



**6.b**

## **Staff Report**

**Date:** October 11, 2016  
**To:** City Council  
**From:** Valerie J. Barone, City Manager  
**Reviewed by:** Victoria Walker, Director of Community and Economic Development  
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**Subject:** **Considering Introduction of Ordinance No. 16-7 Amending Concord Municipal Code Title 2 regarding the Board of Appeals, Title 8 regarding Construction and Demolition Waste Recycling, and Title 15 to include the 2016 State Regulatory Building Codes.**

**Exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.**

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### **Report in Brief**

The 2016 California Building Standards Code has been published and will become effective Statewide on January 1, 2107. The proposed Ordinance No. 16-7 adopts the new California construction codes by amending the Concord Municipal Code as follows:

1. Title 2 Board of Appeals sections are amended and relocated to Title 15 to be consistent with the City of Concord Construction Code.
2. Title 8 Construction and Demolition (C&D) waste recycling sections are amended to comply with amended State codes, increasing the required recycling of solid waste from construction debris from the existing requirement of 50% up to 65%.
3. Title 15 is amended to include the 2016 edition of the California Building Standards Code with local administrative amendments.

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The proposed Ordinance No. 16-7 (Attachment 1) will bring the City of Concord in compliance with the 2016 California Building Standards Code.

### **Recommended Action**

Introduce Ordinance No. 16-7 by reading of the title only and waiving further reading, amending Concord Municipal Code Title 2 regarding the Board of Appeals, Title 8 regarding Construction and Demolition Waste Recycling, and Title 15 to include the 2016 State Regulatory Building Codes.

### **Background**

The State of California uses a three-year adoption cycle to update Title 24 of the California Code of Regulations (CCR). Title 24 of the CCR is also referred to as the California Building Standards Code. The twelve parts within Title 24 of the CCR are the codes that regulate building construction in the State of California. The California Building Standards Commission adopted the 2016 California Building Standards Code and then published these codes in July 2016. All jurisdictions that are responsible for the enforcement of building regulations must now adopt the most recent California Building Standards Code or be mandated to accept by default the version adopted by the State.

The 2016 California Building Standards Code becomes effective January 1, 2017. Thus, all jurisdictions in California are required to begin enforcing the 2016 codes on January 1, 2017, whether or not they are adopted locally. Local adoption of the codes provides the necessary administrative amendments to enable uniform enforcement of the codes. In order to use the updated version of the code with the recommended local administrative amendments, a municipal code amendment is required.

Proposed Ordinance No. 16-7 provides the necessary adoption of amendments to the Concord Municipal Code.

### **Analysis**

#### Code Adoption Process

The 2016 California Building Standards Code consists, collectively, of the following 12 parts within Title 24 of the 2016 California Code of Regulations:

1. California Administrative Code (Part 1)
2. California Building Code (Part 2)
3. California Residential Code (Part 2.5)
4. California Electrical Code (Part 3)
5. California Mechanical Code (Part 4)
6. California Plumbing Code (Part 5)

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7. California Energy Code (Part 6)
8. California Historical Building Code (Part 8)
9. California Fire Code (Part 9)
10. California Existing Buildings Code (Part 10)
11. California Green Building Standards Code (Part 11)
12. California Referenced Standards Code (Part 12)

Except for the Administrative Code, Energy Code, Historical Building Code, Green Building Standards Code, and Referenced Standards Code, these codes originate as part of a national code development process organized and published by the International Code Council (ICC), the International Association of Plumbing and Mechanical Officials (IAPMO), and the National Fire Protection Association (NFPA). ICC publishes the International Building, Fire and Residential Codes; IAPMO publishes the Uniform Plumbing and Mechanical Codes; and NFPA publishes the National Electrical Code.

The Energy Code was developed by the California Energy Commission. The Historical Building Code was developed by the California Building Standards Commission. The Green Building Standards Code was developed by the California Department of Housing and Community Development, Division of State Architect, the Office of the State Fire Marshal, the California Energy Commission, and the California Building Standards Commission (CBSC).

The adoption the 2016 California Building Standards Code will allow the public to benefit from the current health and safety provisions contained within the 12 parts of the code. The City Council may make local amendments to the technical provisions of any of the codes. However, such amendments would require the City Council to make findings based upon local climatic, geologic, and/or topographic conditions.

It should be noted that State law prohibits local jurisdictions from adopting any amendments that would reduce a requirement (e.g., less safe) but allows amendments that are more stringent (e.g., safer). In the past years, there has been a collaborative effort on the part of Bay Area jurisdictions working through the Tri-Chapter Uniform Code Committee (TUCC) to reduce the number of local technical amendments so that developers and designers would not have to deal with varying jurisdiction-specific requirements within the region. In this code adoption cycle, staff does not recommend any technical amendments to the California codes.

Unlike technical amendments to the code, administrative amendments do not require the City Council to make findings based upon climatic, geologic, or topographic conditions. Staff has spent considerable time and effort to ensure that the administrative amendments to the adopted codes are consistent and appropriate. Administrative

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amendments address adoption of appendices and provide for uniform treatment of fees, appeals, expiration of permits, and remedies for violations. The administrative amendments that are proposed by staff will help provide uniform administration and enforcement across all of the codes.

Council adoption of Proposed Ordinance No. 16-7 will provide the necessary amendments to the Concord Municipal Code.

The adoption of the new 2016 California Building Standards Code and amendments to it will not apply to any permits applied for prior to January 1, 2017. All permit applications that are received prior to January 1, 2017, and that are deemed complete will have the permit issued, and inspections performed, based on the code in affect at the time the application is submitted.

Summary of Proposed Amendments

The following outline the proposed amendments to the Concord Municipal Code that are contained in Ordinance 16-7:

***Title 2, Chapter 2.20, Article II - Board of Appeals:***

This entire Article is to be relocated to Title 15 and amended to provide a consistent process across the various administrative sections of the California Building Standards Code. This provides a consolidated appeal process that is utilized with all Parts of the Building Standards Code and the City of Concord Construction Code, and locates it in the same Title as those adopted codes.

***Title 8, Chapter 8.20, Article III - Construction and Demolition Waste Recycling:***

Per the 2016 California Green Building Standards Code, that goes into effect January 1, 2017, the requirements for solid waste recycling increase from 50% to 65%. The revisions of this section amend the Concord Municipal Code to comply with these amended State requirements.

***Title 15, Chapter 15.08 – Appeals of the City of Concord Construction Code:***

This new chapter is created from the previous appeals language deleted from Title 2, Chapter 2.20, Article II, and amends it to support the adopted Building Standards Code and the City of Concord Construction Code. This chapter establishes a Board of Appeals and the filing and administrative processes of an appeal.

***Title 15 - 2016 California Building Standards Code Adoption:***

These amendments adopt the various Parts of the code and also provide for the necessary administrative provisions.

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### Significant Code Changes

The California Building Code previously limited buildings to five stories of combustible materials over one story of non-combustible materials. This has been revised to allow an increase to five stories of combustible materials over two stories of the non-combustible materials. This is typically applicable to multi-family residential over commercial or parking garage construction, and affords more flexibility and potential for this type of development. This change is something multi-family developers will likely utilize once the new code goes into effect.

One of the most significant changes is in the California Green Building Standards Code's Construction and Demolition (C&D) Waste recycling requirements. The new code requires an increase of solid waste recycling from 50% to 65%.

The previous and 2016 California Green Building Standards Code continue to require electric vehicle charging stations (EVCS) for new non-residential development projects. The 2016 California Building Code now requires these EVCS spaces to be fully accessible (ADA accessible) for the first time.

The California Energy Code has increased its energy efficiency requirements for residential construction by 28% from the previous code cycle. Part of this increase includes requiring all residential lighting to be high efficacy, new water-heaters to be the instantaneous gas type, and large increases in minimum insulation requirements.

It should be noted that the 2016 California Fire Code is not part of this adoption. The Contra Costa County Fire District will be taking proposed amendments to the County Board of Supervisors for approval over the next couple of months. Staff will then be returning to the City Council sometime before the end of the first quarter of calendar year 2017 with the Fire District's amendments for ratification and adoption shortly after the Board of Supervisors' approval.

The Fire Marshal has indicated to staff that the proposed Fire District amendments for the 2016 California Fire Code will not be changed significantly from the current amendments to the 2013 edition. There will be at least one additional administrative change, per the Fire Marshal, which outlines triggers for requiring fire-sprinklers in residential remodels when a significant amount of demolition occurs. The amendment has been coordinated with the City of Concord Building Division and other jurisdictions in the Fire District to provide clear guidelines that can be applied fairly to varying scopes of work.

The Fire Marshal also indicated that there will not be any break in Fire District service if the City of Concord postpones adoption of the 2016 California Fire Code until January 1, 2017, when the 2016 California Fire Code goes into effect, and when the City of

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Concord officially adopts the 2016 California Fire Code with amendments. By default, the 2016 California Fire Code will be enforced without any amendments during this time period.

### Additional Code Adoption and Updates

To provide consistent and up-to-date codes, the Swimming Pool, Spa, and Hot Tub code of Title 15 Chapter 15.60 is also being updated from the 2012 edition to the 2015 edition. No significant changes occur due to this update.

### **CEQA<sup>1</sup>**

Adoption of the 2016 State Regulatory Building Codes is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Financial Impact**

Adoption of the 2016 California Code of Regulations, Title 24, will have some financial impacts on the development community. The requirements contained in the Energy Code and Green Building Standards Code have been amended by the State to be more demanding, and will increase the cost to construct buildings that are compliant with the minimum code requirements.

As part of its standard practices, the Building Division staff will dedicate considerable time toward training on the new codes, revising City construction handouts, website information and permit processes, and educating and instructing the public on the code changes that will be enforced during plan reviews and inspections. This is an increased burden on staff resources that is experienced with each new Building Standards Code adoption. This additional effort is required to ensure proper enforcement of the newly adopted codes. Building Division has budgeted for this increase in workload and training in the FY2016-2017 budget.

### **Public Contact**

The City Council Agenda was posted. Notice of the public hearing was published in the Contra Costa Times newspaper, a newspaper of general circulation.

### **Attachments**

1. Ordinance No. 16-7

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<sup>1</sup> California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq., and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations, all as amended from time to time.

ORDINANCE NO. 16-7

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE  
TITLE 2 (ADMINISTRATION), TITLE 8 (HEALTH AND SAFETY),  
AND TITLE 15 (BUILDINGS AND BUILDING REGULATIONS)

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

**Section 1.** Concord Municipal Code Title 2 (Administration), Chapter 2.20 (Boards, Commissions, and Committees), Article II (Board of Appeals) is hereby repealed in its entirety:

~~Article II. Board of Appeals~~

~~2.20.020 — Established; membership; compensation of members.~~

~~There is hereby created a Board of Appeals, in compliance with California Building Code as adopted by the City of Concord, which shall consist of five members to be appointed by the City Council. The basis and amount of any compensation which may be paid to members of the Board of Appeals shall be set by resolution of the City Council. (Code 1965, § 2446; Code 2002, § 2-291. Ord. No. 91-2; Ord. No. 93-7; Ord. No. 12-3)~~

~~2.20.030 — Purpose and intent.~~

~~The general purpose of the Board of Appeals is to hear and decide appeals of orders, decisions, or determinations made by the city Building Official on the application and interpretation of state laws and uniform codes. (Code 1965, § 2447; Code 2002, § 2-292. Ord. No. 91-2)~~

~~2.20.040 — Terms of members; absence from meetings.~~

~~Members shall serve at the pleasure of the City Council for staggered terms of four years. The City Council reserves the right to make appointments for an adjusted term period to maintain a staggered term structure. Any member who absents himself from three meetings of the Board of Appeals within a fiscal year without being excused will be deemed to have resigned from his appointment, and the City Council may appoint a new member to serve in place of the resigned member. (Code 1965, § 2448; Code 2002, § 2-293. Ord. No. 91-2; Ord. No. 99-1; Ord. No. 10-2; Ord. No. 15-3, § 1)~~

~~2.20.050 — Rules of procedure; designation of committees and task forces.~~

~~The Board of Appeals shall adopt rules of procedure on the conduct of its business and may designate, by resolution, committees and task forces. Such resolutions shall not be effective until approved by the City Council. (Code 1965, § 2449; Code 2002, § 2-294. Ord. No. 91-2)~~

~~2.20.060 — Vacancies.~~

~~All vacancies occurring on the Board of Appeals shall be filled according to the method of their original selection. (Code 1965, § 2450; Code 2002, § 2-295. Ord. No. 91-2)~~

~~2.20.070 — Powers and responsibilities.~~

~~(a) The Board of Appeals shall have the responsibility of carrying out the following functions:~~

- ~~(1) Provide reasonable interpretation of the provisions of state law and uniform codes adopted by the city pertaining to construction standards;~~
- ~~(2) Determine the suitability of alternate materials and methods of construction; and~~
- ~~(3) Hear appeals of orders, decisions, interpretations, or determinations made by the city Building Official under state laws and uniform codes adopted by the city pertaining to construction standards.~~
- ~~(4) Hear appeals of orders decisions, interpretations, or determinations made by the city's Multiple Family Rental Dwelling Unit inspector under state laws and uniform codes adopted by the city pertaining to construction and maintenance standards.~~

~~(b) Decisions of the Board shall be final and are not appealable to the City Council.~~

~~(Code 1965, § 2451; Code 2002, § 2-296. Ord. No. 91-2; Ord. No. 06-5; Ord. No. 93-7)~~

~~2.20.080 — Limitation on responsibilities.~~

~~In accordance with state law and uniform codes, the authority of the Board of Appeals shall be limited as follows:~~

- ~~(1) The Board shall have no authority to interpret appeals of the administrative provisions of state law or the uniform codes; and~~
- ~~(2) The Board shall have no authority to grant appeals which waive requirements of state law or the uniform codes or grant variances to the state law or uniform codes.~~

~~(Code 1965, § 2452; Code 2002, § 2-297. Ord. No. 91-2; Ord. No. 93-7)~~

1  
2 **Section 2.** Concord Municipal Code Title 8 (Health and Safety), Chapter 8.20 (Solid Waste), Article  
3 III. Construction and Demolition (C&D) Waste Recycling sections 8.20.330 through 8.20.400 are  
4 hereby amended to read as follows:

5 **8.20.330 Intent and purpose.**

6 (a) The intent of this ordinance is to implement a Construction and Demolition (C&D)  
7 Materials Recycling program to protect the public health, safety and welfare of the community  
8 and to achieve the mandate of the California Integrated Waste Management Act by diverting  
9 construction and demolition waste from landfills.

10 (b) *Findings.*

11 (1) The State of California requires that each local jurisdiction in the State divert 65  
12 percent of discarded waste materials from landfills. This ordinance will assist the City of  
13 Concord achieve this state mandate.

14 (2) Any city or county deemed by the State of California to be out of compliance with  
15 the mandates of the California Integrated Waste Management Act is subject to a fine of up to  
16 \$10,000 per day.

17 (3) Construction and demolition waste reduction and recycling programs have proven  
18 to decrease the amount of materials that are landfilled and to be cost-effective.

19 (4) Except in unusual circumstances, it is feasible to divert at least 65 percent by  
20 weight of the solid waste including C&D materials from construction and demolition projects  
21 and 75 percent by weight of inert debris such as concrete and asphalt. Many other jurisdictions  
22 have successfully implemented C&D diversion requirements to increase recycling rates.

23 (5) The City does not intend, and nothing in this ordinance shall be construed, to  
24 regulate in any way hazardous materials, hazardous substances, hazardous waste, or medical  
25 waste, as those terms may be variously defined in federal, state or local law or regulation.

26 (6) The Concord Municipal Code requires that the authority to collect and haul all  
27 waste materials, including construction and demolition waste, is assigned to the party the City  
28 has selected to haul waste.

1           **8.20.340 Definitions.**

2           For purposes of this Article the following definitions shall apply:

3                     *Affiliate.* Any subsidiary company of the applicant or any parent company of the  
4           applicant in which the applicant has a financial interest, and which is directly or indirectly  
5           under the operational control of the applicant. An applicant’s general contractor, contractor or  
6           sub-contractor is not an affiliate if the applicant does not have both a financial interest in the  
7           affiliate company and operational control of the affiliate company.

8                     *Applicant.* Any individual, firm, limited liability company, partnership, industry, or  
9           private corporation, or any other entity that applies to the city for applicable permits or  
10          approvals to undertake any construction, demolition, grading, building, tenant improvement,  
11          work in the public right-of-way, or renovation project within the city that requires a demolition  
12          permit, building permit, grading permit or encroachment permit. An applicant may be the  
13          property owner or an authorized agent acting on behalf of the property owner.

14                    *C&D materials.* Solid wastes, such as building materials, packaging and inert debris  
15          resulting from C&D projects. Common C&D materials include but are not limited to: lumber,  
16          metals, pipe, wire, sheet metal, asphalt, concrete, stone, brick, slate, masonry, drywall, carpet,  
17          carpet padding and foam, packing materials, cardboard, paper, building materials, doors,  
18          windows, fixtures, plastics, appliances, ceiling or floor tiles, and green waste or landscape  
19          debris related to land development such as soil, brush, trees, rock, branches and stumps.

20                    *C&D project.* Construction, remodeling, repair, demolition, improvement,  
21          encroachment, and grading operations on pavement, houses, commercial buildings, structures  
22          and construction sites for which a building, demolition, encroachment or grading permit is  
23          required by the City of Concord.

24                    *Certified facility.* A facility that the city has determined to be capable of handling  
25          mixed or unmixed loads of C&D debris, and diverts from the landfill at least 65 percent by  
26          weight from the mixed and unmixed (source separated) loads of C&D debris that are delivered  
27          to it and, in addition, is capable of diverting from the landfill at least 75 percent by weight of  
28          all inert debris delivered to it.

1            *City franchise hauler.* The city franchise hauler shall have the meaning assigned to the  
2 term “garbage collector” in section 8.20.010 of the Concord Municipal Code.

3            *Completion of the covered project.* The date the certificate of occupancy for the  
4 covered project is issued or, for projects where a certificate of occupancy is not applicable, the  
5 date on which the applicable permit was finalized by the city.

6            *Covered projects.* Are projects subject to this article and shall have the meaning as  
7 defined in section 8.20.350.

8            *Disposed.* Solid waste including C&D material that is land-filled.

9            *Diversion requirement.* The diversion from the landfill of at least 65 percent by weight  
10 of solid waste including C&D material generated by a covered project and, in addition, the  
11 diversion from the landfill of at least 75 percent by weight of inert debris generated by a  
12 covered project, by reuse or recycling.

13           *Diverted, divert or diversion.* Solid waste including C&D material that is not land-  
14 filled.

15           *Final report.* Information required in section 8.20.410 and any supplemental  
16 information the Waste Management Compliance Official (WMCO) may require to determine  
17 applicant’s compliance with the requirements of this article.

18           *Inert debris.* Asphalt, brick, concrete, cinder block and other masonry products, stone,  
19 slate, or rock, whether reinforced or unreinforced. All inert debris materials are contained  
20 within the definition of C&D materials for purposes of this article.

21           *Performance security.* A non-interest bearing deposit in cash, check, money order, or  
22 by credit card acceptable to the city as required by section 8.20.370. The applicant will not be  
23 credited with any interest on these funds while held by the city. A corporate surety bond or  
24 instrument of credit including a letter of credit may be acceptable as approved by the city on a  
25 case-by-case basis.

26           *Program fee.* A payment in an amount established by the City Council intended to  
27 defray costs to the city for the program established by this article.  
28

1            *Recycling.* The process of collecting, sorting, cleansing, treating and reconstituting  
2 materials that would otherwise become solid waste and returning them to the economic  
3 mainstream in the form of raw material for new, reused, or reconstituted products which meet  
4 the quality standards necessary to be used in the marketplace.

5            *Residual.* Contaminated material, separated from recyclable materials, that cannot be  
6 recycled, composted, marketed, or otherwise utilized, and shall be disposed of as solid waste.

7            *Reuse.* The recovery or reapplication of the material for uses similar or identical to its  
8 originally intended application, without manufacturing or preparation processes that  
9 significantly alter the material.

10           *Self-hauling.* The hauling of solid waste including C&D material by the applicant, or  
11 an affiliate of the applicant as “affiliate” is herein defined, from the project site to a landfill or  
12 recycling facility or for reuse whether the applicant is using their own equipment or has  
13 arranged with an affiliate to haul solid waste including C&D material from the project site.

14           *Solid waste.* All putrescible and non-putrescible solid, semi-solid and liquid wastes  
15 including garbage, trash, refuse, paper, rubbish, ash, industrial waste, C&D material, land  
16 clearing waste, discarded home and industrial appliances, and other discarded solid and semi-  
17 solid wastes as defined in the California Public Resource Code Section 40191, as that section  
18 may be amended from time to time. Solid waste means all such materials defined in PRC  
19 40191 and, in addition, all such materials as defined in section 8.20.010 of the Concord  
20 Municipal Code.

21           *Waste Management Compliance Official (WMCO).* The City Manager, his or her  
22 designee, or consultant hired by the City of Concord.

23           **8.20.350 Covered projects.**

24           (a) Any construction, demolition, addition, alteration, remodel, encroachment, tenant  
25 improvement or grading project within the city is considered a covered project when it meets  
26 any of the following criteria:

27           (1) The project requires a demolition, building, encroachment, or grading permit and it  
28 is either:

1 a. A residential or commercial project where total costs are valued at \$50,000 or  
2 greater, except for demolition projects which are covered projects regardless of permit  
3 value.

4 b. A city-owned or city-sponsored project where total costs are valued at  
5 \$150,000 or greater.

6 c. A residential or commercial roofing or re-roofing project valued at \$10,000  
7 or greater, or a project where 50 percent or more, of the roof area is replaced, or where  
8 a project requires five (5) squares, or more, of roofing material regardless of permit  
9 value.

10 (b) Any construction, demolition, addition, alteration, remodel, encroachment, tenant  
11 improvement or grading project within the city is exempt from the requirements of this article  
12 if the city determines that no waste material will be off-hauled from the project site or  
13 otherwise generated by the project.

14 **8.20.360 Diversion requirements.**

15 The applicant for a covered project shall cause at least 65 percent by weight of the  
16 C&D materials generated by the covered project to be diverted from the landfill not counting  
17 inert debris and, in addition, shall cause at least 75 percent by weight of all inert debris  
18 generated by the covered project to be diverted from the landfill.

19 **8.20.370 Performance security.**

20 (a) All applicants with a covered project shall submit a performance security with the building,  
21 grading, demolition or encroachment permit application in an amount to be established by the  
22 city. Applicants of city-owned or city-sponsored projects shall be exempt from this  
23 requirement.

24 (b) Within 30 days of issuance by the city of a permit for the covered project, applicants  
25 utilizing the city franchise hauler (CFH) for the hauling of all waste materials from the project  
26 site shall submit to the city a copy of their hauling agreement with the CFH for the project.

27 The city shall refund the performance security to the applicant within a reasonable time  
28 following receipt of a copy of the hauling agreement between the applicant and the CFH.

1 (c) If the waste management compliance official (WMCO) determines that the applicant has  
2 complied with the requirements of this ordinance the WMCO shall cause the performance  
3 security to be released to the applicant within a reasonable time following acceptance of the  
4 applicant's final report.

5 (d) If the WMCO determines the applicant has failed to comply with the requirements of this  
6 ordinance, the entire performance security shall be forfeited to the city. The WMCO shall  
7 notify the applicant in writing of the forfeiture within a reasonable time of denying the  
8 applicant's final report.

9 (e) All forfeited performance security funds shall be placed in a designated account for the  
10 purpose of recovering costs associated with this article and furthering the recycling programs  
11 and diversion goals of the city.

12 **8.20.380 Requirements of the applicant for a covered project.**

13 The applicant for a covered project shall:

14 (1) Divert at least 65 percent by weight of all solid waste including C&D material  
15 generated by the covered project, and in addition, divert at least 75 percent by weight of all  
16 inert debris generated by the covered project;

17 (2) Pay a program fee as set forth in the Resolution Establishing Fees & Charges for  
18 Various Municipal Services;

19 (3) Submit a performance security as set forth in the Resolution Establishing Fees &  
20 Charges for Various Municipal Services;

21 (4) Provide a final report to the WMCO within thirty (30) days of the completion of the  
22 covered project. Failure to provide a final report to the WMCO within thirty (30) days of the  
23 completion of the covered project shall cause the performance security to be forfeited;

24 (5) Retain a copy of the disposal and recycling receipts for the covered project for at  
25 least one year following completion of the covered project. The date of completion of the  
26 covered project is defined as the date of the certificate of occupancy of the covered project or,  
27 for projects where a certificate of occupancy is not applicable, the date on which the applicable  
28 permit was finalized by the city.

1 (6) Retain a copy of the waiver for a third-party hauler, if one was issued, for at least  
2 one year following completion of the covered project;

3 (7) Allow for an audit by the city or city's authorized representative of disposal and  
4 recycling receipts, records, and waiver for a third-party hauler, if one was issued, for the  
5 covered project within one year following completion of the covered project;

6 (8) Follow the processes required by this ordinance for the hauling of solid waste  
7 including C&D material generated by the covered project; and

8 (9) Meet all other permit requirements as set forth in this ordinance and the Concord  
9 Municipal Code.

10 **8.20.390 Program fee.**

11 (a) The applicant shall pay a program fee in an amount set forth in the Resolution Establishing  
12 Fees & Charges for Various Municipal Services.

13 (b) The intent of the program fee is to defray costs to the city for the program established by  
14 this ordinance.

15 (c) Applicants for all city-owned or city-sponsored projects shall be exempt from paying a  
16 program fee.

17 **8.20.400 Solid waste including C&D material handling.**

18 The applicant for a covered project shall:

19 (1) Ensure that at least 65 percent by weight of all solid waste including C&D material  
20 generated by a covered project is diverted and, in addition, ensure that at least 75 percent by  
21 weight of all inert debris generated by a covered project is diverted. Material that is not  
22 recycled can be salvaged and/or reused on-site or can be provided to others for reuse and  
23 counted as diverted material in the applicant's final report.

24 (2) Use the city franchise hauler (CFH) to transport the solid waste including C&D  
25 material to certified recyclers or other entities with the ability to process the materials so they  
26 are diverted from land-filling (exceptions include self-hauling or receiving a waiver granted by  
27 the CFH as explained below).  
28

1 (3) The applicant may self-haul solid waste including C&D materials generated by the  
2 covered project or direct an affiliate to conduct hauling activities to achieve the diversion  
3 requirement, as “self-haul” and “affiliate” are defined in section 8.20.340. The applicant is not  
4 required to request a waiver from the CFH to self-haul material or to direct an affiliate to  
5 conduct hauling. An applicant may only use a non-affiliated company to haul solid waste  
6 including C&D material if the CFH has granted a waiver to the applicant.

7 (4) If not self-hauling or using an affiliate, applicant is responsible for contacting the  
8 CFH to arrange for hauling services or request a waiver from the CFH to allow a non-affiliated  
9 party to transport the C&D material. If the CFH elects to allow a non-affiliated party to  
10 provide service to the applicant, the CFH must grant a written waiver to the applicant to  
11 transport solid waste including C&D material.

12 a. The applicant may request a waiver from the CFH via e-mail or written  
13 correspondence and must indicate the time, date, applicant’s name, and permit number  
14 for the covered project. The CFH will assign the applicant a waiver number via fax or  
15 e-mail.

16 b. Both the CFH and applicant must maintain a copy of the waiver that  
17 indicates date and time, permit number, waiver certification number, and applicant  
18 name for each waiver provided. A copy of the waiver must be submitted with the final  
19 report.

20 (5) If the covered project material contains contamination by hazardous substances, the  
21 applicant is required to divert 65 percent by weight of non-contaminated material and, in  
22 addition, 75 percent by weight of non-contaminated inert debris. Documentation acceptable to  
23 the city must be submitted to receive approval for exemption of materials from the  
24 requirements of this ordinance due to contamination by hazardous substances.

25 **Section 3.** Concord Municipal Code Title 15 (Buildings and Building Regulations) is hereby  
26 amended by adding Chapter 15.08 as follows:

27 **CHAPTER 15.08 APPEALS OF THE CITY OF CONCORD**  
28 **CONSTRUCTION CODE**

1           **15.08.010 Establishment of Board of Appeals.**

2           a. General. In order to hear and decide appeals authorized under the City of Concord  
3 Construction Code, there shall be and is hereby created a Board of Appeals, which shall constitute the  
4 "Local Appeals Board" and "Housing Appeals Board," as those terms are defined and used in the  
5 California Building Standards Code (the "Board of Appeals"). The Board of Appeals shall be  
6 appointed by the City Council and shall hold office at their pleasure but in no event shall serve longer  
7 than five years without reappointment by the City Council.

8           b. Limitation of Responsibilities. The responsibilities and authority of the Board of Appeals  
9 shall be limited as provided in accordance with state law and the City of Concord Construction Code.  
10 Specifically the authority of the Board of Appeals shall not include legal interpretation of the  
11 administrative provisions of the City of Concord Construction Code and shall not include authority to  
12 grant appeals which waive requirements of state law or the City of Concord Construction Code or  
13 grant variances from state law or the City of Concord Construction Code.

14           c. Number. The Board of Appeals shall consist of five (5) members and two (2) alternates  
15 appointed by the City Council. The alternates shall be called by the Board chairperson to hear appeals  
16 during the absence or disqualification of a member. Alternate members shall possess the qualifications  
17 required for Board membership.

18           The Building Official shall be an ex officio member of the Board of Appeals but shall have no  
19 vote on any matter before the Board.

20           d. Qualifications. The Board of Appeals shall consist of members who are qualified by  
21 experience and training to pass on matters pertaining to the City of Concord Construction Code and  
22 are not employees of the City. Appointees shall be qualified in and specifically knowledgeable in the  
23 City of Concord Construction Code and applicable local ordinances.

24           e. Chairperson. The Board of Appeals shall annually select one (1) of its members to serve as  
25 chairperson.

26           f. Disqualification of Member. A member shall not hear an appeal in which that member has a  
27 personal, professional, or financial interest, or a conflict of interest under the Fair Political Practices  
28 Act. A disqualified Board of Appeals member shall declare his or her disqualification to the Building

1 Official, who shall arrange for an alternate member to serve in place of the disqualified member and  
2 shall make the disqualification part of the hearing record.

3 g. Secretary. The City Manager shall designate a qualified clerk to serve as secretary to the  
4 Board of Appeals. The secretary shall file a detailed record of all proceedings in the City Clerk's  
5 office.

6 h. Compensation of Members. Members of the Board of Appeals shall serve without  
7 compensation.

8 i. Quorum. A quorum shall consist of three (3) members and/or alternates.

9 j. Open Hearing. The Board of Appeals shall have no regular meetings; all meetings shall be  
10 special meetings noticed pursuant to California Government Code Section 54956. All hearings before  
11 the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the  
12 Building Official, and any person whose interests are affected shall be given an opportunity to be  
13 heard.

14 k. Hearing Procedure. The hearing shall be informal and shall not require compliance with the  
15 rules of evidence. At the hearing, the Board of Appeals shall hear and consider all relevant evidence.

16 l. Postponed Hearing. Continuances of the hearing may be granted by the City Manager on  
17 request of the appellant or the appellant's representative for good cause shown, or on the City  
18 Manager's own motion.

19 m. Board Decision. The Board of Appeals shall decide the appeal by a majority vote of the  
20 members present.

21 **15.08.020 Filing Requirements.**

22 a. Form of Appeal. Any person may appeal as provided by the City of Concord Construction  
23 Code. Where not specifically stated in the City of Concord Construction Code, filing an appeal may  
24 be initiated by filing at the City Clerk's office a written appeal containing the following:

25 1. A heading in the words: "Before the Board of Appeals of the City of Concord."

26 2. A caption reading: "Appeals of \_\_\_\_\_," giving the names of all appellants  
27 participating in the appeal.  
28

1           3. A brief statement setting forth the legal interest of each of the appellants in the  
2 building or the land involved in the notice, order, determination, or action.

3           4. A brief statement in ordinary and concise language of the specific order or action  
4 protested, together with any material facts claimed to support the contentions of the appellant.

5           5. A brief statement in ordinary and concise language of the relief sought and the  
6 reasons why it is claimed the protested order or action should be reversed, modified or  
7 otherwise set aside.

8           6. The signatures of all parties named as appellants and their mailing addresses.

9           7. The verification (by declaration under penalty of perjury) of at least one (1)  
10 appellant as to the truth of the matters stated in the appeal.

11           b. Filing of an Appeal. Unless a different filing deadline is required by law or by the City of  
12 Concord Construction Code, the appeal shall be filed within ten (10) days from notice of the action  
13 subject to the appeal; provided, however, that if the building or structure is in such condition as to  
14 make it immediately dangerous to life, limb, property, or safety of the public or adjacent property and  
15 is ordered vacated and is posted as such, such appeal shall be filed within three (3) days from the date  
16 of the service of the notice and order of the Building Official.

17           c. Application Fee. A nonrefundable application fee, as set forth in the City Council adopted  
18 fees and charges, shall be submitted with the initial request for appeal.

19           **15.08.030 Scheduling and Noticing Requirements.**

20           a. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the  
21 written appeal, the City Clerk shall fix a date, time, and place for the hearing of the appeal by the  
22 Board of Appeals. Unless a different date and time is required by law or by the City of Concord  
23 Construction Code, such date will be not less than ten (10) days and not more than sixty (60) days  
24 from the date the appeal was filed with the Building Official. Written notice of the time and place of  
25 the hearing shall be given at least ten (10) days prior to the date of the hearing either by causing a  
26 copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage  
27 prepaid, addressed to the appellant at the address shown on the appeal.  
28

1 b. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the  
2 provisions of this article shall constitute a waiver of the right to an administrative hearing and a failure  
3 to exhaust administrative remedies.

4 c. Scope of Hearing on Appeal. Only those matters or issues specifically raised by the  
5 appellant shall be considered in the hearing of the appeal.

6 d. Staying of Order Under Appeal. Except for vacation orders or as otherwise provided in the  
7 City of Concord Construction Code or otherwise by law, enforcement of any notice or order of the  
8 Building Official issued under this code shall be stayed during the pendency of the appeal that is  
9 properly and timely filed.

10 **15.08.040 Final Decision.**

11 a. Decision. The decision of the Board of Appeals shall be in writing and include any material  
12 factual determinations and the reason(s) for the decision. The decision shall be final and effective  
13 immediately upon its adoption by the Board. A copy of the decision shall be mailed to the appellant  
14 and to the Building Official. Decisions of the Board are not appealable to the City Council.

15 **Section 4.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.10  
16 (Building Code) is hereby amended to read as follows:

17 **CHAPTER 15.10 BUILDING CODE**

18 **15.10.010 Building Code adopted.**

19 The 2016 California Building Code, California Code of Regulations, Title 24, Part 2,  
20 Volumes 1 and 2, published by the California Building Standards Commission, 2525 Natomas  
21 Park Drive, Suite 130, Sacramento, CA 95833-2936, with state supplements published from  
22 time to time (collectively, “California Building Code”), a copy of which is filed in the office of  
23 the Building Official, is hereby adopted and referred to, and by this reference, expressly  
24 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to  
25 the amendments set forth in this chapter.

26 The California Building Code, as amended in this chapter, shall be known, designated  
27 and referred to as the “Building Code” for the City of Concord.

28 **15.10.020 Appendix Adoption.**

1 Appendices C (Group U – Agricultural Buildings) and I (Patio Covers) of the  
2 California Building Code are hereby adopted. All remaining appendices are not adopted.

3 **15.10.030 Administrative Amendments.**

4 The following are administrative amendments to Chapter 1 Division II (Scope and  
5 Administration):

6 (a) Section 101.1 (Title) is hereby revised to read as follows:

7 101.1 Title. These regulations shall be known as the *Building Code* of the City  
8 of Concord, hereinafter referred to as “this code.”

9 (b) Section 101.4.4 (Property maintenance) is hereby deleted.

10 (c) Section 102.6 (Existing structures) is hereby revised to read as follows:

11 102.6 Existing structures. The legal occupancy of any structure existing on the  
12 date of adoption of this code shall be permitted to continue without change, except as  
13 otherwise specifically provided in this code, the *California Existing Building Code* or the  
14 *California Fire Code*.

15 (d) Section 102.6.2 (Building previously occupied) is hereby revised to read as follows:

16 102.6.2 Building previously occupied. The legal occupancy of any building  
17 existing on the date of adoption of this code shall be permitted to continue without change,  
18 except as otherwise specifically provided in this code, the *California Fire Code* or as is  
19 deemed necessary by the building official for the general safety and welfare of the occupants  
20 and the public.

21 (e) The term “Department of Building Safety” as used in Section 103.1 shall mean the  
22 Building Division of the City of Concord.

23 (f) The last sentence of the paragraph in Section 103.3 (Deputies) is hereby deleted.

24 (g) Section 104.10.1 (Flood hazard areas) is hereby deleted.

25 (h) Section 105.5 (Expiration) is hereby deleted.

26 (i) Section 113 (Board of Appeals) is hereby deleted in its entirety.

27 **Section 5.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.15  
28 (Electrical Code) is hereby amended in its entirety to read as follows:

1                   **CHAPTER 15.15 ELECTRICAL CODE**

2                   **15.15.010 Electrical Code adopted.**

3                   The 2016 California Electrical Code, California Code of Regulations, Title 24, Part 3,  
4                   published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite  
5                   130, Sacramento, CA 95833-2936, with state supplements published from time to time  
6                   (collectively, “California Electrical Code”), a copy of which is filed in the office of the  
7                   Building Official, is hereby adopted and referred to, and by this reference, expressly  
8                   incorporated and made a part of this chapter as though fully set forth in this chapter, subject to  
9                   the amendments set forth in this chapter.

10                  The California Electrical Code, as amended in this chapter, shall be known, designated  
11                  and referred to as the “Electrical Code” for the City of Concord.

12 **Section 6.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.20  
13 (Plumbing Code) is hereby amended in its entirety to read as follows:

14                   **CHAPTER 15.20 PLUMBING CODE**

15                   **15.20.010 Plumbing Code adopted.**

16                  The 2016 California Plumbing Code, California Code of Regulations, Title 24, Part 3,  
17                  published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite  
18                  130, Sacramento, CA 95833-2936, with state supplements published from time to time  
19                  (collectively, “California Plumbing Code”), a copy of which is filed in the office of the  
20                  Building Official, is hereby adopted and referred to, and by this reference, expressly  
21                  incorporated and made a part of this chapter as though fully set forth in this chapter, subject to  
22                  the amendments set forth in this chapter.

23                  The California Plumbing Code, as amended in this chapter, shall be known, designated  
24                  and referred to as the “Plumbing Code” for the City of Concord.

25                   **15.20.020 Appendix adoption.**

26                  Appendices A, B, D, H, I, and K of the California Plumbing Code are hereby adopted.  
27                  All remaining appendices are not adopted.

28                   **15.20.030 Administrative amendments.**

1 The following are administrative amendments to Chapter 1 Division II (Administration):

2 (a) The fourth paragraph of Section 104.3.2 (Plan Review Fees) is hereby amended to  
3 read:

4 Where plans are incomplete or changed so as to require additional review, a fee  
5 shall be charged as set forth in the Resolution Establishing Fees & Charges for Various  
6 Municipal Services.

7 (b) Section 104.4.3 (Expiration) is hereby deleted.

8 (c) Section 104.5 (Fees) is hereby amended to read:

9 104.5 Fees. Fees shall be assessed in accordance with the provisions of this  
10 section and as set forth in the Resolution Establishing Fees & Charges for Various  
11 Municipal Services.

12 (d) The fourth paragraph of Section 105.2.6 (Reinspections) is hereby amended to read:

13 To obtain reinspection, the applicant shall first pay a reinspection fee as set  
14 forth in the Resolution Establishing Fees & Charges for Various Municipal Services.

15 (e) Section 107.0 (Board of Appeals) is hereby deleted in its entirety.

16 (f) Table 104.5 (Plumbing Permit Fees) is hereby deleted.

17 **Section 7.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter  
18 15.25 (Mechanical Code) is hereby amended in its entirety and restated to read as follows:

19 **CHAPTER 15.25 MECHANICAL CODE**

20 **15.25.010 Mechanical Code adopted.**

21 The 2016 California Mechanical Code, California Code of Regulations, Title 24, Part  
22 4, published by the California Building Standards Commission, 2525 Natomas Park Drive,  
23 Suite 130, Sacramento, CA 95833-2936, with state supplements published from time to time  
24 (collectively, "California Mechanical Code"), a copy of which is filed in the office of the  
25 Building Official, is hereby adopted and referred to, and by this reference, expressly  
26 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to  
27 the amendments set forth in this chapter.  
28

1 The California Mechanical Code, as amended in this chapter, shall be known,  
2 designated and referred to as the “Mechanical Code” for the City of Concord.

3 **15.25.020 Appendix adoption.**

4 Appendices of the California Mechanical Code are hereby not adopted.

5 **15.25.030 Administrative amendments.**

6 The following are administrative amendments to Chapter 1 Division II (Administration):

7 (a) The fourth paragraph of Section 104.3.2 (Plan Review Fees) is hereby amended to  
8 read:

9 Where plans are incomplete or changed so as to require additional review, a fee  
10 shall be charged as set forth in the Resolution Establishing Fees & Charges for Various  
11 Municipal Services.

12 (b) Section 104.4.3 (Expiration) is hereby deleted.

13 (c) Section 104.5 (Fees) is hereby amended to read:

14 104.5 Fees. Fees shall be assessed in accordance with the provisions of this  
15 section and as set forth in the Resolution Establishing Fees & Charges for Various  
16 Municipal Services.

17 (d) The fourth paragraph of Section 105.2.6 (Reinspections) is hereby amended to read:

18 To obtain reinspection, the applicant shall first pay a reinspection fee as set  
19 forth in the Resolution Establishing Fees & Charges for Various Municipal Services.

20 (e) Section 107.0 (Board of Appeals) is hereby deleted in its entirety.

21 (f) Table 104.5 (Mechanical Permit Fees) is hereby deleted.

22 **Section 8.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.40  
23 (Residential Building Code) is hereby amended in its entirety and restated to read as follows:

24 **CHAPTER 15.40 RESIDENTIAL BUILDING CODE**

25 **15.40.010 Residential Building Code adopted.**

26 The 2016 California Residential Code, California Code of Regulations, Title 24, Part  
27 2.5, published by the California Building Standards Commission, 2525 Natomas Park Drive,  
28 Suite 130, Sacramento, CA 95833-2936, with state supplements published from time to time

1 (collectively, “California Residential Code”), a copy of which is filed in the office of the  
2 Building Official, is hereby adopted and referred to, and by this reference, expressly  
3 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to  
4 the amendments set forth in this chapter.

5 The California Residential Code, as amended in this chapter, shall be known,  
6 designated and referred to as the “Residential Building Code” for the City of Concord.

7 **15.40.020 Appendix adoption.**

8 Appendix H (Patio Covers) of the California Residential Code is hereby adopted. All  
9 remaining appendices are not adopted.

10 **15.40.030 Administrative amendments.**

11 The following are administrative amendments to Chapter 1 Division II (Administration):

12 a) Section R101.1 (Title) is hereby revised to read as follows:

13 R101.1 Title. These regulations shall be known as the *Residential Code for*  
14 *One- and Two-family Dwellings* of the City of Concord and shall be cited as such and  
15 will be referred to herein as “this code.”

16 (b) Section R102.7 (Existing structures) is hereby revised to read as follows:

17 R102.7 Existing structures. The legal occupancy of any structure existing on  
18 the date of adoption of this code shall be permitted to be to continue without change,  
19 except as is specifically covered in this code, the *California Fire Code*, or as is deemed  
20 necessary by the building official for the general safety and welfare of the occupants  
21 and the public.

22 (c) The term “Department of Building Safety” as defined in Section R103 and used  
23 within Chapter 1 Division II shall mean the “Building Division” of the City of Concord.

24 (d) Section R104.10.1 (Flood hazard areas) is hereby deleted.

25 (e) Section R105.3.1.1 (Determination of substantially improved or substantially  
26 damaged existing buildings in flood hazard areas) is hereby deleted.

27 (f) Section R105.5 (Expiration) is hereby deleted.

28 (g) Section R112 (Board of Appeals) is hereby deleted in its entirety.

1 **Section 9.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.42  
2 (Historical Building Code) is hereby amended in its entirety and restated to read as follows:

3 **CHAPTER 15.42 HISTORICAL BUILDING CODE**

4 **15.42.010 Historical Building Code adopted.**

5 The 2016 California Historical Building Code, California Code of Regulations, Title  
6 24, Part 8, published by the California Building Standards Commission, 2525 Natomas Park  
7 Drive, Suite 130, Sacramento, CA 95833-2936, with state supplements published from time to  
8 time (collectively, “California Historical Code”), a copy of which is filed in the office of the  
9 Building Official, is hereby adopted and referred to, and by this reference, expressly  
10 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to  
11 the amendments set forth in this chapter.

12 The California Historical Building Code, as amended in this chapter, shall be known,  
13 designated and referred to as the “Historical Building Code” for the City of Concord.

14 **Section 10.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.43  
15 (Existing Building Code) is hereby amended in its entirety and restated to read as follows:

16 **CHAPTER 15.43 EXISTING BUILDING CODE**

17 **15.43.010 Existing Building Code adopted.**

18 The 2016 California Existing Building Code, California Code of Regulations, Title 24,  
19 Part 10, published by the California Building Standards Commission, 2525 Natomas Park  
20 Drive, Suite 130, Sacramento, CA 95833-2936, with state supplements published from time to  
21 time (collectively, “California Existing Building Code”), a copy of which is filed in the office  
22 of the Building Official, is hereby adopted and referred to, and by this reference, expressly  
23 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to  
24 the amendments set forth in this chapter.

25 The California Existing Building Code, as amended in this chapter, shall be known,  
26 designated and referred to as the “Existing Building Code” for the City of Concord.

27 **15.43.020 Appendix Adoption.**

1 Chapter A1 (Seismic Strengthening Provisions for Unreinforced Masonry Bearing  
2 Wall Buildings) and Chapter A3 (Prescriptive Provisions for Seismic Strengthening of Cripple  
3 Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings) of Appendix A  
4 of the California Existing Building Code are hereby adopted. All remaining appendices are  
5 not adopted.

6 **15.43.030 Administrative Amendments.**

7 The following are administrative amendments to Chapter 1 Division II (Scope and  
8 Administration):

9 (a) Section 101.1 (Title) is hereby revised to read as follows:

10 101.1 Title. These regulations shall be known as the *Existing Building Code* of  
11 the City of Concord, hereinafter referred to as “this code.”

12 (b) Section 101.4.2 (Buildings previously occupied) is hereby revised to read as  
13 follows:

14 101.4.2 Buildings previously occupied. The legal occupancy of any building  
15 existing on the date of adoption of this code shall be permitted to continue without change,  
16 except as is specifically covered in this code, the *California Fire Code* or as is deemed  
17 necessary by the code official for the general safety and welfare of the occupants and the  
18 public.

19 (c) The term “Department of Building Safety” as defined in Section 103 shall mean the  
20 Building Division of the City of Concord.

21 (d) Section 104.10.1 (Flood hazard areas) is hereby deleted.

22 (e) Section 105.5 (Expiration) is hereby deleted.

23 (f) Section 112 (Board of Appeals) is hereby deleted in its entirety.

24 **Section 11.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.45  
25 (Green Building Standards Code) is hereby amended in its entirety to read as follows:

26 **CHAPTER 15.45 GREEN BUILDING STANDARDS CODE**

27 **15.45.010 Green Building Standards Code adopted.**

1 The 2016 California Green Building Standards Code, California Code of Regulations,  
2 Title 24, Part 11, published by the California Building Standards Commission, 2525 Natomas  
3 Park Drive, Suite 130, Sacramento, CA 95833-2936, with state supplements published from  
4 time to time (collectively, “California Green Building Standards Code”), a copy of which is  
5 filed in the office of the Building Official, is hereby adopted and referred to, and by this  
6 reference, expressly incorporated and made a part of this chapter as though fully set forth in  
7 this chapter, subject to the amendments set forth in this chapter.

8 The California Green Building Standards Code, as amended in this chapter, shall be  
9 known, designated and referred to as the “Green Building Standards Code” for the City of  
10 Concord.

11 **Section 12.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.47  
12 (Energy Code) is hereby amended in its entirety to read as follows:

13 **CHAPTER 15.47 ENERGY CODE**

14 **15.47.010 Energy Code adopted.**

15 The 2016 California Energy Code, California Code of Regulations, Title 24, Part 6,  
16 published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite  
17 130, Sacramento, CA 95833-2936, with state supplements published from time to time  
18 (collectively, “California Energy Code”), a copy of which is filed in the office of the Building  
19 Official, is hereby adopted and referred to, and by this reference, expressly incorporated and  
20 made a part of this chapter as though fully set forth in this chapter, subject to the amendments  
21 set forth in this chapter.

22 The California Energy Code, as amended in this chapter, shall be known, designated  
23 and referred to as the “Energy Code” for the City of Concord.

24 **Section 13.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.55  
25 (Existing Unreinforced Masonry Buildings) Sections 15.55.020 and 15.55.030 are hereby amended in  
26 their entirety to read as follows:  
27  
28

1           **15.55.020 Design standards adopted.**

2                     Analysis and design shall conform to Chapters A1 and A3 of Appendix A of the  
3           *Existing Building Code* for the City of Concord.

4           **15.55.030 Permit required.**

5                     (a) A permit shall be obtained prior to any construction on structures identified as  
6           unreinforced masonry buildings, as defined by the *Existing Building Code* for the City of  
7           Concord.

8                     (b) Persons preparing plans and engineering calculations shall be licensed by the state  
9           as either a civil or structural engineer. The license shall be kept current throughout the term of  
10          reconstruction, until the certificate of occupancy is issued. The design engineer shall be termed  
11          the “engineer of record.” A change of engineer during the reconstruction shall be preceded by  
12          documentation from the new “engineer of record,” accepting design responsibility from the  
13          date he assumes responsibility. There shall be no voids between responsible engineers.

14   **Section 14.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.60  
15   (Swimming Pool, Spa, and Hot Tub Code) is hereby amended in its entirety and restated to read as  
16   follows:

17                     **CHAPTER 15.60 SWIMMING POOL, SPA, AND HOT TUB CODE**

18                     **15.60.010 Swimming Pool, Spa, and Hot Tub Code adopted.**

19                     The 2015 Uniform Swimming Pool, Spa, and Hot Tub Code published by the  
20           International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street,  
21           Ontario, CA 91761-2816, a copy of which is filed in the office of the Building Official, is  
22           hereby adopted and referred to, and by this reference, expressly incorporated and made a part  
23           of this chapter as though fully set forth in this chapter, subject to the amendments set forth in  
24           this chapter.

25                     The 2015 Uniform Swimming Pool, Spa, and Hot Tub Code, as amended in this  
26           chapter, shall be known, designated and referred to as the “Swimming Pool, Spa, and Hot Tub  
27           Code” for the City of Concord.

28                     **15.60.020 Administrative Amendments.**

1 The following are administrative amendments to Chapter 1 (Administration):

2 (a) The fourth paragraph of Section 104.3.2 (Plan Review Fees) is hereby amended to  
3 read:

4 Where plans are incomplete or changed so as to require additional review, a fee  
5 shall be charged as set forth in the Resolution Establishing Fees & Charges for Various  
6 Municipal Services.

7 (b) Section 104.4.3 (Expiration) is hereby deleted.

8 (c) Section 104.5 (Fees) is hereby amended to read:

9 104.5 Fees. Fees shall be assessed in accordance with the provisions of this  
10 section and as set forth in the Resolution Establishing Fees & Charges for Various  
11 Municipal Services.

12 (d) The fourth paragraph of Section 105.2.6 (Reinspections) is hereby amended to read:

13 To obtain reinspection, the applicant shall first pay a reinspection fee as set  
14 forth in the Resolution Establishing Fees & Charges for Various Municipal Services.

15 (e) Section 107.0 (Board of Appeals) is hereby deleted in its entirety.

16 (f) Table 104.5 (Swimming Pool, Spa, and Hot Tub Permit Fees) is hereby deleted.

17 **15.60.030 Permissive exemption from fencing requirement.**

18 The Building Official may grant an exception to the requirement of fencing a  
19 swimming pool when he or she finds that, under all applicable circumstances and conditions,  
20 the pool does not constitute a safety hazard, though all conditions for the mandatory exemption  
21 are not met.

22 **Section 15.** This ordinance shall become effective on January 1, 2017.

23 **Section 16.** This Ordinance No. 16-7 shall become effective thirty (30) days following its passage  
24 and adoption. In the event a summary of said Ordinance is published in lieu of the entire Ordinance, a  
25 certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least  
26 five (5) days prior to its adoption and within fifteen (15) days after its adoption, including the vote of  
27 the Councilmembers. Additionally, a summary prepared by the City Attorney's Office shall be  
28 published once at least five (5) days prior to the date of adoption of this Ordinance and once within

1 fifteen (15) days after its passage and adoption, including the vote of the Councilmembers, in the  
2 Contra Costa Times, a newspaper of general circulation in the City of Concord.

3  
4 \_\_\_\_\_  
Laura M. Hoffmeister  
Mayor

5 ATTEST:

6  
7 \_\_\_\_\_  
Joelle Fockler, MMC  
City Clerk

8  
9 (Seal)

10  
11  
12 Ordinance No. 16-7 was duly and regularly introduced at a regular meeting of the City Council  
13 of the City of Concord held on October 11, 2016, and was thereafter duly and regularly passed and  
14 adopted at a regular meeting of the City Council of the City of Concord on November 1, 2016, by the  
15 following vote:

16 **AYES:** Councilmembers -

17 **NOES:** Councilmembers -

18 **ABSTAIN:** Councilmembers -

19 **ABSENT:** Councilmembers -

20 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and  
21 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

22  
23 \_\_\_\_\_  
Joelle Fockler, MMC  
City Clerk