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2 **ORDINANCE NO. 2023-01**

3 **AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING CHAPTER XI,**  
4 **FIRE PREVENTION, AND CHAPTER XII, BUILDING AND HOUSING, OF THE**  
5 **MUNICIPAL CODE RELATED TO THE ADOPTION AND LOCAL AMENDMENTS**  
6 **OF THE 2022 CALIFORNIA BUILDING STANDARDS CODE**

7 **WHEREAS**, the California Health and Safety Code requires the City of Albany to  
8 enforce the California Building Standards Code as adopted and published by the California  
9 Building Standards Commission; and

10  
11 **WHEREAS**, the City of Albany may adopt administrative provisions as appropriate to  
12 the City; and

13 **WHEREAS**, the State of California allows local jurisdictions to amend the California  
14 Building Standards Code where necessary to reasonably address adverse local conditions related  
15 to climate, geology, and/or topography, and thus the City Council makes the following findings  
16 regarding local conditions:

- 17
- 18 a) The City of Albany is a dense built-out community with predominately older wood-  
19 frame commercial and residential structures that lack modern fire protection  
20 elements, are located on small lots with minimal setbacks that increase the potential  
21 for rapid fire spread, and are reached by narrow streets that often hamper emergency  
22 response;
  - 23 b) The eastern edge of the City of Albany is located less than two miles from the  
24 ridgeline of the East Bay Hills, in the path of “Diablo Winds,” which could rapidly  
25 bring a wildland fire from the East Bay Hills into the City; and
  - 26 c) The City of Albany lacks access to secondary sources of water for fire suppression in  
27 the event of damage to primary water supply; and  
28

- 1 d) The City of Albany is frequently exposed to extremely high risk “red flag” fire  
2 conditions consisting of warm temperatures, low humidity, and strong winds that  
3 combine to produce an increased risk of fire danger. These conditions have worsened  
4 in recent years due to global warming;  
5  
6 e) Furthermore, climate conditions have resulted in the City of Albany experiencing  
7 dangerous air quality for weeks, even from distant fires;  
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9 f) Reducing greenhouse gas (GHG) emissions associated with the design, construction,  
10 maintenance, and operation of buildings is necessary to reduce the City of Albany’s  
11 contribution to climate change, which is causing the severe local climatic conditions.  
12  
13 g) The City of Albany is vulnerable to major earthquakes on the San Andreas, Hayward  
14 and Calaveras faults, which are expected to result in damage to aging underground  
15 infrastructure including natural gas lines and water lines needed for fire suppression.  
16 Reducing the reliance on natural gas in new construction will decrease the risk of  
17 fires caused if aging underground gas lines rupture in a seismic event; and  
18  
19 h) The City of Albany has moderate to highly expansive soils present throughout most  
20 of the built-out portions of the City of Albany; and  
21  
22 i) the waterfront portion of the City of Albany includes poorly compacted artificial fill;  
23 and

23 **WHEREAS**, the proposed ordinance does not involve a commitment to or require a  
24 significant physical change in future projects, and thus is not a “project” as defined by California  
25 Environmental Quality Act (CEQA) Guidelines Section 15378; and

26 **WHEREAS**, on January 17, 2023, the Albany City Council held a duly noticed public  
27 hearing on the draft ordinance to amend Chapter 11 and Chapter 12 of the Albany Municipal  
28 Code adopting the California Building Standards Code.

1                   **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS**  
2 **FOLLOWS:**

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4                   **SECTION 1: CHAPTER 12 OF THE ALBANY MUNICIPAL CODE, SECTION**  
5 **12-6.1 TITLED “ADOPTION OF BUILDING CODES” IS HEREBY AMENDED AS**  
6 **FOLLOWS:**

7  
8 a. California Building Standards Code.

9                   The ~~2016~~ 2022 edition of the California Building Standards Code located in Title 24 of  
10 the California Code of Regulations is hereby adopted as published by the California  
11 Building Standards Commission, and are hereby adopted as part of the Albany City  
12 Code as if set forth here word for word by reference. A copy of these codes shall be  
13 available for public review in the Community Development Department of the City  
14 of Albany.

15                   The adopted codes shall regulate and govern the condition and maintenance of  
16 all property, buildings, and structures by providing the standards for the supply  
17 of utilities and facilities and other physical things and conditions essential to  
18 ensure the structures are safe, sanitary, and fit for occupation and use; and for the  
19 condemnation of buildings and structures unfit for the human occupancy and use,  
20 and the demolition of such structures as herein provided; providing for the issuance  
21 of permits and collections of fees therefor; and each of the regulations, provisions,  
22 penalties, conditions, and terms of said codes are hereby referred to, adopted, and a  
23 part hereof as if fully set forth herein with the additions, insertions, deletions, and  
24 changes, if any, prescribed by this chapter.

25                   The codes adopted herein are considered to be complementary and supplementary  
26 to any other provisions contained in the Albany Municipal Code and may be  
27 imposed, at the discretion of the building official, as the operative code provisions  
28 in the event of a conflict with other provisions contained in the Albany Municipal  
Code.

1 b. The following sections are adopted for the administration of the California Building  
2 Standards Code in the City of Albany:  
3

- 4 (a) California Building Code Chapter 1, Division II
- 5 (b) California Building Code, Appendix A, Employee Qualifications
- 6 (c) California Building Code, Appendix B, Board of Appeals
- 7 (d) California Building Code, Appendix F, Rodent-proofing
- 8 (e) California Building Code, Appendix G, Flood-Resistant Construction
- 9 (f) California Building Code, Appendix H, Signs
- 10 (g) California Building Code, Appendix I, Patio Covers
- 11 (h) California Building Code, Appendix J, Grading
- 12 (i) California Building Code, Appendix M, Tsunami Flood Hazards
- 13 (j) California Building Code, Appendix N, Replicable Buildings
- 14 (k) California Building Code, Appendix O, Performance Based Applications
- 15 (l) California Building Code, Appendix P, Emergency Housing
- 16 (m) California Residential Code Chapter 1, Division II
- 17 (n) California Residential Code, Appendix E, Manufactured Housing
- 18 (o) California Residential Code, Appendix H, Patio Covers
- 19 (p) California Residential Code, Appendix J, Existing Buildings and Structures
- 20 (q) California Residential Code, Appendix K, Sound Transmission
- 21 (r) California Residential Code, Appendix Q, Tiny Houses
- 22 (s) California Residential Code, Appendix R, Light Straw-Clay Construction
- 23 (t) California Residential Code, Appendix S, Strawbale Construction
- 24 (u) California Residential Code, Appendix T, Solar-Ready Provisions
- 25 (v) California Residential Code, Appendix U, Cob Construction
- 26 (w) California Residential Code, Appendix W, 3D Printed Construction
- 27 (x) California Residential Code, Appendix Z, Emergency Housing
- 28 (y) California Mechanical Code Chapter 1, Division II, except Section 104.5 (Fees). Fees shall be established by resolution of the City Council.

1 (z) California Plumbing Code Chapter 1, Division II, except Section 104.5 (Fees). Fees  
2 shall be established by resolution of the City Council.

3  
4 (aa) California Green Building Code Mandatory measures. To address local  
5 environmental conditions, the City Council may establish, by resolution and periodically  
6 review and update, more stringent voluntary measures contained in the California Green  
7 Building Standards Code appendices.

8  
9 c. References to prior codes. Unless superseded and expressly repealed, references in City  
10 forms, documents and regulations to the chapters and sections of former California Building  
11 Standards Code editions, shall be construed to apply to the corresponding provisions contained  
12 within the current California Building Standards.

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14 **SECTION 2: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION**  
15 **11-4 TITLED “DEFINITIONS” IS HEREBY AMENDED AS FOLLOWS:**

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17 11-4.1. Definitions.

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19 CALIFORNIA FIRE CODE (CFC) — The regulations in California Code of  
20 Regulations, Title 24, Part 9, ~~2019 California Fire Code, which incorporate by adoption~~  
21 ~~the 2019 Edition of the International Fire Code of the International Code Council with~~  
22 ~~necessary California amendments.~~

23 CHANGE OF OCCUPANCY. Either of the following shall be considered as a change of  
24 occupancy where this code requires a greater degree of safety, accessibility, structural  
25 strength, fire protection, means of egress, ventilation or sanitation than is existing in the current  
26 building or structure:

- 27 1. Any change in the occupancy classification of a building or structure.  
28 2. Any change in the purpose of, or a change in the level of activity within, a building or  
structure.

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2 OCCUPANCY GROUP CLASSIFICATION — The formal designation of the primary  
3 purpose for a building or part thereof. ~~See 2019 California Building Code Chapter 3 (Occupancy~~  
4 ~~Classification and Use).~~  
5

6  
7 OCCUPANT LOAD — The number of persons for the means of egress of a building or  
8 portion thereof is designed. ~~See 2019 California Building Code, Section 1004 (Occupant~~  
9 ~~Load).~~  
10

11 **SECTION 3: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-7**  
12 **TITLED “STANDPIPE SYSTEMS” IS HEREBY AMENDED AS FOLLOWS:**  
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14 11-7.1. Standpipe Systems. ~~Deleted in its entirety.~~  
15

16 **SECTION 4: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-8**  
17 **TITLED “FIRE ALARMS IN BUILDINGS SUBJECT TO CALIFORNIA FIRE CODE**  
18 **CONSTRUCTION PERMIT” IS HEREBY AMENDED AS FOLLOWS:**

19 11-8.1.b.1. Single- and multiple-station smoke alarms required by CFC Section ~~907.2.10~~  
20 ~~907.1.11~~  
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1 **SECTION 5: PUBLICATION AND EFFECTIVE DATE.**

2 This ordinance shall be posted at three public places within the City of Albany and shall  
3 become effective thirty days after the date of its posting.  
4

5  
6 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on  
7 the 20th day of March 2023, by the following vote:

8 AYES: Council Members Hansen-Romero, Jordan, López, Miki, and Mayor Tiedemann

9 NOES: None

10 ABSENT: None

11 ABSTAIN: None  
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16 AARON TIEDEMANN, MAYOR  
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# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

## ORDINANCE NO. 2023-01

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 20th day of March, 2023, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, López, Miki and Mayor  
Tiedemann

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this  
21st day of March 2023.

Anne Hsu  
CITY CLERK

*Albany is committed to providing a healthy, safe, and accessible city,  
and strives to lift every voice in our community.*