

I, Sheila Harrington, City Clerk of the City of Newark, State of California, hereby certify under penalty of perjury the foregoing instrument to be a full, true and correct copy of the original now on file in my office.

Date:

10/15/2020

6 pages

Sheila Harrington - City Clerk

Deputy City Clerk

ORDINANCE NO. 525

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK REPEALING AND REPLACING CHAPTERS 15.09 "RESIDENTIAL CODE" AND 15.21 "CALIFORNIA EXISTING BUILDING CODE" IN ORDER TO ADOPT BY REFERENCE, WITH MODIFICATIONS TO ADDRESS UNIQUE LOCAL CONDITIONS, THE 2019 EDITIONS OF THE CALIFORNIA RESIDENTIAL CODE AND THE CALIFORNIA EXISTING BUILDING CODE

WHEREAS, the California Building Standards Commission has adopted a new Title 24 of the California Code of Regulations, also referred to as the 2019 California Building Standards Code, that will become effective statewide on January 1, 2020; and

WHEREAS, the updated California Building Standards Code became effective within the City on January 1, 2020, and Title 15 updated by default to incorporate the California Building Standards Code without local amendments; and

WHEREAS, Section 17922 of the California Health and Safety Code requires local agencies to adopt the building standards contained in the California Building Standards Code; and

WHEREAS, Section 17958.7 of the California Health and Safety Code allows local agencies to enact modifications to those building standards provided that such modifications are reasonably necessary because of local climatic, geological or topographical conditions so long as a local agency adopts such findings; and

WHEREAS, the City previously adopted findings justifying local modifications based on local climatic, geologic, and topographic conditions; and

WHEREAS, the City Council held a public hearing related to this Ordinance on October 8, 2020 and considered the staff report and public testimony received; and

WHEREAS, the City Council finds that no additional environmental review is necessary because this Ordinance is not a project that has the potential to cause substantial or potentially substantial, adverse change in the environment and qualifies for an exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3), and further, the Ordinance establishes standards for the approval of ministerial projects that are not themselves subject to CEQA review; and

WHEREAS, the City Council finds that the adoption of 2019 Edition of the California Residential Code and California Existing Building Code help protect public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWARK DOES ORDAIN as follows:

Section 1: The forgoing Recitals are true and correct and incorporated herein by this reference.

Section 2: That the following are amended as attached (with removed text identified by strikethrough and additional text identified in the color red) and hereby incorporated herein by reference:

Title 15 (Buildings and Construction), Article I (Building Regulations)
Chapter 15.09 (Residential Code) (Exhibit A)
Chapter 15.21 (California Existing Building Code) (Exhibit B)

Section 3: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4: Effective date. This ordinance shall take effect thirty (30) days after passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by Council Member Freitas at the regular meeting of the City Council of the City of Newark held on September 10, 2020.

This ordinance was read at the regular meeting of the City Council held October 8, 2020. Council Member Hannon moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES: Council Members Bucci, Collazo, Hannon, Vice Mayor Freitas and Mayor Nagy

NOES: None

ABSENT: None

SECONDED: Council Member Bucci

APPROVED:

ATTEST:

s/ALAN L. NAGY
Mayor

s/SHEILA HARRINGTON
City Clerk

APPROVED AS TO FORM:

s/KRISTOPHER J. KOKOTAYLO
Interim City Attorney

Chapter 15.09

RESIDENTIAL CODE

Sections

- 15.09.010 California Residential Code adopted by reference.**
15.09.020 Amendments.

15.09.010 California Residential Code adopted by reference.

A certain document, entitled ~~2016~~ 2019 California Residential Code published by the International Code Council and amended and adopted by the state of California as the ~~2016~~ 2019 edition California Residential Code, is adopted by reference as the residential code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.09.020 Amendments.

The construction code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Section R105.3.1.1 dealing with determining substantial improvements in flood hazard zones is deleted. Refer to Chapter 15.40, Construction in Flood Hazard Areas, of the Newark Municipal Code.

B. Section R301.1.3.2 is amended by adding the following section;

R301.1.3.2.1 Woodframe structures two stories in height. The building official is authorized to require the structural portions of construction documents to be prepared, stamped and signed by a California licensed architect, civil engineer, or structural engineer for all dwellings with two stories.

C. Section R313 dealing with automatic fire sprinkler systems is amended by replacing Sections R313.1 and R313.2 in their entirety with the following;

R313.1 Where required in new construction. Automatic fire sprinkler systems in compliance with Section R313.3 or NFPA 13D shall be installed in the following new construction.

R313.1.1 One and two family dwellings and townhouses.

R313.1.2 Detached structures accessory to one and two family dwellings and townhouses when the floor area exceeds 1,000 square feet in area or, when there are no exterior walls then 1,000 square feet of projected roof area.

R313.1.3 Additions to one and two family dwellings and townhouses when the existing structure is equipped with an automatic fire sprinkler system.

R313.2 Where required in existing construction. An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings and townhouses in accordance with Section R313.3 or NFPA 13D when the construction value of any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred.

Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

D. Section R322 dealing with flood resistant construction is deleted. Refer to Chapter 15.40, Construction in Flood Hazard Areas, of the Newark Municipal Code.

E. Section R326 dealing with swimming pools is replaced in its entirety with the following:

R326.1 General. The **structural** design and construction of pools and spas for **one and two family dwellings and townhomes** ~~single family dwellings~~ shall comply with Section 3109 of the California Building Code **and for enclosures and safety features** ~~two family dwellings and townhomes~~ with Chapter ~~31B~~ **3109** of the California ~~Building~~ **Residential** Code.

F. Chapter 10 dealing with chimneys and fireplaces is amended by adding the following section:

R1000 Prohibited Fireplaces. Open hearth masonry and factory built wood burning fireplaces are prohibited. Prohibition applies to new construction, additions, and existing fireplace replacements.

G. Appendix H, Patio Covers, is adopted.

H. Appendix K, Sound Transmission, is adopted.

Chapter 15.21

CALIFORNIA EXISTING BUILDING CODE

Sections:

15.21.010 California Existing Building Code adopted by reference.

15.21.020 Amendments.

15.21.010 California Existing Building Code adopted by reference.

A certain document entitled, "~~2016~~ 2019 California Historical Building Code," including Appendix Chapter A1, relating to unreinforced masonry buildings, Appendix Chapter A3, relating to anchorage of wood framed residential buildings, and Appendix Chapter A4, relating to risk reduction in soft story wood framed buildings, published by the International Code Council and amended and adopted by the state of California is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.21.020 Amendments.

The construction code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

- A. Section 104.10.1 dealing with flood hazard areas is deleted. Refer to Chapter 15.40.
- B. Section ~~403.2~~ 405.2.5 dealing with flood hazard areas is deleted. Refer to Chapter 15.40.

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