



CITY OF LARKSPUR
Staff Report

November 16, 2022, City Council Meeting

DATE: November 9, 2022

TO: Honorable Mayor Hillmer and the Larkspur City Council

FROM: Daryl A. Phillips, Building Official
Elise Semonian, Community Development Director

SUBJECT: INTRODUCE AND WAIVE FIRST READING OF ORDINANCE 1062 AMENDING SECTIONS OF TITLE 15 OF THE LARKSPUR MUNICIPAL CODE TO ADOPT BY REFERENCE AND AMEND PROVISIONS OF THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS; CHANGING ALL GENDER SPECIFIC PRONOUNS IN THE MUNICIPAL CODE TO USE THE SINGULAR "THEY" AND ITS OTHER GRAMMATICAL FORMS AND REPLACING REFERENCES TO "PLANNING DIRECTOR" WITH "COMMUNITY DEVELOPMENT DIRECTOR"; REDUCING THE CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION REQUIREMENTS IN SECTION 15.26.050 TO 65% TO BE CONSISTENT WITH CALGREEN AND MODIFYING SECTION 15.26.040 TO ALLOW CERTIFICATION OF FACILITIES THAT ARE CONSISTENT WITH THAT REQUIREMENT; RENAMING CHAPTER 15.28 "HOUSE NUMBERING" TO "ADDRESSES" AND INCORPORATING NEW REGULATIONS FOR ADDRESSING; AND ADOPTING NEW CHAPTER 15.56 WITH ADMINISTRATIVE AND PROGRAM REGULATIONS ON GATE SAFEGUARDS

ACTION REQUESTED

Staff recommends that the City Council: 1) introduce the proposed Ordinance 1062 adopting and locally amending the 2022 Edition of the California Building Standards Code, Title 24, California Code of Regulations, eliminating gender specific pronouns in Municipal Code, reducing Construction and Demolition Debris diversion requirements to be consistent with CALGreen and Zero Waste Marin regulations; amending addressing requirements to match current process; and adding Chapter 15.56 with administrative and program regulations on gate safeguards; and 2) set a public hearing on the proposed ordinance for December 7, 2022.

BACKGROUND

Larkspur Municipal Code Title 15 Building Regulations, contains rules and regulations, which comprise the “Building Codes.” International Building Codes are published on a triennial basis (last cycle in 2019). The California Building Standards Commission then reviews the model code and determines changes to be made for the California Building Standards Code. Once the California Code is published, local jurisdictions have 180 days to amend and adopt the code for their own jurisdiction; otherwise the California Code becomes the default code for the jurisdiction. The 180-day amending/adopting period ends on December 31, 2022. The previous ordinance (No. 1043) adopted by reference the 2019 Codes, with local amendments.

The purpose of this Ordinance is to formally adopt the current 2022 building standards, to amend these standards due to local conditions, and to add a new chapter on gate regulations. Most of the proposed local amendments to the building code are carried over from previous years. Staff is also recommending some minor code “clean up” to replace references to gender with gender neutral terms and replace references to “Planning Director” with the current title “Community Development Director”. An outdated chapter on house numbering would be replaced with a section codifying the existing addressing process.

Staff is also recommending an amendment to the City’s Construction Demolition and Debris ordinance to make it consistent with the Green Building Code (65% diversion required). This would reduce the diversion rates in the code from 90% to 65%. Local waste facilities cannot divert the required 65% for mixed debris boxes and the City’s current 90% diversion rate is not feasible without deconstruction and separation of materials and not practical for staff to enforce (and has not been enforced).

The following sections of the Larkspur Municipal Code will be amended for the building code update:

A. Larkspur Municipal Code Title 15, Building Regulations, to adopt the 2022 Edition of the California Building Standards Code, Title 24, Parts 1- 6 and 8 – 12, with noted local amendments as follows:

- Part 1: The California Administrative Code. (CAC)
- Part 2: Vol. 1&2 The California Building Code.(CBC)
- Part 2.5: The California Residential Code (CRC)
- Part 3: The California Electrical Code. (CEC)
- Part 4: The California Mechanical Code. (CMC)
- Part 5: The California Plumbing Code. (CPC)
- Part 6: The California Energy Code. (CEEC)
- Part 8: The California Historical Building Code. (CHBC)
- Part 9: The California Fire Code. (CFC)
- Part 10: The California Existing Building Code. (CEBC)
- Part 11: The California Green Building Standards Code (CalGreen)
- Part 12: The California Referenced Standards Code (CRSC)

B. Larkspur Municipal Code Title 15, Building Regulations, to add Chapter 15.56 regarding Gate Regulations.

The new Chapter 15.56 requires existing gates to be retrofitted by 2025 and property owners are to have their gates inspected once every five years to ensure the gates are maintained to prevent injuries or deaths. These changes are proposed following the death of a child who was killed by a rolling gate in San Rafael in December 2019. Section 3110 of the 2022 California Building Code is also amended locally, to add safeguards to manual gates.

AGENDA ITEM 8.1

The public hearing on the proposed ordinance will be held at the next regularly scheduled meeting of the City Council on December 6, 2022, a procedure required because the ordinance is adopting various adopted State codes by reference, with appropriate local amendments, per Government Code Sections 50022.1 through 50022.10.

Members of the public have requested the City Council to consider model electric vehicle and “reach codes” for all electric in new construction and certain remodels. Staff would like to recommend reach codes that will be consistent with other jurisdictions. Staff intends to bring the model codes to the City Council for discussion by early 2023, after additional local outreach and after additional jurisdictions have considered the model regulations.

FISCAL IMPACT

Fiscal impacts of the adoption of the codes are minimal and enforcement is generally subject to cost-recovery through permit fees.

ENVIRONMENTAL STATUS

The proposed ordinance amendment to Title 15 to adopt and amend the 2022 California Building Standards Code is exempt from the requirements of CEQA as provided by Section 15061 (b) (3) of the guidelines. This section advises that CEQA applies only to projects which have potential for causing a significant effect on the environment. Where it can be determined with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment, the activity is not subject to CEQA.

The purpose of the Building Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the city. Buildings and development projects that are subject to CEQA are reviewed prior to the issuance of a building permit.

STAFF RECOMMENDATIONS

Recommended City Council Action: Introduce and waive the first reading of Ordinance XXXX amending sections of Title 15 of the Larkspur Municipal Code 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 15.56 Gate Regulations; and set a public hearing on the proposed ordinance for December 6, 2022.

Respectfully submitted,
Daryl A. Phillips, Building Official
Elise Semonian, Community Development Director

Attachments

1. Ordinance 1062

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CITY OF LARKSPUR
ORDINANCE 1062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LARKSPUR AMENDING SECTIONS OF TITLE 15 OF THE LARKSPUR MUNICIPAL CODE TO ADOPT BY REFERENCE AND AMEND PROVISIONS OF THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS; CHANGING ALL GENDER SPECIFIC PRONOUNS IN THE MUNICIPAL CODE TO USE THE SINGULAR “THEY” AND ITS OTHER GRAMMATICAL FORMS AND REPLACING REFERENCES TO “PLANNING DIRECTOR” WITH “COMMUNITY DEVELOPMENT DIRECTOR”; REDUCING THE CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION REQUIREMENTS IN SECTION 15.26.050 TO 65% TO BE CONSISTENT WITH CALGREEN AND MODIFYING SECTION 15.26.040 TO ALLOW CERTIFICATION OF FACILITIES THAT ARE CONSISTENT WITH THAT REQUIREMENT; RENAMING CHAPTER 15.28 “HOUSE NUMBERING” TO “ADDRESSES” AND INCORPORATING NEW REGULATIONS FOR ADDRESSING; AND ADOPTING NEW CHAPTER 15.56 WITH ADMINISTRATIVE AND PROGRAM REGULATIONS ON GATE SAFEGUARDS

WHEREAS, Title 15 of the Larkspur Municipal Code (“LMC”) currently contains the City’s building standards (“Building Regulations”) and adopts by reference the 2019 California Building Code, which incorporates the International Building Code published by the International Code Council;

WHEREAS, the 2022 California Building Standards Code, California Code of Regulations, Title 24 has been amended and adopted by the California Building Standards Commission;

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;

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;

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;

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;

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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, pursuant to California Health and Safety Code sections 18941.5 and 17958, the City Council of the City of Larkspur hereby finds that all of the amendments adopted herein are reasonably necessary because of the City's unique local climatic, geologic and topographic conditions:

1. CLIMATIC

a. Climate is one of the greatest impacts to fire behavior and other major emergency events because it cannot be controlled. The City's weather is mild during the summer when daytime temperatures tend to be in the 80-degree Fahrenheit range, and cool during the winter, when daytime temperatures tend to be in the 50-degree Fahrenheit range. The City also has a Mediterranean Climate characterized by warm, dry summers that cause an increase in fire risk during the summer and fall months. The City experiences large temperature variations between night and day during the summer and winter months; the difference can be up to 31 degrees Fahrenheit. The drying out of wood shakes and wildland fuels in the summer months allows for easy ignition.

b. The City has a mix of development types, including rural development on the City's hillsides and canyons together with urbanized development of condominium complexes, senior living facilities and office complexes. This mix of development presents complex problems for fire safety.

c. Average yearly rainfall for the City is approximately 47 inches. This rainfall normally occurs from December to May. Heavy precipitation, months of low temperatures that can bring icy and slick roadways and traffic congestion in the developed areas of the City and an adjacent freeway contribute to numerous vehicle collisions. These conditions may also create a condition where emergency responders need to drive more cautiously.

2. TOPOGRAPHICAL

a. The City has numerous topographical features, including creeks, sloughs, natural parkways, open space, bridges/overpasses, freeways, drainage canals, wildland and hillside areas. These topographical features significantly impact the ability of emergency responders to extinguish or control wildland or structure fires.

b. Heavy traffic congestion on the City's major streets is a barrier to timely response for fire and emergency vehicles. As a result of increased development, some roadways in the City are expected to have significantly increased traffic flow rates in the future. In the event of an accident or other emergency at one of the key points of intersection between a road and river or freeway, sections of the City could be isolated or response time could be sufficiently slowed so as to increase the risk of injury or damage.

3. GEOLOGICAL

a. The City is in an area with localized pockets of clay and expansive soils. These soil conditions have been found to be a source of concern for footing and foundation

design. Additionally, expansive soils can hold large amounts of moisture for extended periods of time. Either of these factors, or a combination of both, have been found to create an increased risk of moisture intrusion under slabs in certain common construction methods.

b. Structures in the City are classified within Seismic Design Category D – F, as determined by Section 1613A of the California Building Code. The Seismic Design Category is a classification assigned to a structure based on its occupancy group and the severity of the design earthquake ground motion at the site, with category A being the least restrictive and Category F being the most restrictive. This area contains a higher risk of seismic activity than most areas in the country. Likewise, unsupported fixtures, appliances and appurtenances in ceilings, though small in size, have been found to create a significant hazard to occupants in the event of seismic activity.

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

Section 1. Recitals. The above recitals are true and correct and incorporated herein by reference.

Section 2. City of Larkspur Municipal Code Amendment. Title 15, Chapter 15.05 is hereby adopted to read as follows:

**CHAPTER 15.05
CALIFORNIA REFERENCES STANDARD CODE**

15.05.010 CALIFORNIA REFERENCES STANDARD CODE ADOPTED BY REFERENCE

The 2022 Edition of the California References Standard Code, known as the California Code of Regulations, Title 24, Part 12, one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference.

Section 3. City of Larkspur Municipal Code Amendment. Title 15, Chapter 15.06 is hereby adopted to read as follows:

**CHAPTER 15.06
CALIFORNIA ADMINISTRATIVE CODE**

15.06.010 CALIFORNIA ADMINISTRATIVE CODE ADOPTED BY REFERENCE

The 2022 Edition of the California Administrative Code, known as the California Code of Regulations, Title 24, Part 1, one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference.

Section 4. City of Larkspur Municipal Code Amendment. Title 15, Chapter 15.07 is hereby amended to read as follows (with additions in *italics* and deletions in ~~strikethrough~~):

**CHAPTER 15.07
CALIFORNIA EXISTING BUILDING CODE**

15.07.010 CALIFORNIA EXISTING BUILDING CODE ADOPTED BY REFERENCE.

The 2022 2019 Edition of the California Existing Building Code, known as the California Code of Regulations, Title 24, Part 10, one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference.

Section 5. City of Larkspur Municipal Code Amendment. Title 15, Chapter 15.08 “California Building Code” is hereby repealed and replaced in its entirety to read as follows:

**CHAPTER 15.08
CALIFORNIA BUILDING CODE**

15.08.010 CALIFORNIA BUILDING CODE ADOPTED BY REFERENCE

The 2022 Edition of the California Building Code, known as the California Code of Regulations, Title 24, Part 2, including: Appendix B, Board of Appeals and Appendix I, Patio Covers, one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference and as amended herein.

15.08.020 AMENDMENTS TO THE CALIFORNIA BUILDING CODE

Based upon the findings of the City Council regarding local climatic, topographical, and geological conditions, the following sections and/or subsections of the 2022 California Building Code are amended to read as follows:

- A. Chapter 1, Section 105.5, Building Permit Expiration, is amended to read as follows:
 - 1. Except in those construction projects where the Building Official, due to the nature of the project, deems these limitations to be unreasonable, every permit issued by the Building Official, under the provisions of this chapter, shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days following the issuance date of such permit.
 - 2. Following expiration of a permit under subsection A.1., and before work can commence, the original permit may be extended for one 180-day period provided:
 - a. No changes have been made or will be made, in the original plans and specifications for such work; and
 - b. That such delay has not exceeded one year from the date of original issuance of the permit.
 - 3. Following the expiration of a permit under subsection A.1., and where the criteria provided under Section 2 is not met, the Building Official has the discretion to determine if the permit may be reactivated and apply new

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requirements and conditions as necessary, including payment of a reactivation fee equal to the original permit fee. The original permit fee is considered the cumulative amounts assessed on the building permit for building, electrical, mechanical, plumbing, energy conservation, grading, green building and accessibility compliance.

4. Building Permit Construction Time Limits.

- a. The maximum time for completion of approved alterations, additions, modifications, repairs, or new construction, following issuance of the building permit, and commencement of any demolition or construction work, shall not exceed the following:

Project Valuation	Total Time Allowed
Up to and including \$100,000	12 Months
\$101,000 to \$1,000,000	18 Months
Over \$1,000,000	24 Months or as established by Planning Commission or City Council Conditions of Approval

- b. Request for Extension of Construction Time Limit. An applicant may request an extension of the construction time limit either (1) as part of the application for building permit, or (2) at any time prior to the expiration of the prescribed time limit. The application for an extension shall be accompanied by a written explanation of the reasons for the requested extension, the duration of the requested extension and the payment of a fee equal to one half of the original building permit fee.
- c. Grant or Denial of Requested Extension. An extension may be granted if it is determined that any one or more of the following factors not caused by the Permittee present an unusual and unanticipated obstacle to complying with the required construction time limit:
 1. Site topography;
 2. Site access;
 3. Geologic issues;
 4. Neighborhood considerations;
 5. Other unusual factors.

The Community Development Director, or their designee, shall make the decision of whether to approve or deny the requested extension of the construction time limit. If determined necessary, the Director may request a meeting with the property owner, project contractor, project architect or designer, or any other representatives of the property owner, and shall render their determination within 15 days of the filing of the extension request. The Director may permit a one-time extension of no more than 12 months from the original expiration date as described under Section 4, or less if deemed necessary and

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appropriate based upon the progress of the construction and the factors listed above.

Alternatively, the Director may deny the requested extension and the building permit would expire per the time limits as described under 4(a). Upon expiration of building permit, an unfinished construction site may be declared a nuisance and subject to code enforcement action per Municipal Code Chapter 9.24 (Code Enforcement).

The decision of the Community Development Director may be appealed in writing within ten (10) days of the decision. All appeals shall be processed in conformance with Section 2.50 of the LMC.

- d. Construction shall be deemed complete for purposes of this Section upon the satisfactory performance of all construction work, including but not limited to compliance with all Conditions of Approval, the clearing and cleaning of all construction related materials and debris from the site, and the final inspection and written approval of the applicable work by the Building Official.
- B. Chapter 1, Section 109.2, Schedule of Permit Fees, is amended to read as follows:

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee schedule as established by City Council resolution.

- C. Chapter 1, Section 109.6, Refunds, is amended to read as follows:

The Building Official is authorized to establish a refund policy.

1. The Community Development Director, or their designee, may refund a building permit fee when no work has commenced under a permit issued in accordance with this Building Code.
2. When an application for building permit is withdrawn or canceled, the Community Development Director, or their designee, may refund a plan review fee, less any charges for staff time expended, based on the hourly rate as set forth by resolution of the City Council.
3. The Community Development Director, or their designee, may only authorize the refund of a fee when a written request for a refund is filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

- D. Chapter 1, Section 116, Unsafe Structures and Equipment, is amended by adding:

Section 116.6 Appeals: Appeals of the Building Official's determinations regarding unsafe structures or equipment, as defined in this Section 116 of the

California Building Code, shall be made in accordance with the procedure set forth in Larkspur Municipal Code Section 2.50.

CHAPTER 2
DEFINITIONS

Section 202-[C] of Chapter 2 is hereby amended by adding the following general definition:

COVERINGS shall mean materials including, but not limited to gypsum board, paneling, floorboards, lathe and plaster, wood paneling, brick and mortar, or other materials attached to rough framing of the building elements. 'Coverings' do not include carpet, linoleum, tile, wallpaper, or other decorative finishes.

Section 202-[O] of Chapter 2 is hereby amended by adding the following general definition:

OCCUPANCY CLASSIFICATION is modified to include:

[BG] **Factory Industrial F-1 Moderate-hazard occupancy** is amended to add to the list of moderate-hazard factory industrial groups the following:

Agricultural crop production including cultivation, drying, processing and /or storage. Section 202-[P] of Chapter 2 is hereby amended by adding the following general definition

PRE-PLANS shall mean detailed plans of target hazard buildings. These pre-plans include information on the building's location, occupancy, hazards, fire department connections and hydrants, building layout, and other pertinent data that would assist the fire department in case of an emergency.

PUBLIC STORAGE FACILITY shall mean any business that sells, leases or rents space to the public that is enclosed, whether it is a building, storage container or similar configuration.

Section 202-[S] of Chapter 2 is hereby amended by adding the following general definition

SPARK ARRESTOR shall mean a chimney device constructed in a skillful-like manner. The net free area of a spark arrestor shall not be less than four times the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge stainless steel. Opening shall not permit the passage of spheres having a diameter larger than 1/2 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.

SUBSTANTIAL REMODEL shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area, which exceeds fifty percent of the existing floor area of the structure within any 36-month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components,

the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

Section 202-[T] of Chapter 2 is hereby amended by adding the following general definition

TEMPORARY shall mean any use for a period of less than 90 days, where not otherwise referenced.

Section 202-[U] of Chapter 2 is hereby amended by adding the following general definition

UNWARRANTED ALARM shall mean the giving, signaling or transition of an alarm notification to a public fire station or emergency communication center when such alarm is the result of a defective condition of an alarm system, system servicing testing, construction activities, ordinary household activities, false alarm or other cause when no such danger exists.

CHAPTER 3
GENERAL REQUIREMENTS

Section 302.1 in Chapter 3 is hereby amended to add the following:

PUBLIC STORAGE FACILITY

Section 304.1.2 is amended to read as follows:

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in all areas shall be in accordance with Chapter 3 and Chapter 49. Vegetation clearance requirements in Wildland-Urban Interface areas shall be in accordance with Chapter 49.

Section 315 is hereby added to Chapter 3 and shall read as follows:

Section 315 **Public Storage Facilities**

Section 315.1 **General.** Public Storage Facilities shall comply with the provisions of this section.

Section 315.2 **Location on Property and Fire Resistance of Exterior.** All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.

Section 315.3 **Fire Apparatus Access.** All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.

Section 315.4 **Storage of Flammable and Combustible Liquids and Hazardous Materials.** The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for maintenance of the facility may be stored by the facility management per Chapter 57 of this code.

Chapter 7A, Sections 701A.1 and 701A.3, is amended to read as follows:

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, additions and exterior remodels located within the Wildland Urban Interface Fire Area as defined in Section 702A.

701A.3 Application. New buildings, additions and exterior remodels to buildings located in any Fire Hazard Severity Zone or any Wildland Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

CHAPTER 9 **FIRE PROTECTION AND LIFE SAFETY SYSTEMS**

Section 901.7 of Chapter 9 is hereby amended by adding the following sentence:

Section 901.7 **Systems out of Service.** Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall be either evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. This section shall also apply to residential fire sprinkler systems.

Section 903.2 of Chapter 9 is repealed in its entirety (with the exception of subsections 903.2.5, 903.2.6, 903.2.8, 903.2.11, 903.2.12, 903.2.14, 903.2.15, 903.2.16, 903.2.17, 903.2.18, 903.2.19, 903.2.20 which shall remain in effect).

Section 903.2 of Chapter 9 is hereby added to read as follows:

Section 903.2 **Where Required.** Approved automatic sprinkler systems in new and existing buildings shall be provided in the locations described in this section.

Section 903.2.1 through 903.2.4 of Chapter 9 are hereby added to read as follows:

Section 903.2.1 **Required Installations.** An automatic sprinkler system shall be installed and maintained in all newly constructed buildings or structures.

Exceptions:

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1. Detached pool houses, workshops, Group U private garages, barns and similar structures, built in conjunction with existing non-sprinklered single-family residences and provided the new structure is less than 1,000 square feet and is not intended for use as a dwelling unit.
2. Detached non-combustible, limited combustible, or fire retardant treated wood canopies.
3. Group B or M occupancies less than 1000 square feet.
4. Detached restroom facilities associated with ball fields, parks and similar uses as approved by the Fire Code Official.

Section 903.2.2 **Additions and Alterations.** An automatic sprinkler system shall be installed in all buildings in excess of 3,000 sq. ft., which have ten per cent (10%) or more floor area added within any thirty-six (36) month period.

Section 903.2.2.1 **Substantial Remodel.** An automatic sprinkler system shall be installed in all buildings, which have fifty per cent (50%) or more floor area added, or any "substantial remodel" as defined in this code, within any thirty-six (36) month period.

Section 903.2.3 **Group R-3.** An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies and shall be provided throughout all one- and two-family dwellings regardless of square footage in accordance with the California Residential Code. An automatic sprinkler system shall be installed in all mobile homes, manufactured homes and multi-family manufactured homes with two or more dwelling units in accordance with Title 25 of the California Code of Regulations.

Section 903.2.4 **Change of Occupancy or Use.** For any change of occupancy or use, when the proposed new occupancy classification is more hazardous based on a fire and life safety evaluation by the Fire Code Official, including but not limited to conversion of buildings to single family residences, accessory dwelling units, bed and breakfast, inns, lodging houses or congregate residences or other similar uses, an automatic sprinkler system shall be installed throughout.

Section 903.3.9 of Chapter 9 is hereby amended by replacing item 2 with the following:

Section 903.3.9 **Floor control valves.** Floor control valves and waterflow detection assemblies shall be installed at each floor where any of the following occur:

1. Buildings where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access.
2. Buildings that are two or more stories in height.

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3. Buildings that are two or more stories below the highest level of fire department vehicle access.

Exception: Group R-3 and R-3.1 occupancies floor control valves and waterflow detection assemblies shall not be required.

Section 903.6.1 of Chapter 9 is hereby added and shall read as follows:

Section 903.6.1 **Application.** In all existing buildings, when the addition of automatic fire sprinklers is required by the provisions of this code, automatic fire sprinklers shall be extended into all unprotected areas of the building.

Section 906.11 is hereby added to Chapter 9 and shall read as follows:

Section 906.11 **Fire Extinguisher Documentation.** The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the Chief written documentation that fire extinguishers are installed and have been serviced as required by Title 19 California Code of Regulations when such extinguishers are installed in residential units in lieu of common areas.

Section 907.2.12.1.2 of Chapter 9 is hereby amended by adding new subsection 3 to read as follows:

3. Duct smoke detectors shall be capable of being reset by a readily accessible, remote push button or key activated switch as approved by the Fire Code Official.

Section 907.6.6 is hereby amended to read as follows:

Section 907.6.6 Monitoring. New and upgraded fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved Central Station in accordance with NFPA 72 and this section.

Exception: Monitoring by central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.
3. Automatic sprinkler systems in one- and two-family dwellings.

Section 907.8.5.1 of Chapter 9 is hereby added and shall read as follows:

Section 907.8.5.1 **Smoke Alarm Documentation.** The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

Section 919 of Chapter 9 is hereby added to read as follows:

919 **GAS SHUT-OFF DEVICES**

919.1 **General.**

919.1.1 **Definition.** For the purposes of this section certain terms shall be defined as follows:

"Downstream of gas utility meter" refers to all customer-owned gas piping, or in liquid petroleum gas installations said term shall refer to the gas piping on the structure side of the gas regulator.

"Excess flow gas shut-off device" means those valves or devices that are not actuated by motion but are activated by significant gas leaks or over- pressure surges, which can occur when pipes rupture inside the structure. The design of the device provides a proven method to automatically provide for expedient and safe gas shut-off in an emergency. The design of the device shall provide a capability for ease of consumer or owner resetting in a safe manner.

"Seismic gas shut-off device" means a system consisting of a seismic sensing device and actuating device designed to actuate automatically a companion gas shut off means installed in a gas piping system in order to shut off the gas downstream of the location of the gas shut-off device in the event of a severe seismic disturbance. The system may consist of separable components or may incorporate all functions in a single body.

"Upstream of gas utility meter" refers to all gas piping installed by the utility up to and including the meter and the utility' s bypass tee at the connection to the customer-owned piping.

"Gas shut-off device" as used in this section, refers to either a seismic gas shut-off device or excess flow gas shut-off device.

"Substantial Remodel" shall mean the renovation of any structure that, combined with any additions to the structure, affects a floor area that exceeds fifty percent of the existing floor area of the structure. When any structural changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

Section 919.2 **General.**

Section 919.2.1 **Devices: When Required.** Approved gas shut-off devices shall be installed:

1. In every newly constructed building and facility.
2. In newly created Accessory Dwelling Units.

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3. In all buildings that have more than fifty percent (50%) floor area added or any “substantial remodel,” as defined in this ordinance, within any thirty-six (36) month period.
4. In all buildings, except R-3 occupancies, in excess of 3,000 sq. ft., that have more than ten percent (10%) floor area added within any thirty-six (36) month period.
5. Whenever any new gas piping is installed.

Exceptions:

- A. Gas shut-off devices installed on a building prior to the effective date of this ordinance are exempt from the requirements of this section, provided they remain installed on the building or structure and are maintained for the life of the building or structure.
- B. Gas shut-off devices installed on a gas distribution system owned or operated by a public utility shall not be subject to the requirements of this chapter (Health & Safety Code Section 19201(b))

Section 919.2.2 **Devices: Location Required.**

1. Seismic gas shut-off devices shall be installed downstream of the gas utility meter on each fuel gas line where the gas line serves a building; and/or
2. Excess flow gas shut-off devices shall be installed downstream of the gas utility meter on each fuel gas line where the gas line serves a building and at each gas appliance within a building.

Section 919.3 **General Requirements.**

Gas shut-off devices installed either in compliance with this ordinance or voluntarily, with a permit issued on or after the effective date of this ordinance, shall comply with all of the following requirements:

1. Be installed in accordance with the manufacturer’s instructions
2. In the case of seismic gas shut-off devices (motion sensitive) only, such devices must be mounted rigidly to the exterior of the building or structure containing the fuel gas piping. This requirement need not apply if the device (motion sensitive) has been tested and listed for an alternate method of installation
3. Seismic gas shut-off devices shall be certified by the State Architect and be listed by an approved listing and testing agency such as IAS, IAPMO, UL, or the Office of the State Architect
4. Have a thirty (30) year warranty that warrants that the valve or device is free from defects and will continue to properly operate for thirty (30) years from the date of installation

5. Where gas shut-off devices are installed voluntarily, or as required by this section, they shall be maintained for the life of the building or structure or be replaced with a valve or device complying with the requirements of this section.

Section 919.4 List of Approved Valves and Devices.

The City's Fire Department shall maintain a list of all gas shut-off devices that meet or exceed the requirements of devices certified by the Office of the State Architect for installation in the State of California and that comply with the standards and criteria set forth in Health and Safety Code Section 19180 et seq., including quality and design regulation for earthquake actuated automatic gas shut-off systems (See 24 Cal. Code Regs. Ch. 12-16-1).

Chapter 15, Section 1506, Materials, is amended by adding:

Section 1506.5, Material fire rating. All newly constructed roofs and reroofs shall have a class "A" roof covering installed.

Chapter 31, Section 3109.4.1, Barrier Height and Clearances, is amended as follows:

The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool.

Chapter 31, Section 3110, Automatic Vehicular Gates, is amended as follows:

Section 3110 Gates

3110.1 General. Automatic vehicular gates shall comply with the requirements of Sections 3110.2 and 3110.3 and other applicable sections of this code. All other gates shall comply with Sections 3110.4 and other applicable sections of this code.

3110.2 Vehicular Gates Intended for Automation. Vehicular gates intended for automation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

3110.3 Vehicular Gate Openers. Vehicular gate openers, where provided, shall be listed in accordance with UL 325.

3110.4 All Other Gates. Any gate more than 48 inches (1219 mm) in width or more than 84 inches (2134 mm) in height shall meet the requirements of ASTM F1184, shall be installed per the manufacturer's recommendations, and shall be designed, constructed, and installed to meet all of the following:

1. Gate shall not fall over more than 45 degrees from a vertical plane when the gate is detached from supporting hardware.
2. Gate shall be balanced and not move under the gate's own weight or by gravity.

- 3. Rolling wheels shall be covered.
- 4. Gate shall have positive stops.

CHAPTER 33
FIRE SAFETY DURING CONSTRUCTION

Section 3311.3 of Chapter 33 is amended by adding the following to the end of the exception:

Exception: Standpipes shall be either temporary or permanent in nature, and with or without a water supply, provided that such standpipes comply with the requirements of Section 905 as to capacity, outlets and materials, as approved by the Fire Code Official.

Section 3312.3 in Chapter 33 is added to read as follows:

Section 3312.3 **Where required.** In buildings of combustible construction required to have automatic sprinkler system by Section 903, automatic sprinkler system shall be installed prior to construction exceeding two stories in height above the lowest level of fire department vehicle access. Such automatic sprinkler system shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

Section 3312.4 of Chapter 33 is added to read as follows:

Section 3312.4 **Buildings being demolished.** Where a building is being demolished and an automatic sprinkler system is existing within such a building, such automatic sprinkler system shall be maintained in an operable condition so as to be available for use by the fire department. Such automatic sprinkler system shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

Section 3312.5 of Chapter 33 is added to read as follows:

Section 3312.5 **Detailed requirements.** Automatic sprinkler systems shall be installed in accordance with the provisions of Section 903.

15.08.140 SITE DEVELOPMENT

In order to assure that structures will be accessible, and that grading and draining will not imperil any structures, adjoining properties, or public roads, site development shall conform to the requirements set forth in Larkspur Municipal Code Sections 15.08.150 and 15.08.160.

15.08.150 SLOPE STABILIZATION

Whenever, in the judgment of the Building Official or Public Works Director, in consultation with an expert such as a soils or geotechnical engineer, construction operations will result in slopes so steep that their stability may be in question, the

Building Official may require retaining walls or other slope stabilization measures. These shall be made adequate to the satisfaction of the Building Official. Design by a registered engineer or licensed architect may be required.

15.08.160 DRAINAGE

The collection, diversion, interception and disposition of surface and subsurface waters shall be provided for in a manner which, in the judgment of the Building Official and in consultation with an expert such as a soils or geotechnical engineer, will prevent any hazard to structures, slopes and adjoining properties.

15.08.180 APPEALS

Appeals of decisions or determinations made by the Building Official relative to the application and interpretation of the California Building Code shall be processed according to procedures outlined in Chapter 1, Section 113, and Appendix B of the California Building Code. Appeals of the Building Official's determinations regarding unsafe structures or equipment shall be made in accordance with the procedure set forth in Larkspur Municipal Code Section 2.50.100.

Section 6. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.09 “California Historical Building Code”. Section 15.09.010 California Historical Building Code Adopted by Reference is hereby amended to read as follows (with additions in *italics* and deletions in ~~strikethrough~~):

The ~~2022 2019~~ Edition of the California Historical Building Code, known as the California Code of Regulations, Title 24, Part 8, one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference.

Section 7. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.10 “International Property Maintenance Code.” Section 15.10.010 International Property Maintenance Code Adopted by Reference is hereby amended to read as follows (with additions in *italics* and deletions in ~~strikethrough~~):

The ~~2022 2019~~ Edition of the International Property Maintenance Code, as published by the International Code Council, one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference.

Section 8. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.11 “California Residential Code”. Section 15.11.010 California Residential Code Adopted by Reference is hereby amended to read as follows (with additions in *italics* and deletions in ~~strikethrough~~):

The ~~2022 2019~~ Edition of the California Residential Code, known as the California Code of Regulations, Title 24, Part 2.5, including Appendix Chapter H (Patio Covers), Appendix C (Direct – Vent Venting Systems), *Appendix Q (Tiny Houses)* and Appendix

V (Swimming Pool Safety Act), one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference and as amended herein.

Section 9. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.12 “California Plumbing Code”. Section 15.12.010 California Plumbing Code Adopted by Reference is hereby amended to read as follows (with additions in *italics* and deletions in ~~strikethrough~~):

The ~~2022~~ 2019 Edition of the California Plumbing Code, known as the California Code of Regulations, Title 24, Part 5, including Appendix A (Recommended Rules for Sizing the Water Supply System), Appendix E (Manufactured/Mobile Home Parks and Recreational Vehicle Parks), and Appendix I (Installation Standards), one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference.

Section 10. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.14 “California Energy Code”. Section 15.14.010 California Energy Code Adopted by Reference is hereby amended to read as follows (with additions in *italics* and deletions in ~~strikethrough~~):

The ~~2021~~ 2016 Edition of the California Energy Code, known as the California Code of Regulations, Title 24, Part 6, one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference ~~and as amended herein~~.

Section 11. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.15 “California Mechanical Code”. Section 15.15.010 California Mechanical Code Adopted by Reference is hereby amended to read as follows (with additions in *italics* and deletions in ~~strikethrough~~):

The ~~2022~~ 2019 Edition of the California Mechanical Code, known as the California Code of Regulations, Title 24, Part 4, one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference *and as amended herein*.

Section 12. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.16 “California Electrical Code”. Section 15.16.010 California Electrical Code Adopted by Reference is hereby amended to read as follows (with additions in *italics* and deletions in ~~strikethrough~~):

The ~~2022~~ 2019 Edition of the California Electrical Code, known as the California Code of Regulations, Title 24, Part 3, including Annex H, Administration, one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference and as amended herein.

Section 13. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.17 “California Green Building Standards Code”. Section 15.17.010 California Green Building Standards Code Adopted by Reference is hereby amended to read as follow (with additions in *italics* and deletions in ~~strikethrough~~):

The ~~2022~~ 2019 Edition of the California Green Building Standards Code, known as the California Code of Regulations, Title 24, Part 11, including Appendix Chapter A4 (Residential Voluntary Measures) at Tier 1 levels for new construction

only and excluding Division A4.2 Energy Efficiency, and Appendix Chapter A5 (Nonresidential Voluntary Measures) at Tier 1 levels for new construction only and excluding Division A5.2 Energy Efficiency, one copy of which has been filed for use and examination by the public in City Hall, is adopted by reference and as amended herein.

Section 14. City of Larkspur Municipal Code Amendment

The Larkspur Municipal Code is hereby amended to replace all references in the code to “he”, “his”, “he/she”, “his/her”, “his or her” and “he or she” with the gender neutral terms “they” or “their” and replace all references to “Director of Planning and Building” and “Planning Director” with “Community Development Director.”

Section 15. City of Larkspur Municipal Code Amendment – Title 15 and Title 18, Chapter 15.26 “Construction and Demolition Debris Program”. Section 15.26.040 Certified C&D Recovery Facilities is hereby deleted and replaced with the following text:

15.26.040 Certified C&D Recovery Facilities.

The JPA may certify a facility as a certified C&D recovery facility. The JPA will maintain a list of certified C&D recovery facilities.

Section 15.26.050 Diversion Requirements is hereby amended to read as follows:

15.26.050 Diversion Requirements.

Diversion requirements for a project shall be a minimum of sixty five (65) percent or meet the requirements of the adopted California Green Building Standards Code (CALGreen), whichever is more stringent.

Section 16. City of Larkspur Municipal Code Amendment – Title 15, Chapter 15.28 “House Numbering”. Chapter 15.28 House Numbering is hereby repealed and replaced with the following Chapter 15.28:

**Chapter 15.28
ADDRESSES**

The Community Development Director or their designee shall have authority as an administrative function to assign addresses to new buildings and to change an address when so requested by the property owner. The Director shall determine the proper address in each case, in consultation with the Central Marin Fire Agency, from maps to be numbered and maintained by the City.

Section 17. City of Larkspur Municipal Code Addition – Title 15, Chapter 15.56 “Gate Safeguards”. Chapter 15.56 Gate Safeguards is hereby added to read as follows:

**CHAPTER 15.56
GATE SAFEGUARDS**

15.56.010 - Purpose. The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from gates detaching from supporting hardware or gates not being well maintained or inspected. The

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city finds it necessary to require gates to be inspected periodically by a professional and record keeping to ensure the basic life safety of the public.

15.56.020 - Definitions. For the purposes of this chapter, the following definitions shall apply:

1. "Property owner" means and includes, without limitation, the fee owner(s) of real property, their agents, or the person(s) in possession of the real property.
2. "Gate inspector" means any licensed fence installer, licensed automatic system installer, ICC certified building inspector, licensed architect, or licensed engineer.
3. "Written certification" means a document signed and/or stamped by a gate inspector attesting that the inspector performed an in-person inspection of the gate and based on that inspection has determined that the gate meets all of the standards set forth in this chapter, the gate has been maintained, and the gate is in good working order. In addition, the document shall include the following:
 - a. Inspection date.
 - b. Site address.
 - c. Name of the property owner.
 - d. Contact information of inspector.
 - e. Signature and/or stamp of the inspector.

15.56.030 - Scope. The provisions of this chapter shall apply to all vehicular gates and any gate more than 48 inches (1219 mm) in width or more than 84 inches (2134 mm) in height.

15.56.040 - General requirements. Gates shall meet the requirements of ASTM F1184 and Section 3110 of Chapter 12.200.020 of this code. Gates with operators or similar systems shall also meet the requirements of UL 325 and ASTM F2200.

15.56.050 - Maintenance and inspection. The Property owner shall keep all gates on the property well maintained and in good working order. The property owner shall have or cause to have all gates on the property inspected by a gate inspector and obtain a written certification at least once every five (5) years. The property owner shall keep a copy of the most recent written certification for each gate and make it available to the building official upon request.

15.56.060 - Time limits for compliance. The property owner shall bring all gates existing as of the effective date of this ordinance into compliance with the provisions of this chapter, and obtain a written certification for each gate, by July 1, 2025, and at least once every five (5) years thereafter. The property owner of a new gate installed after the effective date of this ordinance shall immediately comply with the provisions of this chapter and obtain a written certification upon installation of the gate and at least once every five (5) years thereafter.

Section 18. California Environmental Quality Act. The City Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Title 14, Chapter 3 California Code of Regulations, Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance adopts standard codes in effect pursuant to state law and sets requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to the physical environment.

Section 19. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council of the City of Larkspur hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

Section 20. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption and shall be posted or published as required by State law.

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the Larkspur City Council held on November 16, 2022, and thereafter passed and adopted by the Larkspur City Council on December 7, 2022, by the following vote:

- AYES: COUNCILMEMBER:
- NOES: COUNCILMEMBER:
- ABSENT: COUNCILMEMBER:
- ABSTAIN: COUNCILMEMBER:

Dan Hillmer, Mayor

ATTEST:

Alison Foulis, City Clerk