



# City of San Leandro

Meeting Date: November 4, 2019

## Ordinance

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**File Number:** 19-553 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.H.

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:** Tom Liao  
Community Development Director

**FINANCE REVIEW:** Not Applicable

**TITLE:** ORDINANCE of the City of San Leandro City Council to Adopt and Amend the California Fire Code

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### Article 8. FIRE CODE

The City Council of the City of San Leandro does ORDAIN as follows:

**Section 1.** That a certain document, a copy of which is on file in the office of the City Clerk of the City of San Leandro and two additional copies in fire prevention, being marked and designated as the California Fire Code, 2019 edition, including Sections 101, 103, 104.6, 108, 109.4, 112, Appendix Chapter D, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of San Leandro, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City Clerk of the City of San Leandro are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, prescribed in Section 2 of this ordinance.

**Section 2.** That the following sections of Chapter 3.3, "Uniform Fire Code," Article 1, Sections 100, 101, 103, 104, 105, 109 and 113 are hereby repealed and replaced in their entirety as follows:

#### 7-8-100 Adoption.

Except as hereafter specifically set forth, the "California Fire Code <https://codes.iccsafe.org/content/CAFC2019/cover>, 2019Edition," published by the International Code Council with Sections 101, 103, 104.6, 108, 109.4, 112, and Appendix Chapter D is

hereby adopted as the Fire Code of the City of San Leandro. However, in accordance with California Government Code <http://qcode.us/codes/othercode.php?state=ca&code=gov>, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code <https://www.dgs.ca.gov/BSC/Codes> results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code <http://qcode.us/codes/othercode.php?state=ca&code=heasaf> Section 17958.7, express findings that modification to the California Building Standards Code <http://qcode.us/codes/othercode.php?state=ca&code=calbuista> are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of the ordinance codified in this Article. In accordance with California Government Code Section 50022.6, at least one true copy of the California Fire Code has been on file with the San Leandro City Clerk fifteen (15) days prior to the enactment of the ordinance codified in this Chapter. While this Chapter is in force, a true copy of the California Fire Code shall be kept for public inspection in the office of the City of San Leandro City Clerk.

### **7-8-105 Amendments**

#### 101.1 Title-Amended

These regulations shall be known as the Fire Code of San Leandro, hereinafter referred to as "this code."

#### 103.2 Appointment-Amended.

The fire code official shall be appointed by the fire chief serving the City of San Leandro.

#### 104.6 Official records-Amended.

The City of San Leandro shall keep official records as required by Sections 104.6.1, 104.6.2, and 104.6.4. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

##### 104.6.1 Approvals.

A record of approvals shall be maintained by the City of San Leandro Building Department and shall be available for public inspection during business hours in accordance with applicable laws.

##### 104.6.2 Inspections.

The City of San Leandro Building Department shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

##### 104.6.3 Fire records.

The fire department shall keep a record of fires occurring within the City of San Leandro and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby.

#### 105.1.2 Types of permits-Amended.

There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 until said permit is revoked by the fire department.
2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

#### 106.2 Schedule of permit fees-Amended.

Fees shall be assessed for permits and associated plan review in accordance with the fee schedule established by the City of San Leandro City Council as set forth in Title 6 of Chapter 4 of the City of San Leandro Administrative Code.

#### 106.5 Refunds-Amended.

Shall be in accordance with the provisions in Section 109 of the San Leandro Building Code.

#### 109.4.1 Abatement of violation.

In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy or a structure on or about any premises.

#### 110.4 Violation penalties-Amended.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed by law.

#### 903.2.1.1 Group A-1-Amended.

An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 7,500 square feet (697 m<sup>2</sup>).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

4. The Fire area contains a multi-theater complex.
5. When the overall height of the building exceeds 45 feet.

#### 903.2.1.2 Group A-2-Amended.

An automatic sprinkler system shall be provided for fire areas containing Group A-2 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (465 m2).
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 5,000 square feet (465 m2), contains more than one fire area containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire -resistance rating without openings.
5. When the overall height of the building exceeds 45 feet.

#### 903.2.1.3 Group A-3-Amended.

An automatic sprinkler system shall be provided for fire areas contain Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 7,500 square feet (697 m2).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 7,500 square feet (697 m2), contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.

#### 903.2.1.4 Group A-4-Amended.

An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 7,500 square feet (697 m2).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exist discharge serving such occupancies.
4. When the overall height of the building exceeds 45 feet.

#### 903.2.3 Group E-Amended.

An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 7,500 square feet (697 m2) in area.

2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.  
**Exception:** An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has not fewer than one exterior exit door at ground level.
3. In rooms or areas with special hazards such as laboratories, vocational shops and other areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
4. Throughout any Group E structure greater than 7,500 square feet (69 m<sup>2</sup>) in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.
5. When the overall height of the building exceeds 45 feet.
6. For public school state-funded construction projects see Section 903.19.

#### 903.2.4 Group F-1-Amended.

An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 7,500 square feet (697 m<sup>2</sup>).
2. A Group F-1 fire area is located more than three stories above the grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 7500 square feet (697 m<sup>2</sup>).
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).
5. When the overall height of the building exceeds 45 feet.

##### 903.2.4.1 Woodworking operations

An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area (232 m<sup>2</sup>) that generate finely divided combustible waste or use finely divided combustible materials. [SFM] *A fire wall of less than 4-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separate fire areas.*

#### 903.2.7 Group M-Amended.

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

1. A Group M fire area exceeds 7,500 square feet (697 m<sup>2</sup>).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 7,500 square feet (697 m<sup>2</sup>).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (465 m<sup>2</sup>).

5. [SFM] The structure exceeds 7,500 square feet (697 m<sup>2</sup>), contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.
6. When the overall height of the building exceeds 45 feet.

#### 903.2.7.1 High-piled storage-Amended.

An automatic sprinkler system shall be provided as required in Chapter 32 in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.

#### 903.2.9 Group S-1-Amended.

An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 7,500 square feet (697 m<sup>2</sup>).
2. A Group S-1 Fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 5,000 square feet (2230 m<sup>2</sup>).
4. A Group S-1 Fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m<sup>2</sup>).
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).
6. When the overall height of the building exceeds 45 feet.

#### 903.2.9.1 Repair garages.

An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 7,500 square feet (697 m<sup>2</sup>).
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 7,500 square feet (697 m<sup>2</sup>).
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet (465 m<sup>2</sup>).

#### 903.2.9.2 Bulk storage of tires.

Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet (566 m<sup>3</sup>) shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

#### 903.2.10 Group S-2 enclosed parking garages-Amended.

An automatic sprinkler system shall be provided throughout buildings classified as enclosed

parking garages in accordance with Section 406.6 of the California Building Code where one of the following conditions exists:

1. Where the fire area of the enclosed parking garage exceeds 7,500 square feet (697m<sup>2</sup>).
2. Where then enclosed parking garage is located beneath other groups.
3. When the overall height of the building exceeds 45 feet.

#### 903.2.10.1 Commercial parking garages.

An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (465 m<sup>2</sup>).

#### 903.2.13 Group B Occupancies

An automatic sprinkler system shall be installed in Group B occupancies where the floor area exceeds 7,500 square feet (697 m<sup>2</sup>).

#### 903.6 Where required in existing buildings and structures-Amended.

The provisions of this section are in addition to those requirements set forth in Chapter 11. Fire sprinklers shall be installed in existing commercial occupancies when any of the following exist:

1. Permits for additions and alterations increase the floor area by 25 percent.
2. Whenever an addition is made to an existing building causing the total square footage of the building to exceed 7,500 square feet (697 m<sup>2</sup>). The entire building shall be equipped with sprinklers.
3. When a change in occupancy or use to more hazardous occupancy type occurs, the structure will be required to meet the requirements as set forth for new construction for the new occupancy classification.

In residential occupancies, fire sprinklers shall be installed when there is an addition that result in the square footage exceeding 3600 square feet (334 m<sup>2</sup>) including any attached U occupancies or garages.

#### 5003.2.4.2 Above-ground tanks- Amended with the addition of the following sentence.

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.

#### 5704.2.9.6.1 Locations where above-ground tanks are prohibited-Amended with the addition of the following sentence:

Storage is prohibited in areas designated as residential within the San Leandro city limits.

#### 5706.2.4.4 Locations where above-ground tanks are prohibited-Amended with the addition of the

following sentence:

Storage is prohibited in areas designated as residential within the San Leandro city limits.

5806.2 Limitations-Amended with the addition of the following sentence:

Storage is prohibited in areas designated as residential within the San Leandro city limits.

6104.2 Maximum capacity within established limits-Amended with the addition of the following sentence:

Storage is prohibited in areas designated as residential within the San Leandro city limits.

**Section 3.** That Ordinance No. 2016-023 of The City of San Leandro entitled and all other ordinances or parts of laws in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this legislation for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

**Section 6.** That the City of San Leandro is hereby ordered and directed to cause this legislation to be published.

**Section 7.** That this law and the rules, regulations, provisions, requirements, orders and matter established and adopted hereby shall take effect and be in full force and effect from January 1, 2020 to December 31, 2022.

**Section 8.** The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and in this case it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).

**Section 9.** 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 notice of the adoption by reference was published in accordance with Government Code Sections 50022.3 and 6066. Said notice was sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.