMMUNICATIONS

3.1) Presentation of the Hindu American Awareness and Appreciation Month and Diwali Proclamations

The City Council presented the Hindu American Awareness and Appreciation Month and Diwali Proclamations.

3.2) Employee Introductions

New City of Dublin Staff members, Laurie Rith-Chan, Administrative Technician with the Human Resources Division, and Raelyn Miranda, Administrative Aide, with Dublin Police Services, were introduced.

3.3) Public Comment

No public comment was provided.

4) CONSENT CALENDAR

4.1) Approved the September 20, 2022 Regular City Council Meeting Minutes.

4.2) Adopted Resolution No. 117-22 titled, "Amending the Master Fee Schedule to Eliminate the Fundraising Fee for Dublin-Based Non-Profit Facility Rentals."

4.3) Adopted Resolution No. 118-22 titled, "Approving the Memorandum of Understanding Between the City of Pleasanton and the Town of Danville, City of Dublin, City of Livermore, and City of San Ramon for Joint Tri-Valley Cities Legislative Advocacy Services."

4.4) Adopted Resolution No. 119-22 titled, "Confirming City of Dublin Participation in the State of California Office of Traffic Safety Selective Traffic Enforcement Grant Agreement."

4.5) Adopted Resolution No. 120-22 titled, "Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361."

4.6) Waived the reading and introduced the Ordinance Amending Chapter 2.24 of the Dublin Municipal Code Relating to the City's Conflict of Interest Code, and direct Staff to file the 2022 Local Agency Biennial Notice.

4.7) Adopted Resolution No. 121-22 titled, "Approving a Consulting Services Agreement Between the City of Dublin and Reach Enterprises, Inc. for a Loyalty Rewards Business Recovery Project."

4.8) Received a report of payments issued from September 1, 2022 - September 30, 2022 totaling $6,182,554.45.

4.9) Received a report and approved modifications to the Human Services Grants Program guidelines and allocation process.

4.10) Adopted Resolution No. 122-22 titled, "Approving an Agreement with Storm Water Inspection & Maintenance Services Inc. for Trash Capture Device Maintenance Services."

4.11) The City Council approved the following proclamations for the months of November and December in the City of Dublin: Native American Heritage Month, Family Caregivers Month, Diabetes Awareness Month, Entrepreneurship Month, Critical Infrastructure Security and Resilience Month, College Application Month, Alzheimer's Disease Awareness Month, Adoption Month, Veterans and Families Month, United Against Hate Week, American History and Founders Month, Small Business Saturday, and Impaired Driving Month.

4.12) Adopted Resolution No. 123-22 titled "Authorizing Additional Special Designations of General Fund Reserves for Fiscal Year 2021-22" Fiscal Year 2021-22 4th Quarter Financial Review and Additional Special Designation of General Fund Reserves.

This item was pulled from the Consent Calendar by Vice Mayor Josey who asked that one million dollars be moved from the unassigned reserves to the Village Parkway improvements project.

4.13) The City Council approved and authorized the Mayor to execute the Third Amendment to the Amended and Restated Agreement for Legal Services.

On a motion by Councilmember Kumagai, seconded by Councilmember McCorriston, and by unanimous vote, the City Council adopted the Consent Calendar items, except item 4.12.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVED BY:	Shawn Kumagai, Councilmember
SECOND:	Michael McCorriston, Councilmember
AYES:	Hernandez, Josey, Kumagai, McCorriston, Hu

On a motion by Vice Mayor Josey, seconded by Councilmember Kumagai, and by unanimous vote, the City Council adopted Consent Calendar item 4.12 as amended to move one million dollars of the unassigned reserves to Village Parkway improvements.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVED BY:	Jean Josey, Vice Mayor
SECOND:	Shawn Kumagai, Councilmember
AYES:	Hernandez, Josey, Kumagai, McCorriston, Hu

5) WRITTEN COMMUNICATION – None.

6) PUBLIC HEARING

6.1) Nissan Commercial Car Wash (PLPA-2022-00003)

The City Council received a presentation regarding an application requesting approval of a commercial self-service car wash consisting of a 3,574-square-foot building housing a drive-thru automatic car wash tunnel, a vacuum area with 15 parking spaces, and related site improvements.

Mayor Hernandez opened the public hearing.

Laurell Jones provided public comment.

Mayor Hernandez closed the public hearing.

On a motion by Councilmember Kumagai, and seconded by Councilmember Hu, and by a four-to-one roll call vote, the City Council waived the reading and introduced the Ordinance Approving an Amendment to Planned Development Zoning Ordinance No. 03-19 for Kaiser Commercial and adopted Resolution No. 124-22 titled, "Approving A Conditional Use Permit And A Site Development Review Permit Related To The Nissan Commercial Car Wash Project PLPA-2022-00003 (APN 985-0027-026-00)," as amended to remove "and on the trail" from Condition of Approval 115 and add, "install a minimum of four three-stream containers with clear signage describing organics, recycling, and garage (two for each vacuum area)" to Condition of Approval 131.

RESULT:	**ADOPTED**
MOVED BY:	Shawn Kumagai, Councilmember
SECOND:	Dr. Sherry Hu, Councilmember
AYES:	Hernandez, Josey, Kumagai, Hu
NOES:	McCorriston

Mayor Hernandez called for a recess at 9:00 p.m.

Mayor Hernandez resumed the meeting at 9:08 p.m.

7) UNFINISHED BUSINESS

7.1) Downtown Dublin Update

The City Council received a presentation on updates to the Downtown Dublin Preferred Vision.

The City Council asked clarifying questions, provided feedback on the design, and gave direction to Staff to proceed down the path as presented.

8) NEW BUSINESS – None.

9) OTHER BUSINESS

The City Council and Staff provided brief information-only reports, including committee reports and reports by City Council related to meetings attended at City expense (AB1234).

10) ADJOURNMENT

Mayor Hernandez adjourned the meeting at 10:15 p.m.

_____
Mayor

ATTEST:

_____
City Clerk

Agenda Item 4.2

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Updates to the City's Construction and Fire Codes in Accordance with Requirements of State Law
Prepared by: Gregory Shreeve Sr., Chief Building Official

EXECUTIVE SUMMARY:

The City Council will consider introducing an Ordinance repealing the 2019 California Building Standards Code and adopting the 2022 California Building Code and setting a public hearing for November 15, 2022. In connection with this action, the City Council will be asked to approve findings relating to the City's local amendments to the California Building Standards Code. The 2022 Edition of the California Building Standards Code was approved by the California Building Standards Commission earlier this year and will go into effect on January 1, 2023. The City must adopt an Ordinance incorporating the updated provisions to ensure accuracy and alignment with state law.

STAFF RECOMMENDATION:

Take the following actions: 1) Waive the first reading and INTRODUCE the Ordinance Repealing and Replacing Chapters 5.08 (Fire Code), 7.28 (Building Regulation Administration Code), 7.32 (Building Code), 7.34 (Residential Code), 7.36 (Electrical Code), 7.40 (Plumbing Code), 7.44 (Mechanical Code), 7.48 (Building Maintenance Code) and 7.94 (Green Building Code) of the Dublin Municipal Code, and Repealing Chapter 7.24 (Flood Control) and Adopting Chapter 7.24 (Floodplain Management Regulations and Adding Chapter 7.46 (Existing Building Code) to the Dublin Municipal Code, in Order to Adopt by Reference and Amend Provisions of the 2022 Edition of the California Building Standards Code, Title 24, California Code of Regulations, and Adding Chapter 7.45 (Swimming Pool and Spa Code) to the Dublin Municipal Code in Order to Adopt by Reference and Amend Provisions of the 2021 Edition of the International Swimming Pool and Spa Code; and 2) Set the public hearing for November 15, 2022, to waive the second reading and adopt said Ordinance and adopt the Resolution Approving the Finding of Necessity for Amendments to the 2022 California Building Standards Code.

FINANCIAL IMPACT:

The cost associated with implementing the new codes, such as materials and training, have been included in the Fiscal Year 2022-23 Budget.

DESCRIPTION:

Background

The California Building Standards Commission, along with other State agencies, reviews and amends Title 24 of the California Building Standards Code (CBSC) approximately every three years. The CBSC contains several codes including the California Building Code and the California Electrical Code. Each of these codes are applicable and enforceable at the local level. The 2022 Edition of the CBSC was approved by the California Building Standards Commission earlier this year and will go into effect on January 1, 2023. The City must adopt an ordinance incorporating the updated provisions to ensure accuracy and alignment with state law.

Local jurisdictions may amend the provisions of the CBSC with the adoption of a resolution finding that the changes are necessary to account for local climatic, geological, or topographical conditions. However, these amendments must be at least as stringent as those outlined in the CBSC.

The City Council made several such amendments with the adoption of the 2019 Edition of the codes. These previously adopted local amendments have been incorporated into the proposed code update adopting the 2022 Edition, with several modifications as discussed later in this Staff Report.

Proposed Ordinance

The proposed Ordinance will amend Chapters 5.08, 7.24, 7.28, 7.32, 7.34, 7.36, 7.40, 7.44, 7.48 and 7.94 of the Dublin Municipal Code (DMC) and add Chapters 7.45 and 7.46 to the DMC. The proposed Ordinance does not adopt the permit fee tables in the codes, thus maintaining the City's current permit fees. The proposed Ordinance will supersede and replace the previously adopted codes, and will benefit the City by:

1. Ensuring the City's compliance with the States building standards laws;
2. Ensuring consistency with neighboring jurisdictions and the Bay Area;
3. Providing internally consistent, coherent, and easier-to-use codes; and
4. Making it easier for the public to review and to understand the model code requirements.

This report focuses on Staff-recommended local amendments to the 2022 Edition of the code, and modifications to local amendments that were previously adopted by the City Council during the last code update.

Analysis

The following is an overview of the proposed local amendments to the Dublin Municipal Code. Attachments 1 and 2 provide a complete list of all proposed local amendments to the Construction and Fire Codes, and associated findings. The draft Ordinance is provided as Attachment 3.

Fire Code – DMC Chapter 5.08

The amendments to the Fire Code (Attachment 4) are required to adopt the latest California Fire Codes. Staff recommends deleting the following local amendment that was previously adopted by the City Council:

1. Section 5.08.120, the table for separation distances between wood pallet stacks and buildings. *This requirement is now in the California Fire Code.*

Floodplain Management Regulations (Formally the Flood Control Chapter) – DMC Chapter 7.24

The adoption of the Floodplain Management Regulations is required as a replacement for the Flood Control Chapter. The City's existing Flood Control Chapter is based on an outdated version of the Floodplain Management Regulations of the Federal Emergency Management Agency (FEMA) and the California Department of Water Resources (DWR).

Staff recommends the following higher standards for the model Floodplain Management Regulations be included in this code:

1. Cumulative Substantial Improvement — These amendments will require a review of the 10-year history of permitted work on a property. The 10-year period will begin January 1, 2023. This is a change from current practice of reviewing a three-year history of permits. As the beginning date of the review period changes to January 1, 2023, this new requirement will not affect projects until after January 1, 2026. *One of the objectives of the National Flood Insurance Program (NFIP) is to reduce the long-term exposure of buildings to flood damage. To achieve this objective, the NFIP requires that existing buildings be brought into compliance if improvements, including additions and repairs, are determined to be Substantial Improvement. If the cost of proposed improvements equals or exceeds 50 percent of the market value of the building before improvements are started, the building will be required to be brought into compliance for new construction.*

2. Dwelling Design — new one- and two-family dwellings and substantial improvements to these buildings that are located in a flood hazard area will be required to be designed to a higher standard to account for the potential for flood loads. *This modification is necessary to account for rising sea levels that have the potential to create conditions such as fast-moving floodwater, flood depths greater than a few feet, wave action, and potential scour and erosion.*

3. Nonconversion agreements — these amendments will require builders of elevated buildings located in a flood plain to record a nonconversion agreement. The nonconversion agreement is used to inform buyers of the property that the area below the elevated building is limited to parking of vehicles, storage, and building access. *NFIP flood insurance coverage is more expensive if buildings have enclosed areas and coverage of enclosures is limited. This regulation will require builders and or property owners to record a signed nonconversion agreement to acknowledge the restrictions on use of enclosures below elevated buildings and to agree not to modify or convert the enclosures. The objective is to reduce the likelihood that owners, including future owners, might convert enclosures to*

uses other than those permitted.

4. Repetitive Flood Damage loss — one of the objectives of the NFIP is to break the cycle of damage, repair, and damage again. *To achieve this objective, the NFIP requires that existing buildings be brought into compliance when they incur Substantial Damage. A building is determined to have incurred Substantial Damage if it is damaged by any cause and the cost to repair the building to its pre-damage condition equals or exceeds the 50 percent of the market value of the building before the damage occurred. Per the NFIP, when communities adopt a definition for Substantial Damage that includes "repetitive loss," owners of NFIP – insured structures that sustain repetitive flood damage may also be eligible to apply for Increased Cost of Compliance funds even if the damage does not meet the standard 50 percent threshold for Substantial Damage by a single-event. For property owners to qualify, communities must adopt and enforce the repetitive loss provision on all buildings, not just those that are covered by NFIP flood insurance.*

5. Determination of Base Flood Elevation (BFE) — Dublin has areas within the City where the Flood Insurance Rate Map (FIRM) does not show the base flood elevations. These areas are called "unnumbered Zone A" or "approximate Zone A." The NFIP regulations state that where flood elevation data has not been provided, communities must "obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source." However, some data from other sources is old and out of date and may not reasonably represent current flood hazards. *This modification will require the applicant to include base flood elevation data prepared by a qualified professional engineer in accordance with accepted techniques. The modification is necessary to reasonable protect new construction from flood damage caused by rising sea levels.*

The DWR, on behalf of the State and FEMA, has reviewed and approved the proposed regulations.

Building Regulations Administration Code – DMC Chapter 7.28

The amendments to the Building Regulations Administrative Code (Attachment 6) are required to remain current with State Law. Staff recommends the following modifications and additions to local amendments previously adopted by the City Council:

1. Sections 7.28.100 and 7.28.110 — add definitions and process requirements for determining substantially improved and substantially damaged existing buildings in a flood hazard zone*. This action is necessary to codify existing procedures and to be consistent with DMC chapter 7.24, Floodplain Management Regulations.*

2. Section 7.28.120 — add the Swimming Pool and Spa Code and the Existing Building Code regulated by the Building Regulations Administration Code. *The modification is necessary to codify the administration regulations for these two codes.*

3. Section 7.28.260 — add the Swimming Pool and Spa Code and the Existing Building Code to the Code Conflicts section. *The modification is necessary to codify the administration regulations for potential conflicts between the State Codes and City amendments.*

4. Section 7.28.330 — modify the permit application submittal process to require all plans to be submitted in an electronic format. *This modification is necessary to codify current practices*.

5. Section 7.28.390 — add a requirement for the owner or the owner's authorized agent to post the live loads of floors under prescribed conditions. *This addition is necessary to remain current with State Law.*

6. Section 7.28.600 — amend the notifications of inspections as follows:
    a. Inspection #F, Lowest Floor Elevation clarifying that the requirement is triggered by either the Floodplain Management Regulations (7.24) requirements, the Building Code (7.32) or Residential Code (7.34). *The requirements do not change.*
    b. Inspection #M, adding the requirement for tall wood buildings connection protection inspection. *This is necessary to remain current with State Law and does not change the requirement.*
    c. Inspection #Q, adding a requirement for Fire and Smoke – Resistant Penetrations inspections. *This is necessary to remain current with State Law and does not change the requirement*.
    d. Inspection #U, adding a requirement for Flood Hazard Documentation. *This is necessary to remain current with State Law and Federal Regulations. This does not change the current requirement.*

Building Code – DMC Chapter 7.32

The amendments to the Building Code (Attachment 7) are required to adopt the latest California Building Codes. Staff recommends a modification to the following local amendment that was previously adopted by the City Council:

1. Section 7.32.230 — update Wall Bracing requirements to include newly adopted forms of seismic sheathing of walls. *This modification is necessary to address Dublin's seismic risk and to be consistent with neighboring jurisdictions*.

In addition, Staff recommends the following new local amendments to this code:

1. Section 7.32.120 — add definitions for determination or substantially improved and substantially damaged existing buildings in a flood hazard zone. *This action is necessary to codify existing procedures and to be consistent with DMC chapter 7.24, Floodplain Management Regulations.*

2. Section 7.32.290 — modify to update the proper procedures for violations of the Floodplain Management Regulations requirements chapter in this code. *This is necessary to maintain consistency in the DMC*.

3. Section 7.32.300 — modify to designate the floodplain administrator. *This is necessary to maintain consistency in the DMC.*

Residential Code – DMC Chapter 7.34

The amendments to the Residential Code (Attachment 8) are required to adopt the latest California Residential Code. Staff recommends the following modifications to local amendments previously adopted by the City Council:

1. Section 7.34.040 — modify to update the live/work exception. *This modification is necessary to remain consistent with State Law*.

2. Section 7.34.070C — modify to include an exception to the separate gas and electrical meter requirement by adding an exception for Junior Accessory Dwelling Units. *This modification is necessary to remain consistent with State Law.*

3. Section 7.34.120 — modify to update the design standards for buildings constructed under this code. *This modification is necessary to remain consistent with State Law*.

In addition, Staff recommends the following new local amendments to this code:

1. Section 7.34.110 — add definitions for determination or substantially improved and substantially damaged existing buildings in a flood hazard zone. *This action is necessary to codify existing procedures and to be consistent with DMC chapter 7.24, Floodplain Management Regulations*.

2. Sections 7.34.130 and 7.34.170 — modify to update the design requirements in flood hazard areas. *This action is necessary to be consistent with DMC chapter 7.24, Floodplain Management Regulations.*

Further, Staff recommends deleting the following local amendment that was previously adopted by the City Council:

1. Section 7.34.140 — originally deleted the fire sprinkler provisions in this code and referenced the Fire Code. *This deletion is no longer necessary as the two codes are now consistent*.

Electrical Code – DMC Chapter 7.36

The amendments to the Electrical Code (Attachment 9) are required to adopt the latest California Electrical Codes. The existing modification setting standards for the location of electrical receptacles in office spaces has been brought forward.

Plumbing Code – DMC Chapter 7.40

The amendments to the Plumbing Code (Attachment 10) are required to adopt the latest California Plumbing Codes. The existing local amendment restricting the installation of water piping under a concrete slab has been brought forward. Staff recommends one deletion from this code:

1. Section 7.40.090 — originally deleted the fire sprinkler provisions in this code and referenced the Fire Code. *This deletion is no longer necessary as the two codes are now*

consistent.

Mechanical Code – DMC Chapter 7.44

The amendments to the Mechanical Code (Attachment 11) are required to adopt the latest California Mechanical Codes. The existing local amendment deleting the administrative chapter has been brought forward.

Swimming Pool and Spa Code – DMC Chapter 7.45

The adoption of the Swimming Pool and Spa Code (Attachment 12) is required to adopt the International Swimming Pool and Spa Code (ISPSC) as a replacement for the swimming pool construction and safety codes that have been removed from the International Building Code, which is the basis for the California Building Code, and placed in this new code. Staff recommends the following modifications to the ISPSC to address conflicts with City and State Codes:

1. 7.45.060 — add this to modify the references to the International and National Codes to the California Codes. *This is necessary to stay current with State Law.*

2. 7.45.070 — modify to delete administrative sections of the ISPSC. *This is necessary to be consistent within the City's codes.*

3. 7.45.080 — modify to add definitions that are found in State Law that are missing from the ISPSC. *This is necessary to remain consistent with State Law.*

4. 7.45.090 — modify to amend definitions that are different between the ISPSC and State Law. *This is necessary to remain consistent with State Law.*

5. 7.45.100 — modify to amend the energy requirements in the ISPSC in favor of the California Energy Code. *This is necessary to remain consistent with State Law and the 2022 California Energy Code.*

6. 7.45.110 — modify to clarify the requirements of swimming pools and spas located in a flood hazard area. *This is necessary to remain consistent with chapter 7.24 Floodplain Management Regulations.*

7. 7.45.120 — modify to require all swimming pools to have barriers installed. *This amendment is necessary to remain consistent with State Law.*

8. 7.45.130 — modify to include water conservation efficiency in residential and public pools and spas. *This is necessary because of the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought and this amendment is necessary to remain consistent with State Law.*

9. 7.45.140 — modify to delete chapter 9 for permanent spas. *This is necessary because this chapter provides exceptions from code requirements that are in conflict with State Law.*

10. 7.45.150 — add this to adopt the referenced codes and standards listed in the ISPSC. *This*

is necessary to provide the tools necessary for the contractor and staff to properly enforce this code.

11. 7.45.160 — modify to clarify that where the code references the Residential Code, those provision are related to systems in detached one- and two-family dwellings and townhouses not more than threes stories in height. *This amendment is necessary to remain consistent with State Law.*

12. 7.45.170 — add this to adopt the American National Standard for Water conservation efficiency in pools and spas. *This is necessary because of the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought and this amendment is necessary to remain consistent with State Law.*

Existing Building Code – DMC Chapter 7.46

The amendments to the Existing Building Code (Attachment 13) are required to adopt the California Existing Building Code (CEBC). Staff is recommending the following modification to this code:

1. Section 7.46.080 — add definitions for determination or substantially improved and substantially damaged existing buildings in a flood hazard zone. *This action is necessary to codify existing procedures and to be consistent with DMC chapter 7.24, Floodplain Management Regulations.*

Building Maintenance Code – DMC Chapter 7.48

The amendments to the Building Maintenance Code (Attachment 14) are required to adopt the latest International Property Maintenance Codes. The existing local amendments have been brought forward.

Green Building Code – DMC Chapter 7.94

The amendments to the Green Building Code (Attachment 15) are required to adopt the latest California Green Building Standards Code. The City's amendment for Electric Vehicle (EV) Parking to be installed at the Tier 2 has been brought forward. Bringing this amendment forward will meet and, in some cases, exceed the City's Climate Action Plan (CAP) requirements under measure SM-1. Staff recommends the following new amendments to this code:

1. Section 7.94.050, 7.94.070 and 7.94.100 — add these to include requirements for new buildings to be all electric with exceptions. The exceptions in the recommendations include: a) multi-family and commercial projects where the design team has provided evidence that an all-electric building is unable to meet established requirements under the California Building Energy Efficiency Standards; and b) commercial buildings containing kitchens or having the potential to contain kitchens, upon application, may install gas to the building for use in the kitchen areas. *These modifications are necessary to limit the greenhouse gas (GHG) emissions from natural gas. It is estimated that without the requirement for all-electric buildings, new construction will add over three million therms of natural gas use in Dublin by 2045. In addition, all-electric buildings have been found to be less expensive to construct and operate in Dublin's climate zone compared to*

constructing buildings with both gas and electric utilities, especially when paired with solar photovoltaic (PV) installations. Coupled with the communitywide 100% carbon-free energy of Measure CF-1 in the CAP, new building electrification will result in homes and businesses that emit no GHGs. In addition, this amendment will meet the requirements of measure EE-1 of the CAP.

STRATEGIC PLAN INITIATIVE:

None

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

In accordance with Government Code Sections 50022.3 and 6066, notice of the public hearing scheduled to take place on November 15, 2022 will be published on November 5, 2022 and November 12, 2022 in the *East Bay Times*. Attachments were made available for public review prior to this public hearing in accordance with Government Code Sections 50022.1 et. Seq. and 6066. The City Council Agenda was posted.

ATTACHMENTS:

1) Resolution Approving Amendments to the California Building Standards Code
2) Exhibit A to the Resolution - 2022 California Building Standards Code Findings
3) Ordinance Amending Sections of the California Building Standards Code
4) Exhibit A to the Ordinance - DMC Chapter 5.08 Fire Code
5) Exhibit B to the Ordinance – DMC Chapter 7.24 Floodplain Management Regulations
6) Exhibit C to the Ordinance - DMC Chapter 7.28 Building Administration Code
7) Exhibit D to the Ordinance - DMC Chapter 7.32 Building Code
8) Exhibit E to the Ordinance - DMC Chapter 7.34 Residential Code
9) Exhibit F to the Ordinance - DMC Chapter 7.36 Electrical Code
10) Exhibit G to the Ordinance - DMC Chapter 7.40 Plumbing Code
11) Exhibit H to the Ordinance - DMC Chapter 7.44 Mechanical Code
12) Exhibit I to the Ordinance - DMC Chapter 7.45 Swimming Pool and Spa Code
13) Exhibit J to the Ordinance - DMC Chapter 7.46 Existing Building Code
14) Exhibit K to the Ordinance - DMC Chapter 7.48 Building Maintenance Code
15) Exhibit L to the Ordinance - DMC Chapter 7.94 Green Building Code

RESOLUTION NO. XX-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

APPROVING FINDINGS REGARDING THE NEED FOR LOCAL AMENDMENTS TO PROVISIONS IN THE CALIFORNIA BUILDING STANDARDS CODE AS ADOPTED BY THE STATE OF CALIFORNIA, IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, TO BE ADOPTED BY REFERENCE IN THE DUBLIN MUNICIPAL CODE

WHEREAS, Health and Safety Code Section 18938 makes provisions published in the California Building Standards Code pursuant to Health and Safety Code Section 17922 applicable to all occupancies throughout the State and effective one hundred and eighty days after publication by the California Building Standards Commission (the "Commission"), or at a later date established by the Commission; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 establish the authority for a city to adopt and make local amendments and modifications to the building standards in the California Building Standards Code to establish more restrictive building standards than those contained in the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 permit a city to make such local amendments and modifications as the city determines are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 require a city, before making any amendments and modifications to the California Building Standards Code, make an express finding that such amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, under Health and Safety Code Section 17958.7, changes pursuant to Health and Safety Code Section 17958.5 may not become effective until the required findings, and the changes, have been filed with the California Building Standards Commission; and

WHEREAS, Government Code Section 50022.2 permits enactment of City Ordinances that adopt codes or statutes, including codes of the State of California, by reference; and

WHEREAS, notice of the Ordinance was published in accordance with Government Code Sections 50022.3 and 6066; and that such notice was sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof; and

WHEREAS, the City Council of the City of Dublin intends to adopt an Ordinance adopting by reference provisions of the California Building Standards Code, with local amendments; and

WHEREAS, the City Council has reviewed the reasons for proposed changes to the California Building Standards Code set forth in **Exhibit A,** attached hereto and hereinafter incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby declare and find that the local amendments to the provisions of the California Building Standards Code set forth in **Exhibit A** are reasonably necessary because of local climatic, geologic, or topographical conditions in accordance with Health and Safety Code Section 17958.7 as further set forth in **Exhibit A**.

BE IT FURTHER RESOLVED that a copy of this Resolution, including **Exhibit A**, shall be filed with the California Building Standards Commission in accordance with Health and Safety Code Section 17958.7.

PASSED, APPROVED AND ADOPTED this 15th day of November 2022, by the following votes.

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Exhibit A

FINDINGS FOR LOCAL AMENDMENTS TO THE 2022 EDITIONS OF THE CALIFORNIA FIRE CODE, CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA EXISTING BUILDING CODE, AND CALIFORNIA GREEN BUILDING CODE, AS SET FORTH IN THE 2022 CALIFORNIA BUILDING STANDARDS CODE AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE

A. **General Findings.** The Dublin City Council makes the following general findings regarding local climatic, geologic, and topographical conditions, which the City Council finds necessitates the local modifications to the California Building Standards Code set forth below:

1. Local climatic conditions include a low amount of average yearly rainfall, which tends to be concentrated from October through April. From May through September, a dry period occurs where daily temperatures remain high and there is little measurable precipitation. In addition, the local climate frequently includes high winds which sweep down through the valley. As a result of the high summer temperatures, average load demand and peak load demand of energy used in Dublin are important factors impacting public safety and creating the potential for adverse economic impacts due to power outages or power reductions (i.e. "brownouts"). As a result of the low precipitation, the area is subject to occasional drought.

   In developed areas of the City, fires can occur in buildings, rubbish, automobiles, and grass fires on vacant lots. In the undeveloped areas of the City, there is a risk of large brush and grass fires. If a fire occurs in either a developed or undeveloped area of the City, the local dry conditions combined with high winds, creates the risk of a potential fire storm.

   In addition, local residential development is occurring in previously undeveloped areas adjacent to wildfire hazard areas. These new developments increase the chance of fire while simultaneously being located further from fire stations, delaying critical response times. This potential problem can be mitigated by requiring initial fire control through the installation of automatic fire protection systems.

2. Local geologic conditions include a risk of earthquake. A number of earthquake faults are located either within or in close proximity to the City. Those with the most direct and potentially destructive impact are the San Andreas, Calaveras, Hayward, Greenville and Concord-Green Valley Faults. History of earthquake activity indicates that there is a likelihood of a major earthquake in the area. The largest recorded earthquake in this immediate area occurred on the San Andreas Fault on October 17, 1989, a 7.1 magnitude. This area had a sequence of earthquakes on the Greenville Fault in January and February of 1980; these earthquakes had a magnitude of 5.5 to 5.9 on the Richter Scale and in July 2019 the Greenville Fault had an earthquake of 4.3. The U.S. Geological Survey (USGS) has identified a 72% probability of a major (6.7 or larger) earthquake occurring in the region within the next 20 years (Source – USGS UCERF3 report). Recent earthquake damage studies, including the 1994 Northridge earthquake, have indicated the lack of adequate

design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants.

In the event of an earthquake, damage to structures can be expected. In residential and commercial areas, this could include significant damage or collapse of buildings. Secondary impacts could include ruptured electric or gas connections and/or breaks in water distribution lines. The potential for a major seismic event would create a City-wide demand for emergency response and fire protection service which would exceed staff response capacity. This potential problem can be mitigated by requiring initial fire control through the installation of automatic fire protection systems.

3. Local topographical conditions include hills on the western and eastern boarders and flat area in the center of the City. Interstate 680 divides the City into two sections, and circulation between areas of the City rely on freeway overpasses. In addition, local traffic must also pass over railroad tracks, creeks, and bridges (to cross arroyos).

   During peak a.m. and p.m. traffic periods, the City experiences heavy traffic congestion at key intersections, and near many freeway on-ramp and off-ramps. In the event of an accident or emergency at one of these key intersections, bridges, or other circulation corridors, sections of the City could become isolated and response times increased beyond ideal levels. Again, this potential problem can be mitigated by requiring initial fire control through the installation of automatic fire protection systems.

4. Based on the local climatic, geologic, and topographical conditions outlined above, there is a real risk that emergency response could be significantly delayed in the event of an accident or emergency. Therefore, it is necessary to address this problem through the requirement of additional mitigation measures to: (i) prevent 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.

5. The burning of fossil fuels used to heat structures, heat water for cooking, and for other uses is a significant contributor to greenhouse gas emissions and climate change. Combustion of natural gas and petroleum products for heating and cooking needs emit carbon dioxide, methane, and nitrous oxide. Emissions from natural gas consumption represented 46% of the total annual U.S. energy related CO2 emissions in 2021. (See U.S. Energy Information Administration, “Where Greenhouse Gases Come From”, 2021.) Scientists attribute the global warming trend observed since the mid-20th century to the human expansion of the ‘greenhouse effect’ warming that results when the atmosphere traps heat radiating from Earth towards space. Long lived gasses such as carbon dioxide can persist in the atmosphere for more than 100 years, even with efforts to reduce emissions today. Nitrous oxide, carbon dioxide, and methane are gases that contribute to the greenhouse gas effect. (See NASA, Causes of Climate Change, as of November 25, 2020.)

   Global climate change imposes substantial and local impacts and risks on the San Francisco Bay Area, and thus the City of Dublin, including rising temperatures, changing precipitation patterns and amounts, sea level rise, flooding, drought, and wildfire, A general

summary of climate risks facing the San Francisco Bay Area and the City of Dublin are as follows:

- **Increased temperatures and extreme heat events.** The Bay Area is expected to see an increase in average annual temperature of 2.7°F by 2050, and 3.5°F to 11°F by 2100.
- **Reduction in the Quality and Supply of Water in the Sierra Snowpack.** If heat-trapping emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack by as much as 70% to 90%. This can lead to challenges in securing adequate water supplies. It can also lead to a potential reduction in hydropower.
- **Changes in Rainfall Intensity.** By mid-century, more precipitation is projected to occur in winter in the form of less frequent but larger events. Most climate models predict drying trends across the State by 2100.
- **Increased Risk of Large Wildfires.** A hotter, drier climate could promote up to 90% more Northern California fires by the end of the century by drying out and increasing the flammability of forest vegetation.
- **Exacerbation of Air Quality Problems.** If temperatures rise to the medium warming range, there could be 75% to 85% more days with weather conducive to ozone formation, relative to today's conditions. This is more than twice the increase expected if rising temperatures remain in the lower warming range. This increase in air quality problems could result in an increase in asthma and other health-related problems. The average air quality index in Dublin has consistently worsened over time and is lower than the State and national averages; it also worsens during extreme heat and wildfire events, As the air quality index increases, and increasingly large percentage of the Dublin population is likely to experience increasingly adverse health effects.

All-electric construction has a significant positive effect on energy resource efficiency, waste and pollution generation, and the health and productivity of building occupants over the life of the building. The City of Dublin has a dry, hot period of at least five months each year. As a result of the high temperatures, average load demand and peak load demand of energy used in Dublin are important factors impacting public safety and creating the potential for adverse economic impacts due to power outages or power reductions (i.e. "brownouts"). Reduction of total and peak energy use because of incremental conservation measures required by this ordinance will have local benefits in the additional available system energy capacity. Furthermore, the reduction of greenhouse gas emissions from all-electric buildings will help mitigate climate change and its negative effects such as extreme heat events, droughts, intense storms, and flooding, thus making these amendments reasonably necessary because of local climactic reasons.

6. The San Francisco Bay area region is densely populated and located in an area of high seismic activities. Concern for fire-life safety associated with gas appliances and associated piping located in the ground and in buildings increases with the risk of

explosion or fire if there is a structural failure due to a seismic event considering the increasing number of buildings in the region.

The risk of natural gas infrastructure and pipeline explosions and fires are magnified in cases of major earthquakes, for example, the 2010 San Bruno pipeline explosion. Severe seismic events could disrupt communications, damage gas mains, and place increased demands on the dispersed resources of the Fire Department necessary for the life safety needs of the community Eliminating gas infrastructure in future construction will also reduce the risks of fires and explosions, particularly after seismic events, which will further save the City money by reducing disaster response and recovery costs. The elimination of gas infrastructure in future construction will reduce risk of geologic risk via natural gas infrastructure, making these amendments necessary because of local geologic/ seismic reasons.

B. Specific Findings: The Dublin City Council makes the following specific findings, which, in addition to the general findings regarding local climatic, geologic, and topographical conditions set forth above, the City Council finds necessitate the local modifications to the California Building Standards Code set forth below:

1. California Fire Code.

5.08.110 Chapter 2 Definitions-Amended.

Chapter 2 is amended by adding the following definitions to Section 202:

Section 202 General Definitions.

City Council shall mean the governing body of the City of Dublin.

City Manager shall mean the City Manager of the City of Dublin or his or her designee.

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

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

FINDING: These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code. In addition, these modifications will make Chapter 5.08 consistent with Chapters 7.28, 7.32 and 7.34 of the Dublin Municipal code. Definitions clarify the title of Fire Chief and City Council as specific to the City of Dublin. These modifications will provide guidelines for Fire Department access locations and roadway preparation. The modifications also provide specific language to insure adequate access to fire hydrants and fire appliances.

5.08.120 Section 503.2.9 Specifications-Added.

Section 503.2.9 is added to read as follows:

503.2.9 Fire and Emergency Access Roads approved for construction sites shall be designed to meet the requirements of Section 503.2. The access shall be approved by the Fire Department prior to commencement of combustible storage or vertical combustible construction on the site.

FINDING: **This modification is necessary to adopt the most current State standard and to clarify specific areas of the code. In addition, these modifications will make Chapter 5.08 consistent with Chapters 7.28, 7.32 and 7.34 of the Dublin Municipal code. These modifications will provide guidelines for Fire Department access locations and roadway preparation. The modifications also provide specific language to insure adequate access to fire hydrants and fire appliances.**

5.08.130 Sections 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 – Deleted; 903.2.1.1#1, 903.2.1.2#1, 903.2.1.3#1. 903.2.1.4#1, 903.2.3#1, 903.2.4, 903.2.4#1, 903.2.7#1, 903.2.9, 903.2.9#1, 903.2.9#2, and 903.2.11.3 Amended; and 903.2.13 and 903.2.30 - Added.

Sections 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 are deleted; Sections 903.2.1.1#1, 903.2.1.2#1, 903.2.1.3#1. 903.2.1.4#1, 903.2.3#1, 903.2.4, 903.2.4#1, 903.2.7#1, 903.2.9, 903.2.9#1, 903.2.9#2, and 903.2.11., are amended to read as follows; and Sections 903.2.13 and 903.2.30 are added to read as follows:

903.2.1.1 **Group A-1 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.1.2 **Group A-2 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.30.3 **Group A-3 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.30.3.1 **Group A-4 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.30 **Group E Occupancies.**

1. Throughout all Group E fire areas greater than 3,000 square feet (279 m²).

903.2.4 **Group F Occupancies.**

An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

903. A Group F fire area exceeds 2,500 square feet (232 m²).

903.2.7 **Group M Occupancies.**

1. A Group M fire area exceeds 2,500 square feet (232 m²).

903.2.9 **Group S Occupancies.**

An automatic sprinkler system shall be installed in all Group S occupancies as follows:

1. The fire area exceeds 2,500 square feet (232 m²);
2. Buildings with repair garages servicing vehicles parked in basements.

903.2.11.3 **Buildings Three Or More Stories in Height.**

An automatic sprinkler system shall be installed in all occupancies, regardless of type of construction, if the building is three or more stories or more than 35 feet in height measured from the pad grade level to the highest point of the building. An automatic sprinkler system shall be installed in all other occupancies as may be required by the 2022 California Building and Residential Code.

903.2.13 **Group B Occupancies.**

An automatic fire-extinguishing system shall be installed in Group B occupancies where the floor area exceeds 3,000 square feet (279 m²).

903.2.30 **All Occupancies.**

An automatic fire-extinguishing system shall be installed in all occupancies located more than one and one half (1½) miles from a fire station providing fire protection to that location. Said distance shall be measured in a straight line.

Buildings containing portions which are required to have an automatic fire extinguishing system because of the number of stories shall have the automatic fire extinguishing system installed throughout and fire walls as set forth in Section 706 shall not be considered as creating separate buildings for the purpose of this section.

Whenever an addition is made to an existing building, automatic fire-extinguishing systems shall be installed if the existing building plus the addition exceeds the area or height limitations set forth in this section. Whenever the use of an existing building or portion thereof is changed in any manner so as to require the installation of an automatic fire-extinguishing system, said system shall be installed in that portion of the building housing the new use.

(Sections 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 are deleted)

FINDING: The amendment is needed due to local climatic and topographical conditions.

These modifications are necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

5.08.140 Section 903.6-Amended; Sections 903.6.2 and 903.6.3-Added.

Section 903.6 is amended, and Section 903.6.2 and 903.6.3 are added to read as follows:

903.6 **Existing Buildings.** All changes of occupancy classification in existing buildings shall comply with the requirements contained in Section 903.2 of this Code and Table 506.2 of the California Building Code.

903.6.2 When an addition to an existing building causes the total square footage of the building to exceed the maximum floor area specified in Table 506.2 of the California Building Code, fire sprinklers shall be installed throughout the entire building. Addition or alteration that removes 50% or more of the existing exterior walls of a building shall be considered a new building for the purposes of Section 903.

903.6.3 Existing buildings which do not conform to Current Building Code or Fire Code requirements may be required to install an automatic fire extinguishing system when an interior alteration or remodeling occurs, regardless of whether the floor area is increased or use changed. It shall be the responsibility of the Fire Code Official and the Building Official to evaluate the work being performed, non-complying features, and determine if an automatic fire extinguishing system will be required.

FINDING: The amendment is needed due to local climatic and topographical conditions.

These modifications are necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

5.08.150 Section 907.1-Amended; Sections 907.11, 907.11.1, 907.11.2 and 907.11.3-Added.

Section 907.1 is amended and Sections 907.11, 907.11.1, 907.11.2 and 907.11.3 are added to read as follows:

907.1 **General.** This section covers the application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures. The requirements of Section 907.2 are applicable to new buildings and structures. The requirements of Section 907.9 are applicable to existing buildings and structures. In the event of a conflict between this section and the provisions of Chapter 5.20 of the Dublin Municipal Code, the provisions of this section shall control.

907.11 **False Alarms**.

907.11.1 **Excessive False Alarms.** Malfunctions, or mechanical trip of any sprinkler alarm or other fire protection or detection system resulting in an alarm and emergency dispatch of the Fire Department shall be subject to a false alarm charge as established by this Code.

Exception: During a thirty (30) day period following the installation of any new fire alarm system, the Fire Chief shall determine if the false alarms emanating from said new installation are excessive.

907.11.2 **Charges.** After the initial thirty (30) day period following the installation of a new system, two (2) false alarms within a consecutive ninety (90) day period shall be deemed excessive and will be charged as false alarms.

907.11.3 **False Alarm charges are as follows:**

1st false alarm -	Warning Letter
2nd false alarm in any 90 day period-	$100.00
3rd and subsequent false alarms in any 90 day period-	$200.00

FINDING: **These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code. In addition, these modifications will make Chapter 5.08 consistent with Chapters 7.28, 7.32 and 7.34 of the Dublin Municipal Code.**

5.08.160 Section 5003.2.4.2 Hazardous Materials General Provisions-Amended.

Section 5003.2.4.2 is amended to read as follows:

5003.2.4.2 Above-ground tanks. Above-ground stationary tanks used for the storage of hazardous materials shall be located and protected in accordance with the requirements for outdoor storage of the particular material involved. Notwithstanding the foregoing, above-ground stationary tanks used for the storage of flammable or combustible liquids is prohibited in any area zoned for other than commercial, industrial, or agricultural use.

Exception: Above-ground tanks that are installed in vaults complying with Section 5303.16 or 5704.2.8 shall not be required to comply with location and protection requirements for outdoor storage.

5703.2.4.2.1 Marking. Above-ground stationary tanks shall be marked as required by Section 5003.5.

FINDING: **This modification is necessary to adopt the most current State standard and to clarify specific areas of the code.**

5.08.170 Section 5601.1.3 Fireworks-Amended.

Section 5601.1.3 is amended to add a fifth exception as follows:

5. The sale, use and discharge of fireworks are allowed in accordance with Chapter 5.24 of the Dublin Municipal Code.

FINDING: **This modification is necessary to adopt the most current State standard and to clarify specific areas of the code. In addition, these modifications will make Chapter 5.08 consistent with Chapters 7.28 and 7.32 of the Dublin Municipal code.**

5.08.180 Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited-Amended.

Section 5704.2.9.6.1 is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in any area zoned for other than commercial, industrial, or agricultural use.

FINDING: **This modification is necessary to adopt the most current State standard and to clarify specific areas of the code and permitted locations of above ground tanks. In addition, these modifications will make Chapter 5.08 consistent with Chapter 8 of the Dublin Municipal code.**

5.08.190 Section 5706.2.4.4 Locations where above-ground tanks are prohibited – Amended.

Section 5706.2.4.4 is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in any area zoned for other than commercial, industrial, or agricultural use.

FINDING: **This modification is necessary to adopt the most current State standard and to clarify specific areas of the code and permitted locations of above ground tanks. In addition, these modifications will make Chapter 5.08 consistent with Chapter 8 of the Dublin Municipal code.**

5.08.200 Section 5806.2 Limitations-Amended.

Section 5806.2 is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law and in any area zoned for other than commercial, industrial, or agricultural use.

FINDING: **This modification is necessary to adopt the most current State standard and to clarify specific areas of the code and permitted locations of above ground tanks. In addition, these modifications will make Chapter 5.08 consistent with Chapter 8 of the Dublin Municipal code.**

5.08.210 Section 6104.2 Maximum capacity within established limits-Amended.

Section 6140.2 is amended to read as follows:

6104.2 Maximum Capacity Within Established Limits. The limits referred to in Section 6104.2 of the 2022 California Fire Code in which storage of compressed natural gas is prohibited, are hereby established as follows: Any area zoned for other than commercial, industrial, or agricultural use.

FINDING: **This modification is necessary to adopt the most current State standard and to clarify specific areas of the code and permitted locations of above ground tanks. In addition, these modifications will make Chapter 5.08 consistent with Chapter 8 of the Dublin Municipal code.**

2. <u>California Building Code</u>.

7.32.120 Section 202, Chapter 2, Definitions of Substantial Damage and Substantial Improvement – Added.

The definitions of "Substantial Damage" and "Substantial Improvement" in Section 202 of the State Code are amended to read as follows:

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any one or more or any combination of repair, reconstruction, rehabilitation, alterations, addition or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to January 1, 2023. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, included either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

<u>FINDINGS The amendment is needed due to local climatic and topographical conditions.</u>

<u>This modification is necessary because the City of Dublin is a densely populated area having buildings and structures constructed near and within flood prone areas. The City codes require a definition for Substantial Damage and Substantial Improvement that includes repetitive lossand repetitive flood damage. Local climatic and topographical conditions include a average yearly rainfall, which tends to be concentrated from October to April.</u>

7.32.130 Sections 502.2.1, 502.2.2, 502.2.3, 502.2.4, Chapter 5, Address illumination – Added.

Sections 502.2.1, 502.2.2, 502.2.3, 502.2.4 are added to read:

502.2.1 The address number(s) shall be illuminated during the hours of darkness. The light source shall be provided with an uninterruptible AC power source or controlled by a photoelectric device.

502.2.2 Exterior doors in commercial tenant space numbers shall be addressed as required in section 502.1. Exception, dual doors may have the addresses on one door or centered above the doors. In addition, all rear doors or service doors will have the name of the business in 4-inch-high lettering.

502.2.3 No other number may be affixed to a structure that might be mistaken for, or confused with, the number assigned to the structure.

502.2.4 The assigned address, including the suite number, shall be displayed on all electric meters in accordance with utility company standards.

FINDINGS The amendment is needed due to local geological and topographical conditions.

These modifications are necessary due to the topographical nature of the City and the easy access to freeways described in Section A of these Findings. In light of said conditions, it is necessary to adopt these requirements to enhance crime prevention. Additionally, this will bring the code into conformance with the City of Dublin Police Department requirements.

7.32.140 Section 507.14, Chapter 5, Frontage Restriction-Added.

A new Section 507.14 is added to read:

507.14 Frontage Restriction. The increase in area permitted by Sections 506.3, 507.1 through 507.13 of this Section shall not be allowed unless or until the owner of the required yard shall file an agreement binding such owner, his heirs, and assignees, to set aside the required yard as unobstructed space having no improvements. Such agreement shall be recorded in the Alameda County Recorder's Office.

Exception: When using the public way for frontage increase.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.32.150 Section 706.1, Chapter 7, Fire Walls-Amended.

Section 706.1 is amended by adding a new subsection 706.1.2 to read:

706.1.2 Fire walls shall not be considered to create separate buildings for the purpose of automatic fire-sprinkler system requirements as set forth in Chapter 9.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification is necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.32.160 Section 701A.1, Chapter 7A, Scope-Amended.

Section 701A.1 is amended to read:

701A.1 Scope. This Chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface (WUI) Fire Area as defined in Section 702A or adjacent to open space or undeveloped land.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.32.170 Section 702A, Chapter 7A, Definitions-Amended.

Section 702A is amended to add the following definitions:

Adjacent to Open Space. Shall mean commercial parcels and residential lots which have a point of contact with open space.

Adjacent to Undeveloped Land. Shall mean commercial parcels and residential lots which have a point of contact with Undeveloped Land.

Open Space. For the purpose of this Chapter, Open Space shall mean those lands set aside to remain permanently undeveloped.

Undeveloped Land. For the purpose of this Chapter, Undeveloped Land shall mean land which is available for development, but no Tentative Map, Master Tentative Map or Development Agreement has been approved, and any land designated for government use for which no development plan has been approved.

FINDING: The amendment is needed due to local climatic and topographical conditions.

These modifications are necessary because the City of Dublin has a dry period of at least five months each year. Additionally, The area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or

exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.32.180 Sections 903.2 Exception, 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 – Deleted; 903.2.1.1#1, 903.2.1.2#1, 903.2.1.3#1. 903.2.1.4#1, 903.2.3#1, 903.2.4, 903.2.4#1, 903.2.7#1, 903.2.9, 903.2.9#1, 903.2.9#2, and 903.2.11.3 Amended; and 903.2.13 and 903.2.30 -Added.

Sections 903.2 Exception, 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 are deleted; Sections 903.2.1.1#1, 903.2.1.2#1, 903.2.1.3#1. 903.2.1.4#1, 903.2.3#1, 903.2.4, 903.2.4#1, 903.2.7#1, 903.2.9, 903.2.9#1, 903.2.9#2, and 903.2.11, are amended to read as follows; and Sections 903.2.13 and 903.2.30 are added to read as follows:

903.2.1.1 **Group A-1 Occupancies.**

2. The fire area exceeds 3,000 square feet (279 m²).

903.2.1.3 **Group A-2 Occupancies.**

2. The fire area exceeds 3,000 square feet (279 m²).

903.2.1.3 **Group A-3 Occupancies.**

2. The fire area exceeds 3,000 square feet (279 m²).

903.2.1.4 **Group A-4 Occupancies.**

2. The fire area exceeds 3,000 square feet (279 m²).

903.2.3 **Group E Occupancies.**

2. Throughout all Group E fire areas greater than 3,000 square feet (279 m²).

903.2.4 **Group F Occupancies.**

An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

1. A Group F fire area exceeds 2,500 square feet (232 m²).

903.2.7 **Group M Occupancies.**

1. A Group M fire area exceeds 2,500 square feet (232 m²).

903.2.9 **Group S Occupancies.**

An automatic sprinkler system shall be installed in all Group S occupancies as follows:

3. The fire area exceeds 2,500 square feet (232 m²);
4. Buildings with repair garages servicing vehicles parked in basements.

903.2.11.3 **Buildings Three Or More Stories in Height.**

An automatic sprinkler system shall be installed in all occupancies, regardless of type of construction, if the building is three or more stories or more than 35 feet in height measured from the pad grade level to the highest point of the building. An automatic sprinkler system shall be installed in all other occupancies as may be required by the 2022 California Building and Residential Code.

903.2.13 **Group B Occupancies.**

An automatic fire-extinguishing system shall be installed in Group B occupancies where the floor area exceeds 3,000 square feet (279 m²).

903.2.30 **All Occupancies.**

An automatic fire-extinguishing system shall be installed in all occupancies located more than one and one half (1½) miles from a fire station providing fire protection to that location. Said distance shall be measured in a straight line.

Buildings containing portions which are required to have an automatic fire extinguishing system because of the number of stories shall have the automatic fire extinguishing system installed throughout and fire walls as set forth in Section 706 shall not be considered as creating separate buildings for the purpose of this section.

Whenever an addition is made to an existing building, automatic fire-extinguishing systems shall be installed if the existing building plus the addition exceeds the area or height limitations set forth in this section. Whenever the use of an existing building or portion thereof is changed in any manner so as to require the installation of an automatic fire-extinguishing system, said system shall be installed in that portion of the building housing the new use.

(Sections 903.2 Exception, 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 are deleted)

FINDING: The amendment is needed due to local climatic and topographical conditions.

These modifications are necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.32.190 Section 1505.1, Chapter 15, Fire Classification-Amended.

Section 1505.1 is amended to read:

1505.1 General. Roof Assemblies shall be divided into the classes defined below. Class A, B, and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with the following:

1. **Map of Fire Safe Roof Areas.** Figure 15-1* is a map of Fire Safe Roof areas. Said map may be amended from time to time by including areas which are annexed to the City within one of the two roofing areas. Said amendments may be made by the Building Official after consultation, with the Chief of the Fire Department having jurisdiction.

2. **Roofing Area 1.** Any new roof and any alteration, repair or replacement for buildings housing R & U occupancies in Roofing Area 1 shall use roof covering material that conforms to Class B or better or shall be made of concrete, ferrous or copper metal, clay, slate or similar non-combustible material.

3. **Roofing Area 2.** Any new roof for buildings using roof covering material that conforms to Class C or better or shall be made of concrete, ferrous or copper metal, clay, slate or similar non-combustible material.

4. **Other Occupancies.** Any new roof covering and any alterations, repairs or replacement of roof covering material for buildings housing all other occupancies shall conform to the requirements as set forth in Roofing Area 1.

* Editor's Note: Figure 15-1 is on file in the office of the City Clerk.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, The area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.32.200 Table 1607.1, Chapter 16, Minimum Uniformly Distributed Live Loads, L_o, and Minimum Concentrated Live Loads -Amended.

Table 1607.1 is amended by adding a new Footnote e to read:

e. Bridges for vehicular traffic shall be designed for H20 loading as designated by the American Association of State Highway Officials.

FINDING: The amendment is needed due to local geological, climatic and topographical conditions.

This modification was necessary because bridges were not addressed by the Building Code. Additionally due to the City's terrain a number of bridges and overpasses may be required.

7.32.210 Section 1705.3 Exception 1, Chapter 17, Concrete Construction – Amended.

Section, 1705.3 Exception 1 is amended to read:

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 pounds per square inch (psi) (17.2 Mpa) regardless of the compressive strength specified in the construction documents or used in the footing construction.

FINDINGS: The amendment is needed due to local geological conditions.

Results from studies after the 1994 Northridge earthquake indicated that a lot of the damage was attributable to the lack of quality control during construction and therefore needs to be incorporated into the Code. Revise CBC Section 1705.3 exception No. 1 to allow special inspection not to be required for isolated spread footings where the structural design of the footing is based on a specified compressive strength, f'c no greater than 2,500 psi.

7.32.220 Section 1905.1.7, Chapter 19, ACI 318, Section 14.1.4-Amended.

Section 1905.1.7, 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 stories 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.

FINDINGS: The amendment is needed due to local geological, climatic and topographical conditions.

This amendment addresses the problem of poor performance of plain or under reinforced concrete footings during a seismic event. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of plain and under-reinforced concrete footings observed in the 1994 Northridge earthquake.

The San Francisco Bay area region is densely populated and/or located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities, including the 1989 Loma Prieta earthquake, have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants. The City of Dublin is a densely populated area having buildings constructed near potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 20 years, while the USGS predict the probability of a powerful quake in the next 20 years at 72%. The proposed modification to ensure that the design of slender wall must satisfy both strength and serviceability requirements need to be incorporated into the code to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the International Building Code.

7.32.230 Table 2308.6.1, Chapter 23, Wall Bracing Requirements–Amended.

Table 2308.6.1 is amended by adding new footnotes "f" and "g" to read:

f. Methods PBS, HPS, and SFB are not permitted in Seismic Design Category D and E.
g. Methods GB, DWB and PCP are not permitted in Seismic Design Category E.

FINDINGS: The amendment is needed due to local geological conditions.

This amendment addresses the problem of poor performance of wall bracing materials in high seismic areas. Shear walls sheathed with lath, plaster or gypsum board are less ductile than plywood shear walls. The poor performance of such shear walls in the 1994 Northridge earthquake was investigated by the Structural Engineers Association of Southern California (SEAOSC) with the Los Angels City Task Force and formed the basis for this amendment. This amendment is consistent with shear wall restrictions by the American Wood Council (Section 4.3.47 SDPWS) and ICC ESR-1338 for Gypsum Board.

7.32.240 Section 2308.6.9, Attachment of Sheathing-Amended.

Section 2308.6.9, is amended by adding a second paragraph:

All braced wall panels shall extend to the roof sheathing and shall be attached to parallel roof rafters or blocking above with framing clips (18 gauge minimum) spaced at maximum

24 inches (6096 mm) on center with four 8d nails per leg (total eight 8d nails per clip). Braced wall panels shall be laterally braced at each top corner and at maximum 24 inches (6096 mm) intervals along the top plate of discontinuous vertical framing.

FINDINGS: The amendment is needed due to local geological, climatic and topographical conditions.

The San Francisco Bay area region is densely populated and/or located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities, including the 1989 Loma Prieta earthquake, have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants. The City of Dublin is a densely populated area having buildings constructed near potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 20 years, while the USGS predict the probability of a powerful quake in the next 20 years at 72%. The proposed modification to ensure that the design of slender wall must satisfy both strength and serviceability requirements need to be incorporated into the code to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the International Building Code.

7.32.250 Section 3116.1, Chapter 31, Prohibited Installations-Added.

A new Section 3115.1 is added to read:

3116.1 Prohibited Installations. It shall be unlawful to install a wood burning fireplace or wood burning appliance that is not one of the following:

1) Pellet-fueled wood heater,
2) EPA certified wood heater,
3) Fireplace certified by EPA

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because fireplaces and wood stoves generate 40 percent of the particulate matter in the Bay Area during the winter months. Of greater concern are the fine particles, which can lodge deep in the lungs causing permanent lung damage and increasing mortality. Burning wood also generates carbon monoxide, nitrogen dioxide, volatile organic and toxic air pollutants.

7.32.260 Section 3203, Chapter 32, Signs-Added.

A new Section 3203 is added to read:

3203 Signs. Signs when placed flat against the wall of a building shall not project beyond the front property line more than 12 inches (305mm).

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary due to the City of Dublin's basic wind speed requirement relating to the high winds described in Section A of these Findings.

7.32.270 Section H101.2, Signs exempt from permits -Deleted.

Section H101.2 is deleted.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary due to the City of Dublin's basic wind speed requirement relating to the high winds described in Section A of these Findings.

7.32.280 Section 1010, Appendix Chapter 10, Building security – Added.

Appendix Chapter 10 is added to read:

Section 1010 building security shall be in accordance with the *Uniform Building Security Code* in addition to the following:

* *Editor's Note: See Chapter 7.34 Residential Code for single family or townhouse requirements.*

(A) **Addressing.** All buildings shall be addressed as follows:

(1) Walkways serving six (6) or more individual units where the front entrance is not parallel to the street and driveways servicing six (6) or more individual dwelling units shall have minimum of 4-inch-high identification numbers, noting the range of unit numbers placed at the entrance to each driveway at a height between thirty-six (36) and forty-two (42) inches above grade. The address numbers shall be illuminated during the hours of darkness. The light source shall be provided with an uninterruptible AC power source or controlled only by a photoelectric device.

(2) There shall be positioned at each street entrance of a multi- family complex having more than one structure, an illuminated diagrammatic representation (map) of the complex that shows the location of the viewer and the unit designations within the complex. It shall be lighted during the hours of darkness utilizing a light source, which is constructed of weather and vandal resistant materials and provided with an uninterruptible AC power source or controlled by a photoelectric device. Nothing in this section shall preclude the requirement for circuit protection devices where applicable.

(3) If the building is adjacent to an alley, the number shall also be placed on or adjacent to the rear gate accessing the alley. Any building with vehicular access to the rear through a public or private alley shall display, in a clearly visible location, a highly reflective or illuminated address number a minimum of four (4) inches in height.

(4) Where more than one (1) building is accessed by a common street entrance or there are multiple buildings on the same lot, each principal building shall display the number or letter

assigned to that building on each corner of the building, as determined by the Building Official. These numbers shall be made visible during the hours of darkness. The street name may also be required when there is a secondary street frontage.

(5) Addressing shall not be obstructed by architectural structures such as trellises, arbors, balconies, light fixtures and or landscaping.

(6) In Commercial Day Care or Education facilities, all interior and exterior doors shall be provided with a room number on the door. A map of the facilities detailing location of all rooms and their uses shall be kept on file at the facilities on-site office.

(B) **Exterior Openings.** Exterior opening shall be as follows:

(1) Swinging exterior wood and steel doors shall be equipped as follows:

(a) A single or double door shall be equipped with a double- or single-cylinder deadbolt. The bolt shall have a minimum projection of one (1) inch and be constructed so as to repel cutting tool attack. The deadbolt shall have an embedment of at least three-fourths (3/4) inch into the strike receiving the projected bolt. The cylinder shall have a cylinder guard, a minimum of five pin tumblers and shall be connected to the inner portion of the lock by connecting screws of at least one-fourth (1/4) inch in diameter. The provisions of this paragraph do not apply where: (a) panic hardware is required, (b) conflicts with emergency egress requirements of the building and fire codes or (C) an equivalent device is approved by the authority having jurisdiction.

(b) Doorstop on a wooden jamb for an in-swing door shall be of one-piece construction with the jamb joined by a rabbet.

(c) For the purpose of this section, doors leading from garage areas into a dwelling are exterior doors.

(2) Double doors shall be equipped as follows:

(a) The inactive leaf of double door(s) shall be equipped with metal flush bolts that have a minimum embedment of five-eighths (5/8) inch into the head and threshold of the doorframe.

(b) Double doors shall have an astragal constructed of steel a minimum of .125 inch thick, which will cover the opening between the doors. The astragal shall be a minimum of two (2) inches wide and extend a minimum of one (1) inch beyond the edge of the door to which it is attached. The astragal shall be attached to the outside of the active door by means of welding or with non-removable bolts spaced apart on not more than ten (10) inch centers. (The door to which such an astragal is attached must be determined by the fire safety codes adopted by the enforcing authority.)

(3) Aluminum frame swinging doors shall be equipped as follows:

(a) The jamb on all aluminum frame-swinging doors shall be so constructed or protected to withstand 1,600 pounds of pressure in both a vertical distance of three (3) inches and

a horizontal distance of one (1) inch each side of the strike, to prevent violation of the strike.

(b) A single or double door shall be equipped with a double cylinder deadbolt with a bolt projection exceeding one (1) inch, or a hook shaped or expanding dog bolt that engages the strike sufficiently to prevent spreading. The deadbolt lock shall have a minimum of five pin tumblers and a cylinder guard.

(4) Panic hardware, whenever required by the California Building Code or Title 19, California Administration Code, shall be installed as follows:

(a) Panic hardware shall contain a minimum of two (2) locking points on each door; or

(b) On single doors, panic hardware may have one locking point, which is not to be located at either the top or bottom frame. The door shall have an astragal constructed of steel .125 inch thick, which shall be attached with non-removable pins to the outside of the door. The astragal shall extend a minimum of six (6) inches vertically above and below the latch of the panic hardware. The astragal shall be a minimum of two (2) inches wide and extend a minimum of one (1) inch beyond the edge of the door to which it is attached.

(c) Double doors containing panic hardware shall have an astragal attached to the doors at their meeting point, which will close the opening between them, but not interfere with the operation of either door. (The astragal shall not interfere with the safe operation of emergency egress).

(5) Horizontal or Sliding Doors shall be installed as follows:

(a) In commercial occupancies, horizontal sliding doors shall be equipped with a metal guide track at top and bottom and a cylinder lock and/or padlock with a hardened steel shackle which locks at both heel and toe, and a minimum five pin tumbler operation with non-removable key when in an unlocked position. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position.

(b) In residential occupancies, locks shall be provided on all sliding patio doors. The lock bolt on all glass patio doors shall engage the strike sufficiently to prevent its being disengaged by any possible movement of the door within the space or clearance provided for installation and operation. The strike area shall be of material adequate to maintain effectiveness of bolt strength.

(c) Sliding patio glass doors opening onto patios or balconies which are less than one story above grade or are otherwise accessible from the outside shall have the moveable section of the door sliding on the inside of the fixed portion of the door or possess an approved secondary lock mounted on interior of moveable section.

(6) In office buildings (multiple occupancy), all entrance doors to individual office suites shall meet the construction and locking requirements for exterior doors.

(7) In commercial occupancies, windows shall be deemed accessible if less than twelve (12) feet above the ground. Accessible windows having a pane exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches and not visible from a public or private thoroughfare shall be protected with burglary resistant glazing or other approved methods as determined by the Building Official.

(8) Side or rear windows of the type that can be opened shall, where applicable, be secured on the inside with either a slide bar, bolt, crossbar, auxiliary locking device, and/or padlock with a hardened steel shackle, a minimum four pin tumbler operation.

(9) Protective bars or grills shall not interfere with the operation of opening windows if such windows are required to be operable by the California Building Code.

(10) All exterior transoms exceeding ninety-six (96) square inches on the side and rear of any building or premises used for business purposes shall be protected with burglary resistant glazing or other approved methods as determined by the Building Official.

(11) Roof openings shall be equipped as follows:

(a) All skylights on the roof of any building or premises used by business purposes shall be provided with:

(1) Rated burglary resistant glazing; or

(2) Iron bars of at least one-half (1/2) inch round or one by one-fourth (1 x ¼) inch flat steel material under the skylight and securely fastened; or

(3) Steel grills of at least one-eighth (1/8) inch material with a maximum two (2) inches mesh under the skylight and securely fastened.

(4) A monitored intrusion alarm system. The system shall be kept operable at all times. The Chief of Police may require periodic testing of the alarm system to verify proper operation.

(b) All hatchway openings on the roof of any building or premises used for business purposes shall be secured as follows:

(1) If the hatchway is of wooden material, it shall be covered on the inside with at least sixteen (16) U.S. gauge sheet metal, or its equivalent, attached with screws.

(2) The hatchway shall be secured from the inside with a slide bar or slide bolts. (Fire Department approval may be desired.)

(3) Outside hinges on all hatchway openings shall be provided with non-removable pins when using pin-type hinges.

(c) All air duct or air vent openings exceeding ninety-six (96) square inches on the roof or exterior walls of any building or premises used for business purposes shall be secured by covering the same with either of the following:

(1) Iron bars of at least one-half (1/2) inch round or one by one-fourth (1 x ¼) inch flat steel material spaced no more than five (5) inches apart and securely fastened; or

(2) Iron or steel grills of at least one-eighth (1/8) inch material with a maximum two (2) inch mesh and securely fastened.

(3) If the barrier is on the outside, it shall be secured with bolts which are non-removable from the exterior.

(4) The above must not interfere with venting requirements creating a potentially hazardous condition to health and safety or conflict with the provisions of the California Building Code or Title 19, California Administrative Code.

(12) Exterior roof ladders shall not be permitted.

(13) Exterior electrical or phone panels are not permitted in commercial occupancies.

(14) Separation walls for individual commercial tenant spaces housed within a common structure shall be solid with sheathing and continuous from the structure's foundation to roof or floor / ceiling assembly. If both sides of the tenant spaces are accessible, then each side shall be sheathed.

(15) Intrusion Devices.

(a) If the enforcing authority determines that the security measures and locking devices described in this Chapter do not adequately secure the building, due to special conditions, he/she may require the installation and maintenance of an intrusion device (burglar alarm system).

(C) **Landscaping.**

(1) Shrubs and ground cover shall not directly cover windows and doorways.

(2) River rock used near parking lots or buildings shall be permanently affixed.

(3) Open space and buildings shall be arranged to afford visibility and opportunity for surveillance by on-site users and passers-by.

(4) Barriers, both real and symbolic, shall be designed to afford opportunities for surveillance through the barrier.

(5) For residential development, backyard gates shall be the full height of the wall or fence adjacent and capable of being locked.

(6) For residential development, walls or fences, if installed, shall be a minimum of 6 feet in height when adjacent to any of the following:

Reverse frontage
Retention/detention areas
Parks
Commercial areas
Industrial areas
Bike paths

(D) **Lighting.** Lighting of buildings or complexes shall at a minimum be illuminated as follows:

(1) A site plan shall be provided showing buildings, parking areas, walkways, detailed landscaping and a point-by-point photometric calculation of the required light levels.

(2) All exterior entrances shall be illuminated with a uniformly maintained minimum level of one foot candle of light between ground level and 6 vertical feet within a minimum radius of 15 feet from the center of the entrance between sunset and sunrise.

(3) Postal Service “gang boxes” (group postal boxes) shall be illuminated with a uniformly maintained minimum level of one foot candle of light.

(4) Lighting of all exterior areas shall be designed to maximize surveillance and reduce conflicts with building design, mature landscaping, and to minimize glare.

(5) Open stairways shall be illuminated with a minimum maintained five-tenths (0.5) foot-candle of light in all landings and stair treads between sunset and sunrise. Enclosed stairways and enclosed common corridors shall be illuminated at all times with a minimum maintained one-foot candle of light on all landings and stair treads.

(6) Private streets, alleys, and emergency access roads shall be illuminated using the same standards as established for public thoroughfares.

(7) Aisles, passageways, pedestrian walkways and recessed areas related to and within a building, a building complex, or providing access to a building or building complex from a parking lot or right of way shall be illuminated with a minimum uniformly maintained minimum level of one foot candle of light between ground level and six vertical feet between sunset and sunrise or other methods approved by the Building Official.

(8) Open parking lot and/or carport and refuse areas shall be provided with and maintained to a minimum of one foot-candle of light on the parking surface. The Building Official may approve a lower light level, if it can be demonstrated that the lower level provides for sufficient security lighting.

(9) Covered parking lots or covered portions of parking lots shall be illuminated with a uniformly maintained minimum level of one-foot candle of light between ground level and 6

vertical feet between sunset and sunrise. Lighting shall be designed so that architectural or structural features do not obstruct the minimum light coverage.

(10) Parking structures or enclosed or partially enclosed parking lots shall be illuminated with a uniformly maintained minimum level of two-foot candles of light between ground level and 6 vertical feet between sunrise and sunset (daylight hours).

(11) Lighting fixtures shall be so arranged as to illuminate light uniformly over the parking surface and be tamper resistant.

(12) Public rest rooms, rooms identified for the general public and children's recreation areas shall be provided with emergency lighting meeting section 1006 of this Code.

All light sources required by this section shall be: (a) controlled by a photocell device or a time clock that will turn the lights on at dusk and off at dawn and (b) protected by weather and vandal resistant covers.

(E) **Garage Type (Vehicle) Doors.** Garage-type doors, which are either rolling overhead, solid overhead, swinging, sliding, or accordion style doors shall conform to the following standards:

(1) Wood doors shall have panels a minimum of five-sixteenths (5/16) inch in thickness with the locking hardware being attached to the support framing.

(2) Aluminum doors shall be a minimum thickness of .0215 inches and riveted together a minimum of 18 inches on center along the outside seams. There shall be a full width horizontal beam attached to the main door structure which shall meet the pilot, or pedestrian access, door framing within 3 inches of the strike area of the pilot or pedestrian access door.

(3) Fiberglass doors shall have panels a minimum density of 6 ounces per square foot from the bottom of the door to a height of 7 feet. Panels above 7 feet and panels in residential structures shall have a density not less than 5 ounces per square foot.

(4) Doors utilizing a cylinder lock shall have a lock receiving point at each outer edge of the door; or, of the door does not exceed 19 feet, a single bolt may be used if placed in the center of the door with the locking point located either at the floor or door frame header.

(5) Doors with slide bolt assemblies shall have frames a minimum of .120 inches of thickness, with a minimum bolt diameter of one half (1/2) inch and protrude at least one and one half (1 ½) inches into the receiving guide. A bolt diameter of three-eighths (3/8) inch may be used in a residential building. The slide bolt shall be attached to the door with non-removable bolts from the outside. Rivets shall not be used to attach slide bolt assemblies.

(6) Padlocks used with exterior mounted slide bolts shall have a hardened steel shackle locking at both heel and toe and a minimum five pin tumbler operation with non-removable key when in an unlocked position. Padlocks used with interior mounted slide bolts shall have a hardened steel shackle with a minimum 4-pin tumbler operation.

(F) **Emergency Access**

(1) Private roads and parking areas or structures controlled by unmanned mechanical parking type gates shall provide for emergency access as follows:

Radio frequency access or by providing the gate access code for distribution to emergency responders. When an access code is to be utilized, an illuminated control box is to be mounted on a control pedestal consisting of a metal post/pipe, which shall be installed at a height of 42 inches and a minimum of 15 feet (4.6m) from the entry/exit gate. It shall be located on the driver's side of the road or driveway and accessible in such a manner as to not require a person to exit their vehicle to reach it, nor to drive on the wrong side of the road or driveway, nor to require any back-up movements in order to enter/exit the gate.

(2) Non-residential multi-tenant buildings utilizing electronic access control systems on the main entry doors, and enclosed retail shopping centers shall be provided with a means to allow for police emergency access.

(3) Pedestrian gates/doors using an electromagnetic type lock shall install a key switch within a telephone/intercom console or in a control housing, or other method approved by the Building Official that will provide for police emergency access. Options include radio frequency access or providing the gate access code for distribution to emergency responders.

(4) All lockable pedestrian gates to residential recreation areas serving 6 or more dwelling units, and gates or doors to common walkways or hallways of residential complexes where there are 4 or more dwelling units within the complex, shall provide for police emergency access utilizing an approved key switch device or approved Knox box. The Knox box shall be installed adjacent to each gate/door, securely attaching it to a fence or wall or location approved by the Building Official.

(5) Pedestrian gate doors utilizing mechanical locks shall install a Knox box adjacent to each gate/door, securely attaching it to a fence or wall

(G) **Keying requirements**

Upon occupancy by the owner or proprietor, each single unit in a tract or commercial development, constructed under the same site development review, shall have locks using combinations that are interchange free from locks used in all other separate dwellings, proprietorships, or similar distinct occupancies.

(H) **Laundry rooms or areas:** Common area laundry rooms in multi-family complexes shall be designed and protected as follows:

(1) Entry doors shall have:

(a) A minimum six hundred (600) square inch clear vision panel in the upper half of the door, consisting of ¼" tempered glass;

(b) Automatic, hydraulic door closures;

(c) Self-locking door locks equipped with a deadlocking latch allowing exiting by a single motion and openable from the inside without the use of a key or any special knowledge or effort;

(d) Non-removable hinge pins for out-swinging doors to preclude removal of the door from the exterior by removing the hinge pins; and

(e) A latch protector consisting of minimum 0.125-inch-thick steel attached to the door's exterior by non-removable bolts from the exterior. It shall be two (2) inches wide and extend a minimum of five inches above and below the strike opening and extend a minimum of one (1) inch beyond the edge of the door. It shall have a metal anti-spread pin a minimum of one-half (1/2) inch in length.

(2) The laundry room shall be illuminated at all times with a minimum maintained one-foot candle of light at floor level, using a non-interruptible power source. There shall be no light switches inside the room that control light fixtures used to meet this lighting requirement.

(3) Any portion of an openable window which is within eight (8) feet vertically or six (6) feet horizontally from any accessible surface or any adjoining roof, balcony, landing, stair tread, platform, or similar surface, or any climbable pole or tree, or any surface providing a foothold, shall be secured as required by section 1018 of the Uniform Building Security Code.

(4) The interior of laundry rooms shall be visible from the exterior along common walking or driving surfaces. Perimeter windows and interior mirrors may be utilized to meet this requirement. Laundry rooms are to be located in high activity areas with natural surveillance opportunities and not in remote or isolated locations.

(I) **Elevators**

Elevators shall be designed as follows:

Elevator cabs, the interiors of which are not completely visible when the door is open from a point centered on the 36 inches away from the door shall have shatter resistant mirrors or other equally reflective material so placed as to make visible the entire elevator cab from this point. The elevator cab shall be illuminated at all times with a minimum maintained 2-foot candles of light at floor level.

(J) **Stairways**

Except for private stairways, Stairways shall be designed as follows:

(1) Interior doors shall have glazing panels a minimum of 5 inches wide and 20 inches in height and meet requirements of the California Building Code.

(2) Areas beneath stairways at or below ground level shall be fully enclosed or access to them restricted.

(3) Enclosed stairways shall have shatter resistant mirrors or other equally reflective material at each level and landing and be designed or placed in such manner as to provide visibility around corners.

(K) **Parking structures.**

(1) Parking structures shall be designed to restrict unauthorized access.

(2) Outside stairwells shall be open and not obstructed from view

(3) Security telephones with monitoring capability shall be located on every level adjacent to pedestrian ingress/egress points. If pedestrian ingress/egress points are more than 200 feet but less than 300 feet apart, additional security telephones shall be located at the midpoint between pedestrian ingress/egress points. If pedestrian ingress/egress points are more than 300 feet apart, security telephones will be located at 100-foot intervals. Security telephones shall be visible from all vehicular and pedestrian ingress/egress points and identified with appropriate signage.

(4) Blind corners shall be provided with shatterproof convex mirrors to improve visibility for both operators of vehicles and pedestrians.

(5) Doors shall be labeled with signage meeting the requirements of section 501.2

(6) Parking structures shall have the ceiling area of each floor or tier painted and maintained white or other reflective color approved by the Building Official.

(L) **Other requirements**

(1) Storage Areas. Exterior storage area attached to a dwelling, apartment or condominium and enclosed by a door shall comply with this section or have a minimum 3/8" diameter hardened padlock hasp.

(2) Side Gates. Side gates shall be the full height of the adjacent fence or wall and be capable of being locked. Side gates shall be secured with a slide bolt mounted on the inside of the gate. The slide bolt shall have a bolt diameter of three-eighths (3/8) inch and protrude at least one and one-half (1 ½) inches into the receiving guide. The slide bolt shall be attached to the gate with non-removable bolts. Rivets shall not be used to attach slide bolt assemblies. The slide bolt shall be mounted at a height that is not accessible by reaching over the gate.

FINDINGS The amendment is needed due to local geological and topographical conditions.

These modifications are necessary due to the topographical nature of the City and the easy access to freeways described in Section A of these Findings. In light of said conditions, it is necessary to adopt these requirements to enhance crime prevention. Additionally, this will bring the code into conformance with the City of Dublin Police Department requirements.

3. <u>California Residential Code</u>.

7.34.110 Section 202, Chapter 2, Definitions of Substantial Damage and Substantial Improvement.

The definitions of "Substantial Damage" and "Substantial Improvement" in Section 202 of the State Code are amended to read as follows:

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any one or more or any combination of repair, reconstruction, rehabilitation, alterations, addition or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to January 1, 2023. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, included either:

3. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

<u>FINDINGS The amendment is needed due to local climatic and topographical conditions.</u>

<u>This modification is necessary because the City of Dublin is a densely populated area having buildings and structures constructed near and within flood prone areas. The City codes require a definition for Substantial Damage and Substantial Improvement that includes repetitive lose and repetitive flood damage. Local climatic and topographical conditions include a average yearly rainfall, which tends to be concentrated from October to April.</u>

7.34.130 Section R301.2.4 Floodplain Construction – Amended.

Section R301.2.4 is amended to read:

Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) as established in Table R301.2(1), and substantial improvement and repair of substantial damage of buildings and structures in floor hazard areas, shall be designed and constructed in accordance with ASCE24. Buildings and structures that are located in more than

one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

FINDINGS The amendment is needed due to local climatic and topographical conditions.

Local climatic and topographical conditions include a average yearly rainfall, which tends to be concentrated from October to April.

7.34.140 Section R313.1 Exception, Chapter R3 Townhouse Automatic Fire Sprinkler Systems – Amended.

Section R313.1 Exception is amended to read:

Exception: An automatic sprinkler system shall not be required where additions or alteration are made to existing townhouses that do not have an automatic sprinkler system installed, provided that the total square footage of the existing building plus the addition does not exceed 3600 square feet (334m²). Additions or alteration that remove 50 percent or more of the existing exterior walls of a dwelling shall be considered a new dwelling for the purposes of Section R313.1.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, The area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.34.150 Section R313.2 Exception 1, Chapter R3 One and Two-family Dwellings Automatic Fire Sprinkler Systems – Amended.

Section R313.2 Exception 1 is amended to read:

Exception: 1. An automatic residential fire sprinkler system shall not be required for additions or alteration to existing building that are not already provided with an automatic residential sprinkler system, provided that the total square footage of the existing building plus the addition does not exceed 3600 square feet (334m²). Additions or alteration that remove 50 percent or more of the existing exterior walls of a dwelling shall be considered a new dwelling for the purposes of Section R313.2.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, The area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.34.160 Section R319.2, Chapter R3, Site Address - Added.

Section R319.2, is added to read:

R319.2 Address Location. Address shall be installed in the following locations:

1 Walkways serving six (6) or more individual units where the front entrance is not parallel to the street and driveways servicing six (6) or more individual dwelling units shall have minimum of four (4) inch high identification numbers, noting the range of unit numbers placed at the entrance to each driveway at a height between thirty-six (36) and forty-two (42) inches above grade. The address numbers shall be illuminated during the hours of darkness. The light source shall be provided with an uninterruptible AC power source or controlled only by a photoelectric device or photovoltaic powered.

2. No other number may be affixed to a structure that might be mistaken for, or confused with, the number assigned to the structure.

3. If the building is adjacent to an alley, the number shall also be placed on or adjacent to the rear gate accessing the alley.

4. For multifamily buildings with recessed entryway over 2 feet, an additional lighted address shall be placed at the entryway to the recessed area. If the recessed area provides access to more than one dwelling unit, the range of units shall be displayed.

5. Each principal building of a multifamily complex shall display the number or letter assigned to that building on each corner of the building at a height that will prevent the number from being obscured by landscaping.

6. Any building with vehicular access to the rear through a public or private alley shall display, in a clearly visible location, a highly reflective or illuminated address number a minimum of four (4) inches in height.

7. Address numbers shall not be obstructed by architectural structures such as trellises, arbors, balconies, light fixtures and or landscaping.

FINDINGS The amendment is needed due to local geological and topographical conditions.

These modifications are necessary due to the topographical nature of the City and the easy access to freeways described in Section A of these Findings. In light of said conditions, it is necessary to adopt these requirements to enhance crime prevention. Additionally, this will bring the code into conformance with the City of Dublin Police Department requirements.

7.34.170 Section R322.1 Chapter R3, General – Amended.

Section R322.1 is amended to read:

R322.1 General. Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2(1), and substantial improvement and repair of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with ASCE24 Buildings and

structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

FINDINGS The amendment is needed due to local climatic and topographical conditions.

Local climatic and topographical conditions include a average yearly rainfall, which tends to be concentrated from October to April.

7.34.180 Section R337.1.1 Chapter R3, Scope – Amended.

Section R337.1.1 is amended to read:

R337.1.1 Scope. Section R337 and all subsections apply to building materials, systems and or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface (WUI) Fire Area as defined in Section R337.2 or adjacent to open space or undeveloped land.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.34.190 Section R337.2 Chapter R3, Definitions – Amended.

Section 337.2 is amended to add the following definitions:

Adjacent to Open Space. Shall mean commercial parcels and residential lots which have a point of contact with open space.

Adjacent to Undeveloped Land. Shall mean commercial parcels and residential lots which have a point of contact with Undeveloped Land.

Open Space. For the purpose of this Chapter, Open Space shall mean those lands set aside to remain permanently undeveloped.

Undeveloped Land. For the purpose of this Chapter, Undeveloped Land shall mean land which is available for development, but no Tentative Map, Master Tentative Map or Development Agreement has been approved, and any land designated for government use.

FINDING: The amendment is needed due to local climatic and topographical conditions.

These modifications are necessary because the City of Dublin has a dry period of at least five months each year. Additionally, The area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.34.200 Section R350, Chapter R3, Building Security – Added.

Section R350 is added to read:

R350.1 Building Security. Residential building security shall be in accordance with the *Uniform Building Security Code* in addition to the following:

R350.2 **Exterior doors: Each exterior door shall be secured as follows:**

1. Exterior doors (excluding glass patio doors) and doors leading from garage areas into dwellings shall be equipped with a dead bolt lock with one-inch (1") throw.

2. Pairs of doors shall have flush bolts with a minimum throw of five-eighths inch (5/8") at the head and foot (floor and ceiling) of the inactive leaf.

3. Doorstop on a wooden jamb for an in-swing door shall be of one-piece construction with the jamb joined by a rabbet.

4. Locks shall be provided on all sliding patio doors.

5. Sliding patio glass doors opening onto patios or balconies which are less than one story above grade or are otherwise accessible from the outside shall have the moveable section of the door sliding on the inside of the fixed portion of the door or possess an approved secondary lock mounted on interior of moveable section.

6. The lock bolt on all glass patio doors shall engage the strike sufficiently to prevent its being disengaged by any possible movement of the door within the space or clearance provided for installation and operation. The strike area shall be of material adequate to maintain effectiveness of bolt strength.

R350.3 Landscaping.

1. Shrubs and ground cover shall not directly cover windows and doorways.

2. River rock used near parking lots or buildings shall be permanently affixed.

3. Backyard gates shall be the full height of the wall or fence adjacent and capable of being locked.

4. Open space and buildings shall be arranged to afford visibility and opportunity for surveillance by on-site users and passers-by.

5. Barriers, both real and symbolic, shall be designed to afford opportunities for surveillance through the barrier.

6. For residential development, walls or fences, if installed, shall be a minimum of 6 feet in height when adjacent to any of the following:
    - Reverse frontage,
    - Retention/detention areas,

- Parks, Commercial areas,
- Industrial areas, or
- Bike paths.

R350.4 Garage Type (Vehicle) Doors. Garage-type doors, which are either rolling overhead, solid overhead, swinging, sliding, or accordion style doors shall conform to the following standards;

1. Wood doors shall have panels a minimum of five-sixteenths (5/16) inch in thickness with the locking hardware being attached to the support framing.

2.Aluminum doors shall be a minimum thickness of .0215 inches and riveted together a minimum of 18 inches on center along the outside seams. There shall be a full width horizontal beam attached to the main door structure which shall meet the pilot, or pedestrian access, door framing within 3 inches of the strike area of the pilot or pedestrian access door.

3. Fiberglass doors shall have panels a minimum density of 6 ounces per square foot from the bottom of the door to a height of 7 feet. Panels above 7 feet and panels in residential structures shall have a density not less than 5 ounces per square foot.

4. Doors utilizing a cylinder lock shall have a lock receiving point at each outer edge of the door; or, if the door does not exceed 19 feet, a single bolt may be used if placed in the center of the door with the locking point located either at the floor or door frame header.

5. Doors with slide bolt assemblies shall have frames a minimum of .120 inches of thickness, with a minimum bolt diameter of one half (1/2) inch and protrude at least one and one half (1 ½) inches into the receiving guide. A bolt diameter of three-eighths (3/8) inch may be used in a residential building. The slide bolt shall be attached to the door with non-removable bolts from the outside. Rivets shall not be used to attach slide bolt assemblies.

R350.5 Emergency Access. Private roads and parking areas or structures controlled by unmanned mechanical parking type gates shall provide for police emergency access as follows:

1. Radio frequency access or by providing the gate access code for distribution to emergency responders. When an access code is to be utilized, an illuminated control box shall be mounted on a control pedestal consisting of a metal post/pipe which shall be installed at a height of 42 inches and a minimum of 15 feet (4.6m) from the entry/exit gate. It shall be located on the driver's side of the road or driveway and accessible in such a manner as to not require a person to exit their vehicle to reach it, nor to drive on the wrong side of the road or driveway, nor to require any back-up movements in order to enter/exit the gate.

2. All lockable pedestrian gates to residential recreation areas serving 6 or more dwelling units, and gates or doors to common walkways or hallways of residential complexes where there are 4 or more dwelling units within the complex, shall provide for police emergency access utilizing an approved key switch device or approved Knox box.

3. Pedestrian gates/doors using an electromagnetic type lock shall install a key switch within a telephone/intercom console or in a control housing, or other method approved by the Building Official that will provide for police emergency access. See 350.5.1 for options.

4. Pedestrian gate/doors (including pedestrian gates/doors in pool enclosures and recreational facilities) utilizing mechanical locks shall install a Knox box adjacent to each gate/door, securely attaching it to a fence or wall.

R350.6 Keying requirements. Upon occupancy by the owner or proprietor, each single unit in a tract constructed under the same site development review, shall have locks using combinations that are interchange free from locks used in all other separate dwellings, proprietorships, or similar distinct occupancies.

R350.7 Other requirements

1. Storage Areas. Any exterior storage area attached to a dwelling enclosed by a door shall comply with this section or have a minimum 3/8" diameter hardened padlock hasp.

2. Side Gates. Side gates shall be the full height of the adjacent fence or wall and be capable of being locked. Side gates shall be secured with a slide bolt mounted on the inside of the gate. The slide bolt shall have a bolt diameter of three-eighths (3/8) inch and protrude at least one and one-half (1 ½) inches into the receiving guide. The slide bolt shall be attached to the gate with non-removable bolts. The slide bolt shall be mounted at a height that is not accessible by reaching over the gate.

FINDINGS The amendment is needed due to local geological and topographical conditions.

This modification is necessary due to the topographical nature of the City and the easy access to freeways described in Section A of these Findings. In light of said conditions, it is necessary to adopt these requirements to enhance crime prevention. Additionally, this will bring the code into conformance with the City of Dublin Police Department requirements.

7.34.210 Section R403.1.3, Chapter R4, Footing and stem wall reinforcing in Seismic Design Categories D_0, D_1, D_2. – Amended.

Section R403.1.3 is amended to read:

R403.1.3 Footing and stem wall reinforcing in Seismic Design Categories D_0, D_1, D_2. Concrete footings located in Seismic Design Categories D_0, D_1 and D_2, as established in Table R301.2, shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars, one top and one bottom and not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

FINDINGS: The amendment is needed due to local geological, climatic and topographical conditions.

The San Francisco Bay Area region is densely populated and/or located in an area of high seismic activities as indicated by United States Geological Survey

and California Division of Mines and Geology. Recent earthquake activities, including the 1989 Loma Prieta earthquake, have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants. The City of Dublin is a densely populated area having buildings constructed near potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 20 years, while the USGS predict the probability of a powerful quake in the next 20 years at 72%. The proposed modification to ensure that the design of slender wall must satisfy both strength and serviceability requirements need to be incorporated into the code to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the International Building Code.

7.34.220 Table R602.10.3(3), Chapter R6, Bracing Requirements – Amended.

Table R602.10.3(3) is amended by adding a new footnote "i" to read:

i. Methods PBS, HPS, SFB and CS-SFB are not permit in Seismic Design Categories D_0, D_1, and D_2 .
j. Methods GB, DWB and PCP are not permitted in Seismic Design Categories D_0, D_1, and D_2 where S_1 is greater than or equal to 0.75.

Add the "i, j" footnote notation in the title of Table R602.10.3(3) to read:

TABLE R602.10.3(3)[i, j]

FINDINGS: The amendment is needed due to local geological, climatic and topographical conditions.

The amendment addresses the problem of poor performance of these bracing materials in high seismic areas to limit potential structural damage. Shear walls sheathed with lath, plaster or gypsum board are less ductile than plywood shear walls, The poor performance of such shear walls in the 1994 Northridge earthquake was investigated by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Task Force and formed the basis for this amendment. This amendment is also consistent with the design limitations for similar shear walls found in Table 2308.6.1 of the 2022 California Building Code.

7.34.230 Section R602.10.4.5, Chapter R6, Limits on methods GB and PCP – Added.

A new Section R602.10.4.5 is added to read:

R602.10.4.5 Limits on methods GB and PCP. In Seismic Design Categories D_0, D_1, and D_2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite

side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D_0, D_1, and D_2, the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

FINDINGS: The amendment is needed due to local geological, climatic and topographical conditions.

This section deletes the use of gypsum board for lateral bracing. This deletion is necessary because the City of Dublin is located in Seismic Zone D and E. Gypsum wallboard has performed poorly during recent California seismic events. The shear values for gypsum wallboard contained in the code are based on mono-directional testing. In addition, this section limits the use of portland cement plaster for lateral bracing to single story residential buildings. This limitation is necessary because the City of Dublin is located in Seismic Zone D and E. Exterior portland cement plaster has performed poorly during recent California seismic events. The shear values for portland cement stucco contained in the code are based on mono-directional testing. It is appropriate to limit the use of this product until cyclic loading tests are performed and evaluated.

The San Francisco Bay Area region is densely populated and/or located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities, including the 1989 Loma Prieta earthquake, have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants. The City of Dublin is a densely populated area having buildings constructed near potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 20 years, while the USGS predict the probability of a powerful quake in the next 20 years at 72%. The proposed modification to ensure that the design of slender wall must satisfy both strength and serviceability requirements need to be incorporated into the code to assure that new buildings and additions to existing buildings are designed and constructed in accordance with the scope and objectives of the International Building Code.

7.34.240 Section R902, Chapter 9, Fire Classification-Amended.

Section R902.1 is amended to read:

R902.1 Roof covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A, B or C roofing shall be installed in areas as designated below or where the edge of the roof is less than 3 feet from a lot line. Class A, B and C roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

1. **Map of Fire Safe Roof Areas.** Figure 15-1* is a map of Fire Safe Roof areas. Said map may be amended from time to time by including areas which are

annexed to the City within one of the two roofing areas. Said amendments may be made by the Building Official after consultation, with the Chief of the Fire Department or their designee having jurisdiction.

2. **Roofing Area 1.** Any new roof and any alteration, repair or replacement for buildings housing R & U-1 occupancies in Roofing Area 1 shall use roof covering material that conforms to Class B or better or shall be made of concrete, ferrous or copper metal, clay, slate or similar non-combustible material.

3. **Roofing Area 2.** Any new roof for buildings using roof covering material that conforms to Class C or better or shall be made of concrete, ferrous or copper metal, clay, slate or similar non-combustible material.

* Editor's Note: Figure 15-1 is on file in the office of the City Clerk.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, The area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.34.150 Section R1001.1.2 Chapter 10, Prohibited Installations—Added.

A new Section R1001.1.2 is added to read:

R1001.1.2 Prohibited Installations. It shall be unlawful to install a new wood burning fireplace or appliance that is not one of the following:

4) Pellet-fueled wood heater,
5) EPA certified wood heater,
6) Fireplace certified by EPA

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because fireplaces and wood stoves generate 40 percent of the particulate matter in the Bay Area during the winter months. Of greater concern are the fine particles, which can lodge deep in the lungs causing permanent lung damage and increasing mortality. Burning wood also generates carbon monoxide, nitrogen dioxide, volatile organic and toxic air pollutants.

4. California Electrical Code.

7.36.070 Section 210.53, Office receptacle outlets-Added.

Section 210.53 is added to read:

210.53 Office Receptacle Outlets. In office buildings or offices exceeding ten (10) percent of the floor area of the major use, receptacle outlets shall be installed in all permanent walls or partitions of each office so that no point along the floor line any wall space is more than six (6) feet (1.83m) measured horizontally, from an outlet in that space including any wall space two (2) feet (610 mm) or more in width and the wall space occupied by sliding panels in exterior walls.

As used in the section a "wall space" shall be considered a wall unbroken along the floor line by doorways, fireplaces and similar openings. Each wall space two (2) or more feet (610 mm) wide shall be treated individually and separately from other wall spaces within the room. A wall space shall be permitted to include two or more walls of a room (around corners) where unbroken at the floor line.

As used in this section “office space” means an enclosed office space with hard walls. Open office floor plans are not affected by this section.

Receptacle outlets shall, insofar as practicable be spaced equal distances apart. Receptacle outlets in floors shall not be counted as part of the required number of receptacle outlets unless located near the wall.

The receptacle outlets required by the section shall be in addition to any receptacle that is part of any lighting fixture or appliance, located within cabinets or cupboards, or located over five and one-half (5 ½) feet (1.68 m) above the floor.

FINDINGS: The amendment is needed due to local geological conditions.

This section requires additional receptacles. The City of Dublin is located in a highly active Seismic Zone D and E. In Office Buildings without these requirements extension codes are being used. Extension cords are not afforded the same protection from damage as wiring raceways. Damage to extension cords could occur in a seismic event, which increases the potential for a fire.

5. California Plumbing Code.

7.40.080 Section 609.3, Chapter 6, Under Concrete Slab–Amended.

Section 609.3, first paragraph, is amended by replacing it to read:

Section 609.3 Water piping shall not be installed in or under a concrete floor slab within a building without prior approval of the Building Official. When approved, such piping shall be installed in accordance with the following requirements:

FINDINGS The amendment is needed due to local geological conditions.

This section eliminates water piping in or under concrete floor slabs within a building. This amendment is necessary for the following reasons:

(1) Most of the surface soils in the City of Dublin are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering and the relatively acid environment have created soils of varying types, which are particularly corrosive in nature.

(2) Much of the surface soil in the City of Dublin is highly expansive (i.e., shrink-swell behavior) and have low bearing strength.

(3) There are two types of expansive soils in the area:

a. the organic silty clays which are the recent bay muds; and
b. the plastic silty clays which weather from the shale found in the hills surrounding the City of Dublin

(4) The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the expansive characteristics of soil.

(5) Some parts of the City of Dublin have hard water, which is corrosive to ferrous pipe.

(6) The groundwater table is unusually high in many places.

(7) The City of Dublin is a highly active seismic area.

6. California Mechanical Code

No findings, beyond the general findings listed above, are necessary to justify the proposed amendments

7. California Existing Building Code

7.46.080 Section 202, Chapter 2, Definitions of Substantial Damage and Substantial Improvement.

The definitions of "Substantial Damage" and "Substantial Improvement" in Section 202 of the State Code are amended to read as follows:

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any one or more or any combination of repair, reconstruction, rehabilitation, alterations, addition or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to January 1, 2023. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, included either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

FINDINGS The amendment is needed due to local climatic and topographical conditions.

This modification is necessary because the City of Dublin is a densely populated area having buildings and structures constructed near and within flood prone areas. The City codes require a definition for Substantial Damage and Substantial Improvement that includes repetitive lose and repetitive flood damage. Local climatic and topographical conditions include a average yearly rainfall, which tends to be concentrated from October to April.

7.46.090 Chapters 6 through 13-Deleted.

Chapters 6 through 13 are deleted.

8. California Green Building Code

7.94.050 Section 202, Chapter 2 Definitions – Amended.

The following definitions are hereby added to Section 202 of the State Code to read as follows:

ALL-ELECTRIC BUILDING. A building that contains no combustion equipment or plumbing for combustion equipment within the building or building property lines, and instead uses electric appliances for service.

COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT. Equipment used in a food establishment for heat-processing food or utensils and that produces grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.

COMBUSTION EQUIPMENT. Any equipment or appliance used for space heating, water heating, cooking, clothes drying and/or lighting that uses fuel gas.

ELECTRIC HEATING APPLIANCE. A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

FUEL GAS. A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.

FINDINGS The amendment is needed due to local climatic conditions.

All-electric construction has a significant positive effect on energy resource efficiency, waste and pollution generation, and the health and productivity of building occupants over the life of the building. The City of Dublin has a dry, hot period of at least five months each year. As a result of the high temperatures, average load demand and peak load demand of energy used in Dublin are important factors impacting public safety and creating the potential for adverse economic impacts due to power outages or power reductions (i.e. "brownouts"). Reduction of total and peak energy use because of incremental conservation measures required by this ordinance will have local benefits in the additional available system energy capacity. Furthermore, the reduction of greenhouse gas emissions from all-electric buildings will help mitigate climate change and its negative effects such as extreme heat events, droughts, intense storms, and flooding, thus making these amendments reasonably necessary because of local climactic reasons.

7.94.060 Section 4.106.4 Electric vehicle (EV) charging for new construction – Deleted and Replaced.

Section 4.106.4 is deleted and replaced with Section A4.106.8 to read:

A4.106.8 Electric vehicle (EV) charging for new construction is adopted as mandatory at the Tier 2 level.

FINDINGS The amendment is needed due to local climatic, topographical and environmental conditions.

This modification is necessary because the City of Dublin is a densely populated area having buildings and structures constructed within heavily traveled traffic corridors and highways (580 and 680), near and within flood prone areas. This impacts the quality of the air, causes higher decibel noise level, and increases the risk of rising sea or flood levels. The proposed modification to increase the number of EV charging spaces will help to address and significantly reduce local air and noise pollutions, greenhouse gas emissions, and will improve the health and welfare of the City's residents, businesses and visitors and reduce the rise in sea or flood levels that could put at risk the City's homes, businesses and public facilities at risk. Therefore, this amendment needs to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Green Building Standards Code.

7.94.070 Sections 4.106.5, 4.106.5.1, and 4.106.5.2 All Electric Buildings – Added.
Sections 4.106.5, 4.106.5.1, and 4.106.5.2 are added to read:

4.106.5 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use combustion equipment or are ready to accommodate installation of electric heating appliances.

4.106.5.1. New construction and qualifying alteration projects. All newly constructed buildings shall be all-electric buildings. Qualifying alteration projects shall be limited to additions or alterations that remove 50 percent or more of the existing exterior walls of a dwelling and additions that increase the square footage of the structure by more than 50 percent.

The final determination whether a project meets the definition of a qualifying alteration project shall be made by the Building Official

Exception:

If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the Building Official may grant a modification. The applicant shall comply with the following and Section 4.106.5.2.

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one

of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The Building Official shall have the authority to approve alternative materials and methods of construction as per the Dublin Municipal Code, Chapter 7.28.

4.106.5.2 Requirements for combustion equipment.
Where combustion equipment is allowed under subsection 4.106.5.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and

2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and

3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and

4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and

5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

FINDINGS The amendment is needed due to local climatic conditions.

All-electric construction has a significant positive effect on energy resource efficiency, waste and pollution generation, and the health and productivity of building occupants over the life of the building. The City of Dublin has a dry, hot period of at least five months each year. As a result of the high temperatures, average load demand and peak load demand of energy used in Dublin are important factors impacting public safety and creating the potential for adverse economic impacts due to power outages or power reductions (i.e. “brownouts”). Reduction of total and peak energy use because of incremental conservation measures required by this ordinance

will have local benefits in the additional available system energy capacity. Furthermore, the reduction of greenhouse gas emissions from all-electric buildings will help mitigate climate change and its negative effects such as extreme heat events, droughts, intense storms, and flooding, thus making these amendments reasonably necessary because of local climactic reasons.

7.94.080 Section 4.107.1, Division 4.1, Chapter 4, Future access for solar systems- Added.

A new Section 4.107.1 is added to read:

4.107.1 Future Access for Solar Systems. A minimum one-inch (25.4 mm) electrical conduit shall be provided from the electrical service equipment to the solar zone as defined by the California Energy Code, Title 24, Part 6, Section 110.10. Where a solar zone is not required by the California Energy Code, the conduit location shall be subject to approval of the Building Official.

Exception: Where solar is installed as part of the original construction and prior to first occupancy.

FINDINGS The amendment is needed due to local climatic, topographical and environmental conditions.

Green building design, construction and operation can have a significant positive effect on energy resource efficiency, waste and pollution generation, and the health and productivity of building occupants over the life of the building. The City of Dublin has a dry, hot period of at least five months each year. As a result of the high temperatures, average load demand and peak load demand of energy used in Dublin are important factors impacting public safety and creating the potential for adverse economic impacts due to power outages or power reductions (i.e. "brownouts"). Reduction of total and peak energy use as a result of incremental conservation measures required by this ordinance will have local benefits in the additional available system energy capacity.

7.94.090 Sections 5.106.5.3 and 5.106.5.3.1 Electric vehicle (EV) charging. – Deleted and Replaced.

Sections 5.106.5.3 and 5.106.5.3.1 are deleted and replaced with Section A5.106.5.3 to read:

Section A5.106.5.3 Electric vehicle (EV) charging for new construction is adopted as mandatory at the Tier 2 level.

FINDINGS The amendment is needed due to local climatic, topographical and environmental conditions.

This modification is necessary because the City of Dublin is a densely populated area having buildings and structures constructed within heavily traveled traffic corridors and highways, near and within flood prone areas.

This impacts the quality of the air, causes higher decibel noise level, and increases the risk of rising sea or flood levels. The proposed modification to increase the number of EV charging spaces will help to address and significantly reduce local air and noise pollution and greenhouse gas emissions, will improve the health and welfare of the City's residents, businesses and visitors, and reduce the rise in sea or flood levels that could put the City's homes, businesses and public facilities at risk. Therefore, this amendment needs to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Green Building Standards Code.

7.94.100 Section 5.106.13, 5.106.13.1 and 5.106.13.2 All electric buildings. – Added.
Section 5.106.13, 5.106.13.1 and 5.106.13.5.2 are added to read:

5.106.13 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use combustion equipment or are ready to facilitate future electrification.

5.106.13.1. New construction and qualifying alteration projects. All newly constructed buildings shall be all-electric buildings. Qualifying alteration projects shall be limited to additions or alterations that remove 50 percent or more of the existing exterior walls of a structure and additions that increase the square footage of the structure by more than 50 percent.

Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of qualifying alteration project shall be made by the Building Official.

Exceptions:

1. Nonresidential buildings containing kitchens located in a place of public accommodation, as defined in the California Building Code Chapter 2, may apply to the Building Official for a modification to install commercial food heat-processing equipment served by fuel gas. The Building Official may grant the modification, provided the following findings are made:
    a) The applicant has a business-related need to cook with combustion equipment; and
    b) The applicant has installed energy efficient equipment based on Energy Star or California Energy Wise qualifications, as available.
    c) The applicant will comply with Section 5.106.13.2.

2. If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the Building Official may grant a modification. The applicant shall comply with following and Section 5.106.13.2

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise be used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The Building Official shall have the authority to approve alternative materials and methods of construction as per the Dublin Municipal Code, Chapter 7.28.

5.106.13.2. Requirements for combustion equipment.

Where combustion equipment is allowed under Subsection 5.106.13.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and

2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and

3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and

4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and

5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

FINDINGS The amendment is needed due to local climatic conditions.

All-electric construction has a significant positive effect on energy resource efficiency, waste and pollution generation, and the health and productivity of building occupants over the life of the building. The City of Dublin has a dry, hot period of at least five months each year. As a result of the high

temperatures, average load demand and peak load demand of energy used in Dublin are important factors impacting public safety and creating the potential for adverse economic impacts due to power outages or power reductions (i.e. "brownouts"). Reduction of total and peak energy use because of incremental conservation measures required by this ordinance will have local benefits in the additional available system energy capacity. Furthermore, the reduction of greenhouse gas emissions from all-electric buildings will help mitigate climate change and its negative effects such as extreme heat events, droughts, intense storms, and flooding, thus making these amendments reasonably necessary because of local climactic reasons.

7.94.110 Section 5.107.1, Division 5.1, Chapter 5, Future access for solar systems- Added.

A new Section 5.107.1 is added to read:

5.107.1 Future Access for Solar Systems. Install conduit from the solar zone as defined by the California Energy Code, Title 24, Part 6, Section 110.10 to a location within the building identified as suitable for future installation of a charge controller (regulator) and inverter.

Exception: Where solar is installed as part of the original construction and prior to first occupancy.

FINDINGS The amendment is needed due to local climatic, topographical and environmental conditions.

Green building design, construction and operation can have a significant positive effect on energy resource efficiency, waste and pollution generation, and the health and productivity of building occupants over the life of the building. The City of Dublin has a dry, hot period of at least five months each year. As a result of the high temperatures, average load demand and peak load demand of energy used in Dublin are important factors impacting public safety and creating the potential for adverse economic impacts due to power outages or power reductions (i.e. "brownouts"). Reduction of total and peak energy use as a result of incremental conservation measures required by this ordinance will have local benefits in the additional available system energy capacity.

9. Dublin Swimming Pool and Spa Code

7.45.080 Chapter 2, Definitions - Added.
The following definitions are added to read:

ANSI/APSP Performance Standard. ANSI/APSP performance standard means a standard that is accredited by the American National Standards Institute (ANSI) and published by the Association of Pool and Spa Professionals (APSP).

Approved Safety Pool Cover. Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society of Testing and Materials (ASTM), in compliance with standard F1346-91.

Enclosure. Enclosure means a fence, wall, or other barrier that isolates a swimming pool from access to the home.

Exit Alarms. Exit alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, in opened or is left ajar. Exist alarms may be battery operated or may be connected to the electrical wiring of the building.

Swimming Pool or Pool. Swimming pool of pool means any structure intended for swimming or recreational bathing that contains water over eighteen (18) inches deep. Swimming pool shall include in-ground and above ground structures and includes, but is not limited to, hot tubs, spaces, portable spas, and nonportable wading pools.

FINDING: These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code

7.45.090 Chapter 2, Definitions - Amend.
The following definitions are amended to read:

Public swimming pool. Public swimming pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the ground of a private single-family home.

Suction Outlet. Suction outlet means a fitting or fixture typically located at the bottom or on the sides of a swimming pool that conducts water to a recirculating pump.

FINDING: These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code

7.45.100 Section 303, Chapter 3, Energy - Amended.
Section 303. is deleted in its entirety and amended to read:

303 Energy. All pool and spa energy consumption shall meet the requirements in the California Energy Code.

FINDING: **These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code**

7.45.110 Section 304.2, Chapter 3, Determination of impacts based on locations - Amended.

Section 304.2. is amended to read:

304.2 Determination of impacts based on location. Pools and spas in flood hazard areas indicated with in the City of Dublin shall comply with 304.2.1 or 304.2.2. The remainder of section 304.2 is unchanged.

FINDING: **These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code**

7.45.120 Section 305.2, Chapter 3, Outdoor Swimming Pools and Spas - Amended.

Section 305.2 is amended to read:

305.2 Outdoor swimming pools and spas. Other than those facilities regulated by the Swimming Pool Safety Act (Health and Safety Codes Sections 115920 through 115929), all outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7

FINDING: **These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code**

7.45.130 Section 318.4, Chapter 3, Water Conservation - Added.

Section 318.4 is added to read:

318.4, Water conservation. Water conservation efficiency in residential and public pools, spas, portable spas, and swim spas shall be provided for in accordance with APSP 13.

FINDING: **The amendment is needed due to local climatic and topographical conditions.**

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings. These modifications are consistent with the Fire Authority having jurisdiction.

7.45.140 Section 901.2, Chapter 9, General - Deleted.

Section 901.2 is deleted.

FINDING: **These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code**

7.45.150 Section 1101.1, Chapter 11, Referenced Codes and Standards - Added.

Section 1101.1 is added to read:

1101.1 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in this chapter and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provision of this code shall be the minimum requirements.

FINDING: **These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code**

7.45.160 Section 1101.2, Chapter 11, Application of Codes- Added.

Section 1101.2 is added to read:

1101.2 Application of Codes. Where the Residential Code is referenced in this code, the provisions of the Residential Code shall apply to related systems in detached one- and two-family dwellings and townhouses not more than three stories in height. Other related systems shall comply with the applicable Code or referenced standard.

FINDING: **These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code**

7.45.170 Chapter 11, Referenced Standard-ANSI/APSP/ICC-13-2017 - Added.

Referenced standard ANSI/APSP/ICC-13-2017 is added to Chapter 11

Standard Acronym	Standard Name	Sections Herein Referenced
ANSI/APSP/ICC-13-2017	American National Standard for Water Conservation Efficiency in Residential and Public Pools, space, Portable Spas and Swim Spas	318.4

FINDING: **These modifications are necessary to adopt the most current State standard and to clarify specific areas of the code**

10. Dublin Building Maintenance Code

7.48.070 Sections 302.2, 302.3, 302.4 and 302.8, Chapter 3, Exterior Property Areas – Deleted.

Sections 302.2, 302.3, 302.4 and 302.8. are deleted

FINDING: The amendment is necessary to correct a conflict with the City of Dublin's Zoning Code.

7.48.080 Section 303.2, Chapter 3, Enclosures – Amended.

Section 303.2 is amended to read:

> **303.2 Enclosures.** Private swimming pools, hot tubs, and spas enclosures shall meet the requirements of Section 3109.2 California Building Code, California Swimming Pool Safety Act and 7.45.120.

FINDING: The amendment is needed to correct a conflict with State Law.

7.48.090 Section 304.14, Chapter 3, Insect Screens – Amended.

> **304.14 Insect screens.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.
>
> **Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

FINDING: The amendment is needed due to local climatic and topographical conditions.

> **This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of the dryness and drought rodents may enter homes in search of water and shade.**

7.48.100 Section 304.16, Chapter 3, Under-Floor areas – Amended.

Section 304.16 is amended to read:

> **304.16 Under-Floor areas**. Under-floor access doors and ventilation openings shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Doors shall be tight fitting and ventilation openings shall be properly screened with corrosion-resistant wire mesh having openings not exceeding 1/4 inch in any dimension or alternate approved materials pursuant to current CBC 1203.4.1.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of the dryness and drought rodents may enter homes in search of water and shade.

7.48.110 Sections 308.2.1.1, Chapter 3, Garbage Receptacles – Added.

Section 308.2.1.1 is added to read:

308.2.1.1 Garbage Receptacles. An adequate number of appropriate receptacles with close fitting covers for garbage and rubbish as may be considered necessary by the enforcing agency shall be provided for the occupant of every dwelling unit by the owner or operator of every apartment house, hotel, or combination thereof. Each receptacle shall be kept in a clean condition and good repair.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of the dryness and drought rodents may enter homes in search of water and shade.

7.48.120 Sections 309.1 and 309.2, Chapter 3, Pest Elimination – Amended.

Sections 309.1 and 309.2 are amended to read:

309.1 Infestation. All structures shall be kept free from insect, rodent and vermin infestation. When an insect, rodent or vermin infestation is brought to the attention of the code official, he or she may require the owner or agent having charge or control of the building, lot or premises to hire a licensed exterminator or other qualified professional to inspect the building, lot or premises and provide a written report verifying the presence and severity of such infestation including in the report a recommendation for proper extermination of the infestation. All structures in which insect, rodent or vermin infestations are found shall be promptly exterminated by approved processes that will not be injurious to human health. After the extermination of the infestation is complete, the code official may request a written notice from the licensed exterminator or other qualified professional attesting to the completion and success of the recommended extermination procedures. After the infestation is eliminated, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. The owner of a structure or premises containing a dwelling unit, multiple occupancy, rooming house or a nonresidential structure shall be responsible for maintaining the structure and premises in a rodent or pest-free condition. If an infestation is caused by an occupant substantially failing to properly maintain their occupied area of the structure or premises as clean and sanitary as the condition of the structure or premises permits, the occupant and owner shall be responsible for pest elimination. For as long as the occupant's failure either substantially causes an unlivable condition to occur, or substantially interferes with the owners' ability to remedy

the condition, the owner does not have to remedy the condition. Where the infestation is caused by defects in the structure, the owner shall be responsible for extermination.

FINDING: The amendment is needed due to local climatic and topographical conditions.

This modification was necessary because the City of Dublin has a dry period of at least five months each year. Additionally, the area is subject to occasional drought. Because of the dryness and drought rodents may enter homes in search of water and shade.

5204195.1

ORDINANCE NO. xx – 22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUBLIN

REPEALING AND REPLACING CHAPTERS 5.08 (FIRE CODE), 7.28 (BUILDING REGULATION ADMINISTRATION CODE), 7.32 (BUILDING CODE), 7.34 (RESIDENTIAL CODE), 7.36 (ELECTRICAL CODE), 7.40 (PLUMBING CODE), 7.44 (MECHANICAL CODE), 7.48 (BUILDING MAINTENANCE CODE) AND 7.94 (GREEN BUILDING CODE) OF THE DUBLIN MUNICIPAL CODE, AND REPEALING CHAPTER 7.24 (FLOOD CONTROL0 AND ADOPTING CHAPTER 7.24 (FLOODPLAIN MANAGEMENT REGULATIONS AND ADDING CHAPTER 7.46 (EXISTING BUILDING CODE) OF THE DUBLIN MUNICIPAL CODE; IN ORDER TO ADOPT BY REFERENCE AND AMEND PROVISIONS OF THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS, AND ADDING CHAPTER 7.45 (SWIMMING POOL AND SPA CODE) OF THE DUBLIN MUNICIPAL CODE IN ORDER TO ADOPT BY REFERENCE, THE 2021 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, WITH LOCAL AMENDMENTS

WHEREAS, Health and Safety Code Section 18938 makes provisions published in the California Building Standards Code pursuant to Health and Safety Code Section 17922 applicable to all occupancies throughout the State and effective one hundred and eighty days after publication by the California Building Standards Commission (the "Commission"), or at a later date established by the Commission; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 establish the authority for a city to adopt and make local amendments and modifications to the building standards in the California Building Standards Code to establish more restrictive building standards than those contained in the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 permit a city to make such local amendments and modifications as the city determines are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 require a city, before making any amendments and modifications to the California Building Standards Code, make an express finding that such amendments and modifications are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, under Health and Safety Code Section 17958.7, changes pursuant to Health and Safety Code Section 17958.5 may not become effective until the required findings, and the changes, have been filed with the California Building Standards Commission; and

WHEREAS, Government Code Section 50022.2 permits enactment of City Ordinances that adopt codes or statutes, including codes of the State of California, by reference; and

WHEREAS, notice of this Ordinance was published in accordance with Government Code Sections 50022.3 and 6066; and that such notice was sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof; and

The Dublin City Council does hereby ordain as follows:

Section 1. Chapters 5.08 (Fire Code), 7.24 (Flood Control) 7.28 (Building Regulations Administration), 7.32 (Building Code), Chapter 7.34 (Residential Code), 7.36 (Electrical Code), 7.40 (Plumbing Code), 7.44 (Mechanical Code), 7.48 (Building Maintenance Code), and 7.94 (Green Building Code) of the Dublin Municipal Code are hereby repealed.

Section 2. Chapter 5.08 (Fire Code), which adopts by reference and amends the 2022 California Fire Code, is added to the Dublin Municipal Code as set forth in **Exhibit A** to this Ordinance.

Section 3. Chapter 7.24 (Floodplain Management Regulations), is added to the Dublin Municipal Code as set forth in **Exhibit B** to this Ordinance.

Section 4. Chapter 7.28 (Building Regulation Administration), is added to the Dublin Municipal Code is as set forth in **Exhibit C** to this Ordinance.

Section 5. Chapter 7.32 (Building Code), which adopts by reference and amends the 2022 California Building Code is added to the Dublin Municipal Code as set forth in **Exhibit D** to this Ordinance.

Section 6. Chapter 7.34 (Residential Code), which adopts by reference and amends the 2022 California Residential Code, is added to the Dublin Municipal Code as set forth in **Exhibit E** to this Ordinance.

Section 7. Chapter 7.36 (Electrical Code), which adopts by reference and amends the 2022 California Electrical Code, is added to the Dublin Municipal Code as set forth in **Exhibit F** to this Ordinance.

Section 8. Chapter 7.40 (Plumbing Code), which adopts by reference and amends the 2022 California Plumbing Code, is added to the Dublin Municipal Code as set forth in **Exhibit G** to this Ordinance.

Section 9. Chapter 7.44 (Mechanical Code), which adopts by reference and amends the 2022 California Mechanical Code, is added to the Dublin Municipal Code as set forth in **Exhibit H** to this Ordinance.

Section 10. Chapter 7.45 (Swimming Pool and Spa Code), which adopts by reference and amends the 2021 International Swimming Pool and Spa Code, is added to the Dublin Municipal Code as set forth in **Exhibit I** to this Ordinance.

Section 11. Chapter 7.46 (Existing Building Code), which adopts by reference and amends the 2022 California Existing Building Code, is added to the Dublin Municipal Code as set forth in **Exhibit J** to this Ordinance.

Section 12. Chapter 7.48 (Building Maintenance Code), which adopts by reference and amends the 2021 International Property Maintenance Code, is added to the Dublin Municipal Code as set forth in **Exhibit K** to this Ordinance.

Section 13. Chapter 7.94, (Green Building Code), of the Dublin Municipal Code, which adopts by reference and amends the 2022 California Green Building Standards Code, to the Dublin Municipal Code as set forth in **Exhibit L** to this Ordinance.

Section 14. Effect of Code on Past Actions and Obligations. The adoption of the Dublin Building, 2022, does not affect any civil lawsuit instituted or filed or prosecutions for ordinance violations committed on or prior to the effective date of said Code, does not waive any fee or penalty due and unpaid prior to the effective date of said Code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

Section 15. References to Prior Code. Unless superseded and expressly repealed, references in City forms, documents and regulations to the chapters and sections of the former Dublin Building Code, 2019, shall be construed to apply to the corresponding provisions contained within the Dublin Building Code, 2022.

Section 16. No penalty clauses are adopted by reference pursuant to this Ordinance. At least one true copy of codes adopted by reference pursuant to this Ordinance have been on file with the City Clerk since fifteen days prior to enactment of this Ordinance. While Chapters 5.08, 7.32, 7.34, 7.36, 7.40, 7.44, 7.45, 7.46, 7.48, and 7.94 of the Dublin Municipal Code remain in force, a reasonable supply of the incorporated codes shall be available in the office of the City Clerk for public purchase.

Section 17. Severability. The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

Section 18. This Ordinance shall take effect on January 1, 2023. The City Clerk of the City of Dublin shall cause this Ordinance to be posted in at least three (3) public places in the City of Dublin in accordance with Government Code Section 36933.

Section 19. The City Council hereby finds that the adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to California Code of Regulations Title 14, sections 15002 and 15378 as this Ordinance is not a "project" within the meaning of the State CEQA Guidelines. Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new large structures or other physical changes resulting in impacts to the environment.

{Signatures on the following page}

PASSED AND ADOPTED BY the City Council of the City of Dublin on this 15th day of November 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Chapter 5.08

FIRE CODE

Sections:

5.08.010 **Title.**
5.08.020 **Purpose.**
5.08.030 **Adoption of Fire Code.**
5.08.040 **Authority.**
5.08.050 **Section 102.13 Applicability-Added.**
5.08.060 **Section 103.2 Appointment – Amended.**
5.08.070 **General Authority and Responsibilities.**
5.08.080 **Section 104.10, Requests for Alternative Means of Protection-Amended.**
5.08.090 **Section 111.1 Board of Appeals-Amended.**
5.08.100 **Section 113.1.1 Stop Work Order-Amended.**
5.08.110 **Chapter 2 Definitions-Amended.**
5.08.120 **Section 503.2.9 Specifications-Added.**
5.08.130 **Sections 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 – Deleted; 903.2.1.1#1, 903.2.1.2#1, 903.2.1.3#1. 903.2.1.4#1, 903.2.3#1, 903.2.4, 903.2.4#1, 903.2.7#1, 903.2.9, 903.2.9#1, 903.2.9#2, and 903.2.11.3 Amended; and 903.2.13 and 903.2.30 -Added.**
5.08.140 **Section 903.6-Amended; Sections 903.6.2 and 903.6.3-Added.**
5.08.150 **Section 907.1-Amended; Sections 907.11, 907.11.1, 907.11.2 and 907.11.3-Added.**
5.08.160 **Section 5003.2.4.2 Hazardous Materials General Provisions-Amended.**
5.08.170 **Section 5601.1.3 Fireworks-Amended.**
5.08.180 **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited-Amended.**
5.08.190 **Section 5706.2.4.4 Locations where above-ground tanks are prohibited-Amended.**
5.08.200 **Section 5806.2 Limitations-Amended.**
5.08.210 **Section 6104.2 Maximum capacity within established limits-Amended.**
5.08.220 **New Materials, Processes or Occupancies which may require permits.**
5.08.230 **Section 112.4.1 Violation penalties-Amended**

5.08.010 Title.

The Fire Codes adopted by Section 5.08.030 and the provisions of this Chapter shall constitute the Dublin Fire Code and may be referred to as such.

5.08.020 Purpose

The promotion and preservation of the public health, safety, and general welfare of the people of the City and the property situated therein have made necessary the adoption of the International Fire Code referred to in Section 5.08.030 in order to adequately safeguard life, health, property, and general welfare. The purpose of this Code is not to create or otherwise establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the terms of this Code.

5.08.030 Adoption of Fire Codes.

The 2022 California Fire Code, Part 9, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in California Health and Safety Code Section 18901 (hereinafter referred to as the "state code"), including Section 103.2, 104.9, 105.2.3, 105.3.1, 105.3.2, 113, 307, 308.2, 308.3, 503, Appendices D, and any rules and regulations promulgated pursuant to the state code, and the International Fire Code, 2021 Edition, as published by the International Code Council (hereinafter referred to as the "IFC"), are hereby adopted and incorporated by reference herein for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion. Notwithstanding the foregoing, the provisions of the state code and the IFC are amended as set forth in Sections 5.08.050 through 5.08.230, inclusive. Copies of the state code, IFC have been and are now filed in the Office of the City Clerk, 100 Civic Plaza, Dublin, California, for use and examination by the public. From the date on which the Ordinance that codified this chapter shall take effect, the provisions of the state code and IFC shall be controlling within the limits of the City of Dublin.

5.08.040 Authority.

The Fire Department referred to herein and in codes adopted pursuant to Section 5.08.030 shall be the entity which provides fire suppression and prevention services to the City by contract, and the Fire Chief or Fire Code Official referred to herein and in codes adopted pursuant to Section 5.08.030 shall be the Fire Chief of the Fire Department, or his or her designee, acting under the direction of the City Manager.

5.08.050 Section 102.13 Applicability-Added.

Section 102.13 is added to read as follows:

> 102.13 **Applicability.** Where not otherwise limited by law, the provisions of this Code shall apply to vehicles, cargo containers, ships, boats, and mobile vehicles when fixed in a specific location within the boundaries of this jurisdiction.

5.08.060 Section 103.2 Appointment – Amended.

Section 103.2 is amended to read as follows:

103.2 **Appointment.** The fire code official shall be appointed by the fire chief for the City of Dublin.

5.08.070 General Authority and Responsibilities.

Sections 104.2.1, 104.2.2, 104.2.3, and 104.2.4 are added to read as follows:

104.2.1 **Fee for Plan Review, Inspection and Permits.** The City Council may, by resolution, establish a schedule of nondiscriminatory fees to be charged and collected for plans submitted under Section 104.2, solely to defray the City's reasonable costs for plan review of fire protection equipment and systems, requested or required inspection services and issuance of permits. .

104.2.2 **Permit Processing Fee.** Each application for a permit shall be accompanied by a fee equal to forty percent (40%) of the total permit fee rounded off to the nearest dollar. The permit processing fee shall be credited toward the total permit fee required. After permit processing has commenced, no portion of the permit processing fee shall be refundable.

104.2.3 **Refunds.**

A. Sixty percent (60%) of any permit fee may be refunded to the applicant prior to the expiration of the permit provided that the work authorized under the permit has not commenced. Thirty percent (30%) of the permit fee may be refunded to the applicant after a permit has expired provided that the work has not commenced, but in no case shall any refund be allowed after one (1) year from the date of expiration of the permit. Requests for refund shall be in writing. Any expenses incurred by the City other than the permit processing fee may be deducted from the refund.

B. If there was an error in calculating the amount of the permit fee and such error resulted in overpayment of the permit fee, the amount of overpayment may be refunded.

104.2.4 **Fees-Partially completed work.**

A. Where permits expire and the work has not been completed and a new permit is subsequently issued for the completion of the work, the fee for the new permit shall be a percentage of the amount of the fee in effect at the time of issuance of the new permit.

Completed Inspections	Percent of Permit Fee
1. If no inspections have been made.	30
2. If rough inspection has been made.	15

B. The fee determined by the foregoing shall be rounded to the nearest dollar.

5.08.080 Section 104.10, Requests for Alternative Means of Protection-Amended.

Section 104.10. is amended to read as follows:

104.10 **Requests for Alternative Means of Protection.** Requests for approval to use an alternative material, assembly or materials, equipment, method of construction, method of installation of equipment, or means of protection shall be made in writing to the Fire Code Official by the owner or owner's authorized representative and shall be accompanied by a full statement of the conditions. Sufficient evidence of proof shall be submitted to substantiate any claim that may be made regarding its conformance. The Fire Code Official may require tests and the submission of a test report from an approved testing organization to substantiate the equivalency of the proposed alternative means of protection.

Approval of a request for the use of an alternative material, assembly or materials, equipment, method of construction, method of installation of equipment, or means of protection shall be limited to the particular case covered by the request and shall not be construed as establishing any precedent for any future request.

5.08.090 Section 111.1 Board of Appeals-Amended.

Section 111.1 is amended to read as follows:

109.1 **Board of Appeals-Established.**

A. Any person aggrieved with the decision of the Fire Chief in connection with the application or interpretation of this Code or an approval of alternative materials or methods of construction may appeal to the City Council. Such appeal shall be in writing and filed with the City Clerk within ten (10) days.

B. The City Council may, after hearing, interpret any provision of this Code.

C. The City Council may after hearing, vary the application of this Code in any specific cases when, in its opinion, the enforcement thereof would be contrary to the spirit and purpose of this Code or public interest. The City

Council in granting a variance may impose requirements or conditions to mitigate any adverse effects that may result from granting the grievance.

D. In making such interpretation or granting any variance, the City Council shall make the following findings:

1. That the interpretation or variance is consistent with the purpose of this Code;
2. That the interpretation or variance will not lessen the protection to the people of the City and the property situated therein.

E. The City Council may approve alternate materials or methods of construction by overruling the decisions of the Fire Chief. In approval of any alternate materials or methods of construction, the City Council shall make findings that the material, method or work proposed is for the purpose intended, at least equivalent of that prescribed by this Code in quality, strength effectiveness, fire resistance, durability, dimensional stability and safety.

F. The City Council may appoint a Board of Appeals to hear a specific appeal. The Board of Appeals shall consist of five (5) members qualified by training and experience to pass on matters pertaining to the subject matter of the appeal. The Board of Appeals shall have the same authority and duties as the City Council in interpreting this Code, granting variances, or approving alternate materials or methods of construction. The Fire Chief shall be an ex officio member of the Board of Appeals and shall act as secretary to the Board. The Board of Appeals shall adopt reasonable rules and regulations for conducting its hearings and investigations.

G. The decision of the City Council or Board of Appeals shall be final.

5.08.100 Section 113 Stop Work Order-Amended.

Section 113.1.1 is added to read as follows:

113.1.1 **Stop Work Order.** Whenever any installation of fire protection devices covered by this Code is concealed without first having been inspected, the Fire Chief may require, by written notice, that such work shall be exposed for inspection. Whenever any construction or installation work is being performed in violation of the plans and specifications as approved, a written notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall state the nature of the violation, and no work shall be done on that portion of the project until the violation has been corrected.

Where work for which a permit is required by this Chapter is started or proceeds prior to obtaining such permit, a penalty fee, in addition to the permit fee, shall be assessed as follows:

Violation within two-year period	Penalty Fee
First	Equal to the permit fee
Second	Double the permit fee
Third and subsequent	Ten times the permit fee

The payment of such penalty fee shall not relieve any person from fully complying with all of the provisions of this Chapter.

5.08.110 Chapter 2 Definitions-Amended.

Chapter 2 is amended by adding the following definitions to Section 202:

Section 202 General Definitions.

City Council shall mean the governing body of the City of Dublin.

City Manager shall mean the City Manager of the City of Dublin or his or her designee.

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

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

5.08.120 Section 503.2.9 Specifications-Added.

Section 503.2.9 is added to read as follows:

503.2.9 Fire and Emergency Access Roads approved for construction sites shall be designed to meet the requirements of Section 503.2. The access shall be approved by the Fire Department prior to commencement of combustible storage or vertical combustible construction on the site.

5.08.130 Sections 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 – Deleted; 903.2.1.1#1, 903.2.1.2#1, 903.2.1.3#1. 903.2.1.4#1, 903.2.3#1, 903.2.4, 903.2.4#1, 903.2.7#1, 903.2.9, 903.2.9#1, 903.2.9#2, and 903.2.11.3 Amended; and 903.2.13 and 903.2.30 -Added.

Sections 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 are deleted; Sections 903.2.1.1#1, 903.2.1.2#1, 903.2.1.3#1. 903.2.1.4#1, 903.2.3#1, 903.2.4, 903.2.4#1, 903.2.7#1, 903.2.9, 903.2.9#1, 903.2.9#2, and 903.2.11., are amended to read as follows; and Sections 903.2.13 and 903.2.30 are added to read as follows:

903.2.1.1 **Group A-1 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.1.2 **Group A-2 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.30.3 **Group A-3 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.30.3 **Group A-4 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.30 **Group E Occupancies.**

1. Throughout all Group E fire areas greater than 3,000 square feet (279 m²).

903.2.4 **Group F Occupancies.**

An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

903. A Group F fire area exceeds 2,500 square feet (232 m²).

903.2.7 **Group M Occupancies.**

1. A Group M fire area exceeds 2,500 square feet (232 m²).

903.2.9 **Group S Occupancies.**

An automatic sprinkler system shall be installed in all Group S occupancies as follows:

1. The fire area exceeds 2,500 square feet (232 m²);
2. Buildings with repair garages servicing vehicles parked in basements.

903.2.11.3 **Buildings Three Or More Stories in Height.**

An automatic sprinkler system shall be installed in all occupancies, regardless of type of construction, if the building is three or more stories or more than 35 feet in height measured from the pad grade level to the highest point of the building. An automatic sprinkler system shall be installed in all

other occupancies as may be required by the 2022 California Building and Residential Code.

903.2.13 **Group B Occupancies.**

An automatic fire-extinguishing system shall be installed in Group B occupancies where the floor area exceeds 3,000 square feet (279 m²).

903.2.30 **All Occupancies.**

An automatic fire-extinguishing system shall be installed in all occupancies located more than one and one half (1½) miles from a fire station providing fire protection to that location. Said distance shall be measured in a straight line.

Buildings containing portions which are required to have an automatic fire extinguishing system because of the number of stories shall have the automatic fire extinguishing system installed throughout and fire walls as set forth in Section 706 shall not be considered as creating separate buildings for the purpose of this section.

Whenever an addition is made to an existing building, automatic fire-extinguishing systems shall be installed if the existing building plus the addition exceeds the area or height limitations set forth in this section. Whenever the use of an existing building or portion thereof is changed in any manner so as to require the installation of an automatic fire-extinguishing system, said system shall be installed in that portion of the building housing the new use.

(Sections 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 are deleted)

5.08.140 Section 903.6-Amended; Sections 903.6.2 and 903.6.3-Added.

Section 903.6 is amended, and Section 903.6.2 and 903.6.3 are added to read as follows:

903.6 **Existing Buildings.** All changes of occupancy classification in existing buildings shall comply with the requirements contained in Section 903.2 of this Code and Table 506.2 of the California Building Code.

903.6.2 When an addition to an existing building causes the total square footage of the building to exceed the maximum floor area specified in Table 506.2 of the California Building Code, fire sprinklers shall be installed throughout the entire building. Addition or alteration that removes 50% or more of the existing exterior walls of a building shall be considered a new building for the purposes of Section 903.

903.6.3 Existing buildings which do not conform to Current Building Code or Fire Code requirements may be required to install an automatic fire extinguishing system when an interior alteration or remodeling occurs, regardless of whether the floor area is increased or use changed. It shall be the responsibility of the Fire Code Official and the Building Official to evaluate the work being performed, non-complying features, and determine if an automatic fire extinguishing system will be required.

5.08.150 Section 907.1-Amended; Sections 907.11, 907.11.1, 907.11.2 and 907.11.3-Added.

Section 907.1 is amended and Sections 907.11, 907.11.1, 907.11.2 and 907.11.3 are added to read as follows:

907.1 **General.** This section covers the application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures. The requirements of Section 907.2 are applicable to new buildings and structures. The requirements of Section 907.9 are applicable to existing buildings and structures. In the event of a conflict between this section and the provisions of Chapter 5.20 of the Dublin Municipal Code, the provisions of this section shall control.

907.11 **False Alarms**.

907.11.1 **Excessive False Alarms.** Malfunctions, or mechanical trip of any sprinkler alarm or other fire protection or detection system resulting in an alarm and emergency dispatch of the Fire Department shall be subject to a false alarm charge as established by this Code.

Exception: During a thirty (30) day period following the installation of any new fire alarm system, the Fire Chief shall determine if the false alarms emanating from said new installation are excessive.

907.11.2 **Charges.** After the initial thirty (30) day period following the installation of a new system, two (2) false alarms within a consecutive ninety (90) day period shall be deemed excessive and will be charged as false alarms.

907.11.3 **False Alarm charges are as follows:**

1st false alarm -	Warning Letter
2nd false alarm in any 90 day period-	$100.00
3rd and subsequent false alarms in any 90 day period-	$200.00

5.08.160 Section 5003.2.4.2 Hazardous Materials General Provisions-Amended.

Section 5003.2.4.2 is amended to read as follows:

5003.2.4.2 Above-ground tanks. Above-ground stationary tanks used for the storage of hazardous materials shall be located and protected in accordance with the requirements for outdoor storage of the particular material involved. Notwithstanding the foregoing, above-ground stationary tanks used for the storage of flammable or combustible liquids is prohibited in any area zoned for other than commercial, industrial, or agricultural use.

Exception: Above-ground tanks that are installed in vaults complying with Section 5303.16 or 5704.2.8 shall not be required to comply with location and protection requirements for outdoor storage.

5703.2.4.2.1 Marking. Above-ground stationary tanks shall be marked as required by Section 5003.5.

5.08.170 Section 5601.1.3 Fireworks-Amended.

Section 5601.1.3 is amended to add a fifth exception as follows:

5. The sale, use and discharge of fireworks are allowed in accordance with Chapter 5.24 of the Dublin Municipal Code.

5.08.180 Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited-Amended.

Section 5704.2.9.6.1 is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in any area zoned for other than commercial, industrial, or agricultural use.

5.08.190 Section 5706.2.4.4 Locations where above-ground tanks are prohibited – Amended.

Section 5706.2.4.4 is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in any area zoned for other than commercial, industrial, or agricultural use.

5.08.200 Section 5806.2 Limitations-Amended.

Section 5806.2 is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law and in any area zoned for other than commercial, industrial, or agricultural use.

5.08.210 Section 6104.2 Maximum capacity within established limits-Amended.

Section 6140.2 is amended to read as follows:

6104.2 Maximum Capacity Within Established Limits. The limits referred to in Section 6104.2 of the 2022 California Fire Code in which storage of compressed natural gas is prohibited, are hereby established as follows: Any area zoned for other than commercial, industrial, or agricultural use.

5.08.220 New Materials, Processes or Occupancies which may Require Permits.

The City Manager, the Fire Chief and the Fire Code Official 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 enumerated in the 2022 California Fire Code. The Fire Code Official shall post such list in a conspicuous place at the Dublin Civic Center and distribute copies thereof to interested persons.

5.08.230 Section 112.4 Violation penalties-Amended

Section 112.4 Violation Penalties is amended to read as follows:

112.4 Violation penalties.

A. Any person who violates any provisions of the 2022 California Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specification or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the required time, shall severally for each such violation and noncompliance, respectively, be guilty of an infraction.

B. Any person convicted of an infraction under the provisions of this Ordinance shall be punished upon a first conviction by a fine of not more than one hundred dollars ($100), and for a second conviction within a period of one (1) year by a fine of not more than two hundred dollars ($200), and for a third or any subsequent conviction within a one (1) year period by a fine of not more than five hundred dollars ($500). Any violation beyond the third conviction within a one (1) year period may be charged by the District

Attorney as a misdemeanor and the penalty for conviction of the same shall be a fine or imprisonment, or both, not to exceed the limits set forth in the California Penal Code Section 19.

C. At the discretion of the Fire Chief, any such violation constituting an infraction under this Ordinance may, instead, be charged and prosecuted as a misdemeanor, punishable by a fine or imprisonment, or both, not to exceed the limits set forth in California Penal Code Section 19.

D. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions on this Ordinance shall be deemed a public nuisance and may be summarily abated by the City as such.

E. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provisions of this Ordinance is committed, continued or permitted by such person and shall be punishable accordingly.

F. The Fire Chief shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this Ordinance. Officers or employees so designated shall have the authority to cite or arrest persons who violate any of said provisions.

Chapter 7.24

FLOODPLAIN MANAGEMENT REGULATIONS

Sections:

Part I Scope and Administration

Article I. Scope and Administration
7.24.010 Title.
7.24.020 Statutory authority.
7.24.030 Scope.
7.24.040 Purposes and objectives.
7.24.050 Coordination with Building Codes.
7.24.060 Adoption of CCR Title 24 Part 2 Appendix G.
7.24.070 Warning.
7.24.080 Disclaimer of liability.
7.24.090 Other laws.
7.24.100 Abrogation and greater restrictions.

Article II. Applicability
7.24.110 General applicability.
7.24.120 Establishment of Flood Hazard Areas.
7.24.130 Interpretation.

Article III. Duties and Powers of the Floodplain Administrator
7.24.140 Designation.
7.24.150 General authority.
7.24.160 Coordination.
7.24.170 Duties.
7.24.180 Other permits required.
7.24.190 Substantial improvement and substantial damage determinations.
7.24.200 Department records.

Article IV. Site Plans and Documentation
7.24.210 Additional site plan information.
7.24.220 Additional engineering data.
7.24.230 Additional submittal requirements.
7.24.240 Information in flood hazard areas without base flood elevations (approximate Zone A).

Article V. Variances
7.24.250 Variances, in addition.
7.24.260 Agricultural structures.

Article VI. Violations
7.24.270 Violations, general.
7.24.280 Buildings and structures.
7.24.290 Authority.
7.24.300 Unlawful continuance.

Part II Definitions

Article VII. Definitions
7.24.310 General.
7.24.320 Definitions.

Part III Flood Resistant Development

Article VIII. Subdivisions
7.24.330 Subdivisions, in addition.

Article IX. Site Improvement
7.24.340 Site improvement, in addition.
7.24.350 Limitations on placement of fill.

Article X. Manufactured Homes
7.24.360 Installation, in addition.
7.24.370 Elevation requirement for certain existing manufactured home parks and subdivisions.

Article XI. Accessory Structures
7.24.380 Detached garages and accessory storage structures.

Article XII. Flood Control Projects
7.24.390 Flood control projects; general.
7.24.400Flood control projects; applications.

Part I Scope and Administration

Article I. Scope and Administration

7.24.010 Title.
These regulations, in combination with the flood provisions of California Code of Regulations Title 24, the *California Building Standards Code* (hereinafter "building codes," consisting of the Part 2 (7.32 Building) and Part 2 Appendix G (hereinafter "Appendix G"), Part 2.5 (7.34 Residential), and Part 10 (7.46 Existing Building), shall be known as the *Floodplain Management Regulations* of City of Dublin (hereinafter "these regulations").

7.24.020 Statutory authority.
Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

7.24.030 Scope.
These regulations, in combination with the flood provisions of the building codes shall apply to all proposed development in flood hazard areas established in Article II. of these regulations.

7.24.040 Purposes and objectives.
The purposes and objectives of these regulations and the flood load and flood resistant construction requirements of the building codes are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

(1) Prevent unnecessary disruption of commerce, access and public service during times of flooding.
(2) Manage the alteration of natural floodplains, stream channels and shorelines;
(3) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
(4) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
(5) Contribute to improved construction techniques in the floodplain.
(6) Minimize damage to public and private facilities and utilities.
(7) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
(8) Minimize the need for rescue and relief efforts associated with flooding.
(9) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
(10) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
(11) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

7.24.050 Coordination with Building Codes.
Pursuant to the requirement established in State statute that the City of Dublin administer and enforce the State building codes, the City Council of the City of Dublin does hereby acknowledge that the building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the building codes.

7.24.060 Adoption of CCR Title 24 Part 2 Appendix G.
CCR Title 24 Part 2 Appendix G *Flood-Resistant Construction* is hereby adopted and made a part of the *California Building Standards Code* and shall apply in flood hazard areas.

7.24.070 Warning.
The degree of flood protection required by these regulations and the building codes is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations and the building codes does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with these regulations.

7.24.080 Disclaimer of liability.
These regulations shall not create liability on the part of the City of Dublin, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made hereunder. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the community in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by a legal representative of the community until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

7.24.090 Other laws.
The provisions of these regulations shall not be deemed to nullify any provisions of local, State or federal law.

7.24.100 Abrogation and greater restrictions.
These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

Article II. Applicability

7.24.110 General applicability.
These regulations, in conjunction with the building codes, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the building codes; and other buildings and development activities.

7.24.120 Establishment of Flood Hazard Areas.
The Flood Insurance Study for Alameda County, California and Incorporated Areas dated August 18, 1983, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are hereby adopted by reference as a part of these regulations and serve as the basis for establishing flood hazard areas. Where the building code establishes flood hazard areas, such areas are established by this section. Additional maps and studies, when specifically adopted, supplement the FIS and FIRMs to establish additional flood hazard areas. Maps and studies that establish flood hazard areas are on file at the City Hall, 100 Civic Plaza, Dublin CA, 94568.

7.24.130 Interpretation.
In the interpretation and application of these regulations, all provisions shall be:
(1) Considered as minimum requirements.
(2) Liberally construed in favor of the governing body.
(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Article III. Duties and Powers of the Floodplain Administrator

7.24.140 Designation.

The Building Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees. Where Appendix G refers to the Building Official, each such reference shall refer to the Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of Appendix G.

7.24.150 General authority.

The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Appendix G.

7.24.160 Coordination.

The Floodplain Administrator shall coordinate with and provide comments to the Building Official to administer and enforce the flood provisions of the building code and to ensure compliance with the applicable provisions of these regulations. The Floodplain Administrator and the Building Official have the authority to establish written procedures for reviewing applications and conducting inspections for buildings and for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 7.24.190 of these regulations.

7.24.170 Duties.

The duties of the Floodplain Administrator shall include but are not limited to:

(1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Article II. of these regulations.

(2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.

(3) Interpret flood hazard area boundaries, provide available flood elevation and flood hazard information.

(4) Determine whether additional flood hazard data shall be obtained or developed.

(5) Review all applications and plans for development in flood hazard areas for compliance with these regulations.

(6) Complete the appropriate section of the Department of Housing and Community Development Floodplain Ordinance Compliance Certification for Manufactured Home/Mobilehome Installations when submitted by applicants.

(7) Review, in conjunction with the Building Official, required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.

(8) Establish, in coordination with the Building Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 7.24.190 of these regulations.
(9) Coordinate with the Building Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
(10) Review requests submitted to the Building Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the building code, to determine whether such requests require consideration as a variance pursuant to Appendix G.
(11) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
(12) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NFIP State Coordinating Agency, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
(13) Inspect development within the scope of Appendix G and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
(14) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Appendix G.
(15) Cite violations.
(16) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Dublin have been modified.

7.24.180 Other permits required.

The applicant shall obtain all other required state and federal permits prior to initiating work authorized by these regulations and shall provide documentation of such permits to the Floodplain Administrator. Such permits include but are not limited to:

California State Water Resources Control Board for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

7.24.190 Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(1) Estimate the market value or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

(2) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage." The substantial improvement determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement."
(4) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

7.24.200 Department records.

In addition to the requirements of the building code and Appendix G, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the building codes, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and these regulations; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the building codes.

Article IV. Site Plans and Documentation

7.24.210 Additional site plan information.

In addition to the site plan requirements of the building code and Appendix G shall include, as applicable to the proposed development:

(1) Location of the proposed activity and proposed structures; locations of water supply, sanitary sewer, and other utilities; and locations of existing buildings and structures.
(2) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
(3) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(4) Existing and proposed alignment of any proposed alteration of a watercourse.
(5) Include a nonconversion agreement signed by the applicant if the building in a flood hazard area has enclosed areas below the lowest floor.

7.24.220 Additional engineering data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional data and analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a qualified registered professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. Provided FEMA issues a Conditional Letter of Map Revision, construction of proposed flood control projects and land preparation for development are permitted, including clearing, excavation, grading, and filling. Permits for construction of buildings shall not be issued until the applicant satisfies the FEMA requirements for issuance of a Letter of Map Revision.

7.24.230 Additional submittal requirements.

For projects proposing to enclose areas under elevated buildings, include a signed Nonconversion Agreement (Declaration of Land Restriction); which shall be recorded on the property prior to issuance of the Certificate of Occupancy.

7.24.240 Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevations data have not been provided, the Floodplain Administrator is authorized to:

(1) Require the applicant to include base flood elevation data prepared by a qualified professional engineer in accordance with currently accepted engineering practices. Such analyses shall be performed and sealed by a qualified professional engineer. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

(2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate, require the applicant to include base flood elevation data in accordance with Section 7.24.240(1).

(4) Where the base flood elevation data are to be used to support a request for a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a qualified professional engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Article V. Variances

7.24.250 Variances, in addition.

In addition to the variance provisions of Appendix G:

(1) The considerations and conditions for variances set forth in Appendix G are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be issued for a parcel of property with physical characteristics so unusual that complying with the requirements of these regulations would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. The issuance of a variance is for floodplain management purposes only. Federal flood insurance premium rates are determined by the National Flood Insurance Program according to actuarial risk and will not be modified by the granting of a variance.

(2) It is the duty of the City Council to promote public health, safety and welfare and minimize losses from flooding. This duty is so compelling and the implications of property damage and the cost of insuring a structure built below flood level are so serious that variances from the elevation or other requirements in the building codes should be quite rare. The long term goal of preventing and reducing flood loss and damage, and minimizing recovery costs, inconvenience, danger, and suffering, can only be met when variances are strictly limited. Therefore, the variance requirements in these regulations are detailed and contain multiple provisions that must be met before a variance can be properly issued. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

7.24.260 Agricultural structures.

A variance is authorized to be issued for the construction or substantial improvement of agricultural structures that are not elevated or dry floodproofed, provided the requirements of this section are satisfied and:

(1) A determination has been made that the proposed agricultural structure:

(a) Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.

(b) Has low damage potential.

(c) Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the

effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.

(d) Complies with the wet floodproofing construction requirements of paragraph (2), below.

(2) Wet floodproofing construction requirements.

(a) Anchored to resist flotation, collapse, and lateral movement.

(b) When enclosed by walls, walls have flood openings that comply with the flood opening requirements of ASCE 24, Chapter 2.

(c) Flood damage-resistant materials are used below the base flood elevation.

(d) Mechanical, electrical, and utility equipment are elevated above the base flood elevation.

Article VI. Violations

7.24.270 Violations, general.

In addition to the violation provisions of the building code and Appendix G, any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation.

7.24.280 Buildings and structures.

A building or structure without the documentation of the elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these regulations or the building code, is presumed to be a violation until such time as required documentation is submitted. Violation of the requirements shall constitute a misdemeanor.

7.24.290 Authority.

The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the building codes, but is regulated by these regulations and that is determined to be a violation.

7.24.300 Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by Municipal Code Chapters 1.04 and /or 1.06.

Part II Definitions

Article VII. Definitions

7.24.310 General.

The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Building Code and Appendix G

and terms are defined where used in the Residential Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

7.24.320 Definitions

ACCESSORY STRUCTURE. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

AGRICULTURAL STRUCTURE. A walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

ALTERATION OF A WATERCOURSE. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

ENCROACHMENT. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

EXCEPTIONAL HARDSHIP. For the purpose of variances from these regulations or the building code, the exceptional difficulty that would result from a failure to grant a requested variance. Mere economic or financial hardship is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors do not, as a rule, qualify as exceptional hardships. All of these circumstances can be resolved through other means without granting variances, even when the alternatives are more expensive or require the property owner to build elsewhere or put the parcel to a different use than originally intended.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before April 15, 1981.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD CONTROL PROJECT. A dam or barrier design and constructed to keep water away from or out of a specified area, including but not limited to levees, floodwalls, and channelization.

FRAUD OR VICTIMIZATION. For the purpose of variances from these regulations or the building code, the intentional use of deceit to deprive another of rights or property, making a victim of the deprived person or the public. As it pertains to buildings granted variances to be constructed below the elevation required by the building code, future owners or tenants of such buildings and the community as a whole may bear the burden of increased risk of damage from floods, increased cost of flood insurance, and increased recovery costs, inconvenience, danger, and suffering.

LETTER OF MAP CHANGE (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(1) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

LIGHT-DUTY TRUCK. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of

such a vehicle, or
(2) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
(3) Available with special features enabling off-street or off-highway operation and use.

MARKET VALUE. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods: (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after April 15, 1981.

NONCONVERSION AGREEMENT (Declaration of Land Restriction). A form provided by the Floodplain Administrator to be signed by the property owner(s) and recorded with the Alameda County Clerk-Recorder's Office, restricting the owner(s) ability to convert or modify enclosures below elevated buildings in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings.

NUISANCE. That which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SAND DUNES. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SUBSTANTIAL IMPROVEMENT means any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, taking place during a ten (10)–year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to January 1, 2023. When the structure has sustained

substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
(2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

Part III Flood Resistant Development

Article VIII. Subdivisions

7.24.330 Subdivisions, in addition.

In addition to the subdivision provisions in Appendix G, the following requirements apply:

(1) In Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.
(2) When fill will be placed to support buildings, the fill shall be placed in accordance with the building code and approval of the subdivision shall require submission of as-built elevations for each filled pad certified by a licensed land surveyor or registered civil engineer.

Article IX. Site Improvement

7.24.340 Site improvement, in addition.

In addition to the site improvement provisions in Appendix G, the requirements of this section shall apply.

7.24.350 Limitations on placement of fill.

Where the placement of fill is permitted by the building code, Appendix G, or these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures, fill shall comply with the requirements of the building code. The placement of fill intended to change base flood elevations, change floodway

boundaries, or change boundaries of flood hazard areas shown on FIRMs shall be subject to the requirements of Section 7.24.220 of these regulations.

Article X. Manufactured Homes

7.24.360 Installation, in addition.

In addition to the provisions for manufactured homes in Appendix G:

(1) All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to the Business and Professions Code and shall comply with the requirements of the Department of Housing and Community Development (HCD) and the requirements of these regulations.

(2) In addition to permits pursuant to Appendix G, permits from the HCD are required where the HCD is the enforcement agency for installation of manufactured homes.

(3) Upon completion of installation and prior to the final inspection by the Floodplain Administrator, the installer shall submit certification of the elevation of the manufactured home, prepared by a licensed land surveyor or registered civil engineer, to the Floodplain Administrator.

7.24.370 Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as a result of flooding has occurred, shall be elevated such that either the:

(1) Lowest floor, or bottom of the lowest horizontal structural member, as applicable to the flood hazard area, is at or above the base flood elevation.

(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Article XI. Accessory Structures

7.24.380 Detached garages and accessory storage structures.

The provision in Appendix G for garages and accessory structures shall be replaced with this section. Detached garages and accessory storage structures used only for parking or storage are permitted below the base flood elevation provided the garages and accessory storage structures:

(1) Are one story and not larger than 600 square feet in area when located in special flood hazard areas other than coastal high hazard areas.

(2) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

(3) Have flood openings in accordance with the building code.

(4) Have flood damage-resistant materials used below the base flood elevation.

(5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation.

Article XII. Flood Control Projects

7.24.390 Flood control projects; general.

In addition to applicable Federal, State and other local permits, a permit for floodplain development is required for construction of flood control projects. The purpose for the permit is to examine the impact on flood hazard areas, floodways, and base flood elevations shown on the FIRM. Unless otherwise authorized by separate regulations, issuance of this permit does not address the sufficiency of the structural elements of the proposed flood control project. Permits for floodplain development and building permits in areas affected by proposed flood control projects shall not be issued based on Conditional Letters of Map Revision issued by FEMA.

7.24.400 Flood control projects; applications.

Applications for permits for flood control projects shall include documentation including but not limited to:

(1) Site plan or document showing the existing topography and the boundaries of the flood hazard areas, floodway boundaries, and base flood elevations shown on the FIRM.

(2) Site plan or document showing the proposed topography and the proposed changes to the boundaries of the flood hazard areas, floodway boundaries, and base flood elevations.

(3) The documentation submitted to FEMA for a Conditional Letter of Map Revision (CLOMR) and, if issued, the Conditional Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant. A CLOMR is required when a proposed flood control project alters a floodway and increases base flood elevations more than greater than 0.00 feet, or alters a watercourse a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated and increases base flood elevations more than 1.0 foot.

Chapter 7.28

BUILDING REGULATION ADMINISTRATION

Article I. Definitions

7.28.010 Building Official.
7.28.020 Dangerous building or structure.
7.28.030 Dangerous electrical, plumbing or mechanical installation.
7.28.040 Electrical installation.
7.28.050 Health officer.
7.28.060 Illegal building, structure or installation.
7.28.070 Mechanical installation.
7.28.080 Plumbing installation.
7.28.090 Substandard building.
7.28.100 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas (all buildings except 1 and 2 family dwellings and townhouses less than three stories).
7.28.110 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas (1 and 2 family dwellings and townhouses less than three stories).
7.28.120 This Chapter.

Article II. Authority of Building Official

7.28.130 Enforcement officer designated.
7.28.140 Right of entry.
7.28.150 Alternate materials and methods of construction.
7.28.160 Modifications.
7.28.170 Compliance—Tests.
7.28.180 Stop work orders.
7.28.190 Discontinuance of utilities—Authority.
7.28.200 Liability.

Article III. Enforcement

7.28.210 Occupancy or use violations.
7.28.220 Dangerous buildings, structures or installations.
7.28.230 Illegal buildings, structures or installations.
7.28.240 Existing buildings, structures or installations.
7.28.250 Maintenance requirements.
7.28.260 Code conflicts.
7.28.270 Violation.
7.28.280 Appeals.

7.28.290 Revocation or modification of variance.

Article IV. Permit Requirements

7.28.300 Permit—Required.
7.28.310 Exceptions.
7.28.320 Permit—Application.
7.28.330 Permit—Application—Submittal Documents.
7.28.340 Plans and specifications—Requirements.
7.28.350 Permit—Application—Plats required.
7.28.360 Permit—Issuance—Generally.
7.28.370 Permit—Issuance—Restrictions.
7.28.380 Permittee responsibility.
7.28.390 Live loads posted.
7.28.400 Granting of permit not approval for violation.
7.28.410 Permit—Expiration.
7.28.420 Application Expiration.
7.28.430 Permit and Application—Extensions.
7.28.440 Building Official—Authority to deny permit.
7.28.450 Permit—Suspension or revocation.
7.28.460 Fees—Generally.
7.28.470 Permit processing fee.
7.28.480 Refunds.
7.28.490 Fees—Partially completed work.
7.28.500 Additional fees for changes.
7.28.510 Reinspections.
7.28.520 Code compliance survey.
7.28.530 Inspection fee—Moved building.
7.28.540 Plan and specification storage fee.
7.28.550 Fees for additional plan checking.
7.28.560 Fees—Other inspection services.

Article V. Inspections

7.28.570 Generally.
7.28.580 Approvals required.
7.28.590 Inspection required before use commences.
7.28.600 Notification for inspections required.
7.28.610 Other inspections.
7.28.620 Special inspections.
7.28.630 Inspections—Moved buildings, structures, installations or systems.

Article VI. Occupancy

7.28.640 Generally.
7.28.650 Approval to connect utilities.
7.28.660 Temporary or partial occupancy.
7.28.670 Authority to withhold approval to occupy.
7.28.680 Change of Occupancy

Article I. Definitions

7.28.010 Building Official.

There is established in the City the office of the Building Official, who is responsible for the administration and enforcement of this Chapter as hereinafter provided.

7.28.020 Dangerous building or structure.

"Dangerous building or structure" means any building or structure which has any or all of the following conditions or defects to an extent that endangers the life, health, property, or safety of the public or its occupants:

A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;

B. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location;

C. Whenever any portion of a building or structure has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent the structural strength or stability of such building or structure is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;

D. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;

E. Whenever any portion of a building or structure, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not anchored, or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings;

F. Whenever any portion of a building or structure has cracked, warped, buckled, or settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to winds or earthquakes than is required in the building code for similar new buildings or structures;

G. Whenever the building or structure, or any portion thereof, is likely to partially or completely collapse because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting building; (4) the deterioration, decay or inadequacy of its foundation; or (5) any other cause;

H. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;

I. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;

J. Whenever the building or structure, exclusive of the foundations, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls coverings;

K. Whenever the building or structure has been so damaged by fire, wind, earthquake, wind, or flood, or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children; (2) a harbor for vagrants, criminal or immoral persons; or as to (3) enable persons to resort thereto for the purpose of committing unlawful or immoral acts;

L. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this Chapter or any law, ordinance, rule, or regulation in relation to the condition, location or structure of buildings;

M. Whenever any building or structure has less than fifty percent (50%) in any nonsupporting part, member or portion, or less than sixty-six percent (66%) in any supporting part, member or portion of the (1) strength; (2) fire resisting qualities or characteristics; or (3) weather resistance qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location regardless of whether such building or structure was erected in accordance with all applicable laws and ordinances. For buildings erected prior to the effective date of Alameda County Ordinance 74-66, the seismic forces specified in Alameda County Ordinance 950 N.S. shall be used for determining the percent of strength rather than the seismic forces required by law for a newly constructed building of like area, height, and occupancy in the same location;

N. Whenever a building or structure, used or intended to be used for dwelling purposes, is determined by the Building Official to be unsanitary, unfit for human habitation or in a condition that it is likely to cause sickness or disease due to inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, or inadequate light, air or sanitation facilities or other cause;

O. Whenever any building or structure is determined by the Building Official to be a fire hazard due to obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus or other cause;

P. Whenever any building or structure constitutes a public nuisance under this code or state law or in equity;

Q. Whenever any portion of a building or structure remains on a site after the demolition or destruction of such building or structure; or

R. Whenever any building or structure is abandoned and is determined by the Building Official to be an attractive nuisance or hazard to the public.

7.28.030 Dangerous electrical, plumbing or mechanical installation.

"Dangerous electrical, plumbing or mechanical installation" means any electrical, plumbing or mechanical installation which has any or all of the following conditions or defects and such conditions or defects endanger the life, health, property or safety of the public or any persons using such installation:

A. Whenever any protective or safety service specified in this Chapter is not provided, is inoperative, or fails to function as originally intended;

B. Whenever any installation or any portion thereof is (1) dilapidated, deteriorated, or decayed; (2) faulty; (3) obsolete; or (4) inadequately maintained;

C. Whenever any installation or any portion thereof is damaged by fire, wind, earthquake, flood or any other cause;

D. Whenever any installation or any portion thereof was constructed, installed, altered or maintained in violation of this Chapter; and/or

E. Whenever any installation is in such condition as to constitute a public nuisance under this code or state law or in equity.

7.28.040 Electrical installation.

“Electrical installation” means any electrical wiring, appliance, device, equipment, and apparatus used for or in connection with the transmission or use of electrical energy for light, power, radio, signaling communication or for any other purpose.

7.28.050 Health Officer.

“Health Officer” means the Alameda County Health Officer or his or her authorized representative.

7.28.060 Illegal building, structure or installation.

"Illegal building, structure or installation" means any building or structure or portion thereof, and any electrical, plumbing or mechanical installation or portion thereof, erected, installed, constructed, enlarged, altered, repaired, moved, converted, or improved without a permit in violation of this Chapter or any other applicable law, ordinance, rule or regulation.

7.28.070 Mechanical installation.

“Mechanical installation” means any appliance, device, equipment, system or apparatus used for or in connection with heating, ventilating, refrigeration or incineration.

7.28.080 Plumbing installation.

“Plumbing installation” means the use of water, all potable water supply and distribution pipes, all fixtures and traps, all drainage and vent pipes and all building drains, all private sewage disposal systems, including their respective joints and connections, devices, receptacles and appurtenances within property lines of the premises and shall include potable water piping, potable water treating or using equipment, fuel gas piping, water heaters and vents for same.

7.28.090 Substandard building.

"Substandard building" means all buildings or portions thereof which are determined to be substandard as defined in the Health and Safety Code, Division 13, Part 1.5, Chapter 2 Rules and Regulations, Section 17920.3.

7.28.100 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas (all buildings except 1 and 2 family dwellings and townhouses less than three stories).

For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine where the proposed work constitutes substantial improvement or repair of substantial damage. The substantial improvement determination requires evaluation of previous permits issued for improvements repairs as specified in the definition of “substantial improvement.” The substantial damage determination requires evaluation of previous permits issued for repair of flood damage as specified in the definition of “substantial damage.” Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 of the Building Code.

7.28.110 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas (1 and 2 family dwellings and townhouses less than three stories).

For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall make a determination with regard to the value of the proposed work. The substantial improvement determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement.” The substantial damage determination requires evaluation of previous permits issued for repair of flood damage as specified in the definition of “substantial damage.” For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or repair of substantial damage, and the building official shall require existing portions of the entire building or structure to meet the requirements of Section R322.

7.28.120 This Chapter.

Whenever the term “this Chapter” is used in this Chapter 7.28, it shall also mean and include Chapter 7.24 (Floodplain), Chapter 7.32 (Building Code); Chapter 7.34 (Residential Code), Chapter 7.36 (Electrical Code); Chapter 7.40 (Plumbing Code); Chapter 7.44 (Mechanical Code); Chapter 7.45 (Swimming Pool and Spa), Chapter 7.46 (Existing Building Code), Chapter 7.48 (Building Maintenance Code) and 7.94 (Green Building Code) of this Title.

Article II. Authority of Building Official

7.28.130 Enforcement Officer designated.

A. The Building Official is hereby authorized and directed to enforce the provisions of this Chapter. The Building Official shall have the authority to render interpretations of this Chapter and to adopt policies and procedures to clarify the application of the provisions of this Chapter. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Chapter

B. The Building Official shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this Chapter.

C. The Health Officer is hereby authorized and directed to enforce all of the provisions of this Chapter pertaining to:

1. Private water supply;
2. Private sewage disposal systems;
3. Infestation of insects, vermin or rodents;
4. Storage and removal of garbage; and
5. Sanitation of bedding.

For purposes of enforcement of the foregoing provisions of this Chapter the Health Officer shall have the same authority and duties that are assigned to the Building Official in Article II and Sections 7.28.280, and 7.28.290 of this Chapter.

D. The Building Official, the Health Officer, and any officer or employee designated by the Building Official pursuant to paragraph B of this Section shall have the power of a peace officer.

7.28.140 Right of entry.

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter or whenever the Building Official has reasonable cause to believe that a violation of this Chapter exists in any building or any premises, or there exists in any building or upon any premises any condition which makes the building or premises dangerous, unsanitary, or a menace to life, health or property, the Building Official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Chapter or any other applicable law, ordinance, rule, or regulations provided that if such building or premises be occupied, he shall first present credentials and demand entry. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

7.28.150 Alternative materials and methods of construction.

A. The provisions of this Chapter are not intended to prevent the use of any material or to prohibit any design or method of construction not specifically prescribed by this Chapter provided that any such alternative has been approved by the Building Official.

B. The Building Official may approve any alternative material, design or method of construction provided the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Chapter, and that the material,

method or work offered is, for the purpose intended, at least equivalent of that prescribed in this Chapter in quality, strength, effectiveness, fire resistance, durability, dimensional stability, and safety. The details of any action granting approval of an alternative material, design or method of construction shall be recorded and entered into the files of the City.

C. The Building Official may require that sufficient evidence or proof be submitted to substantiate any claims for alternate materials or methods of construction.

7.28.160 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this Chapter, the Building Official may grant modifications for individual cases upon application of the owner or the owner's representative, provided he shall first find that a special individual reason makes the strict letter of this Chapter impractical, the modification is in conformity with the intent and purpose of this Chapter and such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of any action granting modifications to the provisions of this Chapter shall be recorded and entered in the files of the City.

7.28.170 Compliance—Tests.

A. Whenever there is insufficient evidence of compliance with the provisions of this Chapter, or evidence that any material or any construction does not conform to the requirements of this Chapter, or in order to substantiate claims for alternate materials or methods of construction, the Building Official may require tests as proof of compliance to be performed by an approved agency at the expense of the owner or his agent .

B. Test methods shall be as specified by this Chapter for the material in question. If there are no appropriate test methods specified in this Chapter, the Building Official shall determine the test methods.

C. All tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for the retention of public records.

7.28.180 Stop work orders.

Whenever any work is being done contrary to the provisions of this Chapter or any other applicable law, ordinance, rule, regulation, or the approved plans, the Building Official may order the work stopped by serving written notice on the owner of the property involved, the owner's agent, or any persons engaged in, doing, or causing such work to be done. Upon issuance of a stop work order, the cited work shall immediately cease and shall not resume until authorized by the Building Official. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation and the conditions under which the cited work will be permitted to resume.

7.28.190 Discontinuance of utilities—Authority.

A. The Building Official may order the discontinuance of the supply of electrical energy, fuel gas or water to any building or structure, electrical, plumbing, or mechanical installation which is:

1. Being occupied or used contrary to the provisions of this Chapter or any other applicable law, ordinance, rule or regulation;

2. A dangerous building or structure, or dangerous electrical, plumbing or mechanical installation;

3. An illegal building or structure, electrical, plumbing or mechanical installation; or

4. A substandard building.

B. Such order shall be in writing and shall state the nature of the condition requiring the discontinuance of utilities and the time when such utilities shall be discontinued. The order shall be directed to the person supplying electrical energy, fuel gas, or water and a copy of said order shall be sent to the person using said utilities and to the owner of the premises.

7.28.200 Liability.

The Building Official, or his authorized representative(s), charged with the enforcement of this Chapter, acting in good faith and without malice in the discharge of his duties required by this Chapter or any other applicable laws, ordinances, rules, or regulations, shall not thereby be rendered personally liable, and is hereby relieved from personal liability, for any damage accruing to persons or property as a result of any act, or by reason of any act or omission, in the discharge of his or her duties. Any suit brought against the Building Official or employee because of such act or omission shall be defended by the City until final termination of such proceedings, and any judgment resulting therefrom, shall be assumed by the City.

Article III. Enforcement

7.28.210 Occupancy or use violations.

Whenever any building or structure, electrical, plumbing, or mechanical installation, or portion thereof, is being used contrary to the provisions of this Chapter or any other applicable law, ordinance, rule, or regulation, and whenever the existing use or occupancy of a building has been changed without the approval of the Building Official, the Building Official may order such use discontinued and, where deemed necessary for the safety of the occupants thereof, or the public, may order the building or structure or portion thereof to be vacated by serving written notice to any persons using or causing such use. If there are no persons present on the premises at the time, the notice may be posted in a conspicuous place on the premises. The notice shall state the nature of the violation and the time when said use shall be discontinued, and when required, the time when said building or structure or portion thereof shall be vacated. No person shall continue said use or continue to occupy said building or structure, electrical, plumbing, or mechanical installation, or portion thereof, contrary to the terms of said notice until the violation is corrected and use or occupancy is authorized by the Building Official.

7.28.220 Dangerous buildings, structures or installations.

A. It is unlawful to maintain or use a dangerous building or structure or a dangerous electrical, plumbing, or mechanical installation.

B. All dangerous buildings or structures or dangerous electrical, plumbing, or mechanical installations are hereby declared to be public nuisances and may be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in Chapter 7.52 of this Title or by any other remedy available at law or in equity.

7.28.230 Illegal buildings, structures or installations.

A. All illegal buildings, structures or installations shall be made to conform to the provisions of this Chapter or shall be demolished and removed.

B. Whenever necessary to assure compliance with the foregoing provisions, the owner of any illegal building, structure or installation shall uncover any concealed portions of such building, structure, electrical, plumbing, or mechanical installation for inspection and shall perform such tests as may be required by the Building Official.

C. It is unlawful to use or maintain any illegal building, structure or installation or portion thereof which was erected, installed, constructed, enlarged, altered, repaired, moved, converted, or improved without a permit.

D. All illegal buildings, structures or installations or portions thereof are hereby declared to be public nuisances and may be abated in accordance with the provisions specified in Chapter 7.52 of this Title or by any other remedy available at law or in equity.

7.28.240 Existing buildings, structures or installations.

A. Except as required by Sections 7.32.090 and 7.34.090 of this code and Section 713.5 of the California Plumbing Code/Uniform Plumbing Code, buildings or structures, electrical, plumbing or mechanical installations in existence at the time of the adoption of the ordinance codified in this Chapter may have their existing use or occupancy continued if such use or occupancy was legal at the time of adoption of the ordinance codified in this Chapter and provided such continued use does not endanger the life, health, property, or safety of the public or the occupants of such buildings or structures.

B. Electrical, plumbing and mechanical systems installed in apartments, hotels and dwellings prior to January 1, 1975, shall be deemed to have conformed to applicable law in effect at the time of installation and to have been maintained in good condition if such systems are currently in good and safe condition and working properly.

7.28.250 Maintenance requirements.

A. All existing and new buildings or structures, electrical, plumbing and mechanical installations, and parts thereof shall be maintained in a safe and sanitary condition. All devices or safeguards which were required by the building, electrical, plumbing, and mechanical codes when the building, structure, or installation was erected or installed shall be maintained in good working order. The owner or his designated agent shall be responsible for maintenance of all buildings, structures, installations or systems.

B. Private building sewers shall be maintained in a gastight and watertight condition. Where private sewage disposal systems are permitted, the effluent therefrom shall be contained beneath the surface of the ground level and within the property lines of the premises.

7.28.260 Code conflicts.

When any requirements of Chapters 7.24 7.28, 7.32, 7.34, 7.36, 7.40, 7.44, 7.45, 7.46, 7.48 or 7.94 of this Title and manufacturer's instructions conflict, the more stringent provisions shall prevail.

7.28.270 Violation.

A. Any person who violates a provision of this Chapter or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Chapter, shall be prosecuted in accordance with the provisions set forth in Section 1.04.030 of the Dublin Municipal Code.

B. In addition to the penalties provided in Section 1.04.030 of the Dublin Municipal Code, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and may be abated in accordance with the provisions specified in Chapter 7.52 of this Title or by any other remedy available at law or in equity.

7.28.280 Appeals.

A. Any person aggrieved by any decision of the Building Official in connection with the application or interpretation of the provisions of this Chapter or in the approval of alternate materials or methods of construction may appeal to the City Council. Such appeal shall be in writing and filed within ten (10) days from the date of the Building Official's decision.

B. The City Council may, after a hearing, interpret any provision of this Chapter.

C. The City Council may, after a hearing, vary the application of the provisions of this Chapter in any specific case if it determines that enforcement thereof would be contrary to the spirit and purpose of this Chapter or to the public interest. In granting a variance, the City Council may impose any requirements or conditions to mitigate any adverse effects that may result from granting a variance.

D. In interpreting the provisions of this Chapter or in granting a variance the City Council shall make the following findings:

1. That the interpretation or variance is consistent with the purpose of this Chapter; and

2. That the interpretation or variance will not result in less protection to the people of the City or the property situated therein.

E. The City Council may approve alternate materials or methods of construction as set forth in Section 7.28.150 of this Chapter by overruling the decision of the Building Official. In approving any alternate materials or methods of construction the City Council shall find that such materials or methods of construction are for the purpose intended, at least the equivalent of that prescribed by this Chapter in quality, strength, effectiveness, durability, dimensional stability and safety.

F. The City Council may appoint a Board of Appeals to hear any specific appeal. The Board of Appeals shall consist of five (5) members qualified by training and experience to pass on matters pertaining to the subject matter of the appeal and to serve until the disposition of the appeal. The Board of Appeals shall have the same authority and duties as the City Council in interpreting this Chapter, granting variances, or approving alternate

materials or methods of construction. The Building Official shall be an ex officio member of the Board of Appeals and shall act as secretary to the Board. The Board of Appeals shall adopt reasonable rules and regulations for conducting its hearings and investigations. The decision of the Board of Appeals shall be final.

7.28.290 Revocation or modification of variance.

The City Council may, after a public hearing held upon not less than ten (10) days notice, revoke or modify by written order any order permitting a variance. The City Council shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than ten (10) days prior to such hearing, by personal service, or by first class mail, postage prepaid, mailed to the person to whom such variance was granted at the address shown in the application for such variance or to such other address as may appear reasonable to the City Council under the particular circumstances.

Article IV. Permit Requirements

7.28.300 Permit—Required.

A. Except as provided in Section 7.28.310, no person shall install, erect, construct, enlarge, add to, alter, repair, move, remove, demolish, convert, occupy, equip or improve any building, structure or facility, any electrical, plumbing or mechanical installation or cause the same to be done without first obtaining a permit from the Building Official.

B. A separate permit shall be required for each building or structure, but the permit may include pertinent accessories such as fences, retaining walls, exterior lighting, underground utilities and sprinkler systems, provided such work is shown on the approved plans or described on the application. The Building Official may authorize issuance of a single permit for several buildings where in his or her opinion the convenience of the City will be served.

C. For private water supply and private sewage disposal systems, a separate permit or approval shall be secured from the Health Officer prior to issuance of a permit by the Building Official. In addition, any permits or approvals required by the Zone 7 Water Agency shall be secured prior to issuance of a permit by the Building Official.

D. Additional permits shall be required for pertinent accessories regulated by this Chapter which are proposed to be constructed but not shown on the approved plans or described on the application. A grading permit may also be required subject to the provisions of Chapter 7.16 of this Title.

7.28.310 Exceptions.

A. No permit shall be required for any of the following work; provided however, permits shall be required for electrical, plumbing and mechanical installations in any building or structure listed in subsections (A)(1) through (A)(20) of this section, and permits shall be required for all new construction and substantial improvements that are located within an area of special flood hazard in accordance with Chapter 7.24 of this Title:

1. Open wire fences not more than sixteen (16) feet in height and all other type fences not more than eight (8) feet in height;

2. Retaining walls that are not more than three (3) feet in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge or ground slope exceeding 1 (vertical):20 (horizontal) (5%) or impounding Class I, II or IIIA liquids. Note: Among other items, the presence of a geogrid is a surcharge. See Section 2304.12.2.8 of the California Building Code/International Building Code for requirements for treatment of wood used for retaining wall;

3. One (1) story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet (see section 710A CA Building Code for wildfire exposure requirements); Note: Offices, living rooms, sleeping areas and other similar habitable uses do not qualify as an exempt accessory structure.

4. One (1) story buildings not more than four hundred (400) square feet in area used exclusively for housing animals, poultry, livestock and similar animals and the storage of necessary food, hay and grain for the animals housed therein;

5. Agricultural buildings as defined in Section 202 of the California Building Code/International Building Code, on lots exceeding twenty (20) acres in area which are located in an A zoning district and where the principal use of the land is agriculture;

6. Lath structures and similar sunshade structures detached from the main dwelling without a solid roof, which are not more than ten (10) feet in height and one thousand (1,000) square feet in area;

7. Awnings over doors and windows in a Group R-3 or Group U occupancy, supported by an exterior wall that do not project more than fifty four (54) inches from the exterior wall and do not require additional support;

8. Temporary construction offices and storage sheds, not associated and or used by the public, which are used on a site where there is a valid building permit, grading permit or which are used in connection with a construction project where no building permit or grading permit is required; however, this provision shall not apply to such building remaining on the site thirty (30) days after the completion of construction;

9. Temporary construction offices and storage sheds when stored in a contractor's equipment yard; provided however, a permit shall be required if such offices or sheds are used for any purpose whatsoever;

10. Decks, meeting all of the following conditions, not exceeding 200 square feet in area, that that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.2.

11. Treehouses or other structures which are designed to be used by children for play;

12. Flag poles, radio or TV antennas and towers, less than thirty-five (35) feet in height when not attached to a building and less than twenty (20) feet in height when attached to a building, except permits are required for dish-type antennas more than four (4) feet in diameter;

13. Swimming, bathing and wading pools, and fish ponds not exceeding eighteen (18) inches in depth;

14. Prefabricated swimming pools, spas or hot tubs accessory to a Group R-3 occupancy not exceeding four (4) feet in depth if resting on the surface of the ground or a concrete slab on the ground;

15. Painting, papering, floor tile, carpeting and similar finish work;

16. Nonfixed and moveable cases, counters, racks and partitions not over five (5) feet nine (9) inches high;

17. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1);

18. Water storage tanks of any size if resting on the surface of the ground or on a concrete slab on the ground when used only for watering livestock or irrigation;

19. Swings and other playground equipment accessory to detached one and two family dwellings;

20. Sidewalks and driveways not more than thirty (30) inches above adjacent grade, and not over a basement or story below and are not part of an accessible route.

21. The replacement of lamps or the connection of portable electrical appliances to suitable receptacles which have been permanently installed;

22. Nonelectrical signs less than eight (8) feet in height; nonelectrical signs which do not exceed three (3) pounds per square foot nor four (4) inches in thickness when fastened flat against the wall of any building; and provided further, that the sign does not extend above the top of the wall of the building;

23. Clearing stoppage or repairing leaks in pipes, valves, fittings or fixtures when such repairs do not involve the replacement or rearrangement of pipes, valves, fittings or fixtures;

24. Buildings and structures owned by a sanitary district used exclusively for storage, collection, conveying and treating sewage;

25. Demolition or exploration work that may be necessary in order to determine conditions in connection with a proposed addition or alteration to an existing building if an application for a permit is on file and prior approval for the demolition or exploration work is obtained from the Building Official;

26. Small or unimportant work when approved by the Building Official.

B. Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Chapter or any other law, ordinance, rule or regulation.

C. Any person may obtain inspection services for work exempt from the permit requirements of this Chapter by applying for a permit for such work and paying the applicable fee.

D. Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working day to the Building Official.

7.28.320 Permit—Application for permit.

Every application for permits shall be made in writing on the forms furnished for that purpose. Every application shall include the following:

A. The location of the premises by address and by legal description or County Assessor’s description;

B. The name, address and phone number of the applicant;

C. The signature of the applicant or the applicant’s authorized agent, who may be required to submit evidence of such authority;

D. Identify and describe the work to be covered by the permit for which application is made;

E. A description of the proposed use and occupancy of the proposed building, structure, or electrical, plumbing or mechanical installation and where existing buildings, structures, electrical, plumbing or mechanical installations are located on the premises, a complete description of the current and proposed use or occupancy of such buildings, structures or installations;

F. Any other such information that may be reasonably required by the Building Official;

G. An authorization to enter the property for the purpose of inspecting the work without an inspection warrant; and

H. An indication as to whether the building is to be heated and/or cooled.

I. State the valuation of the proposed work.

J. Include a nonconversion agreement signed by the applicant if the building in a flood hazard area has enclosed areas below the lower floor.

7.28.330 Permit—Application—Submittal Documents.

A. Application shall be submitted in a digital format. When authorized by the Building Official to be submitted in a paper format, a minimum of Five (5) sets of plans and two (2) sets of specifications shall be submitted with each application for examination except that plans and specifications shall not be required for small or unimportant work when approved by the Building Official.

B. Engineering calculations, stress diagrams, soil investigation reports, geological investigation reports, test data, electrical load calculations, gas and water supply demand calculations and other data sufficient to show the correctness of the plans and specifications and to assure that the proposed work will conform to all of the provisions of this Chapter shall also be submitted when required by the Building Official. Plans and specifications shall be prepared by a California licensed design professional (licensed architect or registered engineer) when required by the Building Official. The owner shall also submit a complete outline of the testing and inspection program proposed when special inspection is required pursuant to Section 7.28.620 of this Chapter.

C. Deferred Submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a later specified period of time. Deferral of any submittal items shall have prior written approval of the Building Official. The licensed design professional of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the Building Official. Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the Building Official.

D. When it is required that documents be prepared by a California design professional, the Building Official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer

of record who shall perform all the duties required of the original architect or engineer of record. The Building Official shall be notified in writing by the owner if the design professional of record is changed or is unable to continue to perform the duties. The design professional of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

7.28.340 Plans and specifications—Requirements.

A. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in three or more sets with each permit application. The construction documents shall be prepared by a California licensed design professional (a licensed architect or registered engineer) where required by the statute. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

B. The first sheet of each set of plans shall contain the address or legal description of the property where the work is proposed to be done, the name and address of the owner of the property and the name, address and signature of the person who has prepared the plans.

C. The plans shall include a plot plan which shall show the location of existing and proposed buildings or structures. The plot plan shall also show the location of all existing or proposed gas mains and services; water mains, water services, fire hydrants, sewer mains; underground or overhead power and communication lines; poles and transformers; waterways, storm drains, inlets, culverts, curbs, gutters, sidewalks, building sewer, wells, septic tanks and drainage fields. The plans shall also include a grading and drainage plan which shall show all existing elevations or contours and all proposed final elevations and the elevation of the first floor. This plan shall also show how all portions of the lot are to be drained and any necessary drainage structures. The grading and drainage plan may be combined with the plot plan if such information can be clearly shown on the plot plan.

D. Where balconies or other elevated walking surfaces have weather-exposed surfaces, and the structural framing is protected by an impervious moisture barrier, the construction document shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer’s installation instructions.

E. If the proposed work does not involve new buildings or structures and does not change the configuration of existing buildings or structures the Building Official may waive the requirements for a plot plan and grading or drainage plan. Where only minor grading is proposed and existing drainage patterns are not materially affected and the proposed work does not fall under the provisions of special flood hazard areas as set forth in Chapter 7.24 of this Title, the Building Official may waive the requirements for a grading and drainage plan.

7.28.350 Permit—Application—Plats required.

A. Three (3) copies of a topographic plat prepared and signed by a licensed land surveyor or a registered civil engineer shall be submitted with the application for a permit for any new building or structure or building proposed to be moved.

B. The Building Official may waive the requirements for such a plat for minor buildings or structures on parcels containing substantial existing development or where a plat has been previously submitted for a permit and where there have been no substantial changes in the elevations of the finished grade.

C. The plat shall show the location of all aboveground structures, retaining walls, fences, poles, transformers, overhead power and communication lines, wells, fire hydrants, drainage inlets, culverts, curbs, gutters, sidewalks, and waterways. The plat shall also show the known or reported location of underground structures, such as underground storm drains, water, sewer, gas, power and communication lines, septic tanks, and drainage fields.

D. The plat shall be drawn to a scale and shall show contours at intervals of one (1) foot or less on slopes up to three percent (3%) and contours at intervals not more than five (5) feet on slopes more than three percent (3%). Contours shall extend to the center of the street if not improved with curbs and gutters and need extend only to the gutter when improved with curbs and gutters.

E. Plat of the entire parcel shall not be required for parcels exceeding one acre located in a R-1 or A district, however, the following shall be provided:

1. Contours within one hundred (100) feet of any proposed building;

2. Contours or a profile of any existing or proposed access driveway. The Building Official may waive this requirement when the applicant can otherwise demonstrate that the access driveway in conformance with the City standards plans and specifications or in accordance with the Director of Public Works.

F. A topographic plat is not required on any lot shown on any subdivision tract map if such tract map was filed within five (5) years prior to the application for a permit.

G. The Building Official may require a plat of a property line survey where the exact location of the property line is necessary for the enforcement of any of the provisions of this Chapter. If, after the issuance of a permit, a question arises as to the exact location of the property line, the Building Official may require a property line survey. Whenever a property line survey has been made, the property line shall be located by appropriate stakes or monuments and three copies of a plat of the survey shall be filed with the Building Official.

H. Nothing contained herein shall be constructed as relieving the land surveyor or civil engineer from complying with the provisions of the Land Surveyor's Act, Business and Professions Code, beginning with Section 8700.

7.28.360 Permit—Issuance—Generally.

A. If it appears upon examination of the application, plans, specifications and other information furnished by the applicant that the proposed work will conform to the provisions of this Chapter and any other applicable laws, ordinances, rules, and regulations, and upon payment of the prescribed fees, the Building Official shall issue a permit to the applicant.

B. When the Building Official issues a permit, he shall affix an official stamp of approval on three sets of plans and specifications. One (1) set of plans and specifications shall be retained by the City, one (1) set of plans and specifications shall be kept on the site of the construction or work, and one (1) set of plans and specifications shall be provided to the Office of the Alameda County Assessor. The approved plans shall not be changed without approval of the Building Official. All work authorized by the permit shall be done in accordance with the approved plans.

C. Permits are not transferable.

D. The set of plans and specifications retained by the City at the time of issuance of the permit shall be retained by the Building Official for a period not less than ninety (90) days from the date of the completion of the work covered therein, except that this provision shall not apply to plans and specifications required to be retained by Section 19850 of the Health and Safety Code of the State of California.

7.28.370 Permit—Issuance—Restrictions.

Permits may be issued to any person not acting in violation of Chapter 7, Division 3, of the Business and Professions Code of the State of California (Contractor's License Law).

7.28.380 Permittee responsibility.

It shall be the responsibility of a permittee to assure that all work authorized thereunder is done in accordance with the provisions of this Chapter and any other applicable law, ordinance, rule or regulations, and to make arrangements for the inspection of the work by the Building Official. If after inspection by the Building Official, correction of work completed is necessary, the holder of the permit shall be responsible for such correction.

7.28.390 Live loads posted.

In commercial. institutional or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf, such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices. A certificate of occupancy shall not be issued until the floor load signs have been installed.

7.28.400 Granting of permit not approval for violation.

A. The issuance of a permit or approval of plans and specifications shall not be construed to authorize any violation of any of the provisions of this Chapter or any other applicable laws, ordinances, rules, or regulations; and any permit or document purporting to give authority to violate this Chapter, or any other law, ordinance, rule or regulation shall not be valid except insofar as the work or use which it authorizes is lawful.

B. The issuance of a permit or approval based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in such plans and specifications or from preventing work being carried out thereunder in violation of this Chapter or any other applicable law, ordinance, rule or regulation.

7.28.410 Permit—Expiration.

A. Permits issued pursuant to this Chapter having a valuation of less than one million dollars ($1,000,000) shall expire one year from the date of issuance; and permits having

a valuation of over one million dollars ($1,000,000) shall expire in two (2) years from the date of issuance.

B. Exception: whenever a permit is issued to correct a violation of this Chapter, or any other law, ordinance, rule or regulation, or to rehabilitate, repair, or demolish a dangerous, substandard, illegal, unsafe or unsanitary building or structure, electrical, plumbing or mechanical installation, or to otherwise abate a nuisance, the Building Official shall establish a reasonable time for the completion of the work.

C. Where permits for more than one building on the same site or subdivision are issued to the same applicant, the total valuation of all the permits shall be used for determining when the permits expire.

7.28.420 Application— Expiration.

A. Every application for a permit shall expire six (6) months after the application and accompanying plans and specifications have been checked by the Building Official.

B. Plans and specifications accompanying an expired application may be destroyed ten (10) days from the date of mailing the applicant notice of intention to destroy said plans and specifications.

7.28.430 Permit and Application—Extensions.

A. A permittee may request an extension of an issued permit prior to the expiration date. The Building Official may grant, in writing, one or more extensions of time for periods of not more than 180 days per extension. The permittee shall request an extension pursuant to this subdivision in writing and demonstrate justifiable cause for the extension.

B. Where work authorized by any permit has not commenced, extensions shall not be allowed if there have been revisions to any applicable law, ordinance, rule or regulations which would otherwise prohibit the proposed construction. Where work authorized by any permit has commenced any extension shall also require all work to conform to any applicable law, ordinance, rule, or regulation in effect at the time of the extension.

C. In requiring compliance with new laws, ordinances, rules or regulations, the Building Official shall consider the practical difficulties in making changes to existing construction and may allow work completed to remain without changes. The Building Official may also allow uncompleted work to proceed in accordance with the original approved plans.

D. An extension may be allowed for an application for a permit, but the work shall comply with applicable laws, ordinances, rules, and regulations in effect at the time of issuance of the extension. The applicant shall request the extension in writing and demonstrate justifiable cause for the extension. The extension request shall be received by the City prior to the expiration date of the application. The Building Official may grant, in writing, one or more extensions of time for periods of not more than 90 days per extension.

E. In allowing an extension additional fees may be imposed to cover any additional costs incurred by the City because of the extension.

7.28.440 Building Official—Authority to deny permit.

The Building Official may refuse to issue any permit where it cannot be demonstrated that:

A. The hazards of land slippage, erosion or settlement will be eliminated;

B. The proposed work will not be located on a trace of an active fault;

C. The proposed work will conform to Chapters 7.20 and 7.24 of this Title;

D. The placement of existing fills has not been subject to continuous inspection by a special inspector as required by Section 1705.6 of the California Building Code/International Building Code;

E. The private water supply will conform to Chapter 6 of the California Plumbing Code/Uniform Plumbing Code;

F. The private sewage disposal system shall be in conformance with Section 713 of the California Plumbing Code/Uniform Plumbing Code;

G. Whenever a licensed contractor has failed to make corrections as specified in Sections 7.28.570 through 7.28.610 of this Chapter.

7.28.450 Permit—Suspension or revocation.

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Chapter whenever the permit has been issued in error, or on the basis of incorrect information supplied, or in violation of this Chapter or any other applicable laws, ordinances, rules, or regulations.

7.28.460 Fees—Generally.

The provisions of this Chapter apply to fees collected by the Building Official.

A. The City Council shall, by resolution, adopt a schedule of fees for permits, reinspections, code compliance surveys, moved building inspections, plan and specification storage fees, additional plan checking, hourly rates for inspection services not covered by specific fees, and fees authorized by the Alquist-Priolo Geologic Hazards Zones Act.

B. At time of issuance of any permit required by this Chapter, the applicant shall pay the fees as established by resolution of the City Council.

C. Where work for which a permit is required by this Chapter is started or proceeds prior to obtaining such permit, a penalty fee, in addition to the permit fee, shall be assessed as follows:

Violation within two-year period	Penalty Fee
First	Equal to the permit fee
Second	Double the permit fee
Third and subsequent	Ten times the permit fee

The payment of such penalty fee shall not relieve any person from fully complying with all of the provisions of this Chapter.

D. The payment of a penalty fee shall not be required where the work was done two (2) years before the date it was determined that the work was done without a permit. A penalty fee shall not be required when the work was done or caused to be done by a previous owner of the property.

E. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official. The value to be used in computing the building permit and permit processing fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment at the time the permit is issued.

7.28.470 Permit processing fee.

Each application for a permit shall be accompanied by a fee equal to forty percent (40%) of the total permit fee rounded off to the nearest dollar. The permit processing fee shall be credited toward the total permit fee required. After permit processing has commenced, no portion of the permit processing fee shall be refundable.

7.28.480 Refunds.

A. Sixty percent (60%) of any permit fee may be refunded to the applicant prior to the expiration of the permit provided that the work authorized under the permit has not commenced. Thirty percent (30%) of the permit fee may be refunded to the applicant after a permit has expired provided that the work has not commenced, but in no case shall any refund be allowed after one (1) year from the date of expiration of the permit. Requests for refund shall be in writing. Any expenses incurred by the City other than the permit processing fee may be deducted from the refund.

B. If there was an error in calculating the amount of the permit fee and such error resulted in overpayment of the permit fee, the amount of overpayment may be refunded.

7.28.490 Fees—Partially completed work.

A. Where permits expire and the work has not been completed and a new permit is subsequently issued for the completion of the work, the fee for the new permit shall be based upon the fee schedule in effect at the time of issuance of the new permit based on the valuation to complete the work as determined by the Building Official (not on the original valuation assigned to the permit).

	Completed Inspections	Percent of Permit Fee
1.	If no inspections have been made	30
2.	If a foundation inspection has been made	27
3.	If the underground inspections have been made	24
4.	If the underfloor frame inspection has been made	21
5.	If the rough electric and rough plumbing inspections all have been made	18
6.	If the frame inspection has been made	15
7.	If the exterior lath inspection has been made	12
8.	If the insulation inspection has been made	9
9.	If the wallboard inspection has been made	6

B. The fee determined by the foregoing shall be rounded to the nearest dollar.

C. The foregoing is intended to apply to conventional wood-frame construction and is based on the number of inspections remaining to be made. Where the work is not conventional wood-frame construction, or does not constitute a complete building, or is a structure other than a building; the Building Official shall establish the fee based upon the number of inspections remaining to be made. The fee so established shall not exceed thirty percent (30%) or be less than six percent (6%); however, in no case shall the fee be less than the minimum permit fee approved under Section 7.28.460 of this Chapter.

D. Where a new permit is applied for more than one (1) year after the expiration of the original permit, the fee shall be based on the valuation of the work remaining to be done. The valuation shall be determined by the Building Official based on the cost to complete the work (not on the original valuation assigned to the permit) and the fees shall be based upon the fee schedule in effect at the time of the issuance of the new permit.

7.28.500 Additional fees for changes.

A. After a permit has been issued, minor changes or additions may be allowed under any permit when approved by the Building Official. However, additional fees shall be required when the permit fee calculated for both the original work and the work in the proposed change exceeds the original permit fee by ten percent (10%). The additional fee shall be the difference between the original fee and the new fee.

B. Any change in use or in the number of guest rooms or dwelling units shall require the submission of a new application and the payment of an additional fee.

C. Any change which does not increase the amount of the original permit fee by ten percent (10%) but requires additional plan checking shall require the payment of a plan checking fee.

D. No refund shall be allowed for changes which would decrease the amount of the permit fee.

7.28.510 Reinspections.

Where an inspection is made and corrections are required and said corrections require more than one reinspection, or where an inspection has been called for and the work to be inspected is not ready for inspection, or where the approved plans and specifications are not on the job site, a reinspection fee shall be paid prior to making the reinspection.

7.28.520 Code compliance survey.

The owner of any property on payment of the required fee may request an inspection to determine if a building, structure or installation is in compliance with this Chapter and the City zoning ordinance.

7.28.530 Inspection fee—Moved building.

Prior to application for permits to move a building, structure, electrical, plumbing or mechanical installation, a moved building inspection shall be required.

7.28.540 Plan and specification storage fee.

A plan and specification storage fee shall be paid at the time of issuance of a permit for buildings for plans and specifications that are required to be maintained by Section 19850, Health and Safety Code of the state of California.

7.28.550 Fees for additional plan checking.

A rechecking fee shall be paid prior to performing additional plan checking or prior to approval of the plans where incomplete plans and specifications are submitted for checking and complete rechecking is required, or where corrections are not completely or correctly made and additional plan checking is required, or where changes are made to the plans and specifications which require additional plan checking, or when the project involves deferred submittal documents as defined in Section 7.28.330C of this Chapter.

7.28.560 Fees—Other inspection services.

The fee for other inspection services provided by the City for which no specific fee is established shall be at an hourly rate.

Article V. Inspections

7.28.570 Generally.

All construction or work for which a permit is required shall be subject to inspection by the Building Official and certain types of construction shall have continuous inspection by special inspectors, as specified in Section 7.28.620 of this Chapter.

7.28.580 Approvals required.

A. No work shall be done on any part of the building or structure, electrical, plumbing or mechanical installation beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall only be given after an inspection shall have been completed for each previous step in the construction. Written approvals may be indicated on an inspection record card which is provided for that purpose. All tests required by this Chapter shall be conducted in the presence of the Building Official. If the work will not pass the test, necessary corrections shall be made and the work shall be retested.

B. If the work inspected does not comply with this Chapter or any other applicable law, ordinance, rule, or regulation, written notice shall be given indicating the nature of the violation. Such notice may be delivered to the permittee, or the person in apparent control of the work on the site, or may be posted in a conspicuous place on the site. Refusal, failure or neglect to comply with such notice within ten (10) days shall be considered a violation of this Chapter and any other applicable law, ordinance, rule or regulation.

C. Whenever a licensed contractor has failed to make corrections in the time specified in the notice, the Building Official may refuse to issue permits for any other work to be performed by such contractor at any location within the City until all necessary corrections have been made.

D. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record

card such as to allow the Building Official conveniently to make the required entries thereon regarding inspection of the work. This card shall be made available by the permit holder until final approval has been granted by the Building Official.

7.28.590 Inspection required before use commences.

No work shall be covered, concealed or put to use until it has been tested, inspected, and approved as prescribed by this Chapter and any other applicable law, ordinance, rule or regulation. Any such work which has been covered or concealed before being inspected, tested and approved shall be uncovered for inspection after notice to uncover has been given by the Building Official.

7.28.600 Notification for inspections required.

The permittee or his agent shall notify the Building Official when construction work is ready for inspection and make the necessary arrangement for inspection of the work for each of the following inspections:

A. Underground. When the excavation for any underground gas, water, sewage, steam, electrical lines, cables or conduits, or any ventilating ducts, septic tanks or fuel tanks or drainage fields, which have been completed and all such lines, cable conduits or ducts and tanks are in place and are ready for any required tests, but before backfilling;

B. Foundation. When the excavation for foundations is completed and forms and required reinforcing steel are in place but before any concrete is placed;

C. Drainage for Retaining Walls. When any required drainage facility is in place but before backfilling;

D. Underfloor. When all gas, water, steam, sewage, electrical lines, cables or conduits, or any ventilating ducts are in place and ready for any required tests but before any concrete, wood or steel flooring is placed;

E. Underfloor Framing. When all the underfloor framing, bracing and supports are in place and when all underfloor, electrical, plumbing, and mechanical work is in place but before any flooring is installed;

F. Lowest Floor Elevation. In flood hazard areas, upon placement of the lowest floor, including a basement, and prior to further vertical construction, the elevation certification required by the Chapter 7.24 of this code and Section 1612.4 of the Building Code or the Residential Code, as applicable shall be submitted to the Floodplain Administrator;

G. Shearwall or Diaphragm. When shearwalls or diaphragms are installed and nailed or otherwise fastened to the structural framework and all hold downs, drag ties, chord splices, and anchor bolts are in place, but before any of the foregoing is covered or concealed;

H. Rough. When the roof, walls, floors, framing, bracing and supports are in place and all gas, water, drainage, and vent piping; all electrical cable, conduit, panels, outlets, junction boxes and wiring; all ventilating ducts equipment, vents and flues are in place and ready for any required tests but before any such work is covered or concealed;

I. Wood Frame. When all roof, wall, floor, framing, bracing, blocking, and chimneys are in place and all electrical, plumbing and mechanical work is in place but before any such work is covered or concealed;

J. Reinforced Concrete. When forms and reinforcing steel, sleeves, and inserts, and all electrical, plumbing and mechanical work is in place but before any concrete is placed;

K. Structural Steel. When all structural steel members are in place and all connections are complete but before such work is covered or concealed;

L. Reinforced Masonry. In grouted brick masonry when the vertical steel is in place and other reinforcing steel, bolts, anchors, and inserts are distributed. In masonry blocks when the units are laid up, and any reinforcing steel, bolts, anchors, and inserts are in place and when required cleanouts are installed but prior to placing any grout;

M. Types IV-A, IV-B, IV-C connection protection inspection. In buildings of Types IV-A, IV-B, IV-C construction, where connection fire-resistance ratings are provided by wood cover calculated to meet the requirements of Section 2304.10.1, inspection of the wood cover shall be made after the cover is installed, but before any others coverings or finishes are installed.

N. Insulation. When all insulation is in place but before the insulation is covered;

O. Lath. When all backing and lathing, interior and exterior, is in place but before any plaster is applied;

P. Wallboard. When all wallboard is in place but before joints and fasteners are taped and finished;

Q. Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

R. Suspended Ceilings. When the hangers, lighting fixtures, sir diffusers, fire dampers, protective boxes, and the runners and supporting members are in place but before the ceiling is installed;

S. Fire Dampers. When the fire dampers are installed in the openings to be protected but before the ducts are connected;

T. Weather Exposed Balcony and Walking Surface Waterproofing. Where balconies or other elevated walking surfaces have weather-exposed surfaces, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved. Exception: Where special inspections are provided in accordance with Section 1705.1.1, Item 3 of the Building Code.

U. Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 of the Building Code, shall be submitted to the building official prior to the final inspection.

V. Final. When all construction work including electrical, plumbing and mechanical work, exterior finish grading, required paving, and required landscaping is completed and the building, structure or installation is ready to be occupied or used but before being occupied or used.

7.28.610 Other inspections.

In addition to the foregoing called inspections, the Building Official may make or require any other inspection of any construction work to ascertain compliance with the provisions of this Chapter and any other applicable law, ordinance, rule, or regulation.

7.28.620 Special inspections.

A. In addition to the inspections required by Sections 7.28.570 through 7.28.610 of this Chapter, special inspections shall be provided in accordance with Chapter 17 of the California Building Code/International Building Code.

B. The inspection program required to be submitted in Section 7.28.330 shall designate the portions of the work to have special inspection and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the architect or engineer of record, or an agent of the owner, but not the contractor or any other person responsible for the work. When structural observation is required by the architect or engineer of record or the Building Official, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur. The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

C. Structural observation or special inspection does not include or waive the responsibility for inspections required by Section 1704 of the California Building Code/International Building Code, Section 7.28.600 of this code, or other sections of this code.

D. Exception. The Building Official may waive the requirement or the employment of a special inspector if the construction is of a minor nature.

7.28.630 Inspections—Moved buildings, structures, installations or systems.

A. Notwithstanding the provisions of Section 7.28.240 of this Chapter, all existing buildings or structures, including all electrical, plumbing or mechanical installations, and all existing electrical, plumbing and mechanical installations which are moved into or within the City shall comply with all the requirements of this Chapter for new buildings, structures, or installation. Moved apartment houses and dwellings may retain existing materials and methods of construction; provided however, this section shall not be interpreted to permit such apartment houses and dwellings to become or continue to be a dangerous building or substandard building.

B. Prior to issuance of a permit to move any building, structure, electrical, plumbing or mechanical installation into or within the City, the Building Official shall inspect the building, structure, electrical, plumbing or mechanical installation proposed to be moved for compliance with this Chapter and any other law, ordinance, rule, or regulation. The Building Official may require the applicant to remove all or a portion of the wall or ceiling and any other material to inspect concealed portions of the building, structure, electrical, plumbing or mechanical installation proposed to be moved. If after inspection of the building, structure, electrical, plumbing or mechanical installation proposed to be moved, the Building Official determines that it is not practical to alter the building, structure, electrical, plumbing or mechanical installation so that it will comply with the foregoing provisions, the Building Official may deny the application for a permit. The Building Official shall notify the applicant in writing, stating the reason for such denial.

C. After the building has been moved it shall be placed upon a new foundation as soon as practical but not later than one hundred twenty (120) days from the time the building was moved to the site. If after one hundred twenty (120) days the building has not been placed on the foundation, said building shall be deemed to be a public nuisance and may

be abated in accordance with the procedures specified in Chapter 7.52 of this Title or by any other remedy available at law or in equity.

Article VI. Occupancy

7.28.640 Generally.

No building, structure, electrical, plumbing, or mechanical installation or portion thereof shall be occupied or used unless the Building Official has made final inspections and approved the work regulated by this Chapter and all work required by other City departments or other agencies has been inspected and approved by such department or agency.

7.28.650 Approval to connect utilities.

No person shall supply water, electrical energy, or fuel gas to any building, structure, electrical, plumbing or mechanical installation until the building, structure, electrical, plumbing or mechanical installation has been inspected and approved by the Building Official. The Building Official may withhold approval to supply water, electrical energy, or fuel gas to any building, structure, electrical, plumbing or mechanical installation until there is full compliance with the provisions of this Chapter or compliance with applicable laws, ordinances, rules or regulations enforced by other agencies concerned with the construction of such building, structure, electrical, plumbing, or mechanical installation.

7.28.660 Temporary or partial occupancy.

The Building Official may authorize the use or occupancy of all or portions of a building, structure, electrical, plumbing, or mechanical installation prior to completion of the entire building, structure, electrical, plumbing, or mechanical provided that the work completed has been inspected and approved and that no hazard would result by such use or occupancy. The Building Official in granting such authorization may impose any reasonable conditions as may be necessary to protect life, health and property. Such authorization may include a time limit and may be revoked for violation of conditions and shall expire in the time specified. The Building Official may order any person supplying water, electrical energy, or fuel gas to discontinue supplying water, electrical energy, or fuel gas when authorization to use or occupy pursuant to this section has expired or been revoked.

7.28.670 Authority to withhold approval to occupy.

A. The Building Official may withhold approval to occupy or use any building, structure, electrical, plumbing or mechanical installations until all fees charged by the City for any zoning application development approval, inspection fee or any other fee has been paid. In the case of a subdivision this provision shall apply to all buildings or structures located within said subdivision.

B. The Building Official may withhold approval to occupy or use any building, structure, electrical, plumbing or mechanical installations until all development improvements including off-site improvements have been completed and approved by other City departments or any other agency concerned with said improvements.

7.28.680 Change of Occupancy.

A building or structure shall not be used or occupied in whole or in part, and a change of occupancy or a change of use of a building or structure or portion thereof shall not be made, until the Building Official has made final inspections and approved the change of occupancy. Approval to occupy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City.

5195861.1

Chapter 7.32

BUILDING CODE

Sections:

7.32.010 Title.
7.32.020 Purpose.
7.32.030 Adoption of Building Codes.
7.32.040 Scope.
7.32.050 Exceptions.
7.32.060 Additions, alterations and repairs-Generally.
7.32.070 Additions, alterations and repairs-Code compliance.
7.32.080 Alterations and repairs-Apartment houses, hotels and dwellings.
7.32.090 Additions-Apartment houses, hotels and dwellings.
7.32.100 Repair of roof covering.
7.32.110 Chapter 1 Division II, Administration-Deleted.
7.32.120 Section 202, Chapter 2, Definitions of Substantial Damage and Substantial Improvement.
7.32.130 Section502.2.1, 502.2.2, 502.2.3, 502.2.4, Chapter 5, Address illumination.
7.32.140 Section 507.14, Chapter 5, Front Restriction-Added.
7.32.150 Section 706.1, Chapter 7, Fire walls-Amended.
7.32.160 Section 701A.1, Chapter 7A, Scope-Amended.
7.32.170 Section 702A, Chapter 7A, Definitions-Amended.
7.32.180 Sections 903.2 Exception, 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 – Deleted; 903.2.1.1#1, 903.2.1.2#1, 903.2.1.3#1. 903.2.1.4#1, 903.2.3#1, 903.2.4, 903.2.4#1, 903.2.7#1, 903.2.9, 903.2.9#1, 903.2.9#2, and 903.2.11.3 Amended; and 903.2.13 and 903.2.30 -Added.
7.32.190 Section 1505.1, Chapter 15, Fire Classification-Amended.
7.32.200 Table 1607.1, Chapter 16, Minimum Uniformly Distributed Live Loads, L_o, and Minimum Concentrated Live Loads -Amended.
7.32.210 Section 1705.3, Exception 1, Chapter 17, Concrete Construction – Amended.
7.32.220 Section 1905.1.7, Chapter 19, ACI 318, Section 14.1.4-Amended.
7.32.230 Table 2308.6.1, Chapter 23, Wall Bracing Requirements-Amended.
7.32.240 Section 2308.6.9, Attachment of Sheathing-Amended.
7.32.250 Section 3115.1, Chapter 31, Prohibited Installations-Added.
7.32.260 Section 3203, Chapter 32, Signs-Added.
7.32.270 Section H101.2, Signs exempt from permits -Deleted.
7.32.280 Section 1010, Appendix Chapter 10, Building security – Added.
7.32.290 Section G101.4, Chapter Appendix G, Violations-Amended.

7.32.300 Section G101.5, Chapter Appendix G, Designation of floodplain administrator-Amended.

7.32.010 Title.

The building codes adopted by section 7.32.030 and the provisions of this Chapter shall constitute the Dublin Building Code and may be referred to as such.

7.32.020 Purpose.

The promotion and preservation of the public health, safety and general welfare of the people of the City and the property situated therein have made necessary the adoption of the building codes referred to in Section 7.32.030 in order to adequately safeguard life, health, property, and general welfare. The purpose of this Code is not to create or otherwise establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the terms of this Code.

7.32.030 Adoption of Building Codes.

A. The 2022 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code Section 18901 et. seq. (hereinafter referred to as the "State Code"), and any rules and regulations promulgated pursuant thereto including the International Building Code, 2021 Edition, including Appendix Chapters, C, F, G, H, and I, , as published by the International Code Council, and as referenced in and adopted pursuant to California Health and Safety Code Sections 17922 and 18935, (hereinafter referred to as the "IBC") are hereby adopted and incorporated by reference herein.

The codes and standards referenced in this code shall be considered part of this code to the prescribed extent of each such reference. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Mechanical, Plumbing, Housing, Fire or Energy Codes, the provisions of these codes as applicable, shall take precedence over the provisions in the referenced code or standard.

Copies of the adopted codes have been and are now filed in the Office of the Building Official, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said codes are adopted by reference pursuant to Section 50022.4, et seq., of the Government Code of the State of California, and the codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Dublin.

B. Notwithstanding the provisions of Section 7.32.030.A, the State Code and the International Building Code are amended as set forth in Sections 7.32.110 through 7.32.300.

7.32.040 Scope.

A. The provisions of this Code shall apply to the installation, erection, construction, enlargement, addition to, alteration, repair, relocation, removal, demolition, conversion, replacement, equipment, use and occupancy, location, replacement, and maintenance of every building or structure or any appurtenances connected or attached to such buildings or structures within the City.

B. The permissive provision of this Code shall not be presumed to waive any limitations imposed by any other law, ordinance, rule, or regulation. If two or more pertinent limitations are not identical, those limitations shall prevail which provide greater safety to life, health, property, or public welfare.

C. Buildings shall be made accessible to persons with disabilities as required by Title 24 California Code of Regulation. Whenever there is a conflict between the provisions of this Code and Title 24, California Code of Regulations with respect to the accessibility of buildings to persons with disabled, the provisions of Title 24 shall prevail.

7.32.050 Exceptions.

The provisions of this Code shall not apply to:

A. Work located in a public street;

B. Trailer coaches, campers, mobile homes, motor vehicles, railroad cars, and aircraft; however, if any of the foregoing are permanently placed on the ground or have their wheels removed for other than temporary repairs, they shall comply with all of the provisions of this Code;

C. Houseboats or other watercraft; however, if any of the forgoing are stored out of the water and are used for any purpose whatsoever, they shall comply with all of the provisions of this Chapter;

D. Towers or poles supporting communication lines or power transmission lines;

E. Dams, flood control and drainage structures;

F. Portable amusement devices and structures, including merry-go-rounds, ferris wheels, rotating conveyances, slides, similar devices, and portable accessory structures whose use is necessary for the operation of such amusement devices and structures but not including any storage building or detached structure which is not an integral part of the device.

G. Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the Residential Code.

7.32.060 Additions, alterations and repairs-Generally.

Buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements of this Code for new buildings or structures except as specifically provided for in this section and Sections 7.32.070 through 7.32.100.

7.32.070 Additions, alterations and repairs-Code compliance.

Additions, alterations or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of this Code, provided the addition, alteration or repair conforms to that required for a new building or structure. Additions or alterations shall not be made to an existing building or structure which will cause the existing building or structure to be in violation of any of the provisions of this Code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of this Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life. Any building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted for new buildings. Any building plus new additions shall not exceed the height, number of stories and area specified for new buildings. Additions or alterations shall not be made to an existing building or structure when such existing building or structure is not in full compliance with the provision of this Code.

7.32.080 Alterations and repairs-Apartment houses, hotels and dwellings.

A. The provisions of Section 7.32.070 shall not prohibit the alteration or repair of any legally established existing apartment house, hotel, dwelling or structure accessory thereto which retains, replaces or extends the use of the original materials or continued use of original methods of construction provided such alteration or repair does not create or continue a dangerous building as defined in Section 7.28.220, a substandard building as defined in Section 7.28.090 of the Dublin Municipal Code. However, such alteration or repair shall not reduce any required fire resistance below that specified by this Code, reduce the resistance to lateral forces below that specified by this Code, or increase the stress or deflection of any member so as to exceed that specified by this Code.

B. The provisions of Section 7.32.070 pertaining to additions shall not require any legally existing apartment house, hotel, dwelling, or structure accessory thereto to be made to conform to the provisions of this Code solely because of the construction of the addition. However, this section shall not be constructed to permit the addition to increase the stress or deflection of any existing member so as to exceed that specified by the building code. Whenever an addition increases the number of occupants which must exit through the existing building all of the exit facilities serving the increased number of occupants shall comply with the provisions of this Code.

C. Whenever a new dwelling unit is created either by new construction, or by an alteration to an existing building, separate gas and electrical meters shall be provided.

7.32.090 Additions-Apartment houses, hotels and dwellings.

Notwithstanding the provisions of Section 7.28.240 whenever alterations, repairs, or additions requiring a permit or one (1) or more sleeping rooms are added or created in existing Group R Occupancies, the entire building shall be provided with smoke alarms and carbon monoxide alarms located as required for new Group R Occupancies.

Furthermore, spark arrestors shall be installed on all chimneys connected to solid burning fuel-burning appliances.

7.32.100 Repair of roof covering.

Roof coverings may be repaired or replaced with materials as set forth in Section 7.32.190.

7.32.110 Chapter 1 Division II, Administration-Deleted.

Chapter 1 Division II is deleted.

7.32.120 Section 202, Chapter 2, Definitions of Substantial Damage and Substantial Improvement – Added.

The definitions of “Substantial Damage” and “Substantial Improvement” in Section 202 of the State Code are amended to read as follows:

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any one or more or any combination of repair, reconstruction, rehabilitation, alterations, addition or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to January 1, 2023. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, included either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

7.32.130 Sections 502.2.1, 502.2.2, 502.2.3, 502.2.4, Chapter 5, Address illumination – Added.

Sections 502.2.1, 502.2.2, 502.2.3, 502.2.4 are added to read:

502.2.1 The address number(s) shall be illuminated during the hours of darkness. The light source shall be provided with an uninterruptible AC power source or controlled by a photoelectric device.

502.2.2 Exterior doors in commercial tenant space numbers shall be addressed as required in section 502.1. Exception, dual doors may have the addresses on one door or centered above the doors. In addition, all rear doors or service doors will have the name of the business in 4-inch-high lettering.

502.2.3 No other number may be affixed to a structure that might be mistaken for, or confused with, the number assigned to the structure.

502.2.4 The assigned address, including the suite number, shall be displayed on all electric meters in accordance with utility company standards.

7.32.140 Section 507.14, Chapter 5, Frontage Restriction-Added.

A new Section 507.14 is added to read:

507.14 Frontage Restriction. The increase in area permitted by Sections 506.3, 507.1 through 507.13 of this Section shall not be allowed unless or until the owner of the required yard shall file an agreement binding such owner, his heirs, and assignees, to set aside the required yard as unobstructed space having no improvements. Such agreement shall be recorded in the Alameda County Recorder's Office.

Exception: When using the public way for frontage increase.

7.32.150 Section 706.1, Chapter 7, Fire Walls-Amended.

Section 706.1 is amended by adding a new subsection 706.1.2 to read:

706.1.2 Fire walls shall not be considered to create separate buildings for the purpose of automatic fire-sprinkler system requirements as set forth in Chapter 9.

7.32.160 Section 701A.1, Chapter 7A, Scope-Amended.

Section 701A.1 is amended to read:

701A.1 Scope. This Chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface (WUI) Fire Area as defined in Section 702A or adjacent to open space or undeveloped land.

7.32.170 Section 702A, Chapter 7A, Definitions-Amended.

Section 702A is amended to add the following definitions:

Adjacent to Open Space. Shall mean commercial parcels and residential lots which have a point of contact with open space.

Adjacent to Undeveloped Land. Shall mean commercial parcels and residential lots which have a point of contact with Undeveloped Land.

Open Space. For the purpose of this Chapter, Open Space shall mean those lands set aside to remain permanently undeveloped.

Undeveloped Land. For the purpose of this Chapter, Undeveloped Land shall mean land which is available for development, but no Tentative Map, Master Tentative Map or Development Agreement has been approved, and any land designated for government use for which no development plan has been approved.

7.32.180 Sections 903.2 Exception, 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 – Deleted; 903.2.1.1#1, 903.2.1.2#1, 903.2.1.3#1. 903.2.1.4#1, 903.2.3#1, 903.2.4, 903.2.4#1, 903.2.7#1, 903.2.9, 903.2.9#1, 903.2.9#2, and 903.2.11.3 Amended; and 903.2.13 and 903.2.30 -Added.

Sections 903.2 Exception, 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 are deleted; Sections 903.2.1.1#1, 903.2.1.2#1, 903.2.1.3#1. 903.2.1.4#1, 903.2.3#1, 903.2.4, 903.2.4#1, 903.2.7#1, 903.2.9, 903.2.9#1, 903.2.9#2, and 903.2.11, are amended to read as follows; and Sections 903.2.13 and 903.2.30 are added to read as follows:

903.2.1.1 **Group A-1 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.1.2 **Group A-2 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.1.3 **Group A-3 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.1.4 **Group A-4 Occupancies.**

1. The fire area exceeds 3,000 square feet (279 m²).

903.2.3 **Group E Occupancies.**

1. Throughout all Group E fire areas greater than 3,000 square feet (279 m²).

903.2.4 **Group F Occupancies.**

An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

1. A Group F fire area exceeds 2,500 square feet (232 m²).

903.2.7 **Group M Occupancies.**

1. A Group M fire area exceeds 2,500 square feet (232 m²).

903.2.9 **Group S Occupancies.**

An automatic sprinkler system shall be installed in all Group S occupancies as follows:

1. The fire area exceeds 2,500 square feet (232 m²);
2. Buildings with repair garages servicing vehicles parked in basements.

903.2.11.3 **Buildings Three Or More Stories in Height.**

An automatic sprinkler system shall be installed in all occupancies, regardless of type of construction, if the building is three or more stories or more than 35 feet in height measured from the pad grade level to the highest point of the building. An automatic sprinkler system shall be installed in all other occupancies as may be required by the 2022 California Building and Residential Code.

903.2.13 **Group B Occupancies.**

An automatic fire-extinguishing system shall be installed in Group B occupancies where the floor area exceeds 3,000 square feet (279 m²).

903.2.30 **All Occupancies.**

An automatic fire-extinguishing system shall be installed in all occupancies located more than one and one half (1½) miles from a fire station providing fire protection to that location. Said distance shall be measured in a straight line.

Buildings containing portions which are required to have an automatic fire extinguishing system because of the number of stories shall have the automatic fire extinguishing system installed throughout and fire walls as set forth in Section 706 shall not be considered as creating separate buildings for the purpose of this section.

Whenever an addition is made to an existing building, automatic fire-extinguishing systems shall be installed if the existing building plus the addition exceeds the area or height limitations set forth in this section. Whenever the use of an existing building or portion thereof is changed in any manner so as to require the installation of an automatic fire-extinguishing system, said system shall be installed in that portion of the building housing the new use.

(Sections 903.2 Exception, 903.2.1.2#4, 903.2.1.3#4, 903.2.3#2 Exception, 903.2.3#5, 903.2.4#2, 903.2.4#3, 903.2.7#2, 903.2.7#3, 902.2.7#4, 903.2.7.2, 903.2.9#3, 903.2.9#4, 903.2.9.1, 903.2.10, and 903.2.10.1 are deleted)

7.32.190 Section 1505.1, Chapter 15, Fire Classification-Amended.

Section 1505.1 is amended to read:

1505.1 General. Roof Assemblies shall be divided into the classes defined below. Class A, B, and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with the following:

1. **Map of Fire Safe Roof Areas.** Figure 15-1* is a map of Fire Safe Roof areas. Said map may be amended from time to time by including areas which are annexed to the City within one of the two roofing areas. Said amendments may be made by the Building Official after consultation, with the Chief of the Fire Department having jurisdiction.

2. **Roofing Area 1.** Any new roof and any alteration, repair or replacement for buildings housing R & U occupancies in Roofing Area 1 shall use roof covering material that conforms to Class B or better or shall be made of concrete, ferrous or copper metal, clay, slate or similar non-combustible material.

3. **Roofing Area 2.** Any new roof for buildings using roof covering material that conforms to Class C or better or shall be made of concrete, ferrous or copper metal, clay, slate or similar non-combustible material.

4. **Other Occupancies.** Any new roof covering and any alterations, repairs or replacement of roof covering material for buildings housing all other occupancies shall conform to the requirements as set forth in Roofing Area 1.

* Editor's Note: Figure 15-1 is on file in the office of the City Clerk.

7.32.200 Table 1607.1, Chapter 16, Minimum Uniformly Distributed Live Loads, L_o, and Minimum Concentrated Live Loads -Amended.

Table 1607.1 is amended by adding a new Footnote e to read:

e. Bridges for vehicular traffic shall be designed for H20 loading as designated by the American Association of State Highway Officials.

7.32.210 Section 1705.3 Exception 1, Chapter 17, Concrete Construction – Amended.

Section, 1705.3 Exception 1 is amended to read:

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 pounds per square inch (psi) (17.2 Mpa) regardless of the compressive strength specified in the construction documents or used in the footing construction.

7.32.220 Section 1905.1.7, Chapter 19, ACI 318, Section 14.1.4-Amended.

Section 1905.1.7, 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 stories 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.

7.32.230 Table 2308.6.1, Chapter 23, Wall Bracing Requirements– Amended.

Table 2308.6.1 is amended by adding new footnotes “f” and “g” to read:

f. Methods PBS, HPS, and SFB are not permitted in Seismic Design Category D and E.
g. Methods GB, DWB and PCP are not permitted in Seismic Design Category E.

7.32.240 Section 2308.6.9, Attachment of Sheathing-Amended.

Section 2308.6.9, is amended by adding a second paragraph:

All braced wall panels shall extend to the roof sheathing and shall be attached to parallel roof rafters or blocking above with framing clips (18 gauge minimum) spaced at maximum 24 inches (6096 mm) on center with four 8d nails per leg (total eight 8d nails per clip). Braced wall panels shall be laterally braced at each top corner and at maximum 24 inches (6096 mm) intervals along the top plate of discontinuous vertical framing.

7.32.250 Section 3116.1, Chapter 31, Prohibited Installations-Added.

A new Section 3115.1 is added to read:

3116.1 Prohibited Installations. It shall be unlawful to install a wood burning fireplace or wood burning appliance that is not one of the following:

1) Pellet-fueled wood heater,
2) EPA certified wood heater,
3) Fireplace certified by EPA

7.32.260 Section 3203, Chapter 32, Signs-Added.

A new Section 3203 is added to read:

3203 Signs. Signs when placed flat against the wall of a building shall not project beyond the front property line more than 12 inches (305mm).

7.32.270 Section H101.2, Signs exempt from permits -Deleted.

Section H101.2 is deleted.

7.32.280 Section 1010, Appendix Chapter 10, Building security – Added.

Appendix Chapter 10 is added to read:

Section 1010 building security shall be in accordance with the *Uniform Building Security Code* in addition to the following:

* *Editor's Note: See Chapter 7.34 Residential Code for single family or townhouse requirements.*

(A) **Addressing.** All buildings shall be addressed as follows:

(1) Walkways serving six (6) or more individual units where the front entrance is not parallel to the street and driveways servicing six (6) or more individual dwelling units shall have minimum of 4-inch-high identification numbers, noting the range of unit numbers placed at the entrance to each driveway at a height between thirty-six (36) and forty-two (42) inches above grade. The address numbers shall be illuminated during the hours of darkness. The light source shall be provided with an uninterruptible AC power source or controlled only by a photoelectric device.

(2) There shall be positioned at each street entrance of a multi- family complex having more than one structure, an illuminated diagrammatic representation (map) of the complex that shows the location of the viewer and the unit designations within the complex. It shall be lighted during the hours of darkness utilizing a light source, which is constructed of weather and vandal resistant materials and provided with an uninterruptible AC power source or controlled by a photoelectric device. Nothing in this section shall preclude the requirement for circuit protection devices where applicable.

(3) If the building is adjacent to an alley, the number shall also be placed on or adjacent to the rear gate accessing the alley. Any building with vehicular

access to the rear through a public or private alley shall display, in a clearly visible location, a highly reflective or illuminated address number a minimum of four (4) inches in height.

(4) Where more than one (1) building is accessed by a common street entrance or there are multiple buildings on the same lot, each principal building shall display the number or letter assigned to that building on each corner of the building, as determined by the Building Official. These numbers shall be made visible during the hours of darkness. The street name may also be required when there is a secondary street frontage.

(5) Addressing shall not be obstructed by architectural structures such as trellises, arbors, balconies, light fixtures and or landscaping.

(6) In Commercial Day Care or Education facilities, all interior and exterior doors shall be provided with a room number on the door. A map of the facilities detailing location of all rooms and their uses shall be kept on file at the facilities on-site office.

(B) **Exterior Openings.** Exterior opening shall be as follows:

(1) Swinging exterior wood and steel doors shall be equipped as follows:

(a) A single or double door shall be equipped with a double- or single-cylinder deadbolt. The bolt shall have a minimum projection of one (1) inch and be constructed so as to repel cutting tool attack. The deadbolt shall have an embedment of at least three-fourths (3/4) inch into the strike receiving the projected bolt. The cylinder shall have a cylinder guard, a minimum of five pin tumblers and shall be connected to the inner portion of the lock by connecting screws of at least one-fourth (1/4) inch in diameter. The provisions of this paragraph do not apply where: (a) panic hardware is required, (b) conflicts with emergency egress requirements of the building and fire codes or (C) an equivalent device is approved by the authority having jurisdiction.

(b) Doorstop on a wooden jamb for an in-swing door shall be of one-piece construction with the jamb joined by a rabbet.

(c) For the purpose of this section, doors leading from garage areas into a dwelling are exterior doors.

(2) Double doors shall be equipped as follows:

(a) The inactive leaf of double door(s) shall be equipped with metal flush bolts that have a minimum embedment of five-eighths (5/8) inch into the head and threshold of the doorframe.

(b) Double doors shall have an astragal constructed of steel a minimum of .125 inch thick, which will cover the opening between the doors. The astragal shall be a minimum of two (2) inches wide and extend a minimum of one (1) inch beyond the edge of the door to which it is attached. The astragal shall be attached to the outside of the active door by means of welding or with non-removable bolts spaced apart on not more than ten (10) inch centers. (The door to which such an astragal is attached must be determined by the fire safety codes adopted by the enforcing authority.)

(3) Aluminum frame swinging doors shall be equipped as follows:

(a) The jamb on all aluminum frame-swinging doors shall be so constructed or protected to withstand 1,600 pounds of pressure in both a vertical distance of three (3) inches and a horizontal distance of one (1) inch each side of the strike, to prevent violation of the strike.

(b) A single or double door shall be equipped with a double cylinder deadbolt with a bolt projection exceeding one (1) inch, or a hook shaped or expanding dog bolt that engages the strike sufficiently to prevent spreading. The deadbolt lock shall have a minimum of five pin tumblers and a cylinder guard.

(4) Panic hardware, whenever required by the California Building Code or Title 19, California Administration Code, shall be installed as follows:

(a) Panic hardware shall contain a minimum of two (2) locking points on each door; or

(b) On single doors, panic hardware may have one locking point, which is not to be located at either the top or bottom frame. The door shall have an astragal constructed of steel .125 inch thick, which shall be attached with non-removable pins to the outside of the door. The astragal shall extend a minimum of six (6) inches vertically above and below the latch of the panic hardware. The astragal shall be a minimum of two (2) inches wide and extend a minimum of one (1) inch beyond the edge of the door to which it is attached.

(c) Double doors containing panic hardware shall have an astragal attached to the doors at their meeting point, which will close the opening between them, but not interfere with the operation of either door. (The astragal shall not interfere with the safe operation of emergency egress).

(5) Horizontal or Sliding Doors shall be installed as follows:

(a) In commercial occupancies, horizontal sliding doors shall be equipped with a metal guide track at top and bottom and a cylinder lock and/or

padlock with a hardened steel shackle which locks at both heel and toe, and a minimum five pin tumbler operation with non-removable key when in an unlocked position. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position.

(b) In residential occupancies, locks shall be provided on all sliding patio doors. The lock bolt on all glass patio doors shall engage the strike sufficiently to prevent its being disengaged by any possible movement of the door within the space or clearance provided for installation and operation. The strike area shall be of material adequate to maintain effectiveness of bolt strength.

(c) Sliding patio glass doors opening onto patios or balconies which are less than one story above grade or are otherwise accessible from the outside shall have the moveable section of the door sliding on the inside of the fixed portion of the door or possess an approved secondary lock mounted on interior of moveable section.

(6) In office buildings (multiple occupancy), all entrance doors to individual office suites shall meet the construction and locking requirements for exterior doors.

(7) In commercial occupancies, windows shall be deemed accessible if less than twelve (12) feet above the ground. Accessible windows having a pane exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches and not visible from a public or private thoroughfare shall be protected with burglary resistant glazing or other approved methods as determined by the Building Official.

(8) Side or rear windows of the type that can be opened shall, where applicable, be secured on the inside with either a slide bar, bolt, crossbar, auxiliary locking device, and/or padlock with a hardened steel shackle, a minimum four pin tumbler operation.

(9) Protective bars or grills shall not interfere with the operation of opening windows if such windows are required to be operable by the California Building Code.

(10) All exterior transoms exceeding ninety-six (96) square inches on the side and rear of any building or premises used for business purposes shall be protected with burglary resistant glazing or other approved methods as determined by the Building Official.

(11) Roof openings shall be equipped as follows:

(a) All skylights on the roof of any building or premises used by business purposes shall be provided with:

(1) Rated burglary resistant glazing; or

(2) Iron bars of at least one-half (1/2) inch round or one by one-fourth (1 x ¼) inch flat steel material under the skylight and securely fastened; or

(3) Steel grills of at least one-eighth (1/8) inch material with a maximum two (2) inches mesh under the skylight and securely fastened.

(4) A monitored intrusion alarm system. The system shall be kept operable at all times. The Chief of Police may require periodic testing of the alarm system to verify proper operation.

(b) All hatchway openings on the roof of any building or premises used for business purposes shall be secured as follows:

(1) If the hatchway is of wooden material, it shall be covered on the inside with at least sixteen (16) U.S. gauge sheet metal, or its equivalent, attached with screws.

(2) The hatchway shall be secured from the inside with a slide bar or slide bolts. (Fire Department approval may be desired.)

(3) Outside hinges on all hatchway openings shall be provided with non-removable pins when using pin-type hinges.

(c) All air duct or air vent openings exceeding ninety-six (96) square inches on the roof or exterior walls of any building or premises used for business purposes shall be secured by covering the same with either of the following:

(1) Iron bars of at least one-half (1/2) inch round or one by one-fourth (1 x ¼) inch flat steel material spaced no more than five (5) inches apart and securely fastened; or

(2) Iron or steel grills of at least one-eighth (1/8) inch material with a maximum two (2) inch mesh and securely fastened.

(3) If the barrier is on the outside, it shall be secured with bolts which are non-removable from the exterior.

(4) The above must not interfere with venting requirements creating a potentially hazardous condition to health and safety or conflict with the provisions of the California Building Code or Title 19, California Administrative Code.

(12) Exterior roof ladders shall not be permitted.

(13) Exterior electrical or phone panels are not permitted in commercial occupancies.

(14) Separation walls for individual commercial tenant spaces housed within a common structure shall be solid with sheathing and continuous from the structure's foundation to roof or floor / ceiling assembly. If both sides of the tenant spaces are accessible, then each side shall be sheathed.

(15) Intrusion Devices.

(a) If the enforcing authority determines that the security measures and locking devices described in this Chapter do not adequately secure the building, due to special conditions, he/she may require the installation and maintenance of an intrusion device (burglar alarm system).

(C) **Landscaping.**

(1) Shrubs and ground cover shall not directly cover windows and doorways.

(2) River rock used near parking lots or buildings shall be permanently affixed.

(3) Open space and buildings shall be arranged to afford visibility and opportunity for surveillance by on-site users and passers-by.

(4) Barriers, both real and symbolic, shall be designed to afford opportunities for surveillance through the barrier.

(5) For residential development, backyard gates shall be the full height of the wall or fence adjacent and capable of being locked.

(6) For residential development, walls or fences, if installed, shall be a minimum of 6 feet in height when adjacent to any of the following:

Reverse frontage
Retention/detention areas
Parks
Commercial areas
Industrial areas
Bike paths

(D) **Lighting.** Lighting of buildings or complexes shall at a minimum be illuminated as follows:

(1) A site plan shall be provided showing buildings, parking areas, walkways, detailed landscaping and a point-by-point photometric calculation of the required light levels.

(2) All exterior entrances shall be illuminated with a uniformly maintained minimum level of one foot candle of light between ground level and 6 vertical feet within a minimum radius of 15 feet from the center of the entrance between sunset and sunrise.

(3) Postal Service “gang boxes” (group postal boxes) shall be illuminated with a uniformly maintained minimum level of one foot candle of light.

(4) Lighting of all exterior areas shall be designed to maximize surveillance and reduce conflicts with building design, mature landscaping, and to minimize glare.

(5) Open stairways shall be illuminated with a minimum maintained five-tenths (0.5) foot-candle of light in all landings and stair treads between sunset and sunrise. Enclosed stairways and enclosed common corridors shall be illuminated at all times with a minimum maintained one-foot candle of light on all landings and stair treads.

(6) Private streets, alleys, and emergency access roads shall be illuminated using the same standards as established for public thoroughfares.

(7) Aisles, passageways, pedestrian walkways and recessed areas related to and within a building, a building complex, or providing access to a building or building complex from a parking lot or right of way shall be illuminated with a minimum uniformly maintained minimum level of one foot candle of light between ground level and six vertical feet between sunset and sunrise or other methods approved by the Building Official.

(8) Open parking lot and/or carport and refuse areas shall be provided with and maintained to a minimum of one foot-candle of light on the parking surface. The Building Official may approve a lower light level, if it can be demonstrated that the lower level provides for sufficient security lighting.

(9) Covered parking lots or covered portions of parking lots shall be illuminated with a uniformly maintained minimum level of one-foot candle of light between ground level and 6 vertical feet between sunset and sunrise. Lighting shall be designed so that architectural or structural features do not obstruct the minimum light coverage.

(10) Parking structures or enclosed or partially enclosed parking lots shall be illuminated with a uniformly maintained minimum level of two-foot candles of light between ground level and 6 vertical feet between sunrise and sunset (daylight hours).

(11) Lighting fixtures shall be so arranged as to illuminate light uniformly over the parking surface and be tamper resistant.

(12) Public rest rooms, rooms identified for the general public and children's recreation areas shall be provided with emergency lighting meeting section 1006 of this Code.

All light sources required by this section shall be: (a) controlled by a photocell device or a time clock that will turn the lights on at dusk and off at dawn and (b) protected by weather and vandal resistant covers.

(E) **Garage Type (Vehicle) Doors.** Garage-type doors, which are either rolling overhead, solid overhead, swinging, sliding, or accordion style doors shall conform to the following standards:

(1) Wood doors shall have panels a minimum of five-sixteenths (5/16) inch in thickness with the locking hardware being attached to the support framing.

(2) Aluminum doors shall be a minimum thickness of .0215 inches and riveted together a minimum of 18 inches on center along the outside seams. There shall be a full width horizontal beam attached to the main door structure which shall meet the pilot, or pedestrian access, door framing within 3 inches of the strike area of the pilot or pedestrian access door.

(3) Fiberglass doors shall have panels a minimum density of 6 ounces per square foot from the bottom of the door to a height of 7 feet. Panels above 7 feet and panels in residential structures shall have a density not less than 5 ounces per square foot.

(4) Doors utilizing a cylinder lock shall have a lock receiving point at each outer edge of the door; or, of the door does not exceed 19 feet, a single bolt may be used if placed in the center of the door with the locking point located either at the floor or door frame header.

(5) Doors with slide bolt assemblies shall have frames a minimum of .120 inches of thickness, with a minimum bolt diameter of one half (1/2) inch and protrude at least one and one half (1 ½) inches into the receiving guide. A bolt diameter of three-eighths (3/8) inch may be used in a residential building. The slide bolt shall be attached to the door with non-removable bolts from the outside. Rivets shall not be used to attach slide bolt assemblies.

(6) Padlocks used with exterior mounted slide bolts shall have a hardened steel shackle locking at both heel and toe and a minimum five pin tumbler operation with non-removable key when in an unlocked position. Padlocks used with interior mounted slide bolts shall have a hardened steel shackle with a minimum 4-pin tumbler operation.

(F) **Emergency Access**

(1) Private roads and parking areas or structures controlled by unmanned mechanical parking type gates shall provide for emergency access as follows:

Radio frequency access or by providing the gate access code for distribution to emergency responders. When an access code is to be utilized, an illuminated control box is to be mounted on a control pedestal consisting of a metal post/pipe, which shall be installed at a height of 42 inches and a minimum of 15 feet (4.6m) from the entry/exit gate. It shall be located on the driver's side of the road or driveway and accessible in such a manner as to not require a person to exit their vehicle to reach it, nor to drive on the wrong side of the road or driveway, nor to require any back-up movements in order to enter/exit the gate.

(2) Non-residential multi-tenant buildings utilizing electronic access control systems on the main entry doors, and enclosed retail shopping centers shall be provided with a means to allow for police emergency access.

(3) Pedestrian gates/doors using an electromagnetic type lock shall install a key switch within a telephone/intercom console or in a control housing, or other method approved by the Building Official that will provide for police emergency access. Options include radio frequency access or providing the gate access code for distribution to emergency responders.

(4) All lockable pedestrian gates to residential recreation areas serving 6 or more dwelling units, and gates or doors to common walkways or hallways of residential complexes where there are 4 or more dwelling units within the complex, shall provide for police emergency access utilizing an approved key switch device or approved Knox box. The Knox box shall be installed adjacent to each gate/door, securely attaching it to a fence or wall or location approved by the Building Official.

(5) Pedestrian gate doors utilizing mechanical locks shall install a Knox box adjacent to each gate/door, securely attaching it to a fence or wall

(G) **Keying requirements**

Upon occupancy by the owner or proprietor, each single unit in a tract or commercial development, constructed under the same site development review,

shall have locks using combinations that are interchange free from locks used in all other separate dwellings, proprietorships, or similar distinct occupancies.

(H) **Laundry rooms or areas:** Common area laundry rooms in multi-family complexes shall be designed and protected as follows:

(1) Entry doors shall have:

(a) A minimum six hundred (600) square inch clear vision panel in the upper half of the door, consisting of ¼" tempered glass;

(b) Automatic, hydraulic door closures;

(c) Self-locking door locks equipped with a deadlocking latch allowing exiting by a single motion and openable from the inside without the use of a key or any special knowledge or effort;

(d) Non-removable hinge pins for out-swinging doors to preclude removal of the door from the exterior by removing the hinge pins; and

(e) A latch protector consisting of minimum 0.125-inch-thick steel attached to the door's exterior by non-removable bolts from the exterior. It shall be two (2) inches wide and extend a minimum of five inches above and below the strike opening and extend a minimum of one (1) inch beyond the edge of the door. It shall have a metal anti-spread pin a minimum of one-half (1/2) inch in length.

(2) The laundry room shall be illuminated at all times with a minimum maintained one-foot candle of light at floor level, using a non-interruptible power source. There shall be no light switches inside the room that control light fixtures used to meet this lighting requirement.

(3) Any portion of an openable window which is within eight (8) feet vertically or six (6) feet horizontally from any accessible surface or any adjoining roof, balcony, landing, stair tread, platform, or similar surface, or any climbable pole or tree, or any surface providing a foothold, shall be secured as required by section 1018 of the Uniform Building Security Code.

(4) The interior of laundry rooms shall be visible from the exterior along common walking or driving surfaces. Perimeter windows and interior mirrors may be utilized to meet this requirement. Laundry rooms are to be located in high activity areas with natural surveillance opportunities and not in remote or isolated locations.

(I) **Elevators**

Elevators shall be designed as follows:

Elevator cabs, the interiors of which are not completely visible when the door is open from a point centered on the 36 inches away from the door shall have shatter resistant mirrors or other equally reflective material so placed as to make visible the entire elevator cab from this point. The elevator cab shall be illuminated at all times with a minimum maintained 2-foot candles of light at floor level.

(J) **Stairways**

Except for private stairways, Stairways shall be designed as follows:

(1) Interior doors shall have glazing panels a minimum of 5 inches wide and 20 inches in height and meet requirements of the California Building Code.

(2) Areas beneath stairways at or below ground level shall be fully enclosed or access to them restricted.

(3) Enclosed stairways shall have shatter resistant mirrors or other equally reflective material at each level and landing and be designed or placed in such manner as to provide visibility around corners.

(K) **Parking structures.**

(1) Parking structures shall be designed to restrict unauthorized access.

(2) Outside stairwells shall be open and not obstructed from view

(3) Security telephones with monitoring capability shall be located on every level adjacent to pedestrian ingress/egress points. If pedestrian ingress/egress points are more than 200 feet but less than 300 feet apart, additional security telephones shall be located at the midpoint between pedestrian ingress/egress points. If pedestrian ingress/egress points are more than 300 feet apart, security telephones will be located at 100-foot intervals. Security telephones shall be visible from all vehicular and pedestrian ingress/egress points and identified with appropriate signage.

(4) Blind corners shall be provided with shatterproof convex mirrors to improve visibility for both operators of vehicles and pedestrians.

(5) Doors shall be labeled with signage meeting the requirements of section 501.2

(6) Parking structures shall have the ceiling area of each floor or tier painted and maintained white or other reflective color approved by the Building Official.

(L) **Other requirements**

(1) Storage Areas. Exterior storage area attached to a dwelling, apartment or condominium and enclosed by a door shall comply with this section or have a minimum 3/8" diameter hardened padlock hasp.

(2) Side Gates. Side gates shall be the full height of the adjacent fence or wall and be capable of being locked. Side gates shall be secured with a slide bolt mounted on the inside of the gate. The slide bolt shall have a bolt diameter of three-eighths (3/8) inch and protrude at least one and one-half (1 ½) inches into the receiving guide. The slide bolt shall be attached to the gate with non-removable bolts. Rivets shall not be used to attach slide bolt assemblies. The slide bolt shall be mounted at a height that is not accessible by reaching over the gate.

7.32.290 Section G101.4, Chapter Appendix G, Violations-Amended.

Section G101.4 is amended to read:

> **G101.4 Violations**. Any violation of a provision of this appendix, or failure to comply with a permit or variance issued pursuant to this appendix or any requirement of this appendix, shall be enforced pursuant to Chapter 7.28 Dublin Municipal Code.

7.32.300 Section G101.5, Chapter Appendix G, Designation of floodplain administrator-Amended.

Section G101.5 is amended to read:

> **G101.5 Designation of floodplain administrator**. The Building Official is designated as the floodplain administrator and is authorized and directed to enforce the provisions of this appendix. The floodplain administrator is authorized to delegate performance of certain duties to other employees of the jurisdiction. Such designation shall not alter any duties and powers of the Building Official.

Chapter 7.34

RESIDENTIAL CODE

Sections:

7.34.010 Title.
7.34.020 Purpose.
7.34.030 Adoption of Residential Codes.
7.34.040 Scope.
7.34.050 Additions, alterations and repairs-Generally.
7.34.060 Additions, alterations and repairs-Code compliance.
7.34.070 Alterations and repairs.
7.34.080 Additions.
7.34.090 Repair of roof covering.
7.34.100 Chapter R1, Division II, Administration- Deleted.
7.34.110 Section 202, Chapter 2, Definitions of Substantial Damage and Substantial Improvement – Added.
7.34.120 Table R301.2(1), Chapter R3 – Amended.
7.34.130 Section R301.2.4 Floodplain Construction – Amended.
7.34.140 Section R313.1 Exception, Chapter R3 Automatic Fire Sprinkler Systems – Amended.
7.34.150 Section R313.2 Exception, Chapter R3 Automatic Fire Sprinkler Systems – Amended.
7.34.160 Section R319.2, Chapter R3, Site Address - Added.
7.34.170 Section R322.1 Chapter R3, General – Amended.
7.34.180 Section R337.1.1 Chapter R3, Scope – Amended.
7.34.190 Section R337.2 Chapter R3, Definitions – Amended.
7.34.200 Section R350, Chapter R3, Building Security – Added.
7.34.210 Section R403.1.3, Chapter R4, Footing and stem wall reinforcing in Seismic Design Categories D_0, D_1, D_2 – Amended.
7.34.220 Table R602.10.3(3), Chapter R6, Bracing Requirements – Amended.
7.34.230 Section R602.10.4.4, Chapter R6, Limits on methods GB and PCP – Added.
7.34.240 Section R902, Chapter 9, Fire Classification-Amended.
7.34.250 Section R1001.1.2 Chapter 10, Prohibited Installations—Added.
7.34.260 Chapters 11 through 43 are Deleted.

7.34.010 Title.

The residential codes adopted by section 7.34.030 and the provisions of this Chapter shall constitute the Dublin Residential Code and may be referred to as such.

7.34.020 Purpose.

The promotion and preservation of the public health, safety and general welfare of the people of the City and the property situated therein have made necessary the adoption of the residential codes referred to in Section 7.34.030 in order to adequately safeguard life, health, property, and general welfare. The purpose of this Code is not to create or otherwise establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the terms of this Code.

7.34.030 Adoption of Residential Codes.

A. The 2022 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code Section 18901 et. seq. (hereinafter referred to as the "State Code"), and any rules and regulations promulgated pursuant thereto including the International Residential Code, 2021 Edition, including Appendix Chapters AH, AQ, AX, and AZ as published by the International Code Council, and as referenced in and adopted pursuant to California Health and Safety Code Sections 17922 and 18935, (hereinafter referred to as the “IRC”) are hereby adopted and incorporated by reference herein.

Copies of the adopted codes have been and are now filed in the Office of the Building Official, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said codes are adopted by reference pursuant to Section 50022.4, et seq., of the Government Code of the State of California, and the codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Dublin.

B. Notwithstanding the provisions of Section 7.34.030.A, the State Code and the IRC are amended as set forth in Sections 7.34.100 through 7.34.260.

7.34.040 Scope.

A. The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every detached one- and two-family dwellings, townhouse not more than three stories above grade plane in height with a separate means of egress and accessory structures not more than three stories above grade plan in height throughout the City.

Exception: The following shall be permitted to be constructed in accordance with this code where provided with automatic sprinklers systems complying with Section R313:

1: Live/work units located in townhouses and complying with requirements of Section 508.5 of the California Building Code.

2: Owner-occupied lodging houses with five or fewer guestrooms.

B. The permissive provision of this Code shall not be presumed to waive any limitations imposed by any other law, ordinance, rule, or regulation. If two or more pertinent limitations are not identical, those limitations shall prevail which provide greater safety to life, health, property, or public welfare.

C. Buildings shall be made accessible to persons with disabilities as required by Title 24 California Code of Regulation. Whenever there is a conflict between the provisions of this Code and Title 24, California Code of Regulations with respect to the accessibility of buildings, structures or spaces to persons with disabilities, the provisions of Title 24 shall prevail.

D. See the California Energy Code for energy conservation requirements, California Mechanical Code for mechanical requirements, California Plumbing Code for plumbing requirements and the California Electrical Code for electrical requirements. In addition, see the California Building Code for interior environment requirements.

7.34.050 Additions, alterations and repairs-Generally.

Buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements of this Code for new buildings or structures except as specifically provided for in this section and Sections 7.34.060 through 7.34.090.

7.34.060 Additions, alterations and repairs-Code compliance.

Additions, alterations or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of this Code, provided the addition, alteration or repair conforms to that required for a new building or structure. Additions or alterations shall not be made to an existing building or structure which will cause the existing building or structure to be in violation of any of the provisions of this Code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of this Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life. Any building so altered, which involves a change in use or

occupancy, shall not exceed the height, number of stories and area permitted for new buildings. Any building plus new additions shall not exceed the height, number of stories and area specified for new buildings. Additions or alterations shall not be made to an existing building or structure when such existing building or structure is not in full compliance with the provision of this Code.

7.34.070 Alterations and repairs.

A. The provisions of Section 7.34.060 shall not prohibit the alteration or repair of any legally established existing one- and two-family dwelling or townhouse not more than three stories above grade plane in height with a separate means of egress or structure accessory thereto which retains, replaces or extends the use of the original materials or continued use of original methods of construction provided such alteration or repair does not create or continue a dangerous building as defined in Section 7.28.020, a substandard building as defined in Section 7.28.090. However, such alteration or repair shall not reduce any required fire resistance below that specified by this Code, reduce the resistance to lateral forces below that specified by this Code, or increase the stress or deflection of any member so as to exceed that specified by this Code.

B. The provisions of Section 7.34.060 pertaining to additions shall not require any legally existing one- and two-family dwelling or townhouse not more than three stories above grade plane in height with a separate means of egress, or structure accessory thereto to be made to conform to the provisions of this Code solely because of the construction of the addition. However, this section shall not be constructed to permit the addition to increase the stress or deflection of any existing member so as to exceed that specified by the Building Code. Whenever an addition increases the number of occupants which must exit through the existing building, all of the exit facilities serving the increased number of occupants shall comply with the provisions of this Code.

C. Whenever a new dwelling unit is created either by new construction, or by an alteration to an existing building, separate gas and electrical meters shall be provided, except where Government Code Section 65852.22 provides an exception to such a requirement.

7.34.080 Additions.

Notwithstanding the provisions of Section 7.28.240, whenever alterations, repairs, or additions requiring a permit or one (1) or more sleeping rooms are added or created in existing Group R, Division 3 Occupancies, the entire building shall be provided with smoke alarms and carbon monoxide alarms located as required for new Group R, Division 3 Occupancies.

Furthermore, spark arrestors shall be installed on all chimneys connected to solid burning fuel-burning appliances.

7.34.090 Repair of roof covering.

Roof coverings may be repaired or replaced with materials as set forth in Section 7.32.180 of the Dublin Municipal Code.

7.34.100 Chapter R1, Division II Administration-Deleted.

Chapter R1 Division II is deleted.

7.34.110 Section 202, Chapter 2, Definitions of Substantial Damage and Substantial Improvement.

The definitions of “Substantial Damage” and “Substantial Improvement” in Section 202 of the State Code are amended to read as follows:

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any one or more or any combination of repair, reconstruction, rehabilitation, alterations, addition or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to January 1, 2023. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, included either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

7.34.120 Table R301.2, Chapter R3 – Amended.

Table R301.2 is amended to read:

GROUND SNOW LOAD [o]	WIND DESIGN				SEISMIC DESIGN CATEGORY [f]	
	Speed (mph)	Topographic Effects [k]	Special wind region [l]	Windborne debris zone		
N/A	92	NO	NO	NO	D_2	
SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED [h]	FLOOD HAZARDS [g]	AIR FREEZING INDEX [i]	MEAN ANNUAL TEMP [j]
Weathering [a]	Frost line depth [b]	Termite [c]				
Negligible	12"	Very Heavy	NO	9/14/1987 See FIRM	2%	58.7

MANUAL J DESIGN CRITERIA [n]						
Elevation	Altitude correction factor [e]	Coincident wet bulb	Indoor winter design relative humidity	Indoor winter design dry-bulb temperature	Outdoor Winter design dry-bulb temperature	Heating temperature difference
200	1	67	75%	68%	32	36
Latitude	Daily range	Indoor summer design relative humidity	Indoor summer design dry-bulb temperature	Outdoor summer design dry-bulb temperature	Cooling temperature difference	
38	35	75%	75%	90	15	

7.34.130 Section R301.2.4 Floodplain Construction – Amended.

Section R301.2.4 is amended to read:

Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) as established in Table R301.2(1), and substantial improvement and repair of substantial damage of buildings and structures in floor hazard areas, shall be designed and constructed in accordance with ASCE24. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

7.34.140 Section R313.1 Exception, Chapter R3 Townhouse Automatic Fire Sprinkler Systems – Amended.

Section R313.1 Exception is amended to read:

Exception: An automatic sprinkler systems shall not be required where additions or alteration are made to existing townhouses that do not have an automatic sprinkler system installed, provided that the total square footage of the existing building plus the addition does not exceed 3600 square feet (334m²). Additions or alteration that remove 50 percent or more of the existing exterior walls of a dwelling shall be considered a new dwelling for the purposes of Section R313.1.

7.34.150 Section R313.2 Exception 1, Chapter R3 One and Two-family Dwellings Automatic Fire Sprinkler Systems – Amended.

Section R313.2 Exception 1 is amended to read:

Exception: 1. An automatic residential fire sprinkler system shall not be required for additions or alteration to existing building that are not already provided with an automatic residential sprinkler system, provided that the total square footage of the existing building plus the addition does not exceed 3600 square feet (334m²). Additions or alteration that remove 50 percent or more of the existing exterior walls of a dwelling shall be considered a new dwelling for the purposes of Section R313.2.

7.34.160 Section R319.2, Chapter R3, Site Address - Added.

Section R319.2, is added to read:

R319.2 Address Location. Address shall be installed in the following locations:

1 Walkways serving six (6) or more individual units where the front entrance is not parallel to the street and driveways servicing six (6) or more individual dwelling units shall have minimum of four (4) inch high identification numbers, noting the range of unit numbers placed at the entrance to each driveway at a height between thirty-six (36) and forty-two (42) inches above grade. The address numbers shall be illuminated during the hours of darkness. The light source shall be provided with an uninterruptible AC power source or controlled only by a photoelectric device or photovoltaic powered.

2. No other number may be affixed to a structure that might be mistaken for, or confused with, the number assigned to the structure.

3. If the building is adjacent to an alley, the number shall also be placed on or adjacent to the rear gate accessing the alley.

4. For multifamily buildings with recessed entryway over 2 feet, an additional lighted address shall be placed at the entryway to the recessed area. If the recessed area provides access to more than one dwelling unit, the range of units shall be displayed.

5. Each principal building of a multifamily complex shall display the number or letter assigned to that building on each corner of the building at a height that will prevent the number from being obscured by landscaping.

6. Any building with vehicular access to the rear through a public or private alley shall display, in a clearly visible location, a highly reflective or illuminated address number a minimum of four (4) inches in height.

7. Address numbers shall not be obstructed by architectural structures such as trellises, arbors, balconies, light fixtures and or landscaping.

7.34.170 Section R322.1 Chapter R3, General – Amended.

Section R322.1 is amended to read:

R322.1 General. Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2(1), and substantial improvement and repair of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with ASCE24 Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

7.34.180 Section R337.1.1 Chapter R3, Scope – Amended.

Section R337.1.1 is amended to read:

> **R337.1.1 Scope.** Section R337 and all subsections apply to building materials, systems and or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface (WUI) Fire Area as defined in Section R337.2 or adjacent to open space or undeveloped land.

7.34.190 Section R337.2 Chapter R3, Definitions – Amended.

Section 337.2 is amended to add the following definitions:

Adjacent to Open Space. Shall mean commercial parcels and residential lots which have a point of contact with open space.

Adjacent to Undeveloped Land. Shall mean commercial parcels and residential lots which have a point of contact with Undeveloped Land.

Open Space. For the purpose of this Chapter, Open Space shall mean those lands set aside to remain permanently undeveloped.

Undeveloped Land. For the purpose of this Chapter, Undeveloped Land shall mean land which is available for development, but no Tentative Map, Master

Tentative Map or Development Agreement has been approved, and any land designated for government use.

7.34.200 Section R350, Chapter R3, Building Security – Added.
Section R350 is added to read:

R350.1 Building Security. Residential building security shall be in accordance with the *Uniform Building Security Code* in addition to the following:

R350.2 **Exterior doors: Each exterior door shall be secured as follows:**

1. Exterior doors (excluding glass patio doors) and doors leading from garage areas into dwellings shall be equipped with a dead bolt lock with one-inch (1") throw.

2. Pairs of doors shall have flush bolts with a minimum throw of five-eighths inch (5/8") at the head and foot (floor and ceiling) of the inactive leaf.

3. Doorstop on a wooden jamb for an in-swing door shall be of one-piece construction with the jamb joined by a rabbet.

4. Locks shall be provided on all sliding patio doors.

5. Sliding patio glass doors opening onto patios or balconies which are less than one story above grade or are otherwise accessible from the outside shall have the moveable section of the door sliding on the inside of the fixed portion of the door or possess an approved secondary lock mounted on interior of moveable section.

6. The lock bolt on all glass patio doors shall engage the strike sufficiently to prevent its being disengaged by any possible movement of the door within the space or clearance provided for installation and operation. The strike area shall be of material adequate to maintain effectiveness of bolt strength.

R350.3 Landscaping.

1. Shrubs and ground cover shall not directly cover windows and doorways.

2. River rock used near parking lots or buildings shall be permanently affixed.

3. Backyard gates shall be the full height of the wall or fence adjacent and capable of being locked.

4. Open space and buildings shall be arranged to afford visibility and opportunity for surveillance by on-site users and passers-by.

5. Barriers, both real and symbolic, shall be designed to afford opportunities for surveillance through the barrier.

6. For residential development, walls or fences, if installed, shall be a minimum of 6 feet in height when adjacent to any of the following:
    - Reverse frontage,
    - Retention/detention areas,
    - Parks, Commercial areas,
    - Industrial areas, or
    - Bike paths.

R350.4 Garage Type (Vehicle) Doors. Garage-type doors, which are either rolling overhead, solid overhead, swinging, sliding, or accordion style doors shall conform to the following standards;

1. Wood doors shall have panels a minimum of five-sixteenths (5/16) inch in thickness with the locking hardware being attached to the support framing.

2.Aluminum doors shall be a minimum thickness of .0215 inches and riveted together a minimum of 18 inches on center along the outside seams. There shall be a full width horizontal beam attached to the main door structure which shall meet the pilot, or pedestrian access, door framing within 3 inches of the strike area of the pilot or pedestrian access door.

3. Fiberglass doors shall have panels a minimum density of 6 ounces per square foot from the bottom of the door to a height of 7 feet. Panels above 7 feet and panels in residential structures shall have a density not less than 5 ounces per square foot.

4. Doors utilizing a cylinder lock shall have a lock receiving point at each outer edge of the door; or, if the door does not exceed 19 feet, a single bolt may be used if placed in the center of the door with the locking point located either at the floor or door frame header.

5. Doors with slide bolt assemblies shall have frames a minimum of .120 inches of thickness, with a minimum bolt diameter of one half (1/2) inch and protrude at least one and one half (1 ½) inches into the receiving guide. A bolt diameter of three-eighths (3/8) inch may be used in a residential building. The slide bolt shall be attached to the door with non-removable bolts from the outside. Rivets shall not be used to attach slide bolt assemblies.

R350.5 Emergency Access. Private roads and parking areas or structures controlled by unmanned mechanical parking type gates shall provide for police emergency access as follows:

1. Radio frequency access or by providing the gate access code for distribution to emergency responders. When an access code is to be utilized, an illuminated control box shall be mounted on a control pedestal consisting of a metal post/pipe which shall be installed at a height of 42 inches and a minimum of 15 feet (4.6m) from the entry/exit gate. It shall be located on the driver's side of the road or driveway and accessible in such a manner as to not require a person to exit their vehicle to reach it, nor to drive on the wrong side of the road or driveway, nor to require any back-up movements in order to enter/exit the gate.

2. All lockable pedestrian gates to residential recreation areas serving 6 or more dwelling units, and gates or doors to common walkways or hallways of residential complexes where there are 4 or more dwelling units within the complex, shall provide for police emergency access utilizing an approved key switch device or approved Knox box.

3. Pedestrian gates/doors using an electromagnetic type lock shall install a key switch within a telephone/intercom console or in a control housing, or other method approved by the Building Official that will provide for police emergency access. See 350.5.1 for options.

4. Pedestrian gate/doors (including pedestrian gates/doors in pool enclosures and recreational facilities) utilizing mechanical locks shall install a Knox box adjacent to each gate/door, securely attaching it to a fence or wall.

R350.6 Keying requirements. Upon occupancy by the owner or proprietor, each single unit in a tract constructed under the same site development review, shall have locks using combinations that are interchange free from locks used in all other separate dwellings, proprietorships, or similar distinct occupancies.

R350.7 Other requirements

1. Storage Areas. Any exterior storage area attached to a dwelling enclosed by a door shall comply with this section or have a minimum 3/8" diameter hardened padlock hasp.

2. Side Gates. Side gates shall be the full height of the adjacent fence or wall and be capable of being locked. Side gates shall be secured with a slide bolt mounted on the inside of the gate. The slide bolt shall have a bolt diameter of three-eighths (3/8) inch and protrude at least one and one-half (1 ½) inches into the receiving guide. The slide bolt shall be attached to the gate with non-removable bolts. The slide bolt shall be mounted at a height that is not accessible by reaching over the gate.

7.34.210 Section R403.1.3, Chapter R4, Footing and stem wall reinforcing in Seismic Design Categories D_0, D_1, D_2. – Amended.

Section R403.1.3 is amended to read:

R403.1.3 Footing and stem wall reinforcing in Seismic Design Categories D_0, D_1, D_2. Concrete footings located in Seismic Design Categories D_0, D_1 and D_2, as established in Table R301.2, shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars, one top and one bottom and not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

7.34.220 Table R602.10.3(3), Chapter R6, Bracing Requirements – Amended.

Table R602.10.3(3) is amended by adding a new footnote "i" to read:

i. Methods PBS, HPS, SFB and CS-SFB are not permit in Seismic Design Categories D_0, D_1, and D_2 .
j. Methods GB, DWB and PCP are not permitted in Seismic Design Categories D_0, D_1, and D_2 where S_1 is greater than or equal to 0.75.

Add the "i, j" footnote notation in the title of Table R602.10.3(3) to read:

TABLE R602.10.3(3)[i, j]

7.34.230 Section R602.10.4.5, Chapter R6, Limits on methods GB and PCP – Added.

A new Section R602.10.4.5 is added to read:

R602.10.4.5 Limits on methods GB and PCP. In Seismic Design Categories D_0, D_1, and D_2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D_0, D_1, and D_2, the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

7.34.240 Section R902, Chapter 9, Fire Classification-Amended.

Section R902.1 is amended to read:

R902.1 Roof covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A, B or C roofing shall be installed in areas as designated below or where the edge of the roof is less than 3 feet from a lot line. Class A, B and C roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

1. **Map of Fire Safe Roof Areas.** Figure 15-1* is a map of Fire Safe Roof areas. Said map may be amended from time to time by including areas which are annexed to the City within one of the two roofing areas. Said amendments may be made by the Building Official after consultation, with the Chief of the Fire Department or their designee having jurisdiction.

2. **Roofing Area 1.** Any new roof and any alteration, repair or replacement for buildings housing R & U-1 occupancies in Roofing Area 1 shall use roof covering material that conforms to Class B or better or shall be made of concrete, ferrous or copper metal, clay, slate or similar non-combustible material.

3. **Roofing Area 2.** Any new roof for buildings using roof covering material that conforms to Class C or better or shall be made of concrete, ferrous or copper metal, clay, slate or similar non-combustible material.

* Editor's Note: Figure 15-1 is on file in the office of the City Clerk.

7.34.150 Section R1001.1.2 Chapter 10, Prohibited Installations—Added.

A new Section R1001.1.2 is added to read:

R1001.1.2 Prohibited Installations. It shall be unlawful to install a new wood burning fireplace or appliance that is not one of the following:

1) Pellet-fueled wood heater,
2) EPA certified wood heater,
3) Fireplace certified by EPA

7.34.260 Chapters 11 through 43 are Deleted.

Chapters 11 through 43 are deleted.

5195914.1

Chapter 7.36

ELECTRICAL CODE

Sections:

7.36.010 Title.
7.36.020 Purpose.
7.36.030 Adoption of Electrical Codes.
7.36.040 Scope.
7.36.050 Exceptions.
7.36.060 Additions, alterations and repairs.
7.36.070 Section 210.53, Office receptacle outlets-Added.

7.36.010 Title.

The buildings codes adopted by reference in Section 7.36.030 and the provisions of this Chapter shall constitute the Dublin Electrical Code and may be referred to as such.

7.36.020 Purpose.

A. The promotion and preservation of the public health, safety, and general welfare of the people of the City and the property situated therein have made necessary the adoption of the electrical codes referred to in Section 7.36.030 in order to adequately safeguard life, health, property, and general welfare.

B. The purpose of this code is not to create or otherwise establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the terms of this code.

7.36.030 Adoption of Electrical Codes.

A. The 2022 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code Section 18901 et. seq. (hereinafter referred to as the "State Code"), and any rules and regulations promulgated pursuant thereto including the National Electrical Code, 2020 Edition, as published by the National Fire Protection Association, and as referenced in and adopted pursuant to California Health and Safety Code Sections 17922 and 18935, (hereinafter referred to as the "NEC") are hereby adopted and incorporated by reference herein.

Copies of the adopted codes have been and are now filed in the Office of the Building Official, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said codes are adopted by reference pursuant to Section 50022.4, et seq., of the Government Code of the State of California, and the codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Dublin.

B. Notwithstanding the provisions of Section 7.36.030.A, the State Code and the NEC are amended as set forth in Section 7.36.080.

7.36.040 Scope.

A. The provisions of this code shall apply to the installation, erection, construction, enlargement, addition to, alteration, repair, moving, removal demolition, conversion, use, and maintenance of any electrical wiring, appliances, devices, equipment, and apparatuses used for or in connection with the transmission or use of electrical energy for light, heat, power, radio, signaling communication or for other purpose in any building, structure, or premises within the City.

B. The permissive provisions of this code shall not be presumed to waive any limitations imposed by any other law, ordinance, rule, or regulation. If two (2) or more pertinent limitations are not identical, those limitations shall prevail which provide greater safety to life, health, property or public welfare.

C. Electrical appliances and equipment shall be made accessible to the physically handicapped. Whenever there is a conflict between the provisions of this code and Title 24 California Code of Regulation, the provisions of Title 24 shall prevail.

7.36.050 Exceptions.

The provisions of this code shall not apply to:

A. Work located in a public street;

B. Electrical installations within trailer coaches, campers, motor vehicles, railroad cars and aircraft; however, if any of the foregoing are permanently placed on the ground or have their wheels removed for other than temporary repairs, they shall comply with all the provisions of the electrical code;

C. Electrical installations within houseboats or other watercrafts; however, if any of the foregoing are stored out of the water and used for any purpose whatsoever, they shall comply with all the provisions of the electrical code;

D. Electrical installations owned or operated by a public utility for the use of such utility in the generation, transmission, distribution or metering of electrical energy;

E. Radio and television receiving equipment, amateur radio transmitting and receiving equipment, and community antenna television systems.

7.36.060 Additions, alterations and repairs.

A. All work done in connection with an addition to an existing electrical installation shall conform to the applicable provisions of this code. In addition, any portion of an existing electrical installation which would become overloaded or have its capacity exceeded as determined by the standards in this code for new installation as a result of the addition shall be made to conform to the applicable provisions of this code.

B. Alterations, repairs to, or replacement of equipment in any existing electrical installation shall conform to the applicable provisions of this code except that the Building Official may allow deviations from the provisions of this code, provided

the deviations are necessary due to the circumstances of the existing conditions; the existing condition was permitted by a previous Code; and such deviation does not create or continue a hazard to life, health, and property.

7.36.070 Section 210.53, Office receptacle outlets-Added.

Section 210.53 is added to read:

210.53 Office Receptacle Outlets. In office buildings or offices exceeding ten (10) percent of the floor area of the major use, receptacle outlets shall be installed in all permanent walls or partitions of each office so that no point along the floor line any wall space is more than six (6) feet (1.83m) measured horizontally, from an outlet in that space including any wall space two (2) feet (610 mm) or more in width and the wall space occupied by sliding panels in exterior walls.

As used in the section a "wall space" shall be considered a wall unbroken along the floor line by doorways, fireplaces and similar openings. Each wall space two (2) or more feet (610 mm) wide shall be treated individually and separately from other wall spaces within the room. A wall space shall be permitted to include two or more walls of a room (around corners) where unbroken at the floor line.

As used in this section “office space” means an enclosed office space with hard walls. Open office floor plans are not affected by this section.

Receptacle outlets shall, insofar as practicable be spaced equal distances apart. Receptacle outlets in floors shall not be counted as part of the required number of receptacle outlets unless located near the wall.

The receptacle outlets required by the section shall be in addition to any receptacle that is part of any lighting fixture or appliance, located within cabinets or cupboards, or located over five and one-half (5 ½) feet (1.68 m) above the floor.

5195936.1

Chapter 7.40

PLUMBING CODE

Sections:

7.40.010 Title.
7.40.020 Purpose.
7.40.030 Adoption of Plumbing Codes.
7.40.040 Scope.
7.40.050 Exceptions.
7.40.060 Additions, alterations and repairs.
7.40.070 Chapter 1, Division II, Administration–Deleted.
7.40.080 Section 609.3, Chapter 6, Water piping in slab floors–Amended.

7.40.010 Title.

The plumbing codes adopted by reference in Section 7.40.030 and the provisions of this Chapter shall constitute the Dublin Plumbing Code and may be referred to as such.

7.40.020 Purpose

A. The promotion and preservation of the public health, safety and general welfare of the people of the City and the property situated therein have made necessary the adoption of the plumbing codes referred to in Section 7.40.030 in order to adequately safeguard life, health, property, and general welfare.

B. The purpose of this code is not to create or otherwise establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the terms of this code.

7.40.030 Adoption of Plumbing Codes.

A. The 2022 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code Section 18901 et. seq. (hereinafter referred to as the "State Code"), and any rules and regulations promulgated pursuant thereto including the Uniform Plumbing Code, 2021 Edition, including Appendix Chapters A, B, D, H, and I, as published by the International Association of Plumbing and Mechanical Officials, and as referenced in and adopted pursuant to California Health and Safety Code Sections 17922 and 18935, (hereinafter referred to as the "UPC") are hereby adopted and incorporated by reference herein.

Copies of the adopted codes have been and are now filed in the Office of the Building Official, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said codes are adopted by reference pursuant to Section 50022.4, et seq., of the Government Code of the State of California, and the codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Dublin.

B. Notwithstanding the provisions of Section 7.40.030.A, the State Code and the UPC are amended as set forth in Sections 7.40.070 through 7.40.080 of this Chapter.

7.40.040 Scope.

A. The provisions of this code shall apply to the installation, erection, construction, enlargement, addition to, alteration, repair, movement, relocation, replacement removal, demolition, conversion, use, and maintenance of any plumbing installation, gas or drainage piping installation or any fixture or water heating or treating equipment, or maintenance of plumbing systems in any building, structure, or premises within the City.

B. The permissive provisions of this code shall not be presumed to waive any limitations imposed by any other law, ordinance, rule, or regulation. If two (2) or more pertinent limitations are not identical, those limitations shall prevail which provide greater safety to life, health, property, or public welfare.

C. Plumbing fixtures and equipment shall be made accessible to the physically handicapped. Whenever there is a conflict between the provisions of this code and Title 24, California Code of Regulations, the provisions of Title 24 shall prevail.

7.40.050 Exceptions.

The provisions of the plumbing code shall not apply to:

A. Work located in a public street:

B. Plumbing systems within trailer coaches, campers, motor vehicles, railroad cars and aircraft: however, if any of the foregoing are permanently placed on the ground or have their wheels removed for other than temporary repairs, they shall comply with all the provisions of the plumbing code:

C. Plumbing systems within houseboats or other watercraft; however, if any of the foregoing are stored out of water and used for any purpose whatsoever, they shall comply with all the provisions of the plumbing code;

D. Building sewers as defined in Chapter 2 of the California Plumbing Code located within the boundaries of a sanitary district and such district has regulations for building sewers and such regulations are in force;

E. Sewage treatment and collection facilities of a sanitary district;

F. Water treatment, storage, transmission and distribution facilities of a water district or water company regulated by the Public Utilities Commission:

G. Gas storage, transmission and distribution facilities owned by a public utility:

H. Wells and water supply systems for irrigation and watering livestock provided such water is not used for human consumption.

7.40.060 Additions, alterations and repairs.

A. All work done in connection with an addition to an existing plumbing installation shall conform to the applicable provisions of this code. In an addition, any portion of an existing plumbing installation that would become overloaded or have its capacity exceeded as determined by the standards in this code for new installation as a result of the addition shall be made to conform to the applicable provision of this code.

B. Alterations, repairs to, or replacement of equipment in any existing plumbing installation shall conform to the applicable provisions of this code except that the Building Official may allow deviations from the provisions of this code, provided the

deviations are necessary due to the circumstance of the existing conditions; the existing condition was permitted by a previous code; and such deviation does not create or continue a hazard to life, health and property.

7.40.070 Chapter 1 Division II Administration–Deleted.

Chapter 1 Division II is deleted.

7.40.080 Section 609.3, Chapter 6, Under Concrete Slab–Amended.

Section 609.3, first paragraph, is amended by replacing it to read:

> Section 609.3 Water piping shall not be installed in or under a concrete floor slab within a building without prior approval of the Building Official. When approved, such piping shall be installed in accordance with the following requirements:

Chapter 7.44

MECHANICAL CODE

Sections:

7.44.010 Title.
7.44.020 Purpose.
7.44.030 Adoption of Mechanical Codes.
7.44.040 Scope.
7.44.050 Exceptions.
7.44.060 Additions, alterations and repairs.
7.44.070 Chapter 1, Division II, Administration–Deleted.

7.44.010 Title

The mechanical codes adopted by reference in Section 7.44.030 and the provisions of this Chapter shall constitute the Dublin Mechanical Code and may be referred to as such.

7.44.020 Purpose.

A. The promotion and preservation of the public health, safety and general welfare of the people of the City and the property situated therein have made necessary the adoption of the mechanical codes referred to in Section 7.44.030 in order to adequately safeguard life, health, property, and general welfare.

B. The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

7.44.030 Adoption of Mechanical Codes.

A. The 2022 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code Section 18901 et. seq. (hereinafter referred to as the "State Code"), and any rules and regulations promulgated pursuant thereto including the Uniform Mechanical Code, 2021 Edition, including Appendix Chapters B, and C , as published by the International Association of Plumbing and Mechanical Officials, and as referenced in and adopted pursuant to California Health and Safety Code Sections 17922 and 18935, (hereinafter referred to as the "UMC") are hereby adopted and incorporated by reference herein.

Copies of the adopted codes have been and are now filed in the Office of the Building Official, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said codes are adopted by reference pursuant to Section 50022.4, et seq., of the Government Code of the State of California, and the codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Dublin.

B. Notwithstanding the provisions of Section 7.44.030.A, the State Code and the UMC are amended as set forth in Section 7.44.070.

7.44.040 Scope.

A The provisions of this code shall apply to the installation, erection, construction, enlargement, addition to, alteration, repair, movement, relocation, removal, demolition, replacement, conversion, use, and maintenance of any heating, ventilating, comfort cooling, refrigeration systems, incinerators or other heat producing appliances, mechanical systems in any building, structure, or premises within the City.

B. The permissive provisions of this code shall not be presumed to waive any limitations imposed by any other law, ordinance, rule or regulation. If two (2) or more pertinent limitations are not identical, those limitations shall prevail which provide greater safety to life, health, property or public welfare.

C. Mechanical appliances and equipment shall be made accessible to the physically handicapped as required by Title 24 California Code of Regulations. Whenever there is a conflict between the provisions of this code and Title 24, California Code of Regulations, the provisions of Title 24 shall prevail.

7.44.050 Exceptions

The provisions of the mechanical code shall not apply to:

A. Work located in a public street;

B. Heating, ventilation, comfort cooling, refrigeration systems, incinerators or other heating or cooling appliances within trailer coaches, campers, mobile homes, motor vehicles and airplanes: however, if any of the foregoing are permanently placed on the ground or have their wheels removed for other than temporary repairs, they shall comply with all the provisions of this code;

C. Heating, ventilating, comport cooling, refrigeration systems, incinerators or other heating or cooling appliances within houseboats or other watercraft: however, if any of the foregoing are stored out of water and used for any purpose whatsoever, they shall comply with all the provisions of this code.

7.44.060 Additions, alterations and repairs.

A. All work done in connection with an addition to an existing mechanical installation shall conform to the applicable provisions of this code. In addition, any portion of an existing mechanical installation which would become overloaded or have its capacity exceeded as determined by the standards in this code for new installations as a result of the addition shall be made to conform to the applicable provisions of this code.

B. Alterations, repairs to, or replacement of equipment in any existing mechanical installation shall conform to the applicable provisions of this code except that the Building Official may allow deviations from the provisions of this code, provided the deviations are necessary due to the circumstance of the existing condition; the existing condition was permitted by a previous code; and such deviation does not create or continue a hazard to life, health and property.

7.44.070 Chapter 1, Division II, Administration–Deleted.

Chapter 1, Division II, is deleted.

Chapter 7.45

SWIMMING POOL AND SPA CODE

7.45.010 Title
7.45.020 Purpose.
7.45.030 Adoption.
7.45.040 Scope.
7.45.050 Exceptions
7.45.060 Amendments to the International Swimming Pool and Spa Code.
7.45.070 Sections 101 through 109, and Sections 111 through 114, Chapter 1, Scope and Administration-Deleted.
7.45.080 Chapter 2, Definitions - Added.
7.45.090 Chapter 2, Definitions - Amend.
7.45.100 Section 303, Chapter 3, Energy - Amended.
7.45.110 Section 304.2, Chapter 3, Determination of impacts based on locations - Amended.
7.45.120 Section 305.2, Chapter 3, Outdoor Swimming Pools and Spas - Amended.
7.45.130 Section 318.4, Chapter 3, Water Conservation - Added.
7.45.140 Section 901.2, Chapter 9, General - Deleted.
7.45.150 Section 1101.1, Chapter 11, Referenced Codes and Standards - Added.
7.45.160 Section 1101.2, Chapter 11, Application of Codes- Added.
7.45.170 Chapter 11, Referenced Standard-ANSI/APSP/ICC-13-2017 - Added.

7.45.010 Title

The International Swimming Pool and Spa Code adopted by Section 7.45.030 and the provisions of this chapter is the City swimming pool and spa code and may be cited as such and will be referred to in the International Swimming Pool and Spa Code and in this chapter as “this code.”

7.45.020 Purpose.

A. The purpose of this code is to establish minimum requirements to provide a reasonable level of safety, health, property protection and general welfare by regulating and controlling the design, construction, installation, quality of materials, location and maintenance or use of pools and spas.

B. The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

7.45.030 Adoption.

The 2021 International Swimming Pool and Spa Code, as published by the International Code Council a copy of which have been and are now filed in the Office of the Building Official, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said codes are adopted by reference pursuant to Section 50022.4 et seq. of the Government Code of the State of California, and the codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Dublin. except as hereinafter modified in Sections 7.45.060 through 7.45.170

7.45.040 Scope.

A The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools, and spaces. The pools and spas covered by these codes are either permanent or temporary and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing, or wading.

B. The permissive provisions of this code shall not be presumed to waive any limitations imposed by any other law, ordinance, rule or regulation. If two (2) or more pertinent limitations are not identical, those limitations shall prevail which provide greater safety to life, health, property or public welfare.

C. Swimming Pool Safety Act. The provisions contained in Appendix Chapter AX of the California Residential Code are mandatory to reflect the Swimming Pool Safety Act found in Health and Safety Code Section s115920 through 115929. Note: See Chapter 31, Section 3109 of the California Building Code.

7.45.050 Exceptions

The provisions of the swimming pool and spa code shall not apply to:

A. Flotation tank systems intended for sensory deprivation therapy.

7.45.060 Amendments to the International Swimming Pool and Spa Code.

The text of the International Swimming Pool and Spa Code, as adopted by section 7.45.030, is further amended to conform to the California Building Standards Code as follows:

Delete the following references	Insert the following references
International Building Code	California Building Code
International Residential Code	California Residential Code
International Mechanical Code	California Mechanical Code
National Electrical Code or NFPA 70	California Electrical Code
International Fire Code	California Fire Code
International Plumbing Code	California Plumbing Code

International Existing Building Code	California Existing Building Code
International Zoning Code	Zoning Ordinance of the City of Dublin
International Energy Conservation Code	California Energy Code
International Fuel Gas Code	California Plumbing Code
Name of jurisdiction	City of Dublin
Code official	Building Official
"in accordance with Section 102.7 and this section."	"this section."

7.45.070 Sections 101 through 109, and Sections 111 through 114, Chapter 1, Scope and Administration-Deleted.

Sections 101 through 109, and Sections 111 through 114, Chapter 1 are deleted.

7.45.080 Chapter 2, Definitions - Added.

The following definitions are added to read:

ANSI/APSP Performance Standard. ANSI/APSP performance standard means a standard that is accredited by the American National Standards Institute (ANSI) and published by the Association of Pool and Spa Professionals (APSP).

Approved Safety Pool Cover. Approved safety pool cover means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society of Testing and Materials (ASTM), in compliance with standard F1346-91.

Enclosure. Enclosure means a fence, wall, or other barrier that isolates a swimming pool from access to the home.

Exit Alarms. Exit alarms means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, in opened or is left ajar. Exist alarms may be battery operated or may be connected to the electrical wiring of the building.

Swimming Pool or Pool. Swimming pool of pool means any structure intended for swimming or recreational bathing that contains water over eighteen (18) inches deep. Swimming pool shall include in-ground and above ground structures and includes, but is not limited to, hot tubs, spaces, portable spas, and nonportable wading pools.

7.45.090 Chapter 2, Definitions - Amend.

The following definitions are amended to read:

Public swimming pool. Public swimming pool means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the ground of a private single-family home.

Suction Outlet. Suction outlet means a fitting or fixture typically located at the bottom or on the sides of a swimming pool that conducts water to a recirculating pump.

7.45.100 Section 303, Chapter 3, Energy - Amended.

Section 303. is deleted in its entirety and amended to read:

303 Energy. All pool and spa energy consumption shall meet the requirements in the California Energy Code.

7.45.110 Section 304.2, Chapter 3, Determination of impacts based on locations - Amended.

Section 304.2. is amended to read:

304.2 Determination of impacts based on location. Pools and spas in flood hazard areas indicated with in the City of Dublin shall comply with 304.2.1 or 304.2.2.

The remainder of section 304.2 is unchanged.

7.45.120 Section 305.2, Chapter 3, Outdoor Swimming Pools and Spas - Amended.

Section 305.2 is amended to read:

305.2 Outdoor swimming pools and spas. Other than those facilities regulated by the Swimming Pool Safety Act (Health and Safety Codes Sections 115920 through 115929), all outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7

7.45.130 Section 318.4, Chapter 3, Water Conservation - Added.

Section 318.4 is added to read:

318.4, Water conservation. Water conservation efficiency in residential and public pools, spas, portable spas, and swim spas shall be provided for in accordance with APSP 13.

7.45.140 Section 901.2, Chapter 9, General - Deleted.

Section 901.2 is deleted.

7.45.150 Section 1101.1, Chapter 11, Referenced Codes and Standards - Added.

Section 1101.1 is added to read:

1101.1 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in this chapter and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provision of this code shall be the minimum requirements.

7.45.160 Section 1101.2, Chapter 11, Application of Codes- Added.

Section 1101.2 is added to read:

1101.2 Application of Codes. Where the Residential Code is referenced in this code, the provisions of the Residential Code shall apply to related systems in detached one- and two-family dwellings and townhouses not more than three stories in height. Other related systems shall comply with the applicable Code or referenced standard.

7.45.170 Chapter 11, Referenced Standard-ANSI/APSP/ICC-13-2017 - Added.

Referenced standard ANSI/APSP/ICC-13-2017 is added to Chapter 11

Standard Acronym	Standard Name	Sections Herein Referenced
ANSI/APSP/ICC-13-2017	American National Standard for Water Conservation Efficiency in Residential and Public Pools, space, Portable Spas and Swim Spas	318.4

5196125.1

Chapter 7.46

EXISTING BUILDING CODE

Sections:

7.46.010 Title.
7.46.020 Purpose.
7.46.030 Adoption of Existing Building Codes.
7.46.040 Scope.
7.46.050 Exceptions.
7.46.060 Applicability.
7.46.070 Chapter 1 Division II, Administration-Deleted.
7.46.080 Section 202, Chapter 2, Definitions of Substantial Damage and Substantial Improvement.
7.46.090 Chapters 6 through 13-Deleted.

7.46.010 Title.

The building codes adopted by section 7.46.030 and the provisions of this Chapter shall constitute the Dublin Existing Building Code and may be referred to as such.

7.46.020 Purpose.

The intent of this code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to provide a reasonable level of safety, health, property protection and general welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings. The purpose of this Code is not to create or otherwise establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the terms of this Code.

7.46.030 Adoption of Existing Building Code.

A. The 2022 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code Section 18901 et. seq. (hereinafter referred to as the "State Code"), and any rules and regulations promulgated pursuant thereto including the International Existing Building Code, 2021 Edition, including Appendix Chapter A, as published by the International Code Council, and as referenced in and adopted pursuant to California Health and Safety Code Sections 17922 and 18935, (hereinafter referred to as the "IEBC") are hereby adopted and incorporated by reference herein.

The codes and standards referenced in this code shall be considered part of this code to the prescribed extent of each such reference. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Building, Mechanical, Plumbing, Housing, Fire or

Energy Codes, the provisions of these codes as applicable, shall take precedence over the provisions in the referenced code or standard.

Copies of the adopted codes have been and are now filed in the Office of the Building Official, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said codes are adopted by reference pursuant to Section 50022.4, et seq., of the Government Code of the State of California, and the codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Dublin.

B. Notwithstanding the provisions of Section 7.46.030.A, the State Code and the IEBC are amended as set forth in Sections 7.46.070 through 7.46.090.

7.46.040 Scope.

A. The provisions of this Code shall apply to repair, alteration, change of occupancy, addition to and relocation of existing buildings.

B. The permissive provision of this Code shall not be presumed to waive any limitations imposed by any other law, ordinance, rule, or regulation. If two or more pertinent limitations are not identical, those limitations shall prevail which provide greater safety to life, health, property, or public welfare.

C. Where work regulated by this code is also regulated by the construction requirements for existing buildings in Chapter 11 of the Fire Code, such work shall comply with applicable requirements of both codes.

D. Buildings shall be made accessible to persons with disabilities as required by Title 24 California Code of Regulation. Whenever there is a conflict between the provisions of this Code and Title 24, California Code of Regulations with respect to the accessibility of buildings to persons with disabled, the provisions of Title 24 shall prevail.

7.46.050 Exceptions.

The provisions of this Code shall not apply to:

Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the Residential Code.

7.46.060 Applicability.

This code shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings, regardless of occupancy, subject to the criteria of Sections 7.46.060 A and 7.46.060 B.

A. **Buildings not previously occupied**. A building or portion of a building that has not been previously occupied or used for its intended purpose, in accordance with the laws in existence at the time of its completion, shall be permitted to comply with the provisions of the laws in existence at the

time of its original permit unless such permit has expired, Subsequent permits shall comply with the Building or Residential Codes, as applicable, for new construction.

B. **Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Fire Code, or the Building Maintenance Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

7.46.070 Chapter 1 Division II, Administration-Deleted.

Chapter 1 Division II is deleted.

7.46.080 Section 202, Chapter 2, Definitions of Substantial Damage and Substantial Improvement.

The definitions of “Substantial Damage” and “Substantial Improvement” in Section 202 of the State Code are amended to read as follows:

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any one or more or any combination of repair, reconstruction, rehabilitation, alterations, addition or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to January 1, 2023. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, included either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

7.46.090 Chapters 6 through 13-Deleted.

Chapters 6 through 13 are deleted.

5196169.1

Chapter 7.48

BUILDING MAINTENANCE CODE

Sections:

7.48.010 Title.
7.48.020 Purpose.
7.48.030 Adoption.
7.48.040 Scope.
7.48.050 Amendments to the International Property Maintenance Code.
7.48.060 Chapter 1, Scope and Administration-Deleted.
7.48.070 Sections 302.2, 302.3, 302.4 and 302.8, Chapter 3, Exterior Property Areas – Deleted.
7.48.080 Section 303.2, Chapter 3, Enclosures – Amended.
7.48.090 Section 304.14, Chapter 3, Insect Screens – Amended.
7.48.100 Section 304.16, Chapter 3, Under-Floor areas – Amended.
7.48.110 Sections 308.2.1.1, Chapter 3, Garbage Receptacles – Added.
7.48.120 Sections 309.1 and 309.2, Chapter 3, Pest Elimination – Amended.
7.48.130 Section 310.1 and 310.2, Chapter 3, Sanitation – Added.
7.48.140 Section 311, Chapter 3, Caretaker – Added.

7.48.010 Title.

The International Property Maintenance Code adopted by Section 7.48.030 and the provisions of this chapter are the City building maintenance code and may be cited as such and will be referred to in the International Property Maintenance Code and in this chapter as "this code."

7.48.020 Purpose.

A. The promotion and preservation of the public health, safety, and general welfare of the people of the City and the property situated therein have made necessary the adoption of the International Property Maintenance Code referred to in Section 7.48.030 in order to adequately safeguard life, health, property, and general welfare.

B. The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

7.48.030 Adoption.

The 2022 International Property Maintenance Code, including Appendix Chapter A, as published by the International Code Council a copy of which have been and are now filed in the Office of the Building Official, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said codes are adopted by reference pursuant to Section 50022.4 et seq. of the Government Code of the State of California, and the codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect, the provisions

thereof shall be controlling within the limits of the City of Dublin. except as hereinafter modified in Sections 7.48.050 through 7.48.140.

7.48.040 Scope.

A. The provisions of this code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in Section 7.28.240, except such as are found to be substandard as defined in this code.

B. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. Every rooming house or lodging house shall comply with all the requirements of this code for dwellings.

7.48.050 Amendments to the International Property Maintenance Code.

The text of the International Property Maintenance Code, as adopted by section 7.48.030, is further amended to conform to the California Building Standards Code as follows:

Delete the following references	**Insert the following references**
International Building Code	California Building Code California Residential Code
International Mechanical Code	California Mechanical Code
National Electrical Code or NFPA 70	California Electrical Code
International Fire Code	California Fire Code
International Plumbing Code	California Plumbing Code
International Existing Building Code	California Existing Building Code
International Zoning Code	Zoning Ordinance of the City of Dublin
International Fuel Gas Code	California Plumbing Code
Name of jurisdiction	City of Dublin

7.48.060 Chapter 1, Scope and Administration-Deleted.

Chapter 1 is deleted.

7.48.070 Sections 302.2, 302.3, 302.4 and 302.8, Chapter 3, Exterior Property Areas – Deleted.

Sections 302.2, 302.3, 302.4 and 302.8. are deleted

7.48.080 Section 303.2, Chapter 3, Enclosures – Amended.

Section 303.2 is amended to read:

> **303.2 Enclosures.** Private swimming pools, hot tubs, and spas enclosures shall meet the requirements of Section 3109.2 California Building Code, California Swimming Pool Safety Act and 7.45.120.

7.48.090 Section 304.14, Chapter 3, Insect Screens – Amended.

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

7.48.100 Section 304.16, Chapter 3, Under-Floor areas – Amended.

Section 304.16 is amended to read:

304.16 Under-Floor areas. Under-floor access doors and ventilation openings shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Doors shall be tight fitting and ventilation openings shall be properly screened with corrosion-resistant wire mesh having openings not exceeding 1/4 inch in any dimension or alternate approved materials pursuant to current CBC 1203.4.1.

7.48.110 Sections 308.2.1.1, Chapter 3, Garbage Receptacles – Added.

Section 308.2.1.1 is added to read:

308.2.1.1 Garbage Receptacles. An adequate number of appropriate receptacles with close fitting covers for garbage and rubbish as may be considered necessary by the enforcing agency shall be provided for the occupant of every dwelling unit by the owner or operator of every apartment house, hotel, or combination thereof. Each receptacle shall be kept in a clean condition and good repair.

7.48.120 Sections 309.1 and 309.2, Chapter 3, Pest Elimination – Amended.

Sections 309.1 and 309.2 are amended to read:

309.1 Infestation. All structures shall be kept free from insect, rodent and vermin infestation. When an insect, rodent or vermin infestation is brought to the attention of the code official, he or she may require the owner or agent having charge or control of the building, lot or premises to hire a licensed exterminator or other qualified professional to inspect the building, lot or premises and provide a written report verifying the presence and severity of such infestation including in the report a recommendation for proper extermination of the infestation. All structures in which insect, rodent or vermin infestations are found shall be promptly exterminated by approved processes that will not be injurious to human health. After the extermination of the infestation is complete, the code official may request

a written notice from the licensed exterminator or other qualified professional attesting to the completion and success of the recommended extermination procedures. After the infestation is eliminated, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. The owner of a structure or premises containing a dwelling unit, multiple occupancy, rooming house or a nonresidential structure shall be responsible for maintaining the structure and premises in a rodent or pest-free condition. If an infestation is caused by an occupant substantially failing to properly maintain their occupied area of the structure or premises as clean and sanitary as the condition of the structure or premises permits, the occupant and owner shall be responsible for pest elimination. For as long as the occupant's failure either substantially causes an unlivable condition to occur, or substantially interferes with the owners' ability to remedy the condition, the owner does not have to remedy the condition. Where the infestation is caused by defects in the structure, the owner shall be responsible for extermination.

7.48.130 Section 310.1 and 310.2, Chapter 3, Sanitation – Added.

Sections 310.1 is added to read

310.1 Bedding. In every room for rent, apartment house or hotel every part of every bed, including the mattress, sheets, blankets, and bedding shall be kept in a clean, dry and sanitary condition, free from filth, urine, or other foul matter; and from infection of lice, bed-bugs, or other insects. The bed linen shall be changed before a new guest occupies the dwelling unit.

7.48.140 Section 311, Chapter 3, Caretaker – Added.

Section 311.1 is added to read

311 Caretaker. A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are sixteen (16) or more apartments and of every hotel in which there are twelve (12) or more guest rooms, in the event that the owner of any such apartment house or hotel does not reside upon said premises. If the owner does not reside upon the premises of an apartment house in which there are more than four (4) but less than sixteen (16) apartments, a notice stating his name and address, or name and address of his agent shall be posted in a conspicuous place on the premises.

5196173.1

Chapter 7.94

GREEN BUILDING

Sections:

7.94.010 Title.
7.94.020 Purpose.
7.94.030 Adoption of the Green Building Code.
7.94.040 Scope.
7.94.050 Section 202, Chapter 2 Definitions – Amended.
7.94.060 Section 4.106.4 Electric vehicle (EV) charging for new construction – Deleted and Replaced.
7.94.070 Sections 4.106.5, 4.106.5.1, and 4.106.5.2 All Electric Buildings – Added.
7.94.080 Section 4.107.1, Division 4.1, Chapter 4, Future access for solar systems-Added.
7.94.090 Sections 5.106.5.3 and 5.106.5.3.1 Electric vehicle (EV) charging. – Deleted and Replaced.
7.94.100 Section 5.106.13, 5.106.13.1 and 5.106.13.2 All electric buildings. – Added.
7.94.110 Section 5.107.1, Division 5.1, Chapter 5, Future access for solar systems-Added.

7.94.010 Title.

The green building standards codes adopted by Section 7.94.030 and the provisions of this Chapter shall constitute the Dublin Green Building Code and may be referred to as such.

7.94.020 Purpose.

A. To improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories:

1. Planning and design
2. Energy efficiency
3. Water efficiency and conservation
4. Material conservation and resource efficiency
5. Environmental quality

B. The purpose of this Code is not to create or otherwise establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the terms of this Code.

7.94.030 Adoption of the Green Building Code.

A. The 2022 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code Section 18901 et. seq. (hereinafter referred to as the "State Code"), and any rules and regulations promulgated pursuant thereto, as referenced in and adopted pursuant to California Health and Safety Code Sections 17922 and 18935, are hereby adopted and incorporated by reference herein.

Copies of the adopted codes have been and are now filed in the Office of the Building Official, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said codes are adopted by reference pursuant to Section 50022.4, et seq., of the Government Code of the State of California, and the codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Dublin.

B. Notwithstanding the provisions of Section 7.94.030.A, the State Code is amended as set forth in Sections 7.94.050 through 7.94.080.

7.94.040 Scope.

A. The provisions of this Code shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this Code, within the City.

B. It is not the intent that this Code substitute or be identified as meeting the certification requirements of any green building program.

7.94.050 Section 202, Chapter 2 Definitions – Amended.

The following definitions are hereby added to Section 202 of the State Code to read as follows:

ALL-ELECTRIC BUILDING. A building that contains no combustion equipment or plumbing for combustion equipment within the building or building property lines, and instead uses electric appliances for service.

COMMERCIAL FOOD HEAT-PROCESSING EQUIPMENT. Equipment used in a food establishment for heat-processing food or utensils and that produces grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.

COMBUSTION EQUIPMENT. Any equipment or appliance used for space heating, water heating, cooking, clothes drying and/or lighting that uses fuel gas.

ELECTRIC HEATING APPLIANCE. A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

FUEL GAS. A gas that is natural, manufactured, liquefied petroleum, or a mixture of these.

7.94.060 Section 4.106.4 Electric vehicle (EV) charging for new construction – Deleted and Replaced.

Section 4.106.4 is deleted and replaced with Section A4.106.8 to read:

A4.106.8 Electric vehicle (EV) charging for new construction is adopted as mandatory at the Tier 2 level.

7.94.070 Sections 4.106.5, 4.106.5.1, and 4.106.5.2 All Electric Buildings – Added.

Sections 4.106.5, 4.106.5.1, and 4.106.5.2 are added to read:

4.106.5 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use combustion equipment or are ready to accommodate installation of electric heating appliances.

4.106.5.1. New construction and qualifying alteration projects. All newly constructed buildings shall be all-electric buildings. Qualifying alteration projects shall be limited to additions or alterations that remove 50 percent or more of the existing exterior walls of a dwelling and additions that increase the square footage of the structure by more than 50 percent.

The final determination whether a project meets the definition of a qualifying alteration project shall be made by the Building Official

Exception:

If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the Building Official may grant a modification. The applicant shall comply with the following and Section 4.106.5.2.

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a

meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The Building Official shall have the authority to approve alternative materials and methods of construction as per the Dublin Municipal Code, Chapter 7.28.

4.106.5.2 Requirements for combustion equipment.
Where combustion equipment is allowed under subsection 4.106.5.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and

2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and

3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and

4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and

5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

7.94.080 Section 4.107.1, Division 4.1, Chapter 4, Future access for solar systems-Added.

A new Section 4.107.1 is added to read:

4.107.1 Future Access for Solar Systems. A minimum one-inch (25.4 mm) electrical conduit shall be provided from the electrical service equipment to the solar zone as defined by the California Energy Code, Title 24, Part 6, Section 110.10. Where a solar zone is not required by the California Energy Code, the conduit location shall be subject to approval of the Building Official.

Exception: Where solar is installed as part of the original construction and prior to first occupancy.

7.94.090 Sections 5.106.5.3 and 5.106.5.3.1 Electric vehicle (EV) charging. – Deleted and Replaced.

Sections 5.106.5.3 and 5.106.5.3.1 are deleted and replaced with Section A5.106.5.3 to read:

Section A5.106.5.3 Electric vehicle (EV) charging for new construction is adopted as mandatory at the Tier 2 level.

7.94.100 Section 5.106.13, 5.106.13.1 and 5.106.13.2 All electric buildings. – Added.

Section 5.106.13, 5.106.13.1 and 5.106.13.5.2 are added to read:

5.106.13 All-electric buildings. New construction buildings and qualifying alteration projects shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use combustion equipment or are ready to facilitate future electrification.

5.106.13.1. New construction and qualifying alteration projects. All newly constructed buildings shall be all-electric buildings. Qualifying alteration projects shall be limited to additions or alterations that remove 50 percent or more of the existing exterior walls of a structure and additions that increase the square footage of the structure by more than 50 percent.

Tenant improvements shall not be considered new construction. The final determination whether a project meets the definition of qualifying alteration project shall be made by the Building Official.

Exceptions:

1. Nonresidential buildings containing kitchens located in a place of public accommodation, as defined in the California Building Code Chapter 2, may apply to the Building Official for a modification to install commercial food heat-processing equipment served by fuel

gas. The Building Official may grant the modification, provided the following findings are made:

a) The applicant has a business-related need to cook with combustion equipment; and
b) The applicant has installed energy efficient equipment based on Energy Star or California Energy Wise qualifications, as available.
c) The applicant will comply with Section 5.106.13.2.

2. If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the Building Official may grant a modification. The applicant shall comply with following and Section 5.106.13.2

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise be used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The Building Official shall have the authority to approve alternative materials and methods of construction as per the Dublin Municipal Code, Chapter 7.28.

5.106.13.2. Requirements for combustion equipment.

Where combustion equipment is allowed under Subsection 5.106.13.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and

2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and

3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and

4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and

5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

7.94.110 Section 5.107.1, Division 5.1, Chapter 5, Future access for solar systems-Added.

A new Section 5.107.1 is added to read:

5.107.1 Future Access for Solar Systems. Install conduit from the solar zone as defined by the California Energy Code, Title 24, Part 6, Section 110.10 to a location within the building identified as suitable for future installation of a charge controller (regulator) and inverter.

Exception: Where solar is installed as part of the original construction and prior to first occupancy.

5196068.1

November 1, 2022

SB 343

Senate Bill 343 mandates supplemental materials that have been received by the City Clerk's office that relate to an agenda item after the agenda packets have been distributed to the City Council be available to the public.

The attached documents were received in the City Clerk's office after distribution of the November 1, 2022, Regular City Council meeting agenda packet.

Item 4.2

Date: November 1, 2022

Attn: Dublin City Council and Staff

RE: Agenda Item 4.2 – EBCE Support for All-Electric Reach Codes

East Bay Community Energy (EBCE) expresses our strong support for the proposed all-electric reach codes for the City of Dublin that will be considered by the Council on November 1st. The development of these codes was a collaborative effort between our municipal partners and will ultimately result in greener, healthier, and more cost-effective buildings for our customers.

EBCE is a community choice aggregator (CCA) serving over 642,000 customers across the County of Alameda, including each of the following cities: Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Tracy, and Union City. The City of Stockton recently joined in September 2022. EBCE has a goal of procuring 100% carbon-free energy by 2030 by providing carbon-free electricity at competitive rates to customers. Because member cities within EBCE territory are already being served by carbon-free sources, all-electric reach codes are a necessary step for Dublin to gain maximum utilization of this clean electricity.

The CCAs serving Alameda, Santa Clara, and San Mateo counties have teamed together to provide a set of model codes and cost effectiveness analyses for reach code development. The intent of the collaboration is to provide a streamlined set of local amendments that simplify the adoption and implementation process for city staff and set general expectations for the building industry. To date, more than 50 jurisdictions across California have adopted electrification reach codes and dozens of jurisdictions are re-adopting more stringent versions of their reach codes this Fall.

Given the momentum across the state, it is critical that the City of Dublin adopt all-electric reach codes to meet its clean energy goals and provide a strong signal to industry for all-electric construction and widespread access to EV charging infrastructure. If adopted, Dublin will be at the forefront of driving electrification beyond current electric and solar/storage readiness measures required by state code for residential and non-residential buildings. Additionally, the EV charging model reach code goes beyond state code by ensuring 100% access in multifamily buildings – a key equity measure – and broader availability of workplace charging.

1999 Harrison Street, Suite 800
Oakland, CA 94612

1+1-510-579-5912
1-833-699-EBCE (3223)

jross@ebce.org

As cities and counties choose to adopt all-electric reach codes, they will also see many health and cost benefits. All-electric buildings are considerably **healthier** for occupants since gas produces harmful air pollution that has been tied to exacerbating respiratory conditions. Additionally, all-electric buildings are **safer** for residents as gas is the leading cause of fires and carbon monoxide. Lastly, all-electric buildings (predominantly single-family buildings) typically **cost less** to build and operate. Building all-electric also protects communities from rising gas prices as the gas system is pruned.

We thank the Council for their time and resources devoted to this effort, and we urge you to approve the all-electric reach codes.

Sincerely, 

JP Ross, VP of Local Development, Electrification, and Innovation

Agenda Item 4.3

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Amendment to Consulting Services Agreement with Keyser Marston Associates, Inc.
Prepared by: Rhonda Franklin, Management Analyst II

EXECUTIVE SUMMARY:

The City Council will consider approving an amendment to the agreement with Keyser Marston Associates, Inc. to increase the compensation for additional consulting services.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving an Amendment to the Consulting Services Agreement Between the City of Dublin and Keyser Marston Associates, Inc. for On-Call Real Estate and Development Consulting Services.

FINANCIAL IMPACT:

The amendment to the agreement increases the not-to-exceed compensation by $50,001, from $44,999 to $95,000. There is sufficient funding in the Fiscal Year 2022-23 Budget for this expenditure.

DESCRIPTION:

On July 15, 2022, the City Manager approved a three-year agreement with Keyser Marston Associates, Inc. in the amount of $44,999 for on-call real estate and development consulting services that included fiscal analyses related to current development activity. These charges are absorbed by applicants. This first amendment to the agreement expands the services to include fiscal studies related to the planned future extension of Dublin Boulevard, which is required under the Open Space Initiative of 2014 by 2024.

Keyser Marston Associates has extensive experience in conducting fiscal studies and has been working with the City for several years on multiple projects such as the Downtown Specific Plan

and the Dublin Crossing development.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted, and a copy of this Staff Report was sent to the consultant.

ATTACHMENTS:

1) Resolution Approving an Amendment to the Consulting Services Agreement Between the City of Dublin and Keyser Marston Associates, Inc. for On-Call Real Estate and Development Consulting Services
2) Exhibit A to the Resolution – First Amendment to Consulting Services Agreement Between the City of Dublin and Keyser Marston Associates, Inc. for On-Call Real Estate and Development Consulting Services
3) Consulting Services Agreement Between the City of Dublin and Keyser Marston Associates, Inc. for On-Call Real Estate and Development Consulting Services

RESOLUTION NO. XX – 22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

APPROVING AN AMENDMENT TO THE CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF DUBLIN AND KEYSER MARSTON ASSOCIATES, INC. FOR ON-CALL REAL ESTATE AND DEVELOPMENT CONSULTING SERVICES

WHEREAS, on July 15, 2022, the City of Dublin and Keyser Marston Associates, Inc. entered into a Consulting Services Agreement for on-call real estate and development consulting services; and

WHEREAS, the existing agreement has a not-to-exceed amount of $44,999 and will expire on July 15, 2025; and

WHEREAS, Staff desires to utilize the services of Keyser Marston Associates, Inc. for additional fiscal analysis related to the planned future extension of Dublin Boulevard; and

WHEREAS, the City and Keyser Marston Associates, Inc. now wish to modify Section 2 of the Agreement to increase the not-to-exceed amount to $95,000; and

WHEREAS, Section 2.36.090 of the Dublin Municipal Code requires City Council approval of supplies, equipment, and services with a cost greater than or equal to $45,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dublin does hereby approve the Amendment to the Consulting Services Agreement with Keyser Marston Associates, Inc. for On-Call Real Estate and Development Consulting Services attached hereto as **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the amendment to the agreement, attached hereto as **Exhibit A,** and make any necessary, non-substantive changes to carry out the intent of this Resolution.

{Signatures on the following page}

PASSED, APPROVED AND ADOPTED this 1st day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

DocuSign Envelope ID: BC05DF4A-FCE1-42A1-B8B0-31A1543B4234

FIRST AMENDMENT TO CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF DUBLIN AND KEYSER MARSTON ASSOCIATES, INC. FOR ON CALL REAL ESTATE AND DEVELOPMENT CONSULTING SERVICES

WHEREAS, on **July 15, 2022**, the City of Dublin (hereinafter referred to as "CITY") and Keyser Marston Associates, Inc. (hereinafter referred to as "CONSULTANT") entered into a Consulting Services Agreement for on call real estate and development consulting services (hereinafter referred to as the “AGREEMENT”); and

WHEREAS, the existing project scope is in progress and Staff desires to include additional consulting services and increase the compensation, by $50,001, for the agreement; and

WHEREAS, the CITY and CONSULTANT now wish to amend the Agreement to modify section 2 of the agreement.

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the AGREEMENT is amended as follows:

1) Section 2 shall be rescinded in its entirety and replaced with the following:

COMPENSATION. City hereby agrees to pay Consultant a sum not to exceed $95,000, notwithstanding any contrary indications that may be contained in Consultant’s proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Consultant’s proposal, attached as Exhibit B, regarding the amount of compensation, the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City in writing, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant’s estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the Parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2) Except to the extent inconsistent with this First Amendment, the Parties ratify and confirm all of the terms and conditions of the AGREEMENT.

DocuSign Envelope ID: BC05DF4A-FCE1-42A1-B8B0-31A1543B4234

3) All requisite insurance policies to be maintained by the Consultant pursuant to the Agreement, as may have been amended from time to time, shall include coverage for the amended term, as described above.

4) The individuals executing this Amendment and the instruments referenced in it on behalf of Consultant each represent and warrant that they have the legal power, right and actual authority to bind Consultant to the terms and conditions of this Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of the date of the City Manager's signature below.

CITY OF DUBLIN

By: _____
Linda Smith, City Manager

Dated: _____

KEYSER MARSTON ASSOCIATES, INC.

By: DocuSigned by: Debbie Kern 0701F035404D423...
Debbie M. Kern, Managing Principal

ATTEST:

By: _____
Marsha Moore, City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF DUBLIN AND
KEYSER MARSTON ASSOCIATES, INC.
FOR ON CALL REAL ESTATE AND DEVELOPMENT CONSULTING SERVICES

THIS AGREEMENT for consulting services is made by and between the City of Dublin ("City") and Keyser Marston Associates, Inc. ("Consultant") (together sometimes referred to as the "Parties") as of July 15, 2022 (the "Effective Date").

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

1.1 Term of Services. The term of this Agreement shall begin on the Effective Date and shall end on July 15, 2025, upon the completion of the Services by the Consultant specified in Exhibit A, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as referenced in Section 8. Notwithstanding the foregoing this Agreement may be extended for two one-year extensions upon the written consent of the Consultant and the City Manager, provided that: a) sufficient funds have been appropriated for such purchase, b) the price charged by the Consultant for the provision of the serves described in Exhibit A does not increase. None of the foregoing shall affect the City's right to terminate the Agreement as provided for in Section 8.

1.2 Standard of Performance. Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged.

1.3 Assignment of Personnel. Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.

1.4 Time. Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Subsection 1.2 above and to satisfy Consultant's obligations hereunder.

1.5 [Intentionally Deleted].

1.6 [Intentionally Deleted].

Section 2. COMPENSATION. City hereby agrees to pay Consultant a sum not to exceed $44,999, notwithstanding any contrary indications that may be contained in Consultant's proposal, for services to be

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Consultant's proposal, attached as Exhibit B, regarding the amount of compensation, the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City in writing, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the Parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 **Invoices.** Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. No individual performing work under this Agreement shall bill more than 2,000 hours in a fiscal year unless approved, in writing, by the City Manager or his/her designee. Invoices shall contain the following information:

- Serial identifications of progress bills; i.e., Progress Bill No. 1 for the first invoice, etc.;
- The beginning and ending dates of the billing period;
- The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services hereunder;
- The Consultant's signature;
- Consultant shall give separate notice to the City when the total number of hours worked by Consultant and any individual employee, agent, or subcontractor of Consultant reaches or exceeds 800 hours within a 12-month period under this Agreement and any other agreement between Consultant and City. Such notice shall include an estimate of the time necessary to complete work described in Exhibit A and the estimate of time necessary to complete work under any other agreement between Consultant and City, if applicable.

2.2 **Monthly Payment.** City shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have 30 days from the receipt of an invoice that complies with all of the requirements above to pay Consultant.

[Intentionally Deleted].

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

2.4 **Total Payment.** City shall pay for the services to be rendered by Consultant pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement. City shall make no payment for any extra, further, or additional service pursuant to this Agreement.

In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

2.5 **Hourly Fees.** Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the compensation schedule attached hereto as Exhibit B.

2.6 **[Intentionally Deleted].**

2.7 **Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

2.8 **Payment upon Termination.** In the event that the City or Consultant terminates this Agreement pursuant to Section 8, the City shall compensate the Consultant for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Consultant shall maintain adequate logs and timesheets to verify costs incurred to that date.

2.9 **Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City. In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

Section 4. INSURANCE REQUIREMENTS. Before fully executing this Agreement, Consultant, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant and its agents, representatives, employees, and subcontractors. Consistent with the following provisions, Consultant shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

insurance satisfactory in all respects, and that such insurance is in effect prior to beginning work. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's bid or proposal. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s) and provided evidence to City that such insurance is in effect. VERIFICATION OF THE REQUIRED INSURANCE SHALL BE SUBMITTED AND MADE PART OF THIS AGREEMENT PRIOR TO EXECUTION. Consultant shall maintain all required insurance listed herein for the duration of this Agreement.

4.1 Workers' Compensation.

4.1.1 General Requirements. Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than $1,000,000 per accident. In the alternative, Consultant may rely on a self-insurance program to meet these requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the California Labor Code shall be solely in the discretion of the Contract Administrator.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the entity for all work performed by the Consultant, its employees, agents, and subcontractors.

4.1.2 Submittal Requirements. To comply with Subsection 4.1, Consultant shall submit the following:

a. Certificate of Liability Insurance in the amounts specified in the section; and

b. Waiver of Subrogation Endorsement as required by the section.

4.2 Commercial General and Automobile Liability Insurance.

4.2.1 General Requirements. Consultant, at its own cost and expense, shall maintain commercial general liability insurance for the term of this Agreement in an amount not less than $1,000,000 and automobile liability insurance for the term of this Agreement in an amount not less than $1,000,000 per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including without limitation, blanket contractual liability and the use of owned and non-owned automobiles.

4.2.2 **Minimum Scope of Coverage.** Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (most recent edition) covering comprehensive General Liability on an "occurrence" basis. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001, Code 1 (any auto). No endorsement shall be attached limiting the coverage.

4.2.3 **Additional Requirements.** Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:

a. The Insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.

b. City, its officers, officials, employees, and volunteers are to be covered as additional insureds as respects: liability arising out of work or operations performed by or on behalf of the Consultant; or automobiles owned, leased, hired, or borrowed by the Consultant.

c. Consultant hereby agrees to waive subrogation which any insurer or contractor may require from vendor by virtue of the payment of any loss. Consultant agrees to obtain any endorsements that may be necessary to effect this waiver of subrogation.

d. For any claims related to this Agreement or the work hereunder, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

4.2.4 **Submittal Requirements.** To comply with Subsection 4.2, Consultant shall submit the following:

a. Certificate of Liability Insurance in the amounts specified in the section;

b. Additional Insured Endorsement as required by the section;

c. Waiver of Subrogation Endorsement as required by the section; and

d. Primary Insurance Endorsement as required by the section.

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

4.3 Professional Liability Insurance.

4.3.1 General Requirements. Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than $2,000,000 covering the licensed professionals' errors and omissions. Any deductible or self-insured retention shall not exceed $150,000 per claim.

4.3.2 Claims-Made Limitations. The following provisions shall apply if the professional liability coverage is written on a claims-made form:

a. The retroactive date of the policy must be shown and must be before the date of the Agreement.

b. Insurance must be maintained and evidence of insurance must be provided for at least 3 years after completion of the Agreement or the work, so long as commercially available at reasonable rates.

c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant shall purchase an extended period coverage for a minimum of 3 years after completion of work under this Agreement.

d. A copy of the claim reporting requirements must be submitted to the City for review prior to the commencement of any work under this Agreement.

4.3.3 Submittal Requirements. To comply with Subsection 4.3, Consultant shall submit the Certificate of Liability Insurance in the amounts specified in the section.

4.4 All Policies Requirements.

4.4.1 Acceptability of Insurers. All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.

4.4.2 Verification of Coverage. Prior to beginning any work under this Agreement, Consultant shall furnish City with complete copies of all Certificates of Liability Insurance delivered to Consultant by the insurer, including complete copies of all endorsements attached to the policies. All copies of Certificates of Liability Insurance and certified endorsements shall show the signature of a person authorized by that insurer to bind coverage on its behalf. If the City does not receive the required insurance documents prior to the Consultant beginning work, it shall not waive the Consultant's obligation to provide them. The City reserves the right to require complete copies of all required insurance policies at any time.

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

4.4.3 **Deductibles and Self-Insured Retentions.** Consultant shall disclose to and obtain the written approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, employees, and volunteers; or the Consultant shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

4.4.4 **Wasting Policies.** No policy required by this Section 4 with the exception of Consultants Professional Liability insurance, shall include a "wasting" policy limit (i.e. limit that is eroded by the cost of defense).

4.4.5 **Endorsement Requirements.** Each insurance policy required by Section 4 shall be endorsed to state that coverage shall not be canceled by either party, except after 30 days' prior written notice has been provided to the City.

4.4.6 **Subcontractors.** Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

4.5 **Remedies.** In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES. Refer to the attached Exhibit C, which is incorporated herein and made a part of this Agreement.

Section 6. STATUS OF CONSULTANT.

6.1 **Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. This Agreement shall not be construed as an agreement for employment. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

Agreement and assignment of personnel pursuant to Subsection 1.3; however, otherwise City shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Consultant further acknowledges that Consultant performs Services outside the usual course of the City's business; and is customarily engaged in an independently established trade, occupation, or business of the same nature as the Consultant performs for the City and has the option to perform such work for other entities. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

6.2 **Consultant Not an Agent.** Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

7.1 **Governing Law.** The laws of the State of California shall govern this Agreement.

7.2 **Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all laws and regulations applicable to the performance of the work hereunder, including but not limited to, the California Building Code, the Americans with Disabilities Act, and any copyright, patent or trademark law. Consultant's failure to comply with any law(s) or regulation(s) applicable to the performance of the work hereunder shall constitute a breach of contract.

7.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

7.4 **Licenses and Permits.** Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

7.5 **Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, sex, gender, religion (including religious dress and grooming practices), national origin, ancestry, physical or mental disability, medical condition (including cancer and genetic characteristics), marital status, age, sexual orientation, color, creed, pregnancy, genetic information, gender identity or expression, political affiliation or belief, military/veteran status, or any other classification protected by applicable local, state, or federal laws (each a "Protected Characteristic"), against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

8.1 **Termination.** City may cancel this Agreement at any time and without cause upon written notification to Consultant.

Consultant may cancel this Agreement upon 30 days' written notice to City and shall include in such notice the reasons for cancellation.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.

8.2 **Extension.** City may, in its sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein. Consultant understands and agrees that, if City grants such an extension, City shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the Contract Administrator, City shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.

8.3 **Amendments.** The Parties may amend this Agreement only by a writing signed by all the Parties.

8.4 **Assignment and Subcontracting.** City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Consultant shall not subcontract any portion of the

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.

8.5 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.

8.6 **Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, City's remedies shall include, but are not limited to, the following:

8.6.1 Immediately terminate the Agreement;

8.6.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement;

8.6.3 Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or

8.6.4 Charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

9.1 **Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder with the exception of Consultant's proprietary computer models, shall be the property of the City. Consultant hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both Parties.

9.2 **Consultant's Books and Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of 3 years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.

9.3 **Inspection and Audit of Records.** Any records or documents that Subsection 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit,

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds $10,000.00, the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of 3 years after final payment under the Agreement.

Section 10. MISCELLANEOUS PROVISIONS.

10.1 Attorneys' Fees. If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

10.2 Venue. In the event that either party brings any action against the other under this Agreement, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Alameda or in the United States District Court for the Northern District of California.

10.3 Severability. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

10.4 No Implied Waiver of Breach. The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

10.5 Successors and Assigns. The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the Parties.

10.6 Use of Recycled Products. Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.

10.7 Conflict of Interest. Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any City official in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Section 1090 *et seq.*

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

Consultant hereby warrants that it is not now, nor has it been in the previous 12 months, an employee, agent, appointee, or official of the City. If Consultant was an employee, agent, appointee, or official of the City in the previous 12 months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of California Government Code Section 1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of California Government Code Section 1090 *et seq.,* and, if applicable, will be disqualified from holding public office in the State of California.

At City's sole discretion, Consultant may be required to file with the City a Form 700 to identify and document Consultant's economic interests, as defined and regulated by the California Fair Political Practices Commission. If Consultant is required to file a Form 700, Consultant is hereby advised to contact the Dublin City Clerk for the Form 700 and directions on how to prepare it.

10.8 **Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

10.9 **Contract Administration.** This Agreement shall be administered by the City Manager ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

10.10 **Notices.** Any written notice to Consultant shall be sent to:

Keyser Marston Associates, Inc.
Attn: Debbie M. Kern
2040 Bancroft Way, Suite 302
Berkeley, CA 94704

Any written notice to City shall be sent to:

City of Dublin
Attn: Hazel Wetherford
100 Civic Plaza
Dublin, CA 94568

10.11 **Integration.** This Agreement, including the scope of work attached hereto and incorporated herein as Exhibits A, B, and C represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.

Exhibit A Scope of Services

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

Exhibit B Compensation Schedule & Reimbursable Expenses
Exhibit C Indemnification

10.12 Counterparts and Electronic Signatures. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts delivered and/or signatures executed by City-approved electronic or digital means shall have the same force and effect as the use of a manual signature. Both Parties desire this Agreement to be electronically signed in accordance with applicable federal and California law. Either Party may revoke its agreement to use electronic signatures at any time by giving notice to the other Party.

10.13 Certification per Iran Contracting Act of 2010. In the event that this contract is for one million dollars ($1,000,000.00) or more, by Consultant's signature below Consultant certifies that Consultant, and any parent entities, subsidiaries, successors or subunits of Consultant are not identified on a list created pursuant to subdivision (b) of Section 2203 of the California Public Contract Code as a person engaging in investment activities in Iran as described in subdivision (a) of Section 2202.5, or as a person described in subdivision (b) of Section 2202.5 of the California Public Contract Code, as applicable.

SIGNATURES ON FOLLOWING PAGE

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

The Parties have executed this Agreement as of the Effective Date. The persons whose signatures appear below certify that they are authorized to sign on behalf of the respective Party.

CITY OF DUBLIN

DocuSigned by:
Linda Smith
E33830CFFC044E0...
Linda Smith, City Manager

Attest:

DocuSigned by:
Marsha Moore
9BB70815D22F40A...
Marsha Moore, City Clerk

Approved as to Form:

DocuSigned by:
Jordyn Bishop for
5ED7F38973DC484...
John D. Bakker, City Attorney

KEYSER MARSTON ASSOCIATES, INC.

DocuSigned by:
Debbie Kern
0761F035404D423...
Debbie M. Kern, Managing Principal

3070368.1

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

EXHIBIT A

SCOPE OF SERVICES

KEYSER MARSTON ASSOCIATES.
ADVISORS IN PUBLIC/PRIVATE REAL ESTATE DEVELOPMENT

July 6, 2022

ADVISORS IN:
REAL ESTATE
AFFORDABLE HOUSING
ECONOMIC DEVELOPMENT

BERKELEY
A. JERRY KEYSER
TIMOTHY C. KELLY
DEBBIE M. KERN
DAVID DOEZEMA

LOS ANGELES
KATHLEEN H. HEAD
JAMES A. RABE
GREGORY D. SOO-HOO
KEVIN E. ENGSTROM
JULIE L. ROMEY
TIM BRETZ

SAN DIEGO
PAUL C. MARRA

Hazel L. Wetherford
Economic Development Director
City of Dublin
100 Civic Plaza
Dublin, CA 94568

Re: Proposal to Provide On Call Real Estate Consulting Services

Dear Hazel:

In response to your request, Keyser Marston Associates, Inc. (KMA) is please to provide this proposal to provide as needed real estate and development consulting services.

As we understand it, the City of Dublin wishes to retain KMA on an as-needed basis to work on various real estate and development related assignments as they arise. The work will be conducted in accordance with KMA's current hourly rate schedule, which is attached.

Thank you for requesting this proposal. We look forward to working with the City of Dublin.

Sincerely,
KEYSER MARSTON ASSOCIATES, INC.

Debbie M Kern

Debbie M. Kern

2040 BANCROFT WAY, SUITE 302 ➢ BERKELEY, CALIFORNIA 94704 ➢ PHONE: 415 398 3050 ➢ FAX: 415 397 5065
WWW.KEYSERMARSTON.COM

900b-1816.docx; jf
99900

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

EXHIBIT B

COMPENSATION SCHEDULE & REIMBURSABLE EXPENSES

KEYSER MARSTON ASSOCIATES, INC.
PUBLIC SECTOR HOURLY RATES

	2021/2022
CHAIRMAN, PRESIDENT, MANAGING PRINCIPALS*	$290.00
SENIOR PRINCIPALS*	$280.00
PRINCIPALS*	$260.00
MANAGERS*	$235.00
SENIOR ASSOCIATES	$195.00
ASSOCIATES	$175.00
SENIOR ANALYSTS	$160.00
ANALYSTS	$140.00
TECHNICAL STAFF	$100.00
ADMINISTRATIVE STAFF	$85.00

Directly related job expenses not included in the above rates are: auto mileage, parking, air fares, hotels and motels, meals, car rentals, taxies, telephone calls, delivery, electronic data processing, graphics and printing. Directly related job expenses will be billed at 110% of cost.

Monthly billings for staff time and expenses incurred during the period will be payable within thirty (30) days of invoice date.

* Rates for individuals in these categories will be increased by 50% for time spent in court testimony.

DocuSign Envelope ID: 183FFA6A-FC1B-4004-A344-646AB4F75C20

EXHIBIT C

INDEMNIFICATION

Consultant shall indemnify, defend with counsel acceptable to City, and hold harmless City and its officers, elected officials, employees, agents and volunteers from and against any and all liability, loss, damage, claims, expenses, and costs (including without limitation, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature arising out of or in connection with Consultant's negligence or willful misconduct in the performance of the services called for or its failure to comply with any of its obligations contained in this Agreement, except such Liability caused by the sole negligence or willful misconduct of City.

Notwithstanding the forgoing, to the extent this Agreement is a "construction contract" as defined by California Civil Code Section 2782, as may be amended from time to time, such duties of Consultant to indemnify shall not apply when to do so would be prohibited by California Civil Code Section 2782.

The Consultant's obligation to defend and indemnify shall not be excused because of the Consultant's inability to evaluate Liability or because the Consultant evaluates Liability and determines that the Consultant is not liable to the claimant. The Consultant must respond within 30 days to the tender of any claim for defense and indemnity by the City. If the Consultant fails to accept or reject a tender of defense and indemnity within 30 days, in addition to any other remedy authorized by law, so much of the money due the Consultant under and by virtue of this Agreement as shall reasonably be considered necessary by the City, may be retained by the City until disposition has been made of the claim or suit for damages, or until the Consultant accepts or rejects the tender of defense, whichever occurs first.

Agenda Item 4.4

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Ordinance Amending Chapter 2.24 of the Dublin Municipal Code Pertaining to the City's Conflict of Interest Code
Prepared by: Jordyn Bishop, Assistant City Attorney

EXECUTIVE SUMMARY:

At the June 7, 2022 meeting, the City Council directed Staff to review the City's Conflict of Interest Code and make a determination if there is a need to update the Code. Staff conducted a review of the Code and determined that several positions should be added or deleted. An Ordinance was introduced on October 18, 2022 and is now ready for adoption.

STAFF RECOMMENDATION:

Waive the reading and adopt the **Ordinance** Amending Chapter 2.24 of the Dublin Municipal Code Relating to the City's Conflict of Interest Code.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The Political Reform Act (Act) prohibits a public official from using their official position to influence a governmental decision in which they have a financial interest. The City must maintain a Conflict of Interest Code that identifies all officials and employees who make governmental decisions based on the positions they hold. The individuals identified in the Conflict of Interest Code must publicly disclose their designated financial interests by filing a Statement of Economic Interests (Form 700).

The City's Conflict of Interest Code is located in Chapter 2.24 of the Dublin Municipal Code. The City's Code identifies all positions within the City that participate in the making of governmental decisions. These designated positions are required to disclose certain financial interests under

state law. A local agency's conflict of interest code is not applicable to mayors, city councilmembers, planning commission members, city managers, or city attorneys, as Government Code Section 87200 requires full Form 700 disclosure for individuals holding these positions.

The Act requires the City to biennially review and determine whether amendments to the Code are required. (Gov. Code § 87306.5.) The last biennial revision to the City's Code was approved on October 6, 2020, and an additional revision was approved on May 18, 2021.

The City Council is the code reviewing body for City agencies. Pursuant to Government Code Section 87306.5, City departments must determine whether amendments to the Code are necessary and notify the City Council whether or not such amendments are required. (Gov. Code §§ 82011(c), 87306.5.)

Based on previous direction from the City Council and the requirements of the Political Reform Act, Staff completed a thorough review of the Conflict of Interest Code, the job specifications for all City employment positions, as well as the FPPC regulations governing the update process and recommends the following changes to Chapter 2.24.

1. Amend Section 2.24.020 of the Conflict of Interest Code entitled, "Designated Positions," to add three (3) City positions determined by Staff to "make or participate in the making of governmental decisions." These positions (and accompanying disclosure categories) are:

    a. Environmental Sustainability Manager (disclosure category 1)
    b. Planning Manager (disclosure category 1)
    c. Management Analyst II (disclosure category 3)

2. Amend Section 2.24.020 of the Conflict of Interest Code entitled, "Designated Positions," to delete two (2) City positions that have been eliminated.

    a. Economic Development Director/Public Information Officer (deleted via Resolution No. 111-21)
    b. Public Works Maintenance Superintendent (deleted via Resolution No. 110-22)

3. Amend Section 2.24.020 of the Conflict of Interest Code titled "Designated Positions" to revise the title of three (3) City positions already designated in the Code. Those positions, and accompanying disclosure category and revisions, are:

    a. Administrative Services Director/Director of Finance (disclosure category 3). Revised to Administrative Services Director (disclosure category 3).
    b. Assistant Director of Administrative Services/Budget (disclosure category 3). Revised to Assistant Director of Administrative Services (disclosure category 3).
    c. City Engineer (disclosure category 1). Revised to Assistant Public Works Director/City Engineer (disclosure category 1).

The City's amended Code will not be effective until it has been adopted by the City Council. (Gov. Code § 87303.)

The City Council introduced the ordinance at the October 18, 2022 Council meeting. Staff now recommends that the City Council waive the second reading and adopt the Ordinance amending the Conflict of Interest Code consistent with the changes described above.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Ordinance Amending Chapter 2.24 of the Dublin Municipal Code Relating to the City's Conflict of Interest Code

ORDINANCE NO. XX – 22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUBLIN

AMENDING CHAPTER 2.24 OF THE DUBLIN MUNICIPAL CODE RELATING TO THE CITY'S CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act codified at Government Code Section 81000 *et seq*., requires every local government agency to review its Conflict of Interest Code biennially to determine whether amendments to the Code are required; and

WHEREAS, following review of the Code, it was determined that the amendments contained in this Ordinance were appropriate.

NOW, THEREFORE, The City Council of the City of Dublin does ordain as follows:

Section 1. Chapter 2.24.020 is amended to read as follows (additions shown in *italics* and deletions shown in ~~strikethrough~~):

For local officials specified in Government Code Section 87200 (including the Mayor, City Councilmembers, Planning Commissioners, City Manager, and City Attorney), no disclosure is required by this conflict of interest code as full disclosure is required by Government Code Section 87200 et seq.

The positions listed in this section are designated positions, and this section is hereby deemed the Appendix referenced in the provisions incorporated by Section 2.24.015. Officers and employees holding those positions are designated public officials, and are deemed to make, or participate in the making of, decisions which may foreseeably have a material financial effect on a financial interest of the designated public official. Each designated public official shall file an annual statement disclosing that public official's interests as required by the disclosure category applicable to that public official.

Designated Position	Disclosure Category
Administrative Services Director~~/Director of Finance~~	3
Assistant City Attorney	1
Assistant City Manager	1
Assistant to the City Manager	1
Assistant Director of Administrative Services~~/Budget~~	3
Assistant Director of Community Development	1
Assistant Director of Parks and Community Services	2, 3
Assistant Public Works Director/City Engineer	*1*
Associate Civil Engineer	1

Capital Improvement Program (CIP) Manager	1
Chief Building Official	1
Chief Information Security Officer	1
City Clerk	3
City Clerk/Records Manager	3
~~City Engineer~~	~~1~~
Code Enforcement Officer	1
Communications Manager	1
Community Development Director	1
"Consultant"* as defined in FPPC Reg. sect. 18700.3	1
Deputy City Clerk	3
Economic Development Director	1
~~Economic Development Director/Public Information Officer~~	~~1~~
Environmental Coordinator	1
Environmental Sustainability Manager	*1*
Finance Analyst	1
Heritage and Cultural Arts Manager	1
Housing Specialist	1
Human Resources Director	3
Human Resources Manager	3
Information Services Manager	3
Management Analyst II	*3*
Parks and Community Services Director	1
Plan Check Engineer	1
Planning Manager	*1*
Principal Planner	1
Public Works Director/Assistant City Engineer	1
Public Works Manager	1
~~Public Works Maintenance Superintendent~~	~~1~~
Public Works Transportation and Operations Manager	1
Recreation Manager	3
Recreation Supervisor	2, 3
Senior Civil Engineer	1
Senior Code Enforcement Officer	1
Senior Management Analyst	3
Senior Planner	1

Special Projects Manager	1
Senior Public Works Inspector	1
Designated Boards and Commissions	**Disclosure Category**
Human Services Commission	1
Heritage and Cultural Arts Commission	1
Parks and Community Services Commission	1

* Consultants/new positions shall be included in the list of designated employees and shall disclose pursuant to the terms of the Disclosure Category 1, subject to the following limitation:

The City Manager may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this chapter. Such a written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of the disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

Section 2. Effective Date. This Ordinance shall take effect and be enforced thirty (30) days following its final adoption.

Section 3. Posting. The City Clerk of the City of Dublin shall cause this Ordinance to be posted in at least three public places in the City of Dublin in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 1st day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

Agenda Item 4.5

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Approve Purchases from JAM Services, Inc. of Traffic Signal, Communications, and Streetlight Equipment
Prepared by: Sai Midididdi, Associate Civil (Traffic) Engineer

EXECUTIVE SUMMARY:

The City Council will consider authorizing purchases from JAM Services, Inc. of traffic signal, communications, and streetlight equipment up to $300,000. JAM Services, Inc. was approved as a sole source vendor for such equipment on April 2, 2019.

STAFF RECOMMENDATION:

Adopt the **Resolution** Approving the Purchase of Traffic Signal, Communication, and Streetlight Equipment Purchases from JAM Services, Inc.

FINANCIAL IMPACT:

There are sufficient funds available in the adopted Capital Improvement Program (CIP) for these purchases, and the annual operating budget includes funding for related, non-CIP purchases.

DESCRIPTION:

The City's current traffic signal, communications, and streetlight equipment are proprietary in nature. Examples of such equipment are luminaires, pedestrian push buttons, LED vehicle and pedestrian indications, traffic signal battery backup systems, lighted crosswalks, traffic signal poles, streetlight poles, flashing beacons, network communication devices, vehicle detection systems, and illuminated street name signs. This equipment is needed to implement improvements associated with various Capital Improvement Program (CIP) projects and for repair or replacement of existing facilities that are damaged or fail due to end-of-service-life issues.

JAM Services, Inc. is a supplier providing a diverse variety of products, including those that are

proprietary in nature. JAM Services, Inc. is the exclusive distributor or preferred reseller for several equipment manufacturers. The following products are currently installed in the City and sold solely by JAM Services, Inc.: illuminated street name signs, audible pedestrian push buttons, lighted crosswalks, and traffic signal battery backup systems. On April 2, 2019, the City Council approved JAM Services, Inc. as a sole source vendor per section 2.36.100(B)(1) of the Dublin Municipal Code and authorized the execution of purchase agreements for traffic signal, communications, and streetlight equipment, with a total not-to-exceed (NTE) amount of $300,000 (Resolution No. 21-19).

The City has reached the NTE amount for purchases from JAM Services, Inc. and Staff is seeking City Council approval to set a new NTE of $300,000 for additional equipment purchases needed for ongoing CIP projects and City operations. Staff expects this amount to be sufficient to cover equipment purchases over the next three years.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Resolution Approving the Purchase of Traffic Signal, Communication, and Streetlight Equipment Purchases from JAM Services, Inc.
2) Resolution No. 21-19

RESOLUTION NO. XX – 22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

APPROVING THE PURCHASE OF TRAFFIC SIGNAL, COMMUNICATION, AND STREELIGHT EQUIPMENT PURCHASES FROM JAM SERVICES, INC.

WHEREAS, new traffic signals, communications, and streetlight equipment are necessary for the implementation of Capital Improvement Program (CIP) projects and for City of Dublin operations; and

WHEREAS, JAM Services, Inc. is the leading and trusted supplier of high-quality traffic signal, communications, and streetlight equipment; and

WHEREAS, on April 2, 2019, the City Council adopted Resolution No. 21-19 approving JAM Services, Inc. as a sole source vendor of the traffic signal, communications, and streetlight equipment per the Municipal Code Section 2.36.100 for a not-to-exceed amount of $300,000; and

WHEREAS, additional equipment purchases are needed for current and future Capital Improvement Program projects or City operations, thus a new purchase threshold of $300,000 is required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dublin does hereby approve purchases from JAM Services, Inc., for a not-to-exceed amount of $300,000.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the purchase agreements with Jam Services, Inc., provided the purchase amount individually or collectively is within the not-to-exceed amount and take any other actions as may be necessary or appropriate to carry out the intent of this Resolution.

PASSED, APPROVED AND ADOPTED this 1st day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

RESOLUTION NO. 21 – 19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

* * * * * * * * *

APPROVING JAM SERVICES, INC. AS A SOLE SOURCE VENDOR FOR TRAFFIC SIGNAL, COMMUNICATIONS AND STREETLIGHT EQUIPMENT

WHEREAS, new traffic signal, communications and street light equipment is necessary for the implementation of Capital Improvement Program (CIP) projects and for City of Dublin operations; and

WHEREAS, the firm JAM Services, Inc. is the leading and trusted supplier of high-quality traffic signal, communications and streetlight equipment; and

WHEREAS, Staff has determined that JAM Services, Inc. is qualified to be a Sole Source Vendor as per the City of Dublin's Municipal Code Section 2.36.100; and

WHEREAS, the vendor will be compensated for the traffic signal, communications and streetlight equipment supplied on a task-by-task basis and for a not to exceed amount of $300,000 applicable individually or collectively.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dublin does hereby approve JAM Services, Inc. as a sole source vendor of the traffic signal, communications and streetlight equipment for a not-to-exceed amount of $300,000, with funds that have been approved and appropriated for Capital Improvement Program projects or City operations.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute purchase agreements with Jam Services, Inc., as long as the purchase amount individually or collectively is within the not-to-exceed amount and take any other actions as may be necessary or appropriate to carry out the intent of this Resolution.

PASSED, APPROVED AND ADOPTED this 2nd day of April 2019, by the following vote:

AYES: Councilmembers Goel, Hernandez, Josey, Kumagai and Mayor Haubert

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

Agenda Item 4.6

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Wallis Ranch Community Park Naming
Prepared by: Bridget Amaya, Assistant Parks & Community Services Director

EXECUTIVE SUMMARY:

The City Council will select a name for the new community park near the Wallis Ranch residential neighborhood.

STAFF RECOMMENDATION:

Select the name Wallis Ranch Community Park for the new community park near the Wallis Ranch residential neighborhood.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The Wallis Ranch Community Park is located on three separate parcels between Tassajara Road and the Wallis Ranch residential neighborhood. The park is 8.85 acres in size with a design theme - "Windswept Grasslands".

After soliciting public input through surveys and public meetings, Staff presented the conceptual plans for the park to the Parks and Community Services Commission on July 19, 2021. The City Council approved the Commission's preferred conceptual design on September 21, 2021 (Attachment 1).

The park will include the following amenities:

Parcel 16 – Playground
- Playgrounds for ages two to five years and five to 12 years
- Picnic areas
- Grass area for informal play
- Restroom building with two single-occupant restrooms

Parcel 21 – Sport Courts
- Three lighted tennis courts individually fenced with windscreens
- One lighted tennis court with a four-court pickleball overlay
- Four lighted pickleball courts
- Two lighted basketball courts
- Picnic area
- Fitness circuit
- Restroom building with two single-occupant restrooms

Parcel 22 – Dog Park
- Big and small dog areas with separated fencing
- Entry plaza
- Seating area
- Drinking fountains with integrated dog bowls
- Secondary gate to allow for turfgrass restoration

The City's Park Naming policy allows for public input on name suggestions, after which the top-ranked names are presented to the Parks and Community Services Commission for consideration and recommendation to the City Council.

Staff used an online survey to solicit input from the public for potential names for the park. The survey was available for approximately three weeks, from September 14 to October 2, 2022, and advertised on the City's website, newsflash features, and social media. A total of 379 persons responded to the survey. The survey included an image of the conceptual theme and design and a list of the park amenities. Respondents were able to rank a list of suggested names along with the option of writing in additional name suggestions.

As a general guideline, names for the park should reflect the following considerations:
- Geographic location and characteristics
- Landscaping, topography, and natural features
- Design amenities or features
- Historical significance
- Recognition of a significant contributor to the advancement of the City
- Land or area is traditionally known as…
- Adjoining neighborhood, area, or street

The following three names received the highest survey rankings from the online public survey and were considered by the Parks and Community Services Commission at their October 17, 2022, meeting:

- Wallis Ranch Community Park
- Windmill Meadows Park
- Valley Breeze Park

From these names, the Parks and Community Services Commission recommends to the City Council that the park be named Wallis Ranch Community Park, since the name is synonymous with the area.

Construction documents for the park are near completion, with a tentative park opening scheduled in spring 2024.

STRATEGIC PLAN INITIATIVE:

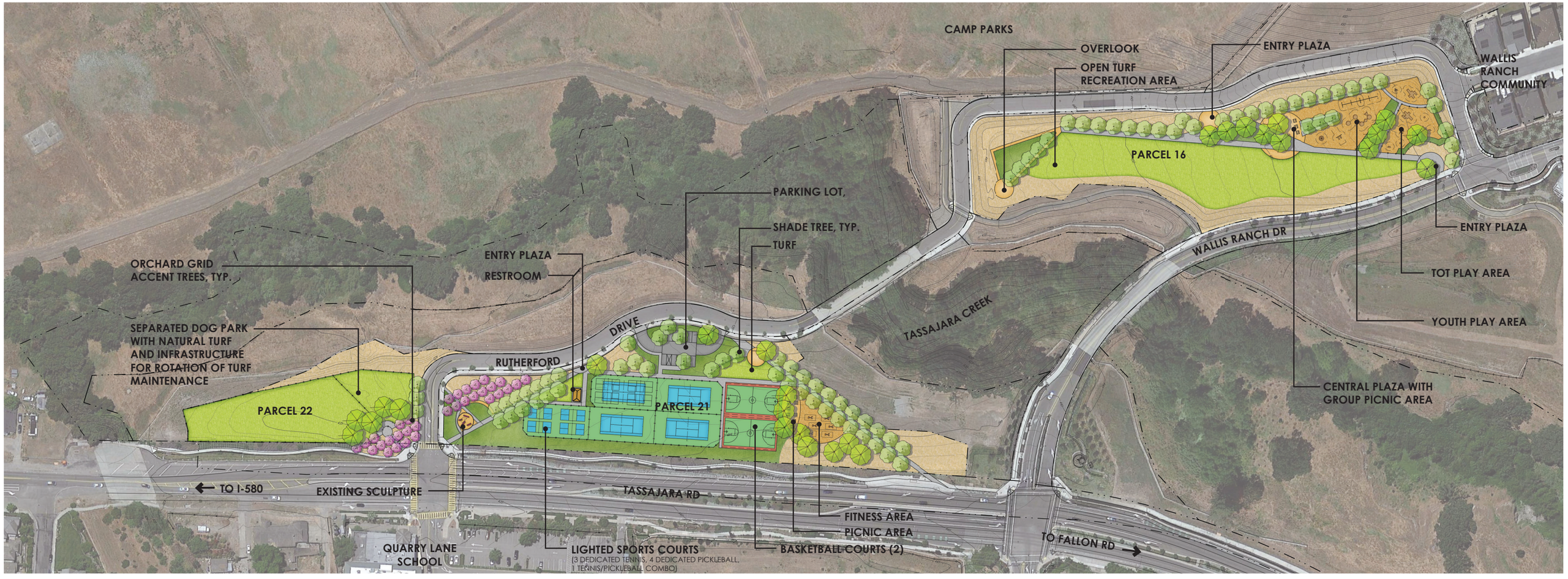
None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The Commission Agenda was posted.

ATTACHMENTS:

1) City Council Approved Conceptual Design



ALTERNATIVE A

FUTURE COMMUNITY PARK
NEAR THE WALLIS RANCH DEVELOPMENT

DUBLIN
CALIFORNIA

CALA

0' 20' 40' 80'

July 19, 2021
21006_PrelimAlts_30x72.indd

Agenda Item 4.7

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Two-Year Strategic Plan Quarterly Update
Prepared by: John Stefanski, Assistant to the City Manager

EXECUTIVE SUMMARY:

The City Council will receive a status update on the City's Two-Year Strategic Plan.

STAFF RECOMMENDATION:

Receive the report.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The City Council adopted the City's Two-Year Strategic Plan on April 19, 2022. This Plan sets the overall direction for the City, guiding resources and setting specific objectives to drive City action. The Plan coincides with Fiscal Years 2022-23 and 2023-24.

This report represents the first of eight quarterly Strategic Plan updates, covering the period of July 1, 2022, through September 30, 2022. Updates for the strategies and objectives are provided in Attachment 1.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Strategic Plan Quarterly Update

Strategy 1: Downtown Dublin and Economic Development		
	Objective	**Update**
A	Continue support of the downtown preferred vision and downtown specific plan including improving visual and environmental quality and evaluating specific business uses.	**In Progress.** Staff continues to work with the majority Property Owner of the Dublin Place shopping center on the Downtown Preferred Vision (DPV). The Property Owner's team has shared a master site plan that shows modifications to the town square and street grid network while still capturing the intent of the DPV.
B	Pursue mixed-use projects to create economic vitality.	**In Progress.** The work being done as part of Objective A will include a mixed-use development project bordering the town square. Staff also continue to have discussions with developers who are interested in other areas of the Downtown Dublin Specific Plan area for mixed-use opportunities.
C	Grant conditional tax and/or development fee relief for new developments in the Downtown.	**Not Started.**
D	Support local businesses and new business attraction (ensure revenue-generating industries).	**In Progress.** The City's Small Business Recovery Playbook's strategic initiatives include helping support local businesses through webinars, roundtables, job fairs, and a new business spotlight program. For business attraction, Staff has been reaching out to retailers and food and beverage tenants regarding second-generation restaurant spaces available. Several new tenants have signed leases and have submitted plans for their tenant improvements.
E	Continue the Fallon-East development strategy.	**In Progress.** Staff continues to hold regular meetings with the GH PacVest team as they prepare a development proposal. Staff is also processing map applications for the Branaugh and Righetti properties.

Strategy 2: Housing Affordability		
	Objective	**Update**
A	Develop a Certified Housing Element that balances the location of housing options for all income types.	**In Progress.** Staff is updating the Draft Housing Element to address comments from HCD and interested parties, preparing related amendments to policy documents, and preparing the CEQA analysis for consideration by the Planning Commission and City Council this fall.
B	Ensure the City's inclusionary zoning regulations incentivize targeted housing production.	**Not Started.**
C	Prepare a nexus study to evaluate the affordable housing commercial linkage	**Not Started.**

	fee and affordable housing in-lieu fee for for-sale and rental housing.	
D	Facilitate the production of affordable housing for lower income seniors, workforce, and special needs households.	**In Progress.** Staff submitted a $3.3M Local Housing Trust Fund Grant application for the Amador Station/BRIDGE Housing project. Staff are working with BART and BRIDGE Housing on the terms of the ground lease reassignment. Staff has also been in discussions with BRIDGE on a potential pre-construction loan that would provide funding needed for BRIDGE to gain site control.
E	Review the housing market analysis and establish a strategy to meet the "middle market" demand, if needed, to ensure right mix.	**Not Started.**
F	Review ownership programs for first-time buyers and explore alternative options.	**Not Started.**

Strategy 3: Infrastructure Maintenance and Reinvestment		
	Objective	**Update**
A	Use surplus and lump sum funding to increase the City's internal service funds.	**In Progress.** The FY 22-23 Budget includes a $2 million transfer to Internal Service Fund.
B	Provide on-going condition assessments of aging city facilities and assets.	**In Progress.** Dublin continues to utilize MCT's StreetSaver software for pavement inspection and maintenance planning. MCE is conducting quarterly quality assurance reviews of all buildings and parks. Recruitment for the Maintenance Coordinator position is underway.
C	Explore finance options for long-term pavement management needs.	**In Progress.** The City Council approved the designation of $2 million from the FY 21-22 General Fund surplus for the project, and Staff continues to explore additional funding options. The MTC 2021 Regional Pavement Condition Summary Report was released in September. Dublin's Pavement Condition Index (PCI) is 82 (Very Good) but dropped two points from the prior year. Staff is working with pavement engineering consultant to draft a multi-year paving plan.
D	Explore use of funding mechanisms like community facilities districts for capital and on-going maintenance needs.	**In Progress.** All of the Fallon East properties, as well as the East Ranch development, will have a requirement to form or annex into a CFD (subject to the City Council discretion) for Public Services for new public infrastructure, such as streets and parks.

E	Continue to implement measures identified in the Climate Action Plan.	**In Progress.** Two CAP 2030 Reach Codes are in development: all-electric new construction (Measure EE-1) and electric vehicle charging stations (Measure SM-1) codes.

Strategy 4: Organizational Health		
	Objective	**Update**
A	Use existing reserves to address the unfunded Dougherty Regional Fire Authority (DRFA) pension liability.	**In Progress.** The FY 22-23 Budget includes an additional lump-sum payment of $3.46 million from the designated reserve to address the DRFA unfunded liability.
B	Complete an update to the Public Facility Fee Program.	**In Progress.** Staff has retained the services of Willdan to assist with the update to the program. Willdan is compiling all of the necessary data to inform the various fee amounts by category with an estimated completion of Winter 2023.
C	Make annual contributions to reserves for the early payoff of the energy efficiency bonds.	**In Progress.** The City Council approved an additional $2 million from the FY 21-22 General Fund surplus to the existing reserve. The reserve balance as of September 30, 2022, is $6 million.
D	Conduct a feasibility study into the fiber connectivity between City facilities.	**In Progress.** A new CIP, Municipal Fiber (GI0323) was created. The first phase is to solicit consultant services to develop a five-year fiber optic master plan and feasibility study.
E	Complete an update to the User Fee Study.	**Not Started.**

Strategy 5: Safe and Accessible Community		
	Objective	**Update**
A	Evaluate the feasibility and strategies for a community-wide fiber network.	**Not Started.**
B	Continue to engage with the community using all appropriate methods to share and exchange information.	**In Progress.** Engagement with the community on the City's social media accounts continues to increase. In the past year, "reach" has increased 97% on Instagram and 74% on Facebook (Twitter not available). From mid-October 2021 to mid-October 2022, there had been a 112% increase in profile visits on Instagram, and a 176% increase in page visits on Facebook. From July to October 2022, engagement has increased 91% on Instagram and 45% on Facebook.

		Flyers for senior events are being translated into four different languages – Chinese; Filipino; Korean; and Hindi. Staff is finalizing an agreement for on-call translations services to assist in ongoing translation needs.
C	Provide more opportunities for residents to complete transactions with the City online, with appropriate security measures.	**In Progress.** Staff is implementing the new enterprise resource planning software update, and this will allow residents and businesses to pay for non-recreation services through this web-based portal upon completion.
D	Ensure programs remain affordable and accessible to all members of the community, especially lower income families and seniors.	**In Progress.** The 2022 Benefit Concert raised $1,800 for the fee assistance program for youth and seniors. The event was moved to the first Farmers' Market of the season, attracting more attendance, and creating additional awareness of the fee assistance program. The Dublin LEAD Program was $140 for the entire summer. The program promotes leadership and development skills, including interviewing and resume-building, customer service, and other professional skills, for grades 6-12. The Senior Center offers several programs that are free to senior participants. Programs include: an orientation to seniors to help them become familiar with the Center, staff, programs, and activities; "Senior Cinema," including a movie, drinks, and popcorn; and senior mixers which include fun and educational experiences.
E	Support existing and innovative public safety efforts, like the DPS Behavioral Health Unit.	**In Progress.** DPS launched the Behavioral Health Unit in July 2022. A supervisor and clinician have been hired. DPS continues to work to hire a second clinician.
F	Support community awareness of protected and preserved open space in and around Dublin.	**In Progress.** The Dublin Trail Challenge encouraged community members to walk, run or hike all 26 miles of trails in Dublin. Those that completed the challenge received a free shirt. The event was free and open to all ages. The City hosted another Goosechase game that encouraged people to visit places all around Dublin using pictures of those sites from years ago, then to take a photo of the site to see how much it has changed. The game encouraged residents to visit parks and places of historical interest all around Dublin.

Agenda Item 4.8

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Nissan Commercial Car Wash (PLPA-2022- 00003)
Prepared by: Amy Million, Principal Planner

EXECUTIVE SUMMARY:

On October 18, 2022, the City Council held a Public Hearing to consider the Nissan Commercial Car Wash project consisting of a 3,574-square-foot building housing a drive-thru automatic car wash tunnel, a vacuum area with 15 parking spaces and related site improvements. The City Council waived the first reading and introduced the Ordinance approving an amendment to the Planned Development Zoning and adopted a Resolution approving the Conditional Use Permit and Site Development Review Permit. The City Council will hold a second reading of the Ordinance approving the Planned Development Zoning.

STAFF RECOMMENDATION:

Waive the reading and adopt the **Ordinance** Approving an Amendment to Planned Development Zoning Ordinance No. 03-19 for Kaiser Commercial Project.

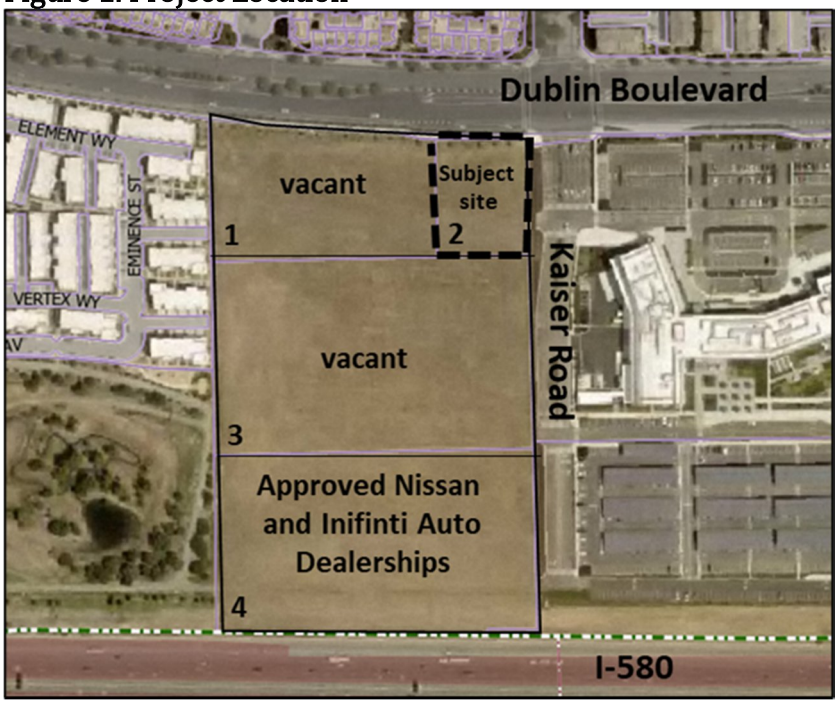
FINANCIAL IMPACT:

All costs associated with processing the Planning Applications are borne by the Applicant.

DESCRIPTION:

Background
The project site is located at the southwest corner of Dublin Boulevard and Kaiser Road as shown in Figure 1 below.

Figure 1. Project Location



The property owner proposes to construct a commercial self-service car wash on the project site consisting of a 3,574-square-foot building housing a drive-thru automatic car wash tunnel, a vacuum area with 15 parking stalls, and related site improvements. The car wash would be open to the public and also used by the planned Nissan and Infiniti automobile dealerships. The proposed car wash is not an allowed use under the PD zoning and, therefore, requires an amendment to the existing PD zoning (Ordinance No. 03-19). In addition, the project requires approval of a Conditional Use Permit and a Site Development Review Permit. Please refer to Attachment 2 for a complete description of the project.

On October 18, 2022, the City Council held a public hearing, waived the first reading and introduced the Ordinance amending the Planned Development Zoning. The City Council also adopted a Resolution approving the Conditional Use Permit and Site Development Review Permit.

The City Council is being asked to hold a second reading and adopt the Ordinance, included as Attachment 1.

ENVIRONMENTAL DETERMINATION:

On September 20, 2016, the City Council certified the Kaiser EIR and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations (Resolution No. 153-16). Pursuant to the requirements of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15162, the proposed project was examined to determine if further environmental review is required.

Based on a review of the project, the environmental analysis in the Kaiser EIR and all of the information in the project record as a whole, the City has determined that there is no substantial

evidence that any of the supplemental review standards are met. The proposed project is within the scope of the project analyzed in the Kaiser EIR because the proposed car wash is within the maximum intensity of commercial development anticipated. The circumstances under which the project is to be undertaken have not substantially changed since the Kaiser EIR was prepared and will not substantially change with approval of the project. As supported by the project description and Site Development Review Permit plans, the Kaiser EIR adequately describes the impacts of the project for the purposes of CEQA, and no mitigation measures or new alternatives are required by the project other than those previously disclosed and analyzed in the Kaiser EIR. Approval of the project would not create any site-specific operations giving rise to environmental effects different from those examined by the Kaiser EIR or requiring the preparation of an Initial Study. The proposed project would be subject to the Kaiser Dublin Medical Center Mitigation Monitoring and Reporting Program. Consequently, pursuant to CEQA Guidelines Sections 15162 and 15168(c), the project impacts are covered by the Kaiser EIR and no further environmental review is required for this project.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Ordinance Approving an Amendment to Planned Development Zoning Ordinance No. 03-19 for Kaiser Commercial Project
2) City Council October 18, 2022 Staff Report, without attachments

ORDINANCE NO. xx – 22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUBLIN

APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT ZONING ORDINANCE NO. 03-19 FOR THE KAISER COMMERCIAL PROJECT PLPA 2022-00003 (APN 985-0027-026-00)

The Dublin City Council does ordain as follows:

SECTION 1. RECITALS

A. The Property Owner and Applicant, Dosanjh Real Estate, LLC, submitted an application to construct a commercial self-service car wash consisting of a 3,574-square-foot building housing a drive-thru automatic car wash tunnel, a parking area with 15 vacuum stalls and related site improvements. The applications include an amendment to Planned Development Zoning (Ordinance No. 03-19) for Kaiser Commercial, a Conditional Use Permit and a Site Development Review Permit. The proposed development and applications are collectively known as the "Project."

B. The Project site is approximately one-acre located on the southwest corner of Dublin Boulevard and Kaiser Road (Assessor Parcel Number 985-0027-026-00).

C. On October 4, 2016, the City Council approved a Planned Development Rezone with a Stage 1 Development Plan for the Kaiser Dublin Medical Center Project which included the subject site as part of Phase IB (also known as Kaiser Commercial) (Ordinance No. 07-16).

D. On May 7, 2019, the City Council approved a Planned Development Rezone with a Stage 1 and Stage 2 Development Plan for the Kaiser Commercial site as part of the Nissan Automobile Dealership project (Ordinance No. 03-19).

E. An amendment to Planned Development Zoning (Ordinance No. 03-19) is necessary to allow the proposed use.

F. In accordance with the California Environmental Quality Act (CEQA) certain projects require review for environmental impacts and, when applicable, environmental documents to be prepared.

G. On September 20, 2016, the City Council certified the Kaiser Dublin Medical Center Project Environmental Impact Report (EIR), which included the subject site identified as Phase 1B, and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations (Resolution No. 153-16, incorporated herein by reference).

H. Pursuant to the requirements of CEQA, the Project was examined to determine if further environmental review is required. The analysis concluded that the environmental impacts of the Project were analyzed in the Kaiser Dublin Medical Center EIR. There is no substantial evidence in the record that any new effects would occur, that any new mitigation measures

would be required, or that any of the conditions triggering supplemental environmental review under CEQA Guidelines Sections 15162 and 15168(c) exist.

I. Following a properly noticed public hearing on September 27, 2022, the Planning Commission adopted Resolution No. 22-12, recommending denial of an amendment to Planned Development Ordinance No. 03-19 for the Kaiser Commercial Project, a Conditional Use Permit and a Site Development Review Permit, which Resolution is incorporated herein by reference and available for review at City Hall during normal business hours.

J. On October 18, 2022, the City Council held a properly noticed public hearing on the Project, including the proposed amendment to Planned Development Zoning (Ordinance No. 03-19), at which time all interested parties had the opportunity to be heard.

K. Staff Report dated October 18, 2022, and incorporated herein by reference, described and analyzed the Project, including the proposed amendment to Planned Development Ordinance No. 03-19, for the City Council.

SECTION 2: AMENDMENT TO EXISTING STAGE 1 AND STAGE 2 DEVELOPMENT PLAN

Amendment to the PD Stage 1 and Stage 2 Development Plan is limited to adding *Car Wash/Detailing* as a Conditionally Permitted Use with the following notation:

Notes:
5. Use allowed on Parcel 2 and only when supporting a City-revenue generating use within the Kaiser Commercial Project Area.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

SECTION 4. POSTING OF ORDINANCE

The City Clerk of the City of Dublin shall cause this Ordinance to be posted in at least three public spaces in the City of Dublin in accordance with Section 36933 of the Government Code of the State of California.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect 30 days following its adoption.

PASSED AND ADOPTED BY the City Council of the City of Dublin, on this 1st day of November, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

Agenda Item 6.1

STAFF REPORT
CITY COUNCIL

DATE: **October 18, 2022**

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Nissan Commercial Car Wash (PLPA-2022-00003)
Prepared by: Amy Million, Principal Planner

EXECUTIVE SUMMARY:

The Applicant, Dosanjh Real Estate, LLC, is requesting approval of a commercial self-service car wash consisting of a 3,574-square-foot building housing a drive-thru automatic car wash tunnel, a vacuum area with 15 parking spaces and related site improvements. The application includes an amendment to Planned Development Zoning Ordinance No. 03-19 for the Kaiser Commercial Project, a Conditional Use Permit and a Site Development Review Permit. The City Council will consider the proposed Nissan Commercial Car Wash project and a determination that the project impacts are covered by the Kaiser Dublin Medical Center Environmental Impact Report and no further environmental review is required.

STAFF RECOMMENDATION:

Conduct the public hearing, deliberate and: 1) waive the reading and INTRODUCE the Ordinance Approving an Amendment to Planned Development Zoning Ordinance No. 03-19 for Kaiser Commercial; and 2) adopt the **Resolution** Approving a Conditional Use Permit and Site Development Review Permit Related to the Nissan Commercial Car Wash Project.

FINANCIAL IMPACT:

All costs associated with processing the Planning Applications are borne by the Applicant.

DESCRIPTION:

Background
The project site is located at the southwest corner of Dublin Boulevard and Kaiser Road as shown in Figure 1 below. Residential and commercial uses surround the site as shown in Table 1 below.

Figure 1. Project Location

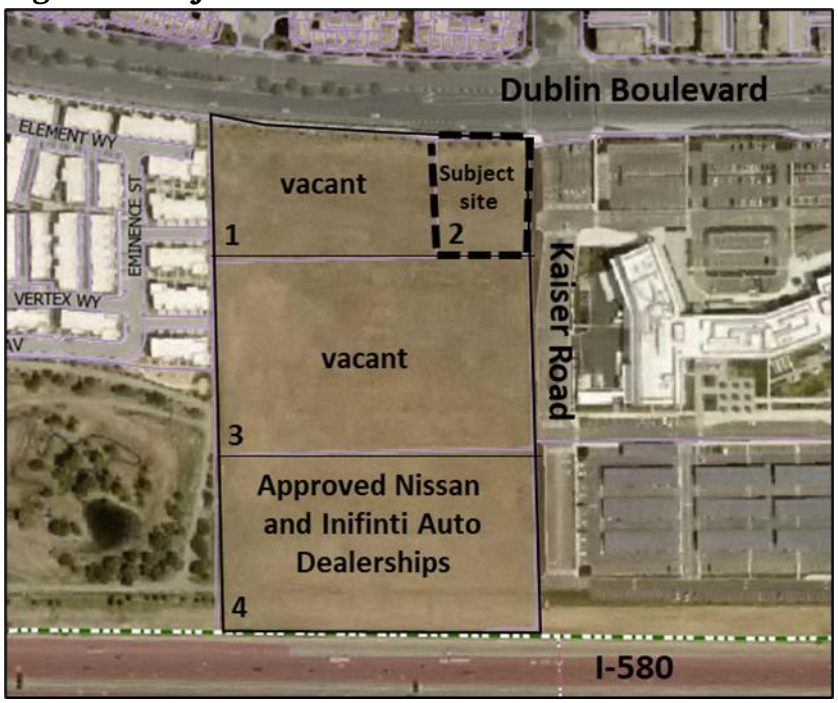


Table 1: Surrounding Land Uses

Location	Zoning	General Plan Land Use	Current Use of the Property
North	PD (Planned Development) Ordinance No. 06-00	High Density Residential	Multi-Family Residential (The Terraces)
South	PD Ordinance No. 03-19	Medical Campus / Commercial	Vacant / Nissan and Infiniti Auto Dealerships (planned)
East	PD Ordinance No. 07-16	Medical Campus	Kaiser Medical Center
West	PD Ordinance No. 03-19	Medical Campus / Commercial	Vacant

The City Council approved the Kaiser Medical Center project in 2016. The approvals included a General Plan and Eastern Dublin Specific Plan Amendment (Resolution No. 151-16), Planned Development (PD) Rezone with a Stage 1 Development Plan for the entire project site, a Stage 2 Development Plan for the first phase (Phase 1A) of the Kaiser facilities (Ordinance No. 07-16), and a Development Agreement (Ordinance No. 08-16).

The General Plan and Eastern Dublin Specific Plan Amendment established two land use designations, Medical Campus on approximately 36 acres for up to 950,000 square feet of medical campus uses and Medical Campus/Commercial on approximately 22 acres for up to 250,000 square feet of commercial uses (referred to as Phase 1B). The Medical Campus land use designation is intended to provide an attractive, campus-like setting for medical offices, hospitals, and other non-retail commercial uses. The Medical Campus/Commercial land use

designation accommodates a range of commercial uses including regional- and community-serving retail uses, professional and administrative offices, hotel, entertainment, automotive sales, and eating and drinking establishments. Development of a self-service car wash facility on the Medical Campus/Commercial site is the proposed project.

The PD zoning for the commercial site focuses on uses that will generate revenue to the City. The focus on revenue-generating uses is unique to this PD and stemmed from the loss of tax revenue as a result of the uses allowed by the General Plan land use change to Medical Campus to accommodate the Kaiser Medical Center.

Kaiser subsequently sold Phase 1B. In February 2019, the new property owner subdivided the Phase 1B site into four parcels as shown in Figure 1. In addition, in April 2019, the City Council approved a PD Rezone with a Stage 2 Development Plan for all four parcels of the commercial site (Ordinance No. 03-19). Parcels 1-3 are currently vacant and the subject project, Nissan Commercial Car Wash, is proposed on Parcel 2. Nissan and Infiniti automobile dealerships have been approved on Parcel 4; the building permit for the Nissan dealership has been issued and the building is currently under construction. A building permit application for the Infiniti dealership has been submitted.

On May 17, 2022, City Council held a Study Session on the proposed project and provided direction to Staff to proceed with reviewing this application and an amendment to the PD zoning to allow a commercial car wash. In addition, the City Council directed Staff to evaluate the proposed color scheme, potential noise mitigation, additional mature landscaping and provide notice of the Community Meeting to the Apex community located just west of the project site.

Proposed Project

The property owner proposes to construct a commercial self-service car wash on the project site consisting of a 3,574-square-foot building housing a drive-thru automatic car wash tunnel, a vacuum area with 15 parking stalls, and related site improvements. The car wash would be open to the public and also used by the planned Nissan and Infiniti automobile dealerships. The proposed car wash is not an allowed use under the PD zoning and, therefore, requires an amendment to the existing PD zoning (Ordinance No. 03-19). In addition, the project requires approval of a Conditional Use Permit and a Site Development Review Permit.

Analysis

Planned Development Zoning Amendment

An amendment to the existing PD zoning is proposed to add "Car Wash/Detailing," as defined by the Zoning Ordinance, as a conditional use on Parcel 2. As previously stated, the uses currently allowed in the PD focus on revenue generating uses, which is unique to this PD. In evaluating revenue from other car washes in the City, the revenue generated from car washes is minimal. However, the proposed car wash is also unique in that it supports the Nissan and Infiniti automobile dealerships, which are planned City-revenue generating uses within the

PD. The proposed amendment to the PD continues to support the focus on revenue generating uses and would provide a local-serving commercial use that benefits planned businesses within the development as well as the community.

The requirement for a Conditional Use Permit (CUP) provides a tool to help ensure that the operation and use of the car wash is compatible with surrounding commercial and residential uses. No other changes to the PD are proposed.

The draft Ordinance is included as Attachment 1.

Conditional Use Permit
As noted above, the proposed use would require approval of a CUP. The CUP process allows the City to review the operation of the proposed use to ensure that it is consistent with the intent of the Zoning Ordinance and to limit the likelihood of impacts on existing and future businesses within the Kaiser Commercial development as well as adjacent residential and commercial uses.

Operation: The proposed car wash will operate from 8:00 a.m. to 6:00 p.m. daily. The peak periods of operation are anticipated to be Friday afternoons, and Saturday and Sunday mornings. The Applicant, which also operates the Nissan and Infiniti automobile dealerships, anticipates that the Nissan and Infiniti dealerships would use the car wash Monday through Saturday for approximately 10-20 vehicles per day depending on their needs.

A car wash cycle through the tunnel takes approximately 2.5 minutes to complete; however, due to the tunnel's conveyance system, multiple vehicles can be in the tunnel at one time. Therefore, it is estimated that the car wash tunnel can accommodate a maximum of 29 vehicles per hour, which is the equivalent to one vehicle loaded every two minutes on the conveyor. Upon completion of the car wash, a customer can park at one of the 15 vacuum parking spaces where 17 individual vacuum stations are located. The additional vacuum stations provide access to both sides of the vehicle at every parking stall.

During the hours of non-operation, access to the site will not be restricted; however, the pay station, car wash tunnel and vacuum stations will be powered off. For security purposes, site lighting will remain on.

Noise: The Applicant submitted a Noise Assessment Study (NAS) as part of their application materials, which analyzed the noise impacts of the proposed car wash including the vacuum area. The NAS evaluated noise exposure from the property line to the closest residential buildings located across Dublin Boulevard. The NAS is included as Attachment 4.

The NAS was required for the project to address to the Noise Element of the Dublin General Plan. The Noise Element uses the Community Noise Equivalent Level (CNEL), which is a time-weighted 24-hour average noise descriptor commonly used to describe community noise

environments. Noise levels averaged over 24 hours are often termed "noise exposure." The normally acceptable noise exposure for residential land uses is 60 decibels (dB) CNEL. As the City does not have noise standards for car wash noise impacts on residential land uses, 60 dB CNEL was used in the study as the limit for project-generated noise at the nearest and most impacted residences across Dublin Boulevard from the site.

The NAS concluded that car wash operational noise would not exceed 60dB CNEL nor add to the existing noise environment at the residences across Dublin Boulevard.

The City engaged the services of First Carbon Solutions (FCS), an acoustical engineer, to peer review the NAS. According to FCS, the NAS clearly identified the proposed project's stationary operational noise levels and their potential to result in a substantial permanent increase in ambient noise levels in the project vicinity within the standards established in the General Plan. The operational noise level calculations are verifiable and accurately calculated as measured at the nearest sensitive receptor land use.

In order to ensure that the operation of the car wash is within the anticipated limits of the NAS, a condition of approval is included to require an assessment of the actual noise levels at the car wash tunnel to be conducted prior to the facility beginning operation. The assessment would be required, for review and approval of the Community Development Director, prior to operation of the proposed car wash.

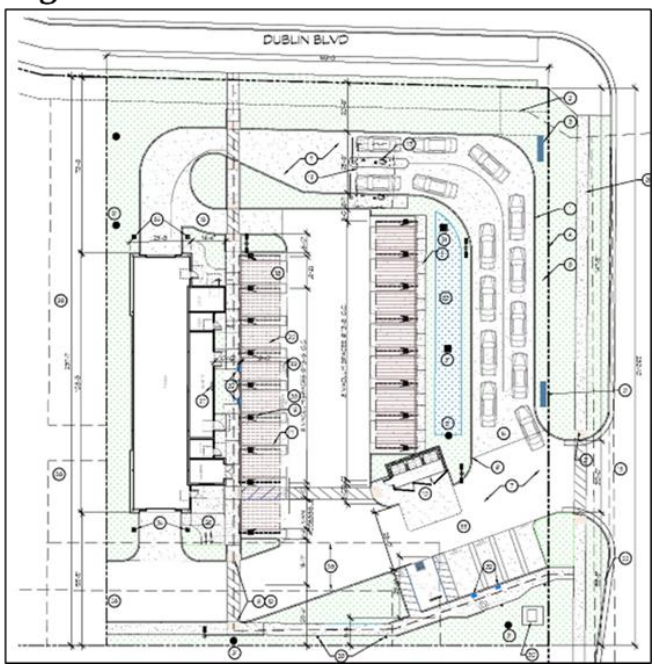
The Resolution, including findings specified in Dublin Municipal Code Section 8.100.060, approving the CUP and conditions of approval is included as Attachment 2.

Site Development Review Permit
A Site Development Review Permit is required for all new principal structures. The following is a summary of the key components of the project associated with the Site Development Review Permit.

Site Plan, Access, and Circulation: The project site is accessed on the east side of the property from an existing driveway off Kaiser Road as shown in Figure 2. No direct access from Dublin Boulevard is proposed. The intersection of Kaiser Road and Dublin Boulevard is a shared intersection for access to the Kaiser Dublin Medical Center, the Nissan and Infiniti car dealerships, and the vacant commercial sites.

The proposed car wash tunnel is proposed on the west side of the property, perpendicular to Dublin Boulevard. The vacuum stations, with 15 parking spaces, are proposed in the middle of the site in two rows. The car wash tunnel and outdoor vacuum stations would be visible from Dublin Boulevard. This placement also results in some units at The Terraces across Dublin Boulevard having direct visual access into the car wash tunnel and vacuum stations.

Figure 2. Site Plan



Once on site, two vehicle lanes are provided for queuing to the pay station and entry from the north end into the car wash tunnel. The two pay station lanes provide queuing storage for approximately 14 vehicles. As vehicles continue past the pay stations, the lanes merge into one lane for access to the car wash tunnel. This area beyond the pay station accommodates approximately five vehicles. Upon exiting the tunnel on the south end, a vehicle can proceed to either exit the site or park at one of the 15 vacuum parking spaces. Prior to entering the car wash tunnel an escape lane leading directly to the vacuum stations is also available.

The City engaged the services of Kimley Horn Associates (KHA) to evaluate traffic impacts and on-site circulation to confirm that queuing for the pay stations and car wash tunnel would be adequate and would not extend onto Kaiser Road and/or Dublin Boulevard. More specifically, KHA prepared a traffic analysis that addressed the following:

1. Trip generation comparison between the proposed project and the allowed trips for the Kaiser Commercial area in the Kaiser Dublin Medical Center Project Environmental Impact Report (Kaiser EIR), including pass-by trips;
2. Operational analysis for pedestrians, bicyclists, and motorists that includes internal site circulation and traffic circulation at access points along Kaiser Road and future adjacent parcels; and
3. Pay station queuing.

In summary, the traffic analysis determined the following:

1. Trip Generation Comparison. The Kaiser EIR assumed that Phase 1B would consist of 250,000 square feet of commercial use, which results in estimated 8,620 daily trips, 447 AM peak hour trips and 775 PM peak hour trips. The proposed car wash is anticipated to result in 34 AM peak hour trips and 78 PM peak hour trips. The planned Nissan and Infiniti auto dealerships estimate 79 AM peak hour trips and 102 PM peak hour trips. Therefore, the proposed project's cumulative intersection impacts would be within the impacts identified in the Kaiser EIR
2. Operational Analysis. The analysis concluded that the intersections of Dublin Boulevard/Keegan Street/Kaiser Road and Kaiser Road/Car Wash Access are expected to continue to operate at an acceptable level of service. Therefore, no vehicle

operational issues are anticipated due to the car wash project. The lack of vehicle queuing issues also eliminates potential conflicts with the pedestrian and bicycle facilities near the project.

3. Pay Station Queuing. The analysis concluded that the layout of the proposed car wash can accommodate the queues from the pay station. The two queuing lanes to the pay station allow for storage of approximately seven vehicles in each lane, or 14 vehicles total. Five additional vehicles can queue after the pay station prior to entering the tunnel for a total queuing of 19 vehicles on-site. The analysis concluded that the queues were estimated to be a maximum of 24 vehicles in the peak hour. In order to ensure that vehicle queues do not result in any impacts beyond the subject property (i.e., Kaiser Road), Condition of Approval No. 153 requires the Applicant to monitor the queues and enter into an improvement agreement for a supplemental transportation study within the first 12 months of operation or if an obvious queuing issue develops, whichever is sooner.

The traffic analysis is included as Attachment 5.

Parking: The parking requirement for the proposed car wash is regulated by the City of Dublin Zoning Ordinance (Section 8.76.080.D). The parking requirement for a self-service car wash is four spaces, plus additional parking for drying/vacuum areas, plus 20 feet in front of each bay for stacking.

As shown in Table 2 below, the Applicant proposes to provide 15 vacuum parking spaces. An additional five parking spaces are provided on the south side of the property adjacent to the proposed trash enclosure. Over 100 feet between the entrance of the car wash tunnel and pay station is provided for stacking.

Table 2. Parking Requirements

	Self-Service Car Wash	Drying/Vacuum Area	20' in Front of Each Bay for Stacking
No. of Spaces Required	4	15	20 feet
No. of Spaces Provided	5	15	100+ feet

Architecture: The proposed building is long and narrow reflective of its intended use as a car wash tunnel. It is approximately 40 feet wide, 109 feet long, and 30 feet tall. The architecture is contemporary with a lower middle section and taller elements at both ends. The building's roof is a combination of a flat roof in the middle section and decorative shed roofs at both ends highlighting the taller portions of the building. The building is clad with smooth/flat metal siding painted blue and gray tones. Windows are provided on the upper half of the taller portions of the building and for a small office on the ground floor. The architectural style and materials are compatible with the contemporary architectural style, colors, and materials being utilized on other commercial projects within Dublin. The building's elevations as well as color and materials are shown in the Project Plans on Sheet A301 in

Attachment 3.

The vacuum area is designed with a carport-type canopy providing shade for each vacuum parking stall. The vacuum stations are integrated into the carport-type structure with solar panels and use a muted color palette to reduce their prominence as shown on Sheets A302 and A303 of the project plans (Attachment 3). Two stream waste cans for garbage and recycling are also provided at each station.

The Applicant provided photo simulations of the proposed project as seen from Dublin Boulevard and Keegan Street included as Attachment 6.

Landscape: The entirety of the Kaiser Commercial site, including the subject property, was rough graded in 2021 as part of the development of the Nissan dealership and is currently devoid of vegetation. The preliminary landscape plan includes landscaping around the perimeter of property and between the car wash tunnel queue lanes and the vacuum stations. The conceptual plant pallet includes with a variety of trees, including 24-inch box trees along the perimeter of the site to help screen the internal circulation, parking and vacuum area from Dublin Boulevard and Kaiser Road. The interior of the site is accented with a mix of one-gallon and five-gallon shrubs. New landscape areas are proposed with a variety of drought tolerant plants suitable for low maintenance and water conserving efforts. The landscape concept including the planting plan and palette is provided on Sheet L1 of the Project Plans (Attachment 3).

Public Art Compliance: The Applicant intends to satisfy the City's public art requirement through the payment of in-lieu fees. Condition of Approval No.18 confirms this intention.

The Resolution approving the Site Development Review Permit and conditions of approval is included as Attachment 2.

General Plan/Eastern Dublin Specific Plan Compatibility
The subject property is located within the Medical Campus/Commercial land use designation. This designation accommodates a range of commercial uses including regional- and community-serving retail uses, professional and administrative offices, hotel, entertainment, limited automotive sales and eating and drinking establishments. A car wash is a community-serving retail use.

The subject property is also located within the Tassajara Gateway subarea of the Eastern Dublin Specific Plan. The emphasis of this area is to create a "gateway" into eastern Dublin that establishes a positive impression to the travelers that pass through this area. The Specific Plan seeks to achieve this through siting and design of high-profile commercial uses (hotel, conference center, campus office, restaurant) recommended for this area to contribute to the creation of a distinctive "gateway" image. The proposed project meets the intent of the Dublin General Plan, which discourages projects that do not relate well to the surrounding

developments and is compatible with the surrounding neighborhood that includes residential and commercial uses.

REVIEW BY APPLICABLE DEPARTMENT AND AGENCIES:

The Building Division, Fire Prevention Bureau, Public Works Department, and Dublin San Ramon Services District reviewed the project and provided conditions of approval where appropriate to ensure that the project is established in compliance with all local ordinances and regulations. Conditions of approval from these departments and agencies have been included in the attached City Council Resolution (Attachment 2).

ENVIRONMENTAL DETERMINATION:

On September 20, 2016, the City Council certified the Kaiser EIR and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations (Resolution No. 153-16). Pursuant to the requirements of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15162, the proposed project was examined to determine if further environmental review is required.

Based on a review of the project, the environmental analysis in the Kaiser EIR and all of the information in the project record as a whole, the City has determined that there is no substantial evidence that any of the supplemental review standards are met. The proposed project is within the scope of the project analyzed in the Kaiser EIR because the proposed car wash is within the maximum intensity of commercial development anticipated. The circumstances under which the project is to be undertaken have not substantially changed since the Kaiser EIR was prepared and will not substantially change with approval of the project. As supported by the project description and Site Development Review Permit plans, the Kaiser EIR adequately describes the impacts of the project for the purposes of CEQA, and no mitigation measures or new alternatives are required by the project other than those previously disclosed and analyzed in the Kaiser EIR. Approval of the project would not create any site-specific operations giving rise to environmental effects different from those examined by the Kaiser EIR or requiring the preparation of an Initial Study. The proposed project would be subject to the Kaiser Dublin Medical Center Mitigation Monitoring and Reporting Program. Consequently, pursuant to CEQA Guidelines Sections 15162 and 15168(c), the project impacts are covered by the Kaiser EIR and no further environmental review is required for this project.

PLANNING COMMISSION REVIEW:

The Planning Commission considered this project at their regular meeting on September 27, 2022 and voted 3-2 to recommend denial of the project. There were no public comments. The Commission expressed concern with the compatibility of the project with other land uses in the vicinity, on-site circulation and queuing, and the prominent location of the proposed waste enclosure near the entry driveway. It was also noted that the size of the parcel created

limitations to development. The Planning Commission found that the proposed use and related structures are not compatible with other land uses in the vicinity and were not envisioned when the City Council approved Planned Development Zoning Ordinance No. 03-19; the approved Planned Development Zoning for the site focuses on uses that will generate revenue to the City and the proposed use will not meet this important goal, which was included to offset some of the tax revenue loss because of the Kaiser Medical Center; there is no evidence that the lack of a nearby commercial car wash will impact adjacent auto sales; and a low tax revenue generating business should not be encouraged in consideration of the two large undeveloped parcels adjacent to this site.

The Planning Commission Resolution recommending denial of the project is included as Attachment 7.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

Two City-led Community Meetings were held on August 24 and 25, 2022, to provide Dublin residents with information about the proposed project. As directed by City Council, notices of the Community Meetings were provided to the Apex community in addition to the "Notify Me" subscription notification created for these meetings. No members of the community attended either meeting.

In accordance with State law, a public notice was mailed to all property owners and occupants within 300 feet of the project site. A public notice also was published in the *East Bay Times* and posted at several locations throughout the City. A Planning Application sign was posted on the project site and the project was also included on the City's development projects webpage. A copy of this Staff Report has been provided to the Applicant and the City Council Agenda was posted.

ATTACHMENTS:

1) Ordinance Approving an Amendment to Planned Development Zoning Ordinance No. 03-19 for Kaiser Commercial
2) Resolution Approving a Conditional Use Permit and Site Development Review Permit Related to the Nissan Commercial Car Wash Project
3) Exhibit A to the Resolution - Project Plans
4) Noise Assessment Study
5) Traffic Analysis
6) Photo Simulations
7) Planning Commission Resolution No. 22-12

Agenda Item 4.9

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Authorizing Remote Meetings of City Council and City Commissions Due to Increase in COVID-19 Cases
Prepared by: John Bakker, City Attorney

EXECUTIVE SUMMARY:

From March 2020 through September 2021, the City conducted meetings of its legislative bodies remotely pursuant to various executive orders that suspended certain Brown Act provisions. In October 2021, the City returned to in-person meetings and the Brown Act was amended to allow for teleconferencing during a state of emergency. Under the new law, AB 361, the City can continue to conduct virtual meetings where the Governor has proclaimed a State of Emergency, or state or local health officials have imposed or recommended social distancing, if the City Council makes certain required findings. From January 11 – February 10, 2022, and since May 3, 2022, the City Council has operated under a resolution pursuant to AB 361 authorizing teleconferenced meetings for at least 30 days. The City Council will consider adopting a resolution that would allow for virtual attendance for the next 30 days.

STAFF RECOMMENDATION:

Adopt the **Resolution** Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361.

FINANCIAL IMPACT:

None.

DESCRIPTION:

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State address the broader spread of COVID-19.

On March 18, 2020, the City Council adopted a resolution ratifying the proclamation of a local state of emergency by the Director of Emergency Services due to COVID-19.

On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

At that time and through September 2021, the City's legislative bodies met by teleconference. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded certain clauses of Executive Order N-29-20 after September 30, 2021, including clauses that suspended certain provisions of the Brown Act. Thus, effective October 1, 2021, agencies would have had to transition back to public meetings held in full compliance with the Brown Act. The City of Dublin began meeting in person beginning in October 2021.

Since the Governor issued Executive Order N-08-21, the highly contagious Delta variant has emerged, causing a spike in cases throughout the state and within the Alameda County. Additionally, since then, the Omicron variants have emerged and been designed as a variant of concern by the United States, and the number of cases in the City have increased over the last month.

On September 16, 2021, the Governor signed AB 361 (2021) which allows for local legislative and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the Council make specified findings. AB 361 took effect immediately.

AB 361 allows local legislative bodies to continue to meet remotely after the expiration of the clauses of Executive Order N-29-20. Under AB 361, the City and its legislative bodies may meet remotely when:

- The local agency holds a meeting during a declared state of emergency;
- State or local health officials have imposed or recommended measures to promote social distancing;
- Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees.

On January 11, 2022, the City Council adopted a resolution authorizing remote teleconferenced meetings for a period of 30 days pursuant to AB 361. That resolution expired on February 10, 2022.

At its April 19, 2022 meeting, the City Council directed Staff to bring a resolution to the May 3, 2022 meeting to allow the City Council and the City's legislative bodies to meet virtually, including hybrid meetings, pursuant to AB 361. At its May 3, May 17, June 7, June 21, July 19, August 16, September 6, 2022, and October 18, 2022 meetings, the City Council adopted Resolution Nos. 39-22, 48-22, 65-22, 84-22, 92-22, 101-22, 104-22, and 120-22 respectively, that included the necessary findings pursuant to AB 361 to allow the City Council and the City's legislative bodies to meet remotely or in a hybrid format for 30 days.

The City meets the requirements to hold meetings remotely in order to ensure the health and safety of the public:

- The Governor has declared a State of Emergency, and the City Council has ratified the proclamation of a local emergency by the Director of Emergency Services;
- The CDC recommends social distancing of at least six feet due to COVID-19;
- There continues to be COVID-19 cases within the state and throughout Alameda County;
- Meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies, and staff.

The proposed resolution includes the necessary findings pursuant to AB 361 to allow the City Council and the City's legislative bodies to meet remotely or in a hybrid format for the next 30 days. The City Council would need to adopt a subsequent resolution declaring the need to continue to meet remotely to allow for such meetings after that 30-day period.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361

RESOLUTION NO. xx-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

FINDING THAT THERE IS A PROCLAIMED STATE OF EMERGENCY; FINDING THAT MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES AS A RESULT OF THE STATE OF EMERGENCY; AND AUTHORIZING REMOTE TELECONFERENCED MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF DUBLIN PURSUANT TO AB 361

WHEREAS, all meetings of the City of Dublin's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code sections 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 18, 2020, the City Council adopted a resolution ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of the COVID-19 pandemic, and pursuant to Executive Order N-29-20 and its successors, the City Council met primarily virtually through September 2021; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ended the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows for local legislative bodies and advisory bodies to conduct meetings via teleconferencing under specified conditions and includes a requirement that the City Council make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, under AB 361 (2021), an agency meeting virtually requires that the Governor declare a State of Emergency pursuant to Government Code section 8625; and

WHEREAS, AB 361 (2021) further requires that state or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, Governor Newsom has

declared a State of Emergency due to COVID-19; and

WHEREAS, since the issuance of Executive Order N-08-21, the highly contagious Delta variant of COVID-19 has emerged, causing an increase in COVID-19 cases throughout the State and Alameda County; and

WHEREAS, on November 30, 2021, the Omicron variant was designated as a variant of concern by the United States; and

WHEREAS, cases of the highly contagious Omicron variant, including a subvariant called BA.2, continue to occur in Alameda County and require quarantine periods for exposure; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, because of the ongoing existence COVID-19 cases due in part to the highly contagious Omicron variants of COVID-19, the City is concerned about the health and safety of all individuals who intend to attend City Council and meetings of the City's other legislative bodies; and

WHEREAS, the City Council finds that the imminent risks of the City's legislative bodies holding in person meetings to the health or safety of attendees exists due in part to the Omicron variants of COVID-19; and

WHEREAS, the City Council finds, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of all legislative bodies created by the City Council pursuant to Government Code section 54952(b), that the presence of COVID-19 and the Delta and Omicron variants would present imminent risks to the health or safety of attendees, staff, and members; and

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the legislative body meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference ("hybrid meetings"). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including the Delta and Omicron variants; and

WHEREAS, the City shall ensure that its meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dublin as follows:

1. The above recitals are true and correct, and incorporated into this Resolution.

2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the City Council makes the following findings:

   a) The City Council has considered the circumstances of the state of emergency; and

   b) The state of emergency, as declared by the Governor and City Council, and as specifically related to cases apparently resulting from the Omicron variant, directly

impacts the ability of the City Council and the City's legislative bodies, as well as staff and members of the public, to meet safely in person; and

c) The CDC continues to recommend physical distancing of at least six feet due to COVID-19 and as a result of the presence of COVID-19, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies and staff.

3. City staff is directed to facilitate any teleconference meetings, including hybrid meetings, of the City Council and City's legislative bodies in compliance with AB 361, in order to better ensure the health and safety of the public for a period of thirty days following the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 1st day of November 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Mayor

ATTEST:

_____

City Clerk

STAFF REPORT
CITY COUNCIL

DATE: November 1, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Informational Item on Voluntary Special Needs Registry
Prepared by: John Stefanski, Assistant to the City Manager

EXECUTIVE SUMMARY:

The City Council will receive a report on voluntary special needs registries (SNRs), which function as channels for parents or guardians of community members with special needs to provide the police with information regarding any assistance those persons may require during an interaction with first responders. The City Council received a report on the SNR concept at the June 15, 2021 meeting. This report provides additional information and next steps for establishing an SNR in Dublin.

STAFF RECOMMENDATION:

Receive the report.

FINANCIAL IMPACT:

The costs associated with the creation and ongoing management of a special needs registry can be absorbed into Dublin Police Services' existing staff workload and budget.

DESCRIPTION:

Background

At the June 15, 2021 meeting, the City Council received an informational report on special needs registries (SNRs). A copy of this report is included for reference as Attachment 1. At the meeting the City Council raised the following additional questions:

1. Who can sign up someone else? How is that verified?
2. How are renewals/removals handled?
3. How are minors, aging out, handled?
4. What are the legal liabilities associated with such registries?

5. How is information safeguarded?
6. What information solicited is helpful for police officers?
7. What is the threshold for signing someone up?

To answer these questions and guide the development of a Dublin Police Services(DPS) SNR, Staff collected information from representatives of the DPS Behavioral Health Unit, Pacifica Police Department, Livermore Police Department, and the National Alliance on Mental Illness (NAMI) Tri-Valley. Staff also spoke with representatives from Axis Community Health, who did not provide feedback on the SNR, but indicated their willingness to help promote it once established. The information below summarizes the responses received.

1. *Who can sign up someone else? How is that verified?*
   Individuals themselves, parents, or legal guardians may enroll a person in the SNR. The verification of parents or guardians can vary. The City of Pacifica makes a "good faith effort" to confirm the person providing the information is a parent or guardian. The City of Livermore requires that if the registered individual is an adult, and they do not provide consent themselves or are unable to provide consent due to their disability, the parent/caregiver must provide legal documentation (conservatorship/court order) to show they have the legal authority to make decisions for the individual.

2. *How are renewals/removals handled?*
   Renewals and removals require staff to contact the registered individuals periodically to confirm their information and whether they desire to opt out of the registry.
   The City of Pacifica contacts the individuals on their list (approximately 25 people) every two years to confirm their addresses or to remove them from the registry. Similarly, the City of Livermore contacts their SNR listees (approximately 40 individuals) annually to check for any updates or to remove individuals who may wish to opt out. Livermore staff advises individuals to provide updates sooner if they are significant, like a change in address, school, or emergency contact.

3. *How are minors, aging out, handled?*
   Minors who turn 18 years old while on the registry are removed from the registry, unless they are re-registered under the criteria for adults as described above. This is the current policy for the Livermore SNR.

4. *What are the legal liabilities associated with such registries?*
   The City would have an obligation to prevent the unwarranted disclosure of medical information. The California State Constitution protects an individual's rights to privacy in medical records. Specific medical privacy laws, such as HIPAA, apply to health care providers and other covered entities, as defined. While those statutes don't apply to the City directly, the Public Records Act does apply. However, any information prohibited from disclosure under state and federal law is exempt from disclosure under the PRA.

   Special needs registries need to include acknowledgements and authorizations like the following:

I am the lawful and legal parent and/or guardian of the person with special needs listed above: [Name of Individual] Relationship: [Nature of Relationship]. I understand the information provided to the [CITY] Police Department is for law enforcement to have all the necessary information to better handle a situation and that information may be subject to public records laws, however, special needs are protected under HIPAA laws and will be redacted when necessary.

RELEASE OF INFORMATION

I, hereby give my permission for the [City] Police Department to retain and distribute the information contained in this registration form to other first responder personnel for the sole purpose of identification and protection of the person identified above in an emergency or crisis situation.

5. *How is information safeguarded?*

Special needs registry information is maintained on a police department's Computer Aided Dispatch system. These systems contain sensitive personal information, including DMV records, warrants for arrest, child abuse reporting forms, 5150 psychological hold forms, and so on. Access to this information is on a "Need to Know, Right to Know" basis, meaning that such information is only accessible by designated members of a police department. The Department of Justice monitors and audits the use of dispatch systems to ensure their proper usage.

Most cities utilize a paper form process for individuals to register on the SNR. These forms can be downloaded online, dropped off in person, or scanned and emailed to an address accessible by the appropriate staff who then upload and maintain the information. Utilizing a digital/web form may have some privacy vulnerabilities whereby other staff members could inadvertently access the information; such forms are not recommended unless the system is directly connected to the dispatch system.

Lastly, when sharing information with officers in the field, the dispatchers must utilize encrypted radio channels. This way, individuals with police radio scanners cannot listen to the sensitive SNR information being shared with officers by dispatch.

6. *What information solicited is helpful for police officers?*

The City of Livermore has spent several years developing their Registration Form (Attachment 2), the iterations of which have been guided with local family and medical professional feedback. In addition to this, staff from the Behavioral Health Unit have reviewed this form and advised that historical information pertaining to prior 5150/psychiatric holds, substance use/abuse, and mental health diagnoses for schizophrenia and PTSD would be valuable information for responding officers.

7. *What is the threshold for signing someone up?*
   Staff spoke with a representative from the National Alliance on Mental Illness (NAMI) Tri-Valley to better understand the perspectives of individuals who would potentially utilize a SNR. From their perspective, there is no single, best way to approach the decision to enroll in the SNR as the circumstances around the individual, their relationship with their parent/guardian, and the severity of their mental illness can vary significantly. It is ultimately the prerogative of an individual or their guardian to determine whether participating in the SNR would be in the best interest of the individual. The City should not be involved in the determination of who should or should not be listed on an SNR, but rather provide a voluntary option for those who wish to utilize it.

Dublin Special Needs Registry Program Guidelines

DPS is proceeding with establishing a voluntary Special Needs Registry. Based on the experience of the agencies this report cites, the program will be designed to include the components discussed above, as well as the following:

Uniformity with Livermore's SNR: There may be instances where individuals who reside elsewhere in the Tri-Valley register for a Dublin SNR due to that individual frequenting the City regularly. For example, there may be circumstances where a child has split custody and spends time in Dublin and Livermore. To assist in these situations and provide information uniformity between jurisdictions, the Dublin SNR will utilize the application form from the Livermore SNR with additional components which capture feedback from the DPS Behavioral Health Unit.

Registration Processing: Under its current capabilities, the City could not rely on fillable website form because the platform lacks the access controls required for medical information. The Dublin SNR would require individuals to complete a PDF fillable form, which can be emailed to a designated email address by DPS, or a physical form that can be dropped off to DPS. From there, the appropriate DPS staff would verify (if required) and manually input the information into the Dispatch System.

Encrypted Radio Required: The Alameda County Sheriff's Office and Dublin Police Services do not currently encrypt all their radio channels but intend to do so in the future. In the meantime, DPS will provide all SNR information to officers in the field by sending it to their vehicle's mobile data terminals rather than relay such sensitive information over the radio.

Next Steps

Once established, the City will push out information via its social media channels as well as through targeted outreach to the Dublin Unified School District, special needs parents' groups, Axis Community Health, NAMI Tri-Valley, and the Dublin Senior Center.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) June 15, 2021 Staff Report on Special Needs Registries
2) Example Registration Form

Agenda Item 8.1

DUBLIN
CALIFORNIA

STAFF REPORT
CITY COUNCIL

DATE: June 15, 2021

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Informational Report on Voluntary Special Needs Registries
Prepared by: John Stefanski, Assistant to the City Manager

EXECUTIVE SUMMARY:

The City Council will receive a report on voluntary special needs registries. Voluntary special needs registries are designed to provide a channel for parents or guardians of community members with special needs to provide the police with information regarding any special assistance that person may require during a disaster, evacuation, emergency, or interaction with first responders. In those situations, police officers will be able to access the information from a secure database to assist them in the interaction.

STAFF RECOMMENDATION:

Receive the report and provide direction, as appropriate.

FINANCIAL IMPACT:

None.

DESCRIPTION:

Under Item 9 of its May 18, 2021 meeting, the City Council made a request for information on voluntary special needs registries.

Background
Voluntary special needs registries are designed to provide a channel for parents or guardians of community members with special needs to provide the police with information regarding any special assistance that person may require during a disaster, evacuation, emergency, or interaction with first responders. In those situations, police officers will be able to access the information from a secure database to assist them in the interaction.

Parents or guardians can enroll a person of any age with any medical condition, mental health condition, or disability in the registry. Examples of this may include, but are not limited to,

individuals with Alzheimer's Disease, Dementia, Bipolar Disorder, Autism Spectrum Disorder, Down Syndrome, and Epilepsy.

Individuals themselves may proactively enroll in the registry to provide important information in case of an emergency. These registries will typically request the following pieces of information regarding the individual with special needs including:

1. A photograph, description, and contract information for the individual and their parents/guardians/caregivers.
2. Locations the individual is familiar with or frequents.
3. Important details regarding any medical, safety, or behavioral concerns.
4. Any other helpful suggestions to assist officers and first responders when interacting with the individual.

This data is stored in a police department's records/information management systems, which dispatchers have access to during a call for service or contacts with individuals who are listed in the registry. This data is typically retained for a period of one or two years, at which time the individual, parent, or guardian will need to resubmit in order to ensure the data in the registry is current.

A cursory review of California cities found that at least six cities in California employ some form of a voluntary special needs registry:

- Burlingame
- Camarillo
- Hemet
- Irvine
- Pacifica
- Santa Clarita

Analysis

The implementation of such a system would require further discussions with the Alameda County Sheriff's Office and Alameda County Information Technology Department. One potential option would be to structure the Special Needs Registry like the City's Personal Security Camera Registration Database. Under this structure, individuals could submit information to the registry via an online form, which would be transferred to Dublin Police Services' (DPS) computer-aided dispatch system. Under this structure, if DPS receives a call for service at a specific address or officers run a check on a specific person, information from the registry could be shared with the responding officer in the field.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

None.

LIVERMORE POLICE DEPARTMENT

Service with Honor. Protection with Purpose.

SPECIAL NEEDS REGISTRY

What is the Livermore Police Department's Special Needs Registry?

The Special Needs Registry is a program offered by the Livermore Police Department as a service to the community. The purpose of the Special Needs Registry is to compile and maintain person records of individuals who have "special needs" due to mental or neurological disabilities and who reside or frequently visit the City of Livermore, who may require special assistance in an emergency or during interactions with Livermore Police Officers. Residents are invited to proactively provide information about a loved one with special needs of any age. The registration is **completely voluntary**.

How to register

To participate in the Special Needs Registry, complete the Special Needs Registry form below and turn it into the Livermore Police Department. Parents and caregivers may enroll a person of any age with any type of medical condition or disability, including but not limited to: Autism Spectrum Disorder, Alzheimer's disease, Dementia, Bipolar Disorder, and Down Syndrome. Adults with special needs may also enroll themselves in the program. If the consumer is an adult, and they do not provide consent themselves, or are unable to provide consent due to their disability, the parent/caregiver will have to show legal documentation (conservatorship/court order) to show they have the legal authority to make decisions for the consumer.

What happens once the person is registered?

When a police officer has contact with the consumer listed on this form, our dispatch center will be able to provide our officers with the information needed to successfully interact and communicate with your loved one, as well as provide our department personnel with your emergency contact information.

Please return this completed and signed form to the Livermore Police Department at the address below, or email it to snr@livermoreca.gov.

Description of Person with Special Needs

First Name: _____

Middle Name: _____

Last Name: _____

Date of Birth: _____ Race: _____

Hair Color: _____ Eye Color: _____

Height: _____ Weight: _____

Scars/Birthmarks/Tattoos/Piercings:

Residence Information

Home Address: _____

City: _____ Zip Code: _____ Cell Phone Number: _____

Are There Any Weapons/Firearms at this Residence?: Yes ☐ No ☐ *If YES, please describe items and where they are located/how they are secured*: _____

_____

Parent or Guardian Information

First Parent or Guardian

Name: _____

Primary Phone: _____ Secondary Phone: _____

Place of Employment: _____

Second Parent or Guardian

Name: _____

Primary Phone: _____ Secondary Phone: _____

Place of Employment: _____

School Information

School Name: _____

School Address: _____

City:_____Zip Code: _____School Phone: _____

Disability/ Special Need

Primary Diagnosis: _____

Co-Existing Diagnosis: _____

Notes: _____

_____

Information That Might be Helpful to First Responders in The Event of an Emergency

Child/Family Member Wandered Before? Yes ☐ No ☐

If So, Where Found? _____

Favorite Places/Locations: _____

Child/Family member attracted to water? Yes ☐ No ☐

If attracted to a specific body of water, which one?_____

Child/Family Member Able to Swim? Yes ☐ No ☐

Child/Family Member Attracted to: Trains ☐ Airplanes ☐ Heavy Equipment ☐ Fire Trucks/Emergency veh. ☐

Child/Family Member Attracted to Roadways/Highways? Yes ☐ No ☐

Child/Family Member Verbal? ☐ Nonverbal? ☐

Reaction When Called by Name? _____

Reaction to Canines or Animals?_____

Reaction to People in Uniform? _____

Response to Being Touched? _____

Reaction to Sirens/Sounds? _____

Reaction to search Aircraft? _____

Reaction to lights? _____

Please list any characteristics that are associated with this person: (Examples are sensory issues, specific behaviors (stimming), fears, behavioral triggers, meltdown behavior, physical aggression, past dealings with police, calming strategies that work, etc.) Please be as thorough as possible.

Primary method of communication? (words, pictures, device, etc.)

Favorite Song?_____

Favorite Activity/Sport? _____

Favorite Character/Toy? _____

Knows Parents Names ☐ Home Address ☐ Phone Number ☐

Response to Injury/Pain? _____

Programs Child/Family Member is Associated With: _____

Health/General Condition:

Overall Health: _____

Overall Physical Condition:_____

Handicaps/Deformaties/Prosthetics:_____

Sensory Issues:_____

Processing Delay:_____

Medications/Dosages:_____

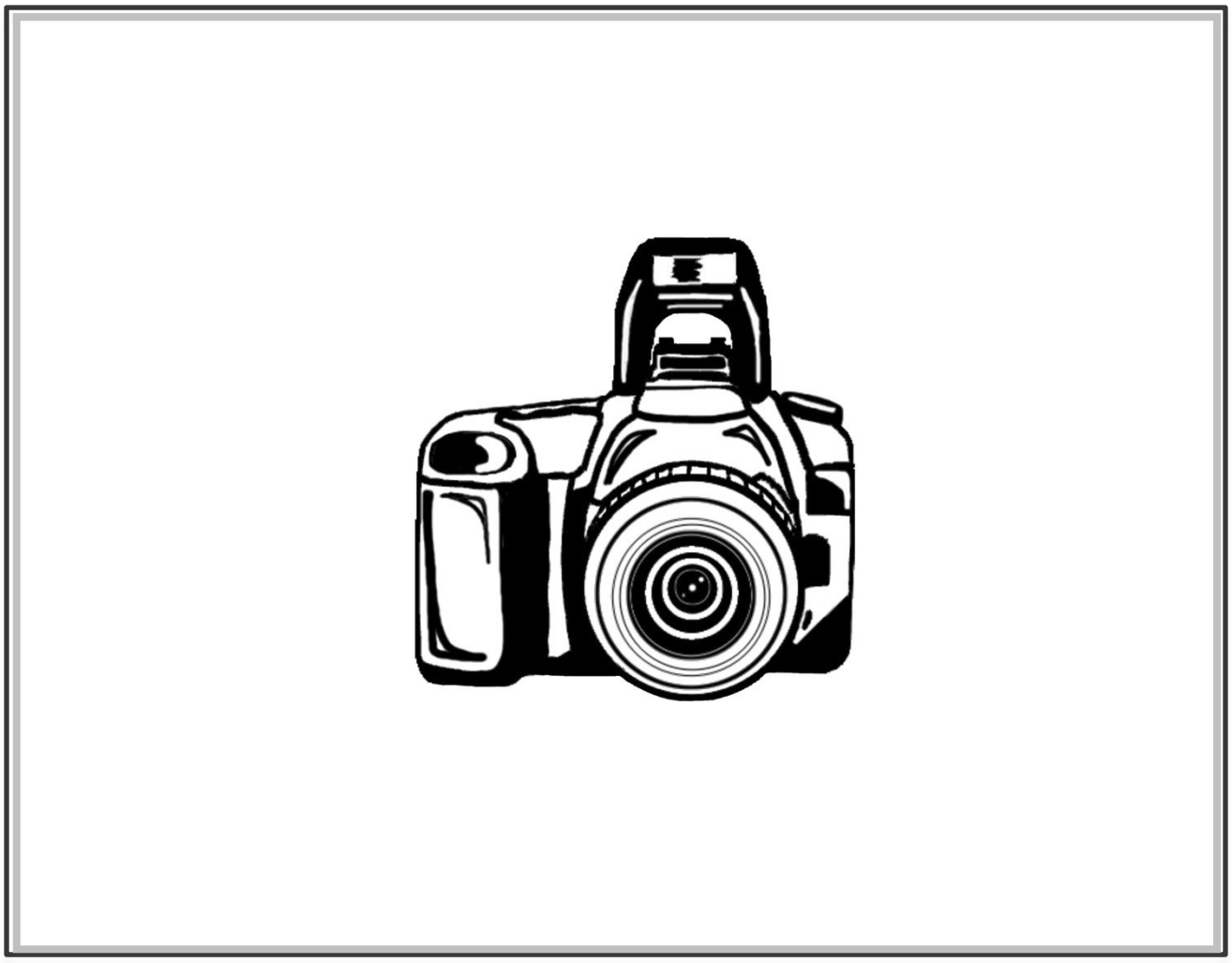
_____

_____

Medication Side Effects: _____

Photo:

Do you have a current photo of your child/family member to provide Livermore Police Department, which accurately depicts how they look present day? If so, please attach to form here.



Emergency Contact Information

First Emergency Contact

Name: _____

Home Address: _____

City: _____ Zip Code: _____ Phone: _____

Second Emergency Contact

Name: _____

Home Address: _____

City: _____ Zip Code: _____ Phone: _____

Please Read and Initial:

I am the lawful and legal parent and/or guardian of the person with special needs listed above: _____

Relationship _____

I understand the information provided to the Livermore Police Department is for law enforcement to have all the necessary information to better handle a situation and that information may be subject to public records laws, - F.S.S. Ch. 119 **- *however, special needs are protected under HIPAA laws and will be redacted when necessary***

RELEASE OF INFORMATION

I, hereby give my permission for the Livermore Police Department to retain and distribute the information contained in this registration form to other first responder personnel for the sole purpose of identification and protection of the person identified above in an emergency or crisis situation.

Signature: _____ Date: _____

Please return this completed and signed form to the Livermore Police Department at the address below, or email it to snr@livermoreca.gov.

Frequently Asked Questions

WHO IS ELIGIBLE?

The registry has been developed with the intent to serve all members (adult or juvenile) of our community or people who frequent our community who have a "special need" and want to register with the Livermore Police Department.

AS SOON AS I REGISTER, WILL THE INFORMATION BE IMMEDIATELY AVAILABLE IN CASE POLICE RESPONSE IS REQUIRED?

No. The information provided on the registration form will need to be entered in order to capture all relevant information in our records system. The process may take up to two (2) weeks to be fully processed. An identification card will be issued to the participant and mailed to the address listed in this form.

WHO HAS ACCESS TO MY CHILD'S PROFILE?

Livermore Police Department personnel who require this information in the performance of their duties will have access to the information. There are strict regulations with respect to accessing and disseminating information. The sharing of this information with other police agencies during an emergency can be helpful when a person is registered in Livermore but wanders off in another jurisdiction.

CAN I UPDATE MY PROFILE IF THERE ARE CHANGES? HOW DO I DO THAT?

You may, however, only information that has a significant impact on policing response will be necessary. Some examples would include a change in address, school, or emergency contact. You do not need to report a change in hair cut or color, as police are familiar with the changes that can be made and are more likely to notice height, weight and eye color. All changes can be made on a new registry form, which you will then submit to the Livermore Police Department.

AFTER MY CHILD/DEPENDENT ADULT IS REGISTERED, AND IF THERE IS AN INCIDENT, DO I NEED TO DO SOMETHING TO NOTIFY THE POLICE?

It is preferable that you let the police/dispatcher know that the individual is already registered. In doing so, the information will be immediately disseminated to the responding patrol officers without having to ask the parents/guardians unnecessary questions during a high stress situation.

HOW WILL THIS REGISTRY HELP IF MY CHILD/DEPENDENT ADULT GOES MISSING?

If the individual goes missing and is reported by the parent/guardian, information about his/her physical appearance, the most likely places where he/she would go to, as well as triggers, stimulants, and de-escalation techniques will be sent to every law enforcement agency in the area to look for the missing person. If the individual has not been reported and is incapable of effectively communicating his/her name when encountered by an officer, a computer check of the neighborhood for individuals registered nearby, coupled with the physical appearance provided, may allow us to identify the individual faster. This will then allow the Livermore Police department to use the contact information on file to reunite the individual with their parents/guardians.

DUBLIN
CALIFORNIA

Item 7.1
Informational Item :
Voluntary Special Needs Registries

November 1, 2022

Background

- Follow-up from the June 15, 2021, City Council discussion on this topic.
- Special Needs Registries (SNRs) function as channels for parents/guardians of community members with special needs to provide the police with information regarding any assistance those persons may require during an interaction with first responders.

Background, 2

1. Who can sign up someone else? How is that verified?
2. How are renewals/removals handled?
3. How are minors, aging out, handled?
4. What are the associated legal liabilities?
5. How is information safeguarded?
6. What information solicited is helpful for police officers?
7. What is the threshold for signing someone up?

- Answers and information provided from:
  - DPS Behavioral Health Unit
  - Pacifica Police Department
  - Livermore Police Department
  - NAMI Tri-Valley
- Feedback will help guide the development of a Dublin SNR.

1-Who can sign up someone else? How is that verified?

- Individuals themselves, parents, or legal guardians may enroll a person.
  - Verification of Parents/Guardians varies from "good faith efforts" to requiring legal documentation to show they have the authority to make decisions for the individual.

2-How are renewals/removals handled?

- SNR Staff must contact the registered individuals periodically to confirm their information and whether they desire to opt out.
- Contact frequency varies:
  - Pacifica: Every two years
  - Livermore: Annually but advises updates sooner if significant changes in provided information.

3-How are minors, aging out, handled?

- Minors who turn 18 years old while on the registry are removed, unless they are re-registered under the criteria for adults.

4-What are the associated legal liabilities?

- City would have an obligation to prevent the unwarranted disclosure of medical information.
  - This information would be protected by HIPAA from being disclosed through a Public Records Act Request.
- Registration would also include an acknowledgement and authorization for the City to retain and distribute the information in the SNR.

5-How is information safeguarded?

- SNR information is maintained on a Police Department's Computer Aided Dispatch (CAD) System which has strict access control measures.
- Registration is typically completed on a physical form and dropped off, or an emailed PDF to an inbox with limited access.

5-How is information safeguarded?

- Digital/web forms may have some privacy vulnerabilities whereby unauthorized staff could inadvertently access the information.
  - Not recommended, unless directly connected to the CAD system.
- Dispatchers must utilize encrypted radio channels to ensure individuals with police radio scanners cannot listen to sensitive SNR information being shared.

6-What information solicited is helpful for police officers?

- City of Livermore has spent several years developing their registration form, the iterations of which have been guided with local family and medical professional feedback. This includes:
  - Basic contact and background information
  - Focused questions on known responses/reactions to things/circumstances
  - Open ended questions on individual characteristics.
  - Questions to build rapport
  - Other health/general information

6-What information solicited is helpful for police officers?

- DPS Behavioral Health Unit reviewed the form and advises adding historical questions on prior 5150/psychiatric holds, substance use/abuse, and mental health diagnoses for schizophrenia and PTSD (specifically).

7-What is the threshold for signing someone up?

- According to NAMI Tri-Valley, there is no single, best way to approach the decision to enroll in the SNR.
  - The circumstances around the individual, their relationship with their parent/guardian, and the severity of their mental illness can vary.
- It's the prerogative of the individual or guardian to determine whether they should participate in the SNR.
  - The City should not be involved in this determination, but rather provide an option for those who want to use it.

Local Program Guidelines

- DPS is proceeding with establishing an SNR, based on the information and experiences of the agencies referenced in this report.

Uniformity with Livermore's SNR

- Individuals in neighboring jurisdictions may enroll in the SNR, due to that individual frequenting the City regularly.
- To assist with this and to ensure information uniformity, the Dublin SNR will utilize the Livermore SNR application with additional components which capture feedback from DPS.

Registration Processing

- Current capabilities limit the City's ability to use a web-based registration form.
- Dublin SNR will utilize a fillable PDF form which can be emailed to a designated DPS email address or printed and dropped off.
  - Designated DPS staff would then verify (if needed) and manually upload the information.

Encrypted Radio Required

- ACSO and DPS do not encrypt all their radio channels but intend to do so in the future.
- Until that time, DPS will share SNR information to officers in the field by sending it to their vehicles mobile data terminals.

Next Steps

- Once established, City will push out information through our normal channels and through targeted outreach to DUSD, special needs parent's groups, Axis Community Health, NAMI Tri-Valley and the Dublin Senior Center.
- Costs associated with the creation and ongoing management can be absorbed in existing DPS staff workload and budget.

DUBLIN
CALIFORNIA

Questions?

John Stefanski
Assistant to the City Manager