

REGULAR

NUMBER: 65.143

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING CLERICAL CORRECTIONS TO THE MILPITAS BUILDING ORDINANCE CODIFIED IN CHAPTER 3 OF TITLE II OF THE MILPITAS MUNICIPAL CODE

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of February 18, 2014, upon motion by Councilmember Giordano, and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the City Council adopted the 2013 Building Code update on November 19, 2013, with certain local amendments as further described in Ordinance No. 65.142; and

WHEREAS, there was a clerical error in Ordinance No. 65.142 relating to Milpitas Municipal Code Sections II-3-2.09 and II-3.5-2.03; and

WHEREAS, the purpose of this Ordinance is make the clerical corrections to the Milpitas Building Ordinance as further described below.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE SECTIONS II-3-2.09 AND II-3.5-2.03

Section II-3-2.09 of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

II-3-2.09

Section 1609.1 of the California Building Code, 2010 Edition is amended by adding the following at the end of the first paragraph:

Hillside construction - construction in hillside areas shall be designed for a 3-second gust minimum wind speed (V_{3s}) 95mph and exposure C.

All structures located in the hillside shall conform to minimum requirements of section 2308.10.1.

Section II-3.5-2.03 of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

II-3.5-2.03

Amend Section R301.1.1 of the California Residential Code, 2010 Edition as follows:

Delete Item 1 in this section.

Amend Table R301.2(1) of the California Residential Code, 2010 Edition as follows:

Ground Snow	Wind Design	Seismic Design	Subject to Damage From	Winter Design	Ice Barrier Underlayment	Flood	Air Freezing	Mean Annual
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Load	Speed (mph)	Topographic Effects	Category	Weathering	Frost line depth	Termite	Temp	Required	Hazard	Index	Temp
N/A	85 ^a	No	D ₂	Negligible	N/A	Yes	32F	No	See Flood Zone Map	0	59.7F

a. Hillside construction - construction in hillside areas shall be designed for a 3-second gust minimum wind speed (V_{3s}) 95mph and exposure C. All structures located in the hillside shall conform to minimum requirements of Section R802.11.

Add Section R303.9 of the California Residential Code, 2010 Edition to read as follows:

R303.9 Flammable Vapor Ventilation. In enclosed private garages attached to R occupancies, provide 1 sq. ft. of ventilation area located at the lower 12" of garage wall. Said ventilation areas shall be directly communicable with the exterior, but shall not be installed where protection of openings is required.

Amend Section R314.6.2 Item (a) of the California Residential Code, 2010 Edition by adding the following:

3. When the valuation of an addition, alteration or repair to Group R Occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R Occupancies, chimney spark arresters shall be installed. Spark arresters shall be constructed in conformance with Section R1003.9.1.

Add Section R329 to the California Residential Code, 2010 Edition to read as follows:

R329 Sound Transmission. For sound transmission control between attached dwelling units, see Section 1207 of the California Building Code, 2010 Edition.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.