

ORDINANCE NO. 22-

AN ORDINANCE ESTABLISHING A BUILDING CODE FOR THE CITY OF HAYWARD; REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; REPEALING CHAPTER 9 ARTICLE 1, AND ALL AMENDMENTS THERETO

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

Section 1. In accordance with state law, effective January 1, 2023, Chapter 9 Article 1 and all amendments thereto, is hereby repealed and in substitution thereof a new Building Code for the City of Hayward is hereby enacted to read as follows:

BUILDING CODE
OF THE CITY OF HAYWARD

SECTION 1.00
2022 CALIFORNIA BUILDING CODES, ADOPTION BY REFERENCE.

The 2022 California Building Code (Part 2 of C.C.R. Title 24, based on the 2021 International Building Code), the 2022 California Residential Code (Part 2.5 of C.C.R. Title 24 based on the 2021 International Residential Code), the 2022 California Electrical Code (Part 3 of C.C.R. Title 24 based on the 2020 National Electrical Code), The 2022 California Mechanical Code (Part 4 of C.C.R. Title 24 based on the 2021 Uniform Mechanical Code), the 2022 California Plumbing Code (Part 5 of C.C.R. Title 24 based on the 2021 Uniform Plumbing Code), the 2022 California Energy Code (Part 6 of C.C.R. Title 24), the 2022 California Historical Building Code (Part 8 of C.C.R. Title 24), the 2022 California Existing Building Code (Part 10 of C.C.R. Title 24 based on the 2021 International Existing Building Code), the 2022 California Green Building Standards Code (Part 11 of C.C.R. Title 24), published by the International Code Council, as amended by the State of California pursuant to Health and Safety Code section 17922, and as further modified by the amendments, additions, and deletions as set forth hereinafter, is hereby adopted by reference as the Building Code of the City of Hayward.

A printed copy of such 2022 California Building Codes together with the State and local amendments thereto, is on file in the office of the Building Official, to which reference is hereby made for further particulars.

SECTION 2.00
SUMMARY OF LOCAL AMENDMENTS

CODE SECTION	Added to Code	Code Change	Deleted from Code	Notes / Justification
CBC 101.1 Title		X		Defines name of jurisdiction
CBC 101.2.1 Appendices		X		Specifies adopted appendices
CBC 103.1		X		Defines name of enforcement agency
CBC 105.1.1			X	Removes option for annual permits
CBC 105.1.2			X	Item is removed since it is related to previous item
CBC 105.3.1.1 Expedited Residential Solar Permitting	X			Establishes a requirement to expedite residential solar applications that meet specific criteria as mandated by AB 2188
CBC 105.3.1.2 Expedited Electric Vehicle Charging Station Permitting	X			Establishes a requirement to expedite electric vehicle charging station applications that meet specific criteria as mandated by AB 1236
CBC 105.3.2		X		Adds clarification to the expiration policy of applications in plan review
CBC 105.5.2 Completion Permits	X			Defines process for “completion permits” -- projects where inspections have been performed but the permit has expired
CBC 105.5.2.1 Completion Permit Fees	X			Establishes fee calculation formula for “completion permits”
CBC 109.2 Permit Fees		X		Makes reference to the Master Fee Schedule adopted by Council
CBC 109.4.1 Investigation Fees for Work Completed Without Permits		X		Clarifies policy for charging additional fees for work conducted without permits
109.6 Refunds		X		Establishes a refund process and percentage of money to be returned
CBC 111.3 Temporary Occupancy		X		Provides clarification on local policy related to “temporary certificate of occupancy”
CBC Ch. 4				See Hayward Fire Code Ordinance for changes related to Ch. 4
CBC Ch. 9				See Hayward Fire Code Ordinance for changes related to Ch. 9
CBC 1705.3 Concrete Construction		X		This amendment improves quality control during construction by modifying the type of exception from requiring special inspection for isolated spread concrete footings of buildings 3 stories or less. <i>Coordinated Regionally with other local jurisdictions. Findings submitted to Building Standards Commission based on geological conditions</i>
CBC 1905.1.7, ACI 318 Section 14.1.4		X		This amendment addresses the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. <i>Coordinated Regionally with other local jurisdictions. Findings submitted to Building Standards Commission based on geological conditions (GC)</i>
CRC Table R602.10.3(3)		X		This amendment addresses the problem of poor performance of gypsum wallboard and Portland cement plaster as wall

				bracing materials in high seismic areas. Coordinated Regionally with other local jurisdictions. Findings submitted to Building Standards Commission based on GC
--	--	--	--	---

SECTION 3.00
LOCAL AMENDMENTS TO THE CODE BY CHAPTER

CALIFORNIA BUILDING CODE CHAPTER 1: SCOPE AND ADMINISTRATION
LOCAL AMENDMENTS

The administrative local amendments in this chapter shall also apply to the corresponding requirements in the administration chapters of the California Mechanical Code, the California Plumbing Code and the California Electrical Code.

101.1 Title. This section is revised to read as follows:

These regulations shall be known as the Building Code of the City of Hayward. The provisions contained herein are adopted, and together with the local amendments, are referred to hereafter as “these regulations” or “these building standards” or “this code.”

101.2.1 Appendices. This section is revised to read as follows:

Wherever in this code reference is made to an appendix chapter, the provisions of the said appendix shall not apply unless specifically adopted by this code. The following appendix chapters are adopted:

1. California Building Code Appendix I: Patio Covers
2. California Building Code Appendix P: Emergency Housing (as amended)
3. California Residential Code Appendix AZ: Emergency Housing (as amended)
2. California Plumbing Code Appendix A: Rules for Sizing the Water Supply System
3. California Plumbing Code Appendix B: Notes on Combination Waste and Vent Systems
4. California Plumbing Code Appendix C: Alternate Plumbing Systems

103.1 Creation of enforcement agency. This section is revised to read as follows:

The Building Division of the Development Services Department is hereby created and the official in charge thereof shall be known as the building official.

105.1.1 Annual permit. This section is hereby deleted.

105.1.2 Annual permit records. This section is hereby deleted.

105.3.1.1 Expedited Residential Solar Permitting. A new section is added to read as follows:

The City of Hayward Building Division shall maintain expedited permitting and inspection services for small residential rooftop solar systems as required by AB 2188. This legislation is codified in Subsection (a) of Section 65850.5 of the California Government Code.

The following criteria must be met by the applicant to qualify for the expedited permitting process:

1. The installation must be on a one- or two-family dwelling.
2. The solar energy system shall not be larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
3. The submittal documents shall demonstrate compliance with all applicable codes and shall be legible. The design for the solar system shall include adequate details and/or calculations to confirm minimum code compliance for wind loads, dead loads and roof structure support, electrical system safety and plumbing systems for solar thermal.

The Building Division of the City of Hayward will provide the following services for qualified projects:

1. Checklist: A comprehensive checklist will be maintained on the City of Hayward website that covers the minimum code requirements. If a project submitted for review does not meet the minimum code items noted in the checklist, the applicant will be given a written list of comments specifying the required corrections.
2. Expedited plan review: Expedited plan review shall mean ½ of the normal plan review period for a project. The Building Division will make every effort to issue qualified residential solar permits on the same day as the application if staffing is available to complete the review.
3. Single Inspection: The Building Division and the Fire Prevention Office will coordinate to avoid separate inspection scheduling for small residential solar permits. The Fire Marshall or the building official may require additional inspections if the work inspected initially did not meet minimum code compliance.

105.3.1.2 Expedited Electric Vehicle Charging Station Permitting. A new section is added to read as follows:

The City of Hayward Building Division shall maintain expedited permitting for electric vehicle charging stations as required by California Government Code Section 65850.7 (AB 1236).

The Building Division of the City of Hayward will provide the following services for the permitting of Electric Vehicle Charging Stations:

1. Checklist: A link to a comprehensive guidebook and checklists will be maintained on the City of Hayward website that covers the minimum code requirements. If a project submitted for review does not meet the minimum code items noted in the checklists, the applicant will be given a written list of comments specifying the required corrections.
2. Expedited Plan Review: Expedited plan review shall mean one-half of the normal plan review period for a project. The Building Division will make every effort to issue residential (single family or duplex) electric vehicle charging station permits on the same day as the application is submitted if staffing is available to complete the review or will process such applications via electronic submittal. The Building Division will also make every effort to provide expedited plan reviews for commercial or multi-family (condominium or apartment complexes) electric vehicle charging station permits at no extra cost if staffing is available to meet the timelines.

105.3.2 Time limitation of application. This section is revised to read as follows:

An application for a permit for any proposed work submitted through the plan review process shall be deemed to have been abandoned 365 days after the date of filing if the plans are not approved. This timeline includes the responses to correction lists. Once the plans are approved, but the building permit has not yet been issued, the application for the permit shall be valid for an additional 180 days. The building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each when an application has expired. The extension shall be requested in writing and justifiable cause demonstrated.

105.5.2 Completion permits. A new section, 105.5.2 is added as follows:

In the event due to project abandonment that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit and the payment of an additional permit fee; moreover, the building official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section 105.5.2.1 and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The building official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

105.5.2.1 Fees for completion permits. A new section, 105.5.2.1 is added as follows:

Fees for completion permits as described in Section 105.5.2 shall be based upon the percentage of work that has passed inspection prior to the expiration of the renewed permit. If either valuation or fees have changed since the original permit was issued, the fees or the valuation shall be updated to the new fees or valuations in effect at the time the completion permit is issued. The percentages to be charged will remain the same.

This schedule is intended to apply to conventional wood frame building construction. In the event that the work is not conventional wood frame construction, or does not constitute a complete building, or is a type of structure other than a building, the building official shall determine the fee based upon the number of the inspections remaining to be performed.

Completed Inspections	% of Updated Valuation
None	60
Foundation	55
Under-floor	50
Shear Wall	40
Rough Frame	30
Lath or Gypsum Board	20
All, except Final	10

109.2 Schedule of permit fees. This section is amended to read as follows:

Fees shall be as set forth in a fee schedule adopted, for this purpose, by resolution of the City Council. The said schedule shall establish, but not be limited to, fees for permit issuance and inspections and regular plan reviews. The fees for the plan checking and permit issuance of related items shall also be included in the said fee schedule.

109.4.1 Investigation fees for work without a permit. New Section 109.4.1 is added as follows:

Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the building official shall perform an investigation prior to the issuance of the permit authorizing the work. An investigation fee shall be charged to offset the cost of the said investigation shall be established. This fee shall be in addition to any other regular plan review or permit fee and shall be collected whether or not a permit is then or subsequently issued. The amount of the investigation fee shall be assessed by the building official in accordance with the schedule described in Section 109.2 and based upon the circumstances and extent of the violation, but in no case shall be less than the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

109.6 Refunds. This section is revised to read as follows:

The building official shall not authorize refunding of any fee paid to the Building Division except on written application filed by the original permittee.

The building official may authorize refunding of any fee paid under this code that was erroneously paid or collected.

The building official may authorize the refunding of a maximum of 60% of the initial permit fee paid to the Building Division when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the building official may authorize refunding of not more than 30% of the said permit fee, provided that the request for refund is submitted within 1 year following the permit expiration; after 1 year beyond the permit expiration date, no refund of the permit fee shall be authorized.

The building official may authorize the refunding of a maximum of 60% of the plan review fee paid to the Building Division if no plan review comments have been issued by the building official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the building official.

111.3 Temporary occupancy. Two new paragraphs are added at the end of Section 111.3 as follows:

If the building official finds that no substantial hazard will result from occupancy or use of any building or structure, or portion thereof, before the same is completed, he/she may authorize such a temporary occupancy or use pending the completion of the entire building or structure.

The building official, in authorizing temporary occupancy or use, may impose any reasonable conditions that may be necessary to protect life, health, and property and may include a time limit on such occupancy or use. In the event that any such condition is violated, the building official may revoke a temporary occupancy or use. Failure to comply with conditions of said temporary occupancy may result in penalties and/or revocation of permit.

**CALIFORNIA BUILDING CODE CHAPTER 4: SPECIAL DETAILED
REQUIREMENTS BASED ON USE AND OCCUPANCY LOCAL AMENDMENTS**

See Hayward Fire Code Ordinance for Amendments

**CALIFORNIA BUILDING CODE CHAPTER 9: FIRE PROTECTION SYSTEMS
LOCAL AMENDMENTS**

See Fire Hayward Code Ordinance for Amendments

**CALIFORNIA BUILDING CODE CHAPTER 17: STRUCTURAL TESTS AND
SPECIAL INSPECTIONS LOCAL AMENDMENTS**

1705.3 Concrete construction. Revise section 1705.3 Exception as follows:
Special inspections and tests of concrete construction shall be performed in accordance with this section and Table 1705.3.

Exception (1): Special inspections and tests shall not be required for: 1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

CALIFORNIA BUILDING CODE CHAPTER 19: CONCRETE LOCAL AMENDMENTS

Revise section 1905.1.7. ACI 318 section 14.1.4 that allows the use of plain concrete in residential structures assigned to Seismic Design Category C, D, E or F.

1905.1.7 ACI 318, section 14.1.4. Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

14.1.4.1 - Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one- and two-family dwellings three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one- and two-family dwellings three stories or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

CALIFORNIA BUILDING CODE APENDIX P: EMERGENCY HOUSING

Adopt entire appendix as written and published in the 2022 California Building Code except as amended: Section P108 LOFTS IN EMERGENCY HOUSING shall not be adopted in this local ordinance.

CALIFORNIA RESIDENTIAL CODE CHAPTER 6: WALL CONSTRUCTION LOCAL AMENDMENTS

Table R602.10.3(3) Add a new footnote “i” to the end of the table to read:

i. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted, and the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

Add the “i” footnote notation in the title of Table R602.10.3(3) to read:

TABLE R602.10.3(3)ⁱ

R602.10.4.3.1 Limits on methods GB and PCP. Add a new subsection R602.10.4.3.1, to read:

In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D₀, D₁, and D₂, the use of Method PCP is limited to one-story single-family dwellings and accessory structures.”

CALIFORNIA RESIDENTIAL CODE APENDIX AZ: EMERGENCY HOUSING AS AMENDED

Adopt entire appendix as written and published in the 2022 California Building Code except as amended: Section AZ108 LOFTS IN EMERGENCY HOUSING shall not be adopted in this local ordinance.

Section 2. Severability. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date. This ordinance shall become effective on January 1, 2023.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the st day of , 2022, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the day of , 2022, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ATTEST: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward