

ORDINANCE NO. 3007-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA BUILDING CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE BUILDING CODE OF THE CITY OF SUNNYVALE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. REPEAL. Ordinance No. 2931-10, codified as Chapter 16.16 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.16 ADDED. Sunnyvale Municipal Code Chapter 16.16 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

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

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. 619-13.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

Date of Attestation: _____
(SEAL)

APPROVED AS TO FORM:

Rebecca Moon, Assistant City Attorney

**Chapter 16.16.
BUILDING CODE**

- 16.16.010. Title.**
- 16.16.020. Adoption by reference.**
- 16.16.030. Administration.**
- 16.16.040. Definitions.**
- 16.16.050. Standards for high-rise buildings.**
- 16.16.060. Numbering of buildings.**
- 16.16.070. Fire extinguishing systems.**
- 16.16.080. Fire protection systems.**
- 16.16.090. Roof material rating.**
- 16.16.100. Concrete construction.**
- 16.16.110. Modifications to ACI 318.**
- 16.16.120. Moved structures.**

16.16.010. Title.

This chapter shall be known and may be cited and referred to as the “Building Code for the City of Sunnyvale.”

16.16.020. Adoption by reference.

The 2012 International Building Code in its entirety, along with Appendices C, I, and J as published by the International Code Council, Inc. and amendments to sections of the 2012 International Building Code adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 2 known as the California Building Code, is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the building code of the city of Sunnyvale.

16.16.030. Administration.

2013 California Building Code, Chapter 1, Division II, is hereby amended as follows:

101.2. Scope.

(a) The provisions of this chapter shall apply to grading and to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolitions of every building or structure within the city, including all plumbing and drainage systems, mechanical systems, and electrical wiring and fire safety systems, or parts thereof, within and serving such building or structure, excluding therefrom the following:

- (1) Any building or structure located on real property belonging to:
 - (A) United States of America,
 - (B) State of California, or any political subdivision thereof,
 - (C) Any chartered city or non-chartered city, or

- (D) Any school district, except when the proposed use is for non-classroom facilities;
- (2) Work located primarily in a public way;
 - (3) Public utility towers and poles;
 - (4) Mechanical equipment not specifically regulated in any of the codes; and
 - (5) Hydraulic flood control structures.
 - (6) Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the California Residential Code.

105.3.2 Time Limitation of Application.

An application for a permit for any proposed work shall be deemed to have been expired 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official is authorized to grant one or more extensions of time for additional period not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. In order to proceed with a project once an application has expired, a new application is required with new plan reviews fees and plans based on the code in effect at the time of the new application.

105.5 Permit Expiration.

(1) Every permit issued under the provisions of this title shall expire by limitation and become null and void, if the work authorized by the permit is not commenced within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days.

(2) For purposes of this title, the failure of the permittee to call for an inspection within one hundred eighty days of the date the permit was originally issued, or within one hundred eighty days of the last inspection, shall create a rebuttable presumption that the work authorized by the permit has been suspended or abandoned, and the chief building official may make a determination that the permit has expired.

(3) Upon a determination by the chief building official that a permit has expired, the permittee shall be notified in writing that such a determination has been made.

(4) If a permit has expired, no work may be recommenced until a new permit is obtained. The fee for a new permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that the period of suspension or abandonment was not in excess of one year, in which case the permittee shall pay a new, full permit fee and plan review fee.

(5) Any permittee holding an unexpired permit may apply for an extension of the time within which to commence or complete work under the permit. Such requests must be submitted in writing. The building official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.7 Placement of Permit. The building permit, along with all plans and documentation approved by the building official, shall be kept on the site of the work until final approval has been granted by the building official.

107.5 Retention of Construction Documents. One set of approved construction documents shall be retained by the building official for a period of not less than 90 days from the date of completion of the permitted work, or as required by state and local law.

Note: Reference Building Standards Law, Health and Safety Code Sections 19850 and 19851, for provisions related to permanent retention of plans.

109.2 Schedule of Permit Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alternations requiring a permit, a fee for each permit shall be paid as required by the current fee resolution approved by the city council.

109.4 Work Commencing Before Permit Issuance. When ever any work for which a permit is required by this code has been commenced without first obtaining said permit, the fee for such permit shall be double the fee established by the current fee resolution approved by the city council.

109.4.1 Investigation Fees: Work Without a Permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit a special investigation may be made before a permit may be issued for such work.

109.4.2 Fee. An investigation fee in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee.

109.6 Refunds. The building official my authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when the permit is canceled and no work has been done under a permit issued in accordance with this section.

The building official may authorize refunding of the plan review fee paid with an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except by written request filed by the original permittee and for building permits that are not expired.

109.7 Plan Review Fees. When a plan review is required a plan checking fee shall be paid at the time of submitting plans and specifications for checking.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee may be charged as deemed necessary by the building official at rate established in the current fee resolution adopted by the city council.

110.3.8 Other Inspections. In addition to the inspections specified above the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency.

110.7 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card issued by the building official such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

110.8 Reinspections. A reinspection fee may be assessed as deemed necessary by the building official for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection records card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is required, or for deviating from plans requiring the approval of the building official.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required reinspection fees have been paid.

The reinspection fee shall be in accordance with the current fee resolution adopted by the city council.

111.2 Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building safety division, the building official shall either sign the approved inspection record card or issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structures.
3. A description of that portion of the structure for which the certificate is issued.
4. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
5. The name of the building official.
6. The edition of the code under which the permit was issued.
7. The use and occupancy, in accordance with the provisions of Chapter 3.
8. The type of construction as defined in Chapter 6.
9. If an automatic sprinkler system is provided, whether the sprinkler system is required.
10. Any special stipulations and conditions of the building permit.

114.1. Unlawful Acts. It is unlawful for any person to perform any grading, or to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or to install or maintain any plumbing or drainage systems, or any mechanical systems, or any electrical wiring or fire safety systems in or about any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of the administrative or technical code. Each such person is guilty of a separate offense for each and every day during any portion of which a violation of any provision of any codes continued, or permitted by such person and shall be punishable accordingly.

Section 117 Address Identification

117.1. Address Identification.

All entrances from the public streets of the city of Sunnyvale to buildings fronting thereon shall be numbered as provided in this chapter.

The numbers shall be placed upon, or immediately above or to one side of the door or gate or post of such entrance or shall be otherwise conspicuously located near said entrance so that the same shall be in plain view. Each character shall be a minimum 4 inches high and not less than 0.5 inch in width. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property.

Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.

When required by the building official or fire marshal, address numbers and street names shall be provided in additional approved locations to facilitate emergency response.

117.2. Odd and even numbers.

Where possible all numbers on the northerly and westerly sides of streets shall be odd numbers and all numbers on the southerly and easterly sides of streets shall be even numbers.

117.3. Official street numbering map.

A map entitled "official street numbering map of the city of Sunnyvale" on file in the office of the chief building official exhibiting the various numbers to lots and parcels of land fronting on the various streets in the city of Sunnyvale is hereby referred to for particulars and is made a part hereof and numbers shall be determined and located as shown on the map.

117.4. Numbers designated by chief building official.

It shall be the duty of the chief building official to designate the respective numbers for buildings or parcels of land fronting on streets heretofore laid out or extended

117.5. Display of numbers required.

No owner, occupant, lessee, tenant or subtenant of any building having an entrance which fronts on a public street shall display any number of such building or entrance thereto other than the proper number designated by the chief building official and shall within five days after receiving notice of such designated number from the chief building official place the same upon or immediately above or to one side of the door, gate, post or entrance to such building or in some other conspicuous location as provided in this chapter.

117.6. Placing of numbers at occupant's expense.

It shall be the responsibility of both the owner and occupant of any building, at his expense, to cause the same to be numbered in accordance with this chapter.

117.7. Permit required for numbers on streets, sidewalks or curb.

No person shall place, maintain or permit to be placed or maintained any number, figure, letter, carving, drawing, design or other marking upon any street, sidewalk, parking place or curb in the city without first obtaining written authorization from the director of public works who shall have the authority to issue regulations and standards for such activity. The following requirements and conditions shall apply to all requests to conduct the service of curb identification marking:

(a) No person shall engage in the business of painting numbers or other markings on curbs, which markings identify the street location of any structure within the city, without first obtaining a business license.

(b) Written consent and approval of the owner or occupant of the structure shall be obtained, prior to commencing any work, on forms which shall be approved by the director of public works.

(c) Markings shall be three and one-half inches to four inches in height of high gloss black enamel paint on a white background or of such dimensions, color and quality of materials as shall be approved by the director of public works.

(d) The authorization provided for herein may be revoked by the director of public works whenever he finds noncompliance with the provisions of this chapter or any regulation or standards promulgated by him pursuant to the authority granted herein.

16.16.040. Definitions.

California Building Code Chapter 2 is hereby amended to include:

For the purpose of the California Building Code, certain terms are defined as follows:

(1) "Board of appeals" means the board created to hear and determine appeals from a decision or order of the building inspection superintendent.

(2) "Building inspection superintendent" means the officer or other person charged with the administration and enforcement of the following codes of the city:

- (A) Building Code,
- (B) Residential Code,
- (C) Existing Building Code,
- (D) Plumbing Code,
- (E) Mechanical Code,
- (F) Electrical Code,
- (G) Historical Buildings Code,
- (H) Energy Code,
- (I) Green Building Code.

(3) "Building official" or "chief building official" means building inspection superintendent.

(4) "The codes" mean each and all of the following codes of the city:

- (A) Building Code,
- (B) Residential Code,
- (C) Existing Building Code,
- (D) Plumbing Code,
- (E) Mechanical Code,
- (F) Electrical Code,
- (G) Historical Buildings Code,
- (H) Fire Code,
- (I) Energy Code,

- (J) Green Building Code,
- (K) Property Maintenance Code.

16.16.050. Standards for high-rise buildings.

2013 California Building Code Section 403 is hereby replaced by the applicable provisions of Chapter 16.52.

16.16.060. Numbering of Buildings.

2013 California Building Code Section 501.2 is hereby replaced with the applicable provisions of Chapter 16.16.030.

16.16.070. Fire extinguishing systems.

Except for the application of Sections 504.2 and 506.3 of the California Building Code, the installation requirements for fire extinguishing systems, including California Building Code Section 903, shall be governed by the applicable provisions of the California Fire Code as adopted by Chapter 16.52, and by the applicable provisions of Chapter 16.54.

16.16.080. Fire protection systems.

2013 California Building Code Chapter 9 is hereby replaced by the applicable provisions of Chapter 16.52.

16.16.090. Roof material rating.

2013 California Building Code Section 1505.1.3 is amended to read as follows:

1505.1.3 Roof Coverings in All Other Areas. The entire roof covering of every existing structure where more than fifty percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

16.16.100. Concrete construction.

2013 California Building Code Section 1705.3 is hereby amended to read:

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

Exceptions: Special inspections shall not be required for:

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

- 2.1. The footings support walls of light-frame construction;
 - 2.2. The footings are designed in accordance with Table 1809.7; or
 - 2.3. 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.
3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).
 4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.
 5. Concrete patios, driveways and sidewalks, on grade.

16.16.110. Modifications to ACI 318.

2013 California Building Code Section 1905.1.8 is amended to read as follows:

1905.1.8 ACI 318, Section 22.10. Delete ACI 318, Section 22.10, and replace with the following:

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

22.10.1- 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 with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

16.16.120. Moved structures.

California Building Code Section 3410 is hereby amended to read:

3410.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

Exception: Moved apartment houses and dwellings may retain existing materials and methods of construction, provided the apartment house or dwelling complies with the building standards for foundations applicable to new construction and does not become or continue to be a substandard building. For additional information, see Health and Safety Code Section 17958.9.