

CALIFORNIA BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
(916) 263-0916 FAX (916) 263-0959



December 9, 2010

Office of the City Clerk
The City of Burlingame
501 Primrose Road
Burlingame, CA 94010-3997

Dear Mary Ellen,

This is to acknowledge receipt of the City of Burlingame submittal pertaining to Ordinance Numbers 1855, 1856, and 1857 with findings on November 4, 2010. As the law states, no local modification or change to the California Building Standards Code (Code) shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.

It appears that your submittal includes amendments to energy efficiency standards. Local amendments exceeding energy efficiency standards are not enforceable until a finding is made by the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2) and Title 24, Part 1, Section 10-106. A copy of this letter is being sent to the Energy Commission for their information. The remainder of your submittal has been filed in our office as of the date noted above.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Building Standards Commission in order to become effective when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Building Standards Commission.

This letter attests only to the filing of these local modifications with the Building Standards Commission, which is not authorized by law to determine the merit of the filing. The filing of the energy efficiency standards portion of this ordinance will not be complete without the approval of the California Energy Commission. If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Jane G. Taylor
Senior Architect

cc: Joe Loyer, California Energy Commission
Chron
Local Filings



The City of Burlingame

Office of the City Clerk

501 Primrose Road
Burlingame, CA 94010-3997
650-558-7203, fax: 650-342-8386
mkearney@burlingame.org

October 29, 2010

Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Enclosed please find a copy of Ordinance 1855 amending Title 17 of the Burlingame Municipal Code adopting by reference the 2010 Fire Code.

Also enclosed are copies of Ordinances 1856 and 1857 amending Title 18 of the Burlingame Municipal Code adopting by reference the 2010 editions of the California Building Standards Code and the California Green Building Standards Code.

Please contact me if you have any questions.

Sincerely,

Mary Ellen Kearney
City Clerk

Enclosures

RECEIVED
2010 NOV -14 P 2:17
CALIFORNIA BUILDING
STANDARDS COMMISSION

ORDINANCE NO. 1855-2010

AN ORDINANCE OF THE CITY OF BURLINGAME AMENDING TITLE 17 OF THE
BURLINGAME MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2010
CALIFORNIA FIRE CODE (TITLE 24, PART 9, CFC) AND THE 2009 EDITION OF
THE INTERNATIONAL FIRE CODE

The City Council of the City of Burlingame ordains as follows:

Section 1. The City of Burlingame is located between the Santa Cruz Mountains
foothills and San Francisco Bay, with a number of substantial creeks flowing through highly
developed residential and industrial areas. It is surrounded by large areas of open space
maintained in natural condition, as well as having a significant natural canyon in the center of the
residential area. The City normally receives no measurable precipitation between May and
October , and it can often extend into late October or early November. During this period,
average temperatures range between 70° F and 90° F, and strong winds come down the foothills.
These conditions eliminate most of the moisture in the natural vegetation and heavily wooded
hillsides. The area also suffers periodic droughts that extend the dry periods to other months of
the year. In addition, many wood roofs over wood construction predominate the residential
areas. The City is directly east of the San Andreas Fault, and much of the highly developed part
of the City is located along the front of the Bay, some on fill. The foothill areas have a variety of
soil formations with steep canyons and heavy precipitation. Fires in the community could
quickly spread because of the extensive, natural vegetation throughout the City. The City has a

1 number of highly developed commercial areas with older buildings, and an industrial area that is
2 filled with mixed uses utilizing various materials that could be highly hazardous. In addition,
3 heavily traveled approach and departure routes for San Francisco International Airport are
4 immediately adjacent or over the City. Much of the residential areas that are immediately
5 adjacent to woodland and canyon are served by narrow one- or two-lane roads with confused
6 access caused by the steepness of the terrain. Access by fire suppression equipment is extremely
7 limited by both topography and improved access. It is only through strong building standards
8 and effective fire prevention and containment programs that citizens will receive the protection
9 they deserve, and that citizens will be able to obtain reasonably priced insurance for their homes
10 and businesses. In seeking to attain these goals, the fire prevention standards in Title 17 are
11 adopted.

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13
14 Section 2. In addition, in order to provide appropriate, clear information to
15 applicants for construction approvals, Section 17.04.020 is adopted to conform Title 17 to Title
16 18 and the Zoning Code requirements established in the Municipal Code.

17
18 Section 3. The City operates its own sanitary sewer system and water quality
19 control plant and is subject to State and Federal laws regarding both point and non-point
20 discharges. Section 17.04.030 is adopted to ensure responsibility for hazardous materials and to
21 clarify liability to assist the City in meeting its responsibilities regarding those laws as well as
22 protecting the public safety and welfare.

23
24 Section 4. Chapter 17.04 is amended to read as follows:
25

Chapter 17.04

INTERNATIONAL FIRE CODE

- 17.04.010 Adoption of the California Fire Code and International Fire Code.
- 17.04.020 Amendments to the California Fire Code and International Fire Code.
- 17.04.025 Certificate of Occupancy and Plan Review
- 17.04.030 Fees
- 17.04.035 Board of Appeals
- 17.04.040 Investigation and Fee – Work Without a Permit
- 17.04.045 Definitions
- 17.04.050 Miscellaneous Combustible Materials Storage
- 17.04.055 Fireworks
- 17.04.060 Marking – Fire Lanes
- 17.04.065 Premises Identification
- 17.04.070 Key Boxes
- 17.04.075 Fire Command Center
- 17.04.080 Fire Protection Equipment Identification and Access
- 17.04.085 Emergency Responder Radio Coverage
- 17.04.090 Fuel-Fired Appliances
- 17.04.095 Additions and Alterations – Fire Sprinkler Systems
- 17.04.096 Applicable to all Sprinklered Buildings
- 17.04.097 Where Required
- 17.04.098 Existing Buildings and Structures
- 17.04.099 Inspectors Test

1 **17.04.100 Additional Residential Sprinkler Locations**

2 **17.04.105 Signs**

3 **17.04.110 Unlawful burning and deposits of hazardous materials--Cleanup or**
4 **abatement--Liability for costs.**

5 **17.04.115 Appeal and review.**

6
7 **17.04.010 Adoption of text of the California Fire Code and the International Fire Code.**

8 There is adopted by the city for the purpose of prescribing regulations governing
9 conditions hazardous to life and property from fire or explosion, that certain code which contains
10 building standards known as the 2010 California Fire Code (International Fire Code, 2009
11 Edition as amended by the State of California), and the non-building standards known as the
12 International Fire Code, 2009 Edition, together with all appendices and the State of California
13 amendments thereto, save and except such portions as are in this chapter deleted, modified, or
14 amended.
15

16 **17.04.020 Amendments to the California Fire Code and International Fire Code**

17 The California Fire Code and the International Fire Code are amended or modified
18 as follows:

19 **17.04.025** Chapter 1, Section 105.3.3, IFC is amended and 105.4.1.1 is added -- Certificates of
20 occupancy and plan review.

21 Section 105.3.3 is deleted in its entirety and replaced with the following:

22 Section 105.3.3. No final inspection by the Building Official as to all or any portion of a
23 development shall be deemed complete, and no certificate of occupancy or temporary
24 certificate of occupancy shall be issued unless and until the installation of the prescribed
25

1 fire protection facilities and access ways have been completed and approved by the Fire
2 Chief.

3 Section 105.4.1.1 is added to read as follows:

4 Section 105.4.1.1. When required by the fire code official, plans submitted to the
5 Building Official for a permit shall be reviewed by the Fire Chief to determine
6 compliance with the California Fire Code and the International Fire Code. Upon review a
7 written report shall be returned to the Building Official listing deficiencies or compliance
8 with the Code.

9
10 **17.04.030** Chapter 1, Section 105.8, IFC is added -- Fees.

11 Section 105.8, IFC is added to this code and shall read as follows:

12 Section 105.8. Fees and Special Requirements

13
14 a. The fees for the permits and other services shall be as established by resolution of
15 the Burlingame City Council as amended from time to time. The fee shall be set
16 to cover the cost of the Fire Department to review and inspect the intended
17 activities, operations or functions. The fees must be applied to the appropriate
18 agency, City of Burlingame or Central County Fire Department, depending on the
19 type of service.

20 EXCEPTION: (1) The applicant for a given permit shall be exempt from the
21 payment when the work to be conducted is for the City of Burlingame under
22 written contract to the City or for events sponsored or co-sponsored by the City.

23
24 b. In the case of multiple permits for an applicant, the permit applicant will be
25

1 charged the single highest listed rate of all the permits required. The other
2 permitable items will be charged at a rate of 50% of the listed fee as long as the
3 permits are for the same address.

4
5 c. Where processes or materials are inherent with a permitable item, subsequent fees
6 may be waived at the discretion of fire chief.

7
8 d. All fire permits and fire construction permits shall have a set number of
9 inspections per permit as set forth by the Burlingame Fee Schedule. Additional
10 inspections and additional re-inspections will be billed at an hourly rate consistent
11 with the Burlingame Fee Schedule.

12
13 e. Application for "event" type permits (i.e.: Assembly, Pyrotechnic, Tents, etc.)
14 shall be submitted 14 days prior to the event date. Applications submitted within
15 13 days prior to the event date shall be charged double the regular permit rate as
16 established by the Burlingame Fee Schedule.

17
18
19 f. "After Hours" inspections shall be invoiced at a rate of one and one-half time the
20 normal hourly rate. "After Hours" inspections will be billed at a rate of three
21 hours minimum. "After Hours" inspections are defined as follows: Inspections
22 conducted outside of normal business hours for the Fire Prevention Division.

23
24 g. Any person, group, organization, institution or business failing to pay the
25

1 applicable fees under this Article shall after 30 days of the due date, for either
2 existing or new permit applicants, shall be issued a citation for non-payment of
3 the required permit fee. The penalty for all permit payments delinquent after 30
4 days shall be a doubling of the original fee.

5 **17.04.035** Chapter 1, Section 108, IFC is modified -- Board of Appeals.

6 Section 108.1, IFC is amended with the following:

7 Section 108.1. In order to hear and decide appeals of orders, decisions or determinations
8 made by the fire code official relative to the application and interpretation of this code,
9 there shall be and is here by created a board of appeals. The Board of Appeals is
10 identified as the Central County Fire Department Joint Powers Authority Fire Board. The
11 fire code official shall be an ex-officio member of said board but shall have no vote on
12 any matter before the board. The board shall adopt rules of procedure for conducting its
13 business, and shall render all decision and findings in writing to the appellate with a
14 duplicate copy to the fire code official.
15

16 Section 108.1.2, IFC is added as follows:

17 Section A101.5. Secretary of board. The Central County Fire Department Joint Powers
18 Authority Board Secretary shall act as secretary of the board and shall keep a detailed
19 record of all its proceedings, which shall set forth the reasons for its decisions, the vote of
20 each member, the absence of a member and any failure of a member to vote.

21 Section 108.2.1, IFC is added with the following:

22 Section 108.2.1. Applications for appeal specific to "Request for alternate means of
23 protection" in buildings regulated by the Office of the State Fire Marshal shall utilize the
24 process identified in Section 1.11.2.5 in Chapter 1 of this Code.
25

1
2 **17.04.040** Chapter 1, Section 113.1, IFC is added – Investigation and Fee

3 Section 113.1.1 and 113.1.2, IFC is added to this code and shall read as follows:

4 Section 113.1.1. Investigation – Work without a permit

5 Investigation. Whenever construction or work for which a permit is required by
6 this code, or any other code adopted or incorporated by reference as a part of this code, has been
7 commenced without first obtaining a permit, a special investigation shall be made before a
8 permit may be issued for the work. Demolition of all or part of a structure or system without a
9 required permit shall be subject to the investigation and fees imposed by this section.

10
11 Section 113.1.2. Fee – Work without a permit

12 An investigation fee, in addition to the permit fee, shall be collected as a civil
13 penalty, whether or not a permit is then or subsequently issued. The investigation fee shall be up
14 to 10 times the fire permit fee. The investigation fee shall be determined by the Fire Chief and
15 shall be based on the staff time reasonably required to resolve all of the issues relegate to the
16 work that has been performed without a permit. No construction work permit shall be issued
17 until the investigation fee has been paid in full.

18
19 Any person assessed such a fee may file an appeal with the city clerk within ten
20 (10) days after written notice to such person of the assessment. A hearing upon such appeal shall
21 thereafter be held by the city council; its decisions thereon shall be final.

22 Nothing in this section shall relieve any persons from fully complying with the
23 requirements of this code, or with any codes incorporated by reference and made a part of this
24 code in the execution of the work, or from any other fees or penalties prescribed by law.
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17.04.045 Section 302, IFC - Definitions.

Section 302, IFC is amended by adding the following definition:

Fireworks. Any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, detonation or any fireworks including "safe and sane" as defined by section 12529 of the State of California Health and Safety Code.

17.04.050 Sections 315, IFC - Miscellaneous Combustible Materials Storage.

Section 315.1, IFC is amended by adding the following exception to read as follows:

Section 315.1 General. Storage, use and handling of miscellaneous combustible materials shall be in accordance with this section. A permit shall be obtained in accordance with Section 105.6.

Exception:

Storage of combustible materials other than motorized vehicles or vessels shall not be permitted in a public parking garage or in a garage or carport serving a Group R, Division 1 or Group R, Division 2 Occupancy, unless the method of storage is approved by the Fire Code Official.

17.04.055 Section 318, IFC - Fireworks

Sections 318.1 through 318.2, IFC are added to read as follows:

Sections 318 - Fireworks Displays

Section 318.1 General. The manufacture, storage, sale, possession, handle or use of all

1 fireworks as defined in Section 302 is prohibited. Professional pyrotechnic fireworks
2 presentations may be approved by the City Council upon the recommendation of the Fire
3 Chief.

4 Section 318.2 Seizure. The Chief shall seize, remove or cause to be removed at the
5 expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in
6 violation of this code.

7
8 **17.04.060** Section 503.3, IFC - Marking.

9 Section 503.3, IFC is amended by adding section 503.3.1 to read as follows:

10 Section 503.3.1 Fire Lane Designation. Designation of fire lanes shall be by one of the
11 following means:

- 12 1. By white signs measuring at least 12 inches by 18 (12" x 18") inches posted
13 immediately adjacent thereto and clearly visible. It should clearly state, in red
14 letters not less than one inch (1") in height, that the space is a fire lane and
15 parking is prohibited.
- 16 2. By outlining and hash marking the area in contrasting colors clearly marking it
17 with the words "Fire Lane - No Parking."
- 18 3. By identifying the space with a red curb upon which the words "Fire Lane - No
19 Parking" are stenciled every 15 feet.
 - 20 a. Both sides of fire lanes shall be red curbed when the fire lane is twenty
21 (20) to twenty-eight (28) feet in width.
 - 22 b. At least one side of a fire lane shall be red curbed and stenciled when the
23 fire lane is over twenty eight (28) and up to thirty-six (36) feet in width.
24
25

- 1 c. Curbs need not be painted red nor stenciled when the fire lane is more than
2 thirty-six (36) feet in width.
3

4 **17.04.065** Sections 505.1 through 505.1.2, IFC - Premises identification.

5 Section 505.1 is deleted in its entirety and replaced to read as follows:

6 Section 505.1 Address numbers. New and existing buildings shall have approved address
7 numbers, building numbers or approved building identification placed in a position that is
8 plainly legible and visible from the street or road fronting the property. These numbers
9 shall contrast with their background. Address numbers shall be Arabic numerals or
10 alphabet letters. Said numbers shall be either internally or externally illuminated in all
11 new construction. Size of numbers shall be as follows:

- 12 1. Minimum of one-half-inch ($\frac{1}{2}$ ") stroke by four inches (4") high
13 2. When the structure is thirty-six (36) to fifty (50) feet from the street or fire
14 apparatus access, a minimum of one-half-inch ($\frac{1}{2}$ ") stroke by six inches (6") high
15 is required.
16 3. When the structure is more than fifty (50) feet from the street or fire apparatus
17 access, a minimum of one-inch (1") stroke by nine inches (9") high is required.
18

19 Sections 505.1.1 and 505.1.2, IFC are added to read as follows:

20 Section 505.1.1 Multi-Tenant Buildings. Numbers or letters shall be designated on all
21 occupancies within a building. Size shall be one-half inch ($\frac{1}{2}$ ") stroke by four inches
22 (4") high and on a contrasting background. Directional address numbers or letters shall be
23 provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6
24 inches (5' 6") above the finished floor and shall be either internally or externally
25

1 illuminated in all new construction.

2 Section 505.1.2 Rear Addressing. When required by the chief, approved numbers or
3 addresses shall be placed on all new and existing buildings in such a position as to be
4 plainly visible and legible from the fire apparatus road at the back of a property or where
5 rear parking lots or alleys provide and acceptable vehicular access. Number stroke and
6 size shall comply with 505.1.

7
8 **17.04.070** Sections 506.1, IFC - Key Boxes.

9 Section 506.1 is deleted in its entirety and replaced to read as follows:

10 Section 506.1 Where Required. Where access to or within a structure or an area is
11 restricted because of secured openings or where immediate access is necessary for life-
12 saving or fire-fighting purposes, the fire code official is authorized to require a key box to
13 be installed in an approved location. The key box shall be of an approved type and shall
14 contain contents as established in Section 506.1.1.1.

15
16
17 Section 506.1.1.1, IFC is added to read as follows:

18 Section 506.1.1.1 Key box contents requirements. The key provided shall be a master key
19 to all spaces including multi-tenant spaces. Additional keys shall be included for elevator
20 control, fire alarm control panels, and fire sprinkler control valve access. Contents inside
21 key box shall follow approved fire department standards.

22
23 **17.04.075** Section 508 – Fire Command Center

24 Section 508.1.1.1 IFC is added to read as follows:
25

1 Section 508.1.1.1. Requirements. Fire command center shall be equipped with an
2 exterior door and be located at the exterior of the building at a location approved by the
3 Fire Chief.

4
5 **17.04.080** Sections 509, IFC - Fire Protection Equipment Identification and Access

6 Section 509.1.1, IFC is added to read as follows:

7 Section 509.1.1. Utility Identification. In multi-unit commercial and residential
8 buildings, gas and electric meters, service switches and shut off valves shall be clearly
9 and legibly marked to identify the units or spaces that they serve.

10
11 **17.04.085** Sections 510, IFC - Emergency Responder Radio Coverage

12 Sections 510.4, IFC is added to read as follows:

13 Section 510.4 Repeater Antenna on Buildings. All new and existing high-rise buildings
14 shall provide a location on the building for installation of a repeater/receiver antenna and
15 supporting equipment for City communications whenever a permit is secured to replace,
16 modify, or upgrade any of the building's basic infrastructure utilities. An electrical supply
17 source shall be provided by building owner or operator at the antenna/equipment
18 location, and reasonable access shall be provided by the building owner or operator to
19 City staff and/or city contractors for installation of necessary telephone lines and for
20 purposes of installation, maintenance, adjustment and repair of the antenna/equipment.
21 This access and location agreement shall be recorded in terms that convey the intent and
22 meaning of this condition in a form approved by the City Attorney.
23
24
25

1 **17.04.090** Sections 603, CFC - Fuel-Fired Appliances

2 Section 603.6.6, CFC is added to read as follows:

3 Section 603.6.6 Spark arrestors. Every chimney shall have a spark arrestor, either
4 internally or externally mounted. Any spark arrestor to be mounted internally shall not be
5 installed until installation plans for such arrestor have been submitted to and approved by
6 the building department. All chimneys as described in section 603.6 shall be retroactively
7 protected when one or more of the following conditions exist:

- 8 1. Upon the sale or transfer of the real property on which any chimney is located.
- 9 a. The transfer of title shall not be made until each such chimney contains
10 the required spark arrestor, properly installed and in proper working order.
- 11 2. In the event of any construction on such property for which a building permit is
12 required.
- 13 a. The final building permit sign off shall not be made until each such
14 chimney contains the required spark arrestor, properly installed and in
15 proper working order.
16
17

18 **17.04.095** Section 903.1.2, CFC - Additions and Alterations.

19 Section 903.1.2, CFC is added to read as follows:

20 Section 903.1.2 Additions and Alterations. The standard for calculating the size of
21 addition and/or alteration for determining the threshold for fire sprinkler systems shall be:

- 22 1. The square footage of every room being added or altered shall be included in the
23 calculation of total square footage of addition or alteration.
- 24 2. The entire square footage of an individual room shall be considered added or
25

1 altered when at least fifty percent (50%) or greater of the linear length of interior
2 wall sheeting or ceiling of any one wall within the room is new, removed, or
3 replaced.

- 4 3. The entire square footage of an individual room shall be considered added or
5 altered when at least fifty percent (50%) or greater of the linear length of
6 concrete, brick or masonry walls of any one wall within the room is new,
7 removed, or replaced.

8
9 **17.04.096** Section 903.1.3, CFC. The following provisions apply to all sprinklered
10 buildings:

11 Section 903.1.3, CFC is added to read as follows:

12 Section 903.1.3

- 13
14 1. The size or cost of additions and alterations used in calculating the size or
15 replacement cost value formula shall not be cumulative with regard to individual
16 additions or alterations in a building unless either of the following two
17 circumstances apply:

- 18 a. Where more than one (1) addition or alteration for which building permits
19 are required are made within a two (2) year period and said additions or
20 alterations are made to the premises of the same occupant. In such
21 circumstances, the sum of the size or costs of these additions or alterations
22 during this two (2) year period shall be aggregated for the purpose of
23 calculating the size or replacement cost value formula; or

- 24 b. Where more than one (1) addition or alteration for which building permits
25

1 have been issued have not yet received final Building Division approval.
2 In such circumstances, the sum of these issued but not yet finalized
3 building additions' or alterations' sizes or construction costs shall be
4 aggregated for the purpose of calculation of the size or replacement cost
5 value formula.

6 2. When a commercial building is partially retrofitted with an approved automatic
7 sprinkler fire extinguishing system pursuant to this section, the building owner
8 shall complete the fire extinguishing system retrofit throughout the unprotected
9 building interior areas within six (6) years of completing the initial partial retrofit
10 or within every tenant space where a building permit is obtained, whichever is
11 less.

12
13 3. When a residential building is partially retrofitted with an approved automatic
14 sprinkler fire extinguishing system pursuant to this section, the building fire
15 extinguishing system retrofit shall be completed throughout the unprotected
16 building interior areas within two (2) years from completing the initial partial
17 retrofit.
18

19
20 **17.04.097** Section 903.2,CFC – Where required.

21 Section 903.2 CFC shall be deleted and replaced as follows:

22 Section 903.2 Where required.

23 Approved automatic fire sprinkler systems shall be installed in all new buildings
24 and structures. In addition, approved automatic fire sprinkler systems shall be provided
25

in locations described in Sections 903.2.1 through 903.2.12.

1
2
3 **17.04.098** Section 903.2.19, CFC added - Existing Buildings and Structures.

4 Section 903.2.19 is added to read as follows:

5 Section 903.2.19, CFC Existing Buildings and Structures. All existing buildings and
6 structures shall be retroactively protected by an approved automatic extinguishing system
7 when the following conditions exist:

8 a. Commercial and multi-family residential buildings with a total building floor
9 area in excess of 2,000 square feet or more than two stories in height, and when additions
10 or alterations for which a building permit is required will exceed 1,200 square feet in
11 area.

12 b. Residential one- and two-family dwellings and structures with a total building
13 floor area in excess of 2,000 square feet or more than two stories in height, and when
14 additions or alterations for which a building permit is required will exceed 750 square
15 feet in area.

16
17 Exceptions:

18 1. Additions or alterations of commercial and multi-family residential buildings
19 that do not exceed 20% of the entire completed building as defined by the
20 Building Valuation Data (BVD) in the most recent edition of the Building Safety
21 Journal® as published by the International Code Council (ICC).
22
23
24
25

1 2. Additions or alterations to residential one- and two-family dwellings and
2 structures that do not exceed 20% of the total existing square footage of the entire
3 completed building.

4
5 3. The cost of additions and alterations used in calculating the replacement cost
6 value formula shall be exclusive of the cost to design and install an automatic fire
7 sprinkler extinguishing system pursuant to this section; building roof
8 repair/replacement; building heating and/or cooling unit repair/replacement; and
9 any other federal, state and local construction code upgrade requirements
10 including but not limited to the seismic retrofit requirements, asbestos, and other
11 hazardous material abatement.

12
13
14 **17.04.099** Section 903.3.1.4, CFC added - Inspector's Test.

15 Section 903.3.1.4, CFC is added to read as follows:

16 Section 903.3.1.4 Inspectors Test Valves. Inspector Test Valves shall be provided for
17 each system and located the furthest point away from the sprinkler riser.

18
19 **17.04.100** Section 903.3.1.5, CFC added - Additional Residential Sprinkler Locations.

20 Section 903.3.1.5, CFC is added to read as follows:

21 Section 903.3.1.5 Additional Residential Sprinkler Locations. The installation of a
22 residential fire sprinkler system shall conform to the following:

- 23 1. Sprinklers shall be required in all restrooms, bathrooms, powder rooms, and toilet
24 rooms regardless of their size.
25

1 2. Sprinklers shall be required throughout carports and garages.

2 Exception: Detached carports and garages less than 2,000 square feet in area and
3 separated from residential buildings complying with Section 503.1.2 of the
4 building code and assuming a property line between all other structures.

5 3. Sprinkler coverage shall be provided in the following locations:

6 a. Attic access openings

7 b. Areas of attics and crawl spaces containing storage, mechanical and/or
8 electrical equipment.

9
10 **17.04.105** Section 2703.6, IFC - Signs

11 Section 2703.6.1, IFC is added to read as follows:

12 2703.6.1 Requirements. Two NFPA 704 diamonds shall be placed on buildings so that
13 they are clearly visible from at least two directions of travel.

14 1. The signs shall be at least fifteen inches by fifteen inches (15" x 15"). The signs
15 shall not be placed on windows.

16 2. When NFPA 704 diamonds are required for the interior doors, the signs shall be
17 applied to the doors at a level no higher than the doorknob. The signs for the
18 interior doors shall be at least six inches by six inches (6"x 6").

19 3. The Fire Code Official may require fewer or more NFPA diamonds if the building
20 configuration or size makes it reasonably necessary.
21

22
23 **17.04.110** Unlawful burning and deposits of hazardous materials-

24 --Liability for costs.
25

1 (a) The fire department is authorized to clean up or abate the effects of any
2 hazardous material deposited upon or into property or facilities of the city; and any person or
3 persons who intentionally or negligently caused such deposit shall be liable for the payment of
4 all costs incurred by the fire department as a result of such cleanup or abatement activity. The
5 remedy provided by this section shall be in addition to any other remedies provided by law.

6 (b) For the purposes of this section, "hazardous materials" shall be defined as any
7 substances or materials, in a quantity or form which, in the determination of the fire chief or his
8 authorized representative, poses an unreasonable and imminent risk to life, health or safety of
9 persons or property or to the ecological balance of the environment, and shall include, but not be
10 limited to, such substances as explosives, radioactive materials, petroleum or petroleum products
11 or gases; poisons, etiologic (biologic) agents, flammables and corrosives.

12 (c) Any person in violation of Section 17.04.020 which results in fire damage to
13 persons or property shall be charged as unlawfully burning and is liable for costs incurred by the
14 fire department and other responding county or state fire agencies for suppression activities.

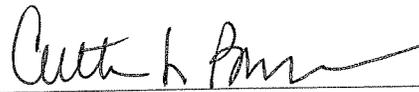
15 (d) For purposes of this section, costs incurred by the fire department shall
16 include, but shall not necessarily be limited to, the following: actual labor costs of city personnel,
17 including workers' compensation benefits, fringe benefits, administrative overhead; cost of
18 equipment operation, cost of materials obtained directly by the city; and cost of any contract
19 labor and materials.
20

21
22 **17.04.115** Appeal and review.

23 (a) The chief of the fire department shall be charged with the duty and
24 responsibility of administering the provisions of this chapter.
25

1 (b) Whenever it is provided herein that certain things shall be done in accordance
2 with the order, opinion or approval of the chief of the fire department, such order, opinion or
3 approval shall be complied with; provided, any person aggrieved thereby, or believing that such
4 order, opinion or approval is erroneous or faulty, may appeal, except as otherwise provided in
5 this chapter, to the city manager in writing within ten (10) days after such order, opinion or
6 approval has been given, and the city manager shall affirm, modify or reverse the same within
7 forty-eight hours thereafter; provided further that, if dissatisfied with the city manager's ruling
8 thereon, that person may appeal to the city council at its next regular meeting thereafter, and the
9 decision of the council shall be final and conclusive. In the meantime, except in the cases of
10 immediate hazard, the order, opinion or approval shall be deemed suspended until such person
11 has exhausted his or her right of appeal as herein provided.

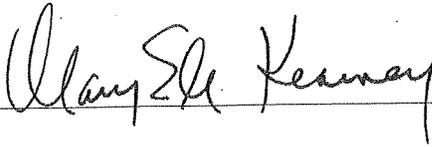
12
13 Section 5. This ordinance shall be published as required by law, and shall be
14 effective on January 1, 2011, or when the ordinance is filed with the Building Standards
15 Commission, whichever occurs later.
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17 

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19 Mayor

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21 I, MARY ELLEN KEARNEY, City Clerk of the City of Burlingame, do hereby
22 certify that the foregoing ordinance was introduced at a regular meeting of the City Council held
23 on the 4th day of, October 2010, and adopted thereafter at a regular meeting of the City
24 Council held on the 18th day of October 2010, by the following vote:
25

1
2 AYES: COUNCILMEMBERS: **BAYLOCK, BROWNRIGG, DEAL, KEIGHRAN, NAGEL**
3 NOES: COUNCILMEMBERS: **NONE**
4 ABSENT: COUNCILMEMBERS: **NONE**

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7 City Clerk
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ORDINANCE NO. 1856-2010

AN ORDINANCE OF THE CITY OF BURLINGAME AMENDING TITLE 18 OF THE CODE OF THE CITY OF BURLINGAME; ADOPTING BY REFERENCE THE 2010 EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24 (CCR-T24), STATE HOUSING LAW, THE CALIFORNIA CODE OF REGULATIONS, TITLE 25, DIVISION 1, CHAPTER 1, SUBCHAPTER 1, SECTION 32 (CCR, T-25), 1997 UNIFORM ADMINISTRATIVE CODE, 1997 UNIFORM HOUSING CODE, 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, AND AMENDMENTS AND MODIFICATIONS THERETO

The City Council of the City of Burlingame ordains as follows:

Section 1. The City of Burlingame is located between the Santa Cruz Mountains foothills and San Francisco Bay, with a number of substantial creeks flowing through highly developed residential and industrial areas. It is surrounded by large areas of open space maintained in natural condition, as well as having a significant natural canyon in the center of the residential area. Strong winds come down the foothills during both the driest and the wettest parts of the year. The City is directly east of the San Andreas Fault, and much of the highly developed part of the City is located along the front of the Bay, much of it on fill. The United States Geologic Survey, the California Division of Mines and Geology, and the Association of Bay Area Governments have extensively mapped the area for such earthquake probabilities. The foothill areas have a variety of soil formations with steep canyons and heavy precipitation. Much of the City has a high water table. Fires in the community could quickly spread because of the extensive, natural vegetation throughout the City. The City has a number of highly developed

commercial areas with older buildings, and an industrial area that is filled with mixed uses utilizing various materials that could be highly hazardous. In addition, heavily traveled approach and departure routes for San Francisco International Airport are immediately adjacent or over the City. The City is also located in a national climate zone that is designated "Very High" on the Termite Infestation Probability Map. The City has worked with other jurisdictions on the San Francisco Peninsula to establish consistent standards to minimize the impact that varying standards might have on development and redevelopment of both residential and commercial buildings. It is only through strong building standards and effective fire prevention and containment programs that citizens will receive the protection they deserve, and that citizens will be able to obtain reasonably priced insurance for their homes and businesses. In seeking to attain these goals, the building standards in Title 18 have been and are adopted.

Section 2. In addition, in order to provide appropriate, clear information to applicants for construction approvals, Section 18.07.050 is adopted to conform Title 18 to Zoning Code requirements established in the Municipal Code.

Section 3. The City operates its own sanitary sewer system and water quality control plant and is subject to State and Federal laws regarding both point and non-point discharges. Sections 18.07.060, 18.08.010, 18.12.080, 18.12.090, 18.12.100, 18.12.110, 18.12.115, 18.12.120, and 18.12.125 are intended to assist the City in meeting its responsibilities regarding those laws as well as protecting the public safety and welfare.

Section 4. The City also operates its own water supply system for its citizens. Sections 18.07.060, 18.12.050, 18.12.060, 18.12.070, and 18.12.100 are intended to provide consistent policy regarding water service installations and to protect the public's water supply.

Section 5. Chapter 18.08 is amended in its entirety to read as follows:

Chapter 18.08

BUILDING CODE

Sections:

- 18.08.010** Adoption of 2010 California Building Code, Part 2, Volume 1.
- 18.08.015** Section 501.2 amended – Address identification.
- 18.08.020** Section 501.3 added – Utility identification.
- 18.08.025** Section 501.4 added – Spark arrestors.
- 18.08.030** Section 903.1.2 added – Additions and alterations.
- 18.08.035** Section 903.1.3 added – Applicable to all sprinklered buildings.
- 18.08.040** Section 903.2 amended – Where required.
- 18.08.045** Section 903.2.19 added – Existing buildings and structures.
- 18.08.050** Section 903.3.1.4 added – Inspector's test valves.
- 18.08.055** Section-903.3.1.5 added – Additional residential sprinkler locations.
- 18.08.060** Section 1505.1 amended – Fire classification.
- 18.08.065** Table 1505.1 amended – Roof minimum fire retardant classes.
- 18.08.070** Section 1505.1.3 amended – Roof covering within all other areas.
- 18.08.075** Section 1503.4.4 added – Roof drainage requirements.
- 18.08.080** Section 1503.4.5 added – Surface drainage requirements.
- 18.08.085** Adoption of 2010 California Building Code, Part 2, Volume 2.
- 18.08.090** Section 18.07.2.1 amended – Retaining walls.
- 18.08.095** Section 3401.8 added – Suspended ceiling upgrade required.
- 18.08.010** Adoption of 2010 California Building Code, Part 2. Volume 1.

The rules, regulations and requirements published by the International Code Council (ICC) under the title "2009 International Building Code Volume 1" and adopted as the "2010 California Building Code Volume 1" including Appendix Chapters I and J and State of California amendments thereto, are adopted as and for the rules, regulations and standards within this city as to all matters therein contained with the following amendments:

18.08.015 Section 501.2 amended – Address identification.

Section 501.2 is amended to read as follows:

501.2 Address identification.

Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction. Size of number shall be as follows:

1. Minimum of one-half-inch ($\frac{1}{2}$ ") stroke by four inches (4") high
2. When the structure is thirty-six (36) to fifty (50) feet from the street or fire apparatus access, a minimum of one-half inch ($\frac{1}{2}$ ") stroke by six inches (6") high is required.
3. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one inch (1") strike by nine inches (9") high is required.

Multi-tenant buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2") stroke by four inches (4") high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction.

Rear addressing. When required by the chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide and acceptable vehicular access. Number stroke and size shall comply with 501.2.

18.08.020 Section 501.3 added – Utility identification.

Section 501.3 is added to read as follows:

501.3 Utility identification. In multi-unit commercial and residential buildings, gas and electric meters, service switches and shut off valves shall be clearly and legibly marked to identify the unit or space that they serve.

18.08.025 Section 501.4 added – Spark arrestors.

Section 501.4 is added to read as follows:

501.4 Spark arrestors. Every chimney shall have a spark arrestor, either internally or externally mounted. Any spark arrestor to be mounted internally shall not be installed

until installation plans for such arrestor have been submitted to and approved by the building division. All chimneys as described in section 603.6 of the 2010 California Fire Code shall be retroactively protected when one or more of the following conditions exist:

1. Upon the sale or transfer of the real property on which any chimney is located the transfer of title shall not be made until each such chimney contains the required spark arrestor, properly installed and in proper working order.
2. In the event of any construction on such property for which a building permit is required the final building permit signoff shall not be made until each such chimney a spark arrestor has been installed and is in proper working order.

18.08.030 Section 903.1.2 added – Additions and alterations.

Section 903.1.2 is added to read as follows:

903.1.2 Additions and alterations. The standard for determining the size of addition and/or alteration for determining the threshold for fire sprinkler systems shall be determined by the following:

1. The square footage of every room being added or altered shall be included in the calculation of total square footage of addition or alteration.
2. The entire square footage of an individual room shall be considered added or altered when at least fifty percent (50%) or greater of the linear length of interior wall sheeting or ceiling of any one wall within the room is new, removed, or replaced.
3. The entire square footage of an individual room shall be considered added or

altered when at least fifty percent (50%) or greater of the linear length of concrete, brick or masonry walls of any one wall within the room is new, removed, or replaced.

18.08.035 Section 903.1.3 added – Applicable to all sprinklered buildings.

Section 903.1.3 is added to read as follows:

903.1.3 Applicable to all sprinklered buildings.

1. The size or cost of additions and alterations used in calculating the size or replacement cost value formula shall not be cumulative with regard to individual additions or alterations in a building unless either of the following two circumstances apply:

- a. Where more than one (1) addition or alteration for which building permits are required are made within a two (2) year period and said additions or alterations are made to the premises of the same occupant. In such circumstances, the sum of the size or costs of these additions or alterations during this two (2) year period shall be aggregated for the purpose of calculating the size or replacement cost value formula; or
- b. Where more than one (1) addition or alteration for which building permits have been issued have not yet received final Building Division approval. In such circumstances, the sum of these issued but not yet finalized building additions' or alterations' sizes or construction costs shall be aggregated for the purpose of calculation of the size or replacement cost value formula.

2. When a commercial building is partially retrofitted with an approved automatic sprinkler fire extinguishing system pursuant to this section, the building owner shall complete the fire extinguishing system retrofit throughout the unprotected building interior areas within six (6) years of completing the initial partial retrofit or within every tenant space where a building permit is obtained, whichever is less.

3. When a residential building is partially retrofitted with an approved automatic sprinkler fire extinguishing system pursuant to this section, the building fire extinguishing system retrofit shall be completed throughout the unprotected building interior areas within two (2) years from completing the initial partial retrofit.

18.08.040 Section 903.2 amended –Where required.

Section 903.2 shall be deleted and replaced with the following:

Section 903.2 Where required. Approved automatic fire sprinkler systems shall be installed in all new buildings and structures. In addition, approved automatic fire sprinkler systems shall be provided in locations described in Sections 903.2.1 through 903.2.12.

18.08.045 Section 903.2.19 added –Existing buildings and structures.

Section 903.2.19 is added to read as follows:

903.2.19 Existing buildings and structures. All existing buildings and structures shall be retroactively protected by an approved automatic extinguishing system when the following conditions exist:

1. Commercial and multi-family residential buildings with a total building floor area in excess of 2,000 square feet or more than two stories in height, and when additions or alterations for which a building permit is required will exceed 1,200 square feet in area.
2. Residential one- and two-family dwellings and structures with a total building floor area in excess of 2,000 square feet or more than two stories in height, and when additions or alterations for which a building permit is required will exceed 750 square feet in area.

Exceptions:

- a. Additions or alterations of commercial and multi-family residential buildings that do not exceed 20% of the entire completed building as defined by the Building Valuation Data (BVD) in the most recent edition of the Building Safety Journal® as published by the International Code Council (ICC).
- b. Additions or alterations to residential one- and two-family dwellings and structures that do not exceed 20% of the total existing square footage of the entire completed building.
- c. The cost of additions and alterations used in calculating the replacement cost value formula shall be exclusive of the cost to design and install an automatic fire sprinkler extinguishing system pursuant to this section;

building roof repair/replacement; building heating and/or cooling unit repair/replacement; and any other federal, state and local construction code upgrade requirements including but not limited to the seismic retrofit requirements, asbestos, and other hazardous material abatement.

18.08.050 Section 903.3.1.4 added – Inspector's test valves.

Section 903.3.1.4 is added to read as follows:

903.3.1.4 Inspector's test valves. Inspector Test Valves shall be provided for each system and located the furthest point away from the sprinkler riser.

18.08.055 Section 903.3.1.5 added – Additional residential sprinkler locations.

Section 903.3.1.5 is added to read as follows:

903.3.1.5 Additional residential sprinkler locations. The installation of a residential fire sprinkler system shall conform to the following:

1. Sprinklers shall be required in all restrooms, bathrooms, powder rooms, and toilet rooms regardless of their size.
2. Sprinklers shall be required throughout carports and garages.

Exception: Detached carports and garages less than 2,000 square feet in area and separated from residential buildings complying with Section 503.1.2 of the building code and assuming a property line between all other structures.

3. Sprinkler coverage shall be provided in the following locations:
 - a. Attic access openings

b. Areas of attics and crawl spaces containing storage, mechanical and/or electrical equipment.

18.08.060 Section 1505.1 amended – Fire classification.

The first paragraph of Section 1505.1 is amended to read as follows:

1505.1 General. Roof assemblies shall be divided into the classes defined below. Class A or Class B roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with the Table 1505.1 as amended.

18.08.065 Table 1505.1 amended – Roof minimum fire retardant classes.

Table No. 1505.1 is amended to read as follows:

Table 1505.1 Roof minimum fire retardant classes.

TABLE NO. 1505.1^a									
MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION									
Type	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
Roof Covering	B	B	B	B	B	B	B	B	B

a. Unless otherwise required in accordance with Chapter 7A.

18.08.070 Section 1505.1.3 amended – Roof covering within all other areas.

Section 1505.1.3 is amended to read as follows:

1505.1.3 Roof covering within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

18.08.075 Section 1503.4.4 added – Roof drainage requirements.

Section 1503.4.4 is added to read as follows:

1503.4.4 Roof drainage requirements. In all zones other than R-1, the water from the roof of any building and from any paved area which would flow by gravity over public sidewalk shall be carried by means of conductors under the sidewalk and through the curb to the gutter, or other approved location.

18.08.080 Section 1503.4.5 added – Surface drainage requirements.

Section 1503.4.5 is added to read as follows:

1503.4.5 Surface drainage requirements. No storm water or underground water draining from any lot, building, or paved area shall be allowed to drain to adjacent properties nor shall this water be connected to the city's sanitary sewer system.

Regardless of the slope of the source property, such water shall drain to either artificial or natural storm drainage facilities by gravity or pumping.

1808.085 Adoption of 2010 California Building Code, Part 2, Volume 2.

The rules, regulations and requirements published by the International Code Council under the title "2009 International Building Code Volume 2" and adopted as the "2010 California Building Code Volume 2" is adopted as and for the rules, regulations and standards within this city as to all matters therein contained with the following amendments:

18.08.090 Section 1807.2.1 amended – Retaining walls.

Section 1807.2.1 is amended by adding the following paragraphs at the end of the section:

1807.2.1 General.

When a structure is to support a lateral load which retains fill which supports another structure, supports the toe of a slope which is over four feet in height measured from the bottom of the footing, or is required by the city engineer, it shall be designed by a licensed architect or engineer and approved by the city engineer.

The following types of retaining walls shall be of concrete or other material which shall have a minimum service life of 75 years for all major support systems and 50 years for all replaceable support systems: Walls that are engineered, support a lateral load over

18" at property line, support an engineered surcharge, support a structure, or support a toe of a slope. A fence structure may not be substituted for a retaining wall.

18.08.095 Section 3401.8 added – Suspended ceiling upgrade required.

Section 3401.8 is added to read as follows:

3401.8 Suspended ceiling upgrade required. When an addition, alteration or repair is performed on an occupancy in which there is an existing suspended ceiling, such suspended ceilings shall be modified throughout to comply with the provisions of ASTM C 635 and ASTM C 636.

Section 6. Section 18.09.010 is amended to read as follows:

Chapter 18.09

Mechanical Code

Section:

18.09.010 Adoption of 2010 California Mechanical Code.

18.09.010 Adoption of 2010 California Mechanical Code.

The rules, regulations and standards printed in one volume and published by the International Association of Plumbing and Mechanical Officials (IAPMO), under the title "2009 Uniform Mechanical Code" and adopted as the "2010 California Mechanical Code," including the appendices and State of California amendments thereto, hereinafter called "mechanical code," is adopted as and for the rules, regulations and standards

within this city as to all matters therein contained, except as otherwise provided in this chapter. The appendices to the mechanical code shall be enforceable to the same extent as if contained in the body of the code.

Section 7. Chapter 18.10 is added to read as follows:

Chapter 18.10

RESIDENTIAL CODE

Sections:

- 18.10.010** Adoption of 2010 California Residential Code.
- 18.10.015** Section R111.4 – Utility identification.
- 18.10.020** Section R309.6 deleted – Fire sprinklers.
- 18.10.025** Section R313.1 amended – Townhouse automatic fire sprinkler systems.
- 18.10.030** Section R313.2 amended – One- and two-family dwellings automatic fire systems.
- 18.10.035** Section R313.3.1.1 amended – Required sprinkler locations.
- 18.10.040** Section R313.3.2.7 added – Additions and alterations.
- 18.10.045** Section R313.3.2.8 added – All sprinklered buildings.
- 18.10.050** Section R313.3.3.1 amended – Nonmetallic pipe and tubing.
- 18.10.055** Table R313.3.6.2(9) deleted – Table R313.3.6.2(9) Allowable Pipe Length for 1-inch PEX tubing
- 18.10.060** Section R313.3.6.2.2 amended – Calculation procedure. Step 8 – Determine the maximum allowable pipe length
- 18.10.065** Section R313.3.8.1 amended – Preconcealment inspection. #4
- 18.10.070** Section R313.3.8.1 amended – Preconcealment inspection. #5
- 18.10.075** Section R319.1 amended – Address numbers.
- 18.10.080** Section R902.1 amended – Roof covering materials.
- 18.10.085** Section R902.1.3 amended – Roof covering in all other areas.
- 18.10.090** Section R903.4.2 amended – Roof and surface drainage.
- 18.10.095** Section R1003.9.2 amended – Spark arrestors.
- 18.10.100** Appendix C, Figure C-1 amended – Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

18.10.010 Adoption of California Residential Code.

The rules, regulations and standards printed in one volume and published by the International Code Council under the title "2009 International Residential Code" and adopted as the "2010 California Residential Code", including appendices A, B, C, D, E, G, H, J, K, M, N, and O are adopted as and for the rules, regulations and standards within this city as to matters therein contained except as provided in this chapter. The mandatory requirements of any adopted appendices to the code shall be enforceable to the same extent as if contained in the body of the code.

18.10.015 Section R111.4 – Utility identification.

Section R111.4 is amended to read as follows:

R111.4 Utility identification. In all residential buildings, gas and electric meters, service switches and shut off valves shall be clearly and legibly marked to identify the unit or space that they serve.

18.10.020 Section R309.6 deleted – Fire sprinklers.

Section R309.6 Fire Sprinklers Exception is deleted in its entirety.

R309.6 Fire sprinklers. The exception for fire sprinklers in garages and carports is deleted in its entirety.

18.10.025 Section R313.1 amended – Townhouse automatic fire sprinkler systems.

Section R313.1 Exception is amended by replacing with the following paragraph:

R313.1. Townhouse automatic fire sprinkler systems.

An automatic residential fire sprinkler system is required when additions and/or alterations to existing townhouse buildings with a total building floor area more than 2,000 square feet or more than two stories in height, and when additions or alterations for which a building permit is required exceeds 750 square feet in area or 20% of the total square footage of the entire completed building.

18.10.030 Section R313.2 amended – One- and two-family dwellings automatic fire systems.

Section R312.2 Exception is amended by replacing with the following:

R313.2. One- and two-family dwellings automatic fire systems.

An automatic residential fire sprinkler system is required when additions and/or alterations to existing townhouse buildings with a total building floor area more than 2,000 square feet or more than two stories in height, and when additions or alterations for which a building permit is required exceeds 750 square feet in area or 20% of the total square footage of the entire completed building.

18.10.035 Section R313.3.1.1 amended – Required sprinkler locations.

Section R313.3.1.1 is amended by replacing with the following:

R313.3.1.1 Required sprinkler locations.

1. Sprinklers shall be installed to protect all areas of a dwelling unit.

Exceptions:

- a. Clothes closets, linen closets and pantries not exceeding 24 square feet (2.2m²) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.
 - b. Detached carports and garages less than 2,000 square feet in area and separated from residential buildings complying with Section R302.1.
2. Sprinkler coverage shall be provided in the following locations:
 - a. Attic access openings
 - b. Areas of attics and crawl spaces containing storage, mechanical and/or electrical equipment.
 3. Inspector Test Valves shall be provided for each system and located the furthest point away from the sprinkler riser.

18:10.040 Section R313.3.2.7 added – Additions and alterations.

Section R313.3.2.7 is added to read as follows:

R313.3.2.7 Additions and Alterations.

1. The standard for determining the size of addition and/or alteration for determining the threshold for fire sprinkler systems shall be determined by the following:
 - a. The square footage of every room being added or altered shall be included in the calculation of total square footage of addition or alteration.

b. The entire square footage of an individual room shall be considered added or altered when at least fifty percent (50%) or greater of the linear length of interior wall sheeting or ceiling of any one wall within the room is new, removed, or replaced.

c. The entire square footage of an individual room shall be considered added or altered when at least fifty percent (50%) or greater of the linear length of concrete, brick or masonry walls of any one wall within the room is new, removed, or replaced.

2. The size or cost of additions and alterations used in calculating the size or replacement cost value formula shall not be cumulative with regard to individual additions or alterations in a building unless either of the following two

circumstances apply:

a. Where more than one (1) addition or alteration for which building permits are required are made within a two (2) year period and said additions or alterations are made to the premises of the same occupant. In such circumstances, the sum of the size or costs of these additions or alterations during this two (2) year period shall be aggregated for the purpose of calculating the size or replacement cost value formula; or

b. Where more than one (1) addition or alteration for which building permits have been issued have not yet received final Building Division approval. In such circumstances, the sum of these issued but not yet finalized building additions' or alterations'

sizes or construction costs shall be aggregated for the purpose of calculation of the size or replacement cost value formula.

3. The cost of additions and alterations used in calculating the replacement cost value formula shall be exclusive of the cost to design and install an automatic fire sprinkler extinguishing system pursuant to this section; building roof repair/replacement; building heating and/or cooling unit repair/replacement; and any other federal, state and local construction code upgrade requirements including but not limited to the seismic retrofit requirements, asbestos, and other hazardous material abatement.

18.10.045 Section R313.3.2.8 added – All sprinklered buildings.

Section R313.3.2.8 is added to read as follows:

R313.3.2.8 All sprinklered buildings.

When a building is partially retrofitted with an approved automatic sprinkler fire extinguishing system pursuant to this section, the building fire extinguishing system retrofit shall be completed throughout the unprotected building interior areas within two (2) years from completing the initial partial retrofit.

18.10.050 Section R313.3.3.1 amended – Nonmetallic pipe and tubing.

Section R313.3.3.1 is amended to read as follows:

R313.3.3.1 Nonmetallic pipe and tubing.

Nonmetallic piping and tubing, such as CPVC, shall be listed for use in residential fire sprinkler systems.

18.10.055 Table R313.3.6.2(9) deleted – Table R313.3.6.2(9) Allowable Pipe Length for 1-inch PEX tubing

Table R313.3.6.2(9) is deleted in its entirety.

Table R313.3.6.2(9) Allowable Pipe Length for 1-inch PEX tubing is deleted.

18.10.060 Section R313.3.6.2.2 amended – Calculation procedure. Step 8 – Determine the maximum allowable pipe length

Section R313.3.6.2.2 – Calculation procedure. Step 8 – Determine the maximum allowable pipe length is replaced with the following:

R313.3.6.2.2 – Calculation procedure. Step 8 – Determine the maximum allowable pipe length

Use Tables R313.3.6.2(4) through R313.3.6.2(8) to select a material and size for water distribution piping. The piping material and size shall be acceptable if the *developed length* of pipe between the service valve and the most remote sprinkler does not exceed the maximum allowable length specified by the applicable table. Interpolation of P_t between the tabular values shall be permitted.

The maximum allowable length of piping in Tables R313.3.6.2(4) through R313.3.6.2(8) incorporates an adjustment for pipe fittings, and no additional consideration of friction losses associated with pipe fittings shall be required.

18.10.065 Section R313.3.8.1 amended – Preconcealment inspection. #4

Section R313.3.8.1 – Preconcealment inspection. #4 is amended by replacing with the following:

R313.3.8.1 #4.

The pipe size equals or exceeds the size used in applying Tables R313.3.6.2(4) through R313.3.6.2(8) or, if the piping system was hydraulically calculated in accordance with Section R313.3.6.1, the size used in the hydraulic calculation.

18.10.070 Section R313.3.8.1 amended – Preconcealment inspection. #5

Section R313.3.8.1 – Preconcealment inspection. #5 is amended by replacing with the following:

R313.3.8.1 #5

The pipe length does not exceed the length permitted by Tables R313.3.6.2(4) through R313.3.6.2(8) or, if the piping system was hydraulically calculated in accordance with Section R313.3.6.1, pipe lengths and fittings do not exceed those used in the hydraulic calculation

18.10.075 Section R319.1 amended – Address numbers.

Section R319.1 is amended to read as follows:

R319.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction. Size of

number shall be as follows:

1. Minimum of one-half-inch ($\frac{1}{2}$ ") stroke by four inches (4") high
2. When the structure is thirty-six (36) to fifty (50) feet from the street or fire apparatus access, a minimum of one-half inch ($\frac{1}{2}$ ") stroke by six inches (6") high is required.
3. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one inch (1") strike by nine inches (9") high is required.

Multi-tenant buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch ($\frac{1}{2}$ ") stroke by four inches (4") high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction.

Rear addressing. When required by the chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide and acceptable vehicular access. Number stroke and size shall comply with 501.2.

18.10.080 Section R902.1 amended – Roof covering materials.

Section R902.1 is amended to read as follows:

R902.1 Roof covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roofing shall be installed in areas designated by this section. Class C roofs shall not be allowed in the City of Burlingame. Classes A and B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

18.10.085 Section R902.1.3 amended – Roof covering in all other areas.

Section R902.1.3 is amended to read as follows:

R902.1.3 Roof covering in all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

18.10.090 Section R903.4.2 amended – Roof and surface drainage.

Section R903.4.2 is amended to read as follows:

R903.4.2 Roof and surface drainage.

1. In all zones other than R-1, the water from the roof of any building and from any paved area which would flow by gravity over public sidewalk shall be carried by means of conductors under the sidewalk and through the curb to the gutter, or other approved location.

2. No storm water or underground water draining from any lot, building, or paved area shall be allowed to drain to adjacent properties nor shall this water be connected to the city's Sanitary sewer system. Regardless of the slope of the source property, such water shall drain to either artificial or natural storm drainage facilities by gravity or pumping.

18.10.095 Section R1003.9.2 amended – Spark arrestors.

Section R1003.9.2 is amended to read as follows:

R1003.9.2 Spark arrestors. Every chimney shall have a spark arrestor, either internally or externally mounted. Any spark arrestor to be mounted internally shall not be installed until installation plans for such arrestor have been submitted to and approved by the building division. All chimneys as described in section 603.6 of the 2010 California Fire Code shall be retroactively protected when one or more of the following conditions exist:

1. Upon the sale or transfer of the real property on which any chimney is located the transfer of title shall not be made until each such chimney contains the required spark arrestor, properly installed and in proper working order.
2. In the event of any construction on such property for which a building permit is required the final building permit signoff shall not be made until each such chimney a spark arrestor has been installed and is in proper working order.

18.10.0100 Appendix C, Figure C-1 amended – Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

Figure C-1 is amended by adding the following note:

Figure C-1. Note: Where the property line is less than ten (10) feet from the exit terminal of any newly installed or replacement high efficiency mechanical equipment the pipe size of the final ten (10) feet of any terminal must be increased to three inches (3”) or, as an alternative, manufacturer-approved baffles must be installed.

Section 8. Chapter 18.12 is amended to read as follows:

Chapter 18.12

PLUMBING CODE

Sections:

- 18.12.010** Adoption of 2010 California Plumbing Code.
- 18.12.020** Section 311.13 added – Exterior pipes.
- 18.12.030** Section 508.4 amended – Water heater safety pans.
- 18.12.040** Section 604.1 amended – Materials.
- 18.12.050** Section 605.3.1 added – Water supply shutoff valves.
- 18.12.060** Section 609.3 amended – Water piping installed in or under a concrete slab.
- 18.12.070** Section 610.8.1 added – Water service over two inches.
- 18.12.080** Section 710.1 amended – Drainage of fixtures below the next upstream manhole or below the main sewer level.
- 18.12.090** Section 719.7 added – Building sewer cleanout.
- 18.12.100** Section 807.2 amended – Condensate waste water disposal.
- 18.12.110** Section 812.1 added – Disposal of rainwater drainage.
- 18.12.120** Section 812.2 added – Rainwater drainage to paved gutter.

- 18.12.130** **Section 812.3 added – Rainwater drainage across public sidewalk prohibited.**
- 18.12.140** **Section 812.4 added – Elimination of nonconforming rainwater drainage required.**

18.12.010 **Adoption of 2010 California Plumbing Code.**

The rules, regulations and standards printed in one volume and published by the International Association of Plumbing and Mechanical Officials (IAPMO), under the title "2009 Uniform Plumbing Code" and adopted as the "2010 California Plumbing Code" including the appendices A and D, and State of California amendments thereto, hereinafter called "plumbing code," is adopted as and for the rules, regulations and standards within this city as to all matters therein contained, except as otherwise provided in this chapter. The appendices specified herein shall be enforceable to the same extent as if contained in the body of the plumbing code.

18.12.020 **Section 311.13 added – Exterior pipes.**

Section 311.13 is added to read as follows:

311.13 Exterior pipes. No plumbing drain vent pipe nor water, soil, waste, or gas pipe shall be installed on, or attached to, the outside face of an exterior wall of a residential building without the prior written permission of the building official. Such installation shall be enclosed in such a way as to be obscured from view.

18.12.030 **Section 508.4 amended – Water heater safety pans.**

Section 508.4 is amended to read as follows:

508.4 Water heater safety pans. Each water heater located in an attic, furred space, living area or other location where leakage would result in damage to the building or its contents shall have a safety pan with drain. Safety pans shall be metal and be nominal two inches in diameter larger than the water heater, with a minimum depth of two inches. The drain pipe shall be three-quarter inch trade size minimum; shall terminate outside the building foundation or, where this is not practical or possible, at another location approved by the building inspector; and shall have a continuous minimum slope throughout its length of one-quarter inch, per foot away from the water heater.

18.12.040 Section 604.1 amended – Materials.

Section 604.1 is amended by addition of the following exception:

604.1 Materials. Use of Cross-linked polyethylene (PEX) tubing is not permitted within the City of Burlingame.

18.12.050 Section 605.3.1 added – Water supply shutoff valves.

Section 605.3 is amended to read as follows:

605.3 Water supply shutoff valves. A gate shutoff valve shall be installed on each water supply pipe at an accessible point where such supply enters a building. In multi-unit residential buildings, a gate shutoff valve shall be installed on each water supply pipe at an accessible point where such supply enters each apartment or dwelling unit; or,

where an apartment or dwelling unit is supplied by a vertical riser, a separate accessible shutoff valve may be provided at each plumbing fixture in the unit in lieu of the shutoff valve on the main supply to the unit.

18.12.060 Section 609.3 amended – Water piping installed in or under a concrete slab.

The first paragraph of Section 609.3 is amended to read as follows:

609.3 Water piping installed in or under a concrete slab. Water piping shall not be installed in or under a concrete floor slab within a building without prior written approval of the building official. When such approval is obtained, such piping shall be installed in accordance with the following requirements:

18.12.070 Section 610.8.1 added – Water service over two inches.

Section 610.8.1 is added to read as follows:

610.8.1 Water services over two inches. Design details, methods and materials for construction of water services over 2 inches in diameter shall conform with the specifications for the construction of such work as compiled by the city engineer. These specifications may be changed from time to time at the option of the city engineer, but such changes shall in no way effect the validity of the regulations or requirements contained therein or the regulations and requirements of this code.

18.12.080 Section 710.1 amended – Drainage of fixtures below the next upstream manhole or below the main sewer level.

Section 710.1 is amended by adding the following:

710.1 Drainage of fixtures below the next upstream manhole or below the main sewer level.

1. Drainage piping serving fixture(s) which have flood level rim(s) less than twelve inches (12") above the elevation of the next upstream manhole and/or flushing inlet cover at the public sewer system serving such drainage piping shall be protected from backflow of sewage as follows:
2. In new buildings and in buildings modified to the extent described in Burlingame Municipal Code section 18.07.020, these fixtures shall discharge by means of a sewage ejector or pump in accordance with Section 710.2.
3. In existing buildings, protection from backflow shall be by means of a backwater valve approved by the building official supplemented by an approved sewer relief valve installed with its outlet at least six inches (6") below the flood level rim of the lowest installed drainage unit fixture. Fixtures above that elevation shall not discharge through the backwater valve without prior written approval of the building official. As an alternative, the system may be protected by installation of an approved sewage ejector or pump.
4. Cleanouts for drains that pass through a backwater valve shall be clearly identified with a permanent label stating "Backwater Valve Downstream".

18.12.090 Section 719.7 added – Building sewer cleanout.

Section 719.7 is added to read as follows:

719.7 Building sewer cleanout. When a building sewer is located under a street, alley or easement, there shall be provided a cleanout, installed flush with the sidewalk level next to curb; or, if no curb or sidewalk exist, then the cleanout must be located outside of the lot line. The cleanout riser shall be of materials specified by the city engineer, shall be the same size as the drain it serves, shall be connected to the building drain by a wye, shall be brought up to the level of the ground, and shall be terminated at the top with a cleanout fitting as specified by the city engineer. If the riser terminates at concrete sidewalk a cast iron sidewalk box with loose cover fitting with brass screws shall be installed. The minimum size for a cleanout riser shall be four inch trade size pipe.

18.12.100 Section 807.2 amended – Condensate waste water disposal.

Section 807.2 is amended to read as follows:

807.2 Condensate wastewater disposal. Condensate from air cooling coils and comfort cooling equipment not intended to be used for the storage or handling of food or drink shall be collected and discharged to a storm sewer or other point of disposal approved by the building official.

Termination of such drains shall be made by an air break. Condensate drain lines in sizes of one and one-quarter inch and larger shall be assembled using approved drainage pipe and fittings.

Condensate waste water shall not drain over or upon a sidewalk, pedestrian ramp or the like, or a public way.

18.12.110 Section 812.1 added – Disposal of rainwater drainage.

Section 812.1 is added to read as follows:

812.1 Disposal of rainwater drainage. Rainwater from roof or other approved areas exposed to rainwater may be drained into the storm drainage system, but shall not drain into any sewer intended for sanitary sewage.

18.12.120 Section 812.2 added – Rainwater drainage to paved gutter.

Section 812.2 is added to read as follows:

812.2 Rainwater drainage to paved gutter. Rainwater from roofs and other approved areas exposed to rainwater may drain into a public street gutter, provided that such gutter is paved and runs to a catch basin connected to a public storm drain, and provided further that such drainage has the approval of the city engineer or other public authority having jurisdiction over public streets or public storm drains.

18.12.130 Section 812.3 added – Rainwater drainage across public sidewalk prohibited.

Section 812.3 is added to read as follows:

812.3 Rainwater drainage across public sidewalk prohibited. No rainwater from roofs, or other rainwater drainage of premises, shall discharge upon a public sidewalk. When it is desired to conduct rainwater from a building or premises to a public street gutter, the outside underground drainage piping shall be vitrified clay pipe, ABS, PVC, galvanized wrought iron pipe, galvanized steel pipe, approved concrete pipe, asbestos cement sewer pipe, cast iron pipe or other materials approved by the building official. When clay pipe, ABS, PVC, asbestos cement sewer pipe or approved concrete pipe is used, such pipe shall be a minimum of two feet horizontally from the building and one foot below the official grade. Water leaders connected to such background drainage pipe which are on the outside of the building wall that abuts on a public thoroughfare, shall be constructed of galvanized wrought iron pipe, galvanized steel pipe, or cast iron pipe for a distance of not less than five feet vertically above the Official grade. See Section 18.08.010(o) for exception for such drainage in R-1 districts.

18.12.140 Section 812.4 added – Elimination of nonconforming rainwater drainage required.

Section 812.4 is added to read as follows:

812.4 Elimination of nonconforming rainwater drainage required. Every existing system that allows the drainage of rainwater into a sanitary sewer in violation of the provisions of this chapter shall be altered or terminated or replaced so as to conform to the provisions of this chapter.

Section 9. Chapter 18.16 is amended to read as follows:

Chapter 18.16

ELECTRICAL CODE

Sections:

- 18.16.010** Adoption of 2010 California Electrical Code.
- 18.16.020** Section 230.70 (A) (1) amended – Main switch accessible from exterior.
- 18.16.030** Section 410.10 (F) added – Exterior lighting restricted.

18.16.010 Adoption of 2010 California Electrical Code.

The rules, regulations and standards printed in one volume and published by the National Fire Protection Association (NFPA), under the title "2008 National Electrical Code" with amendments as contained in the "2010 California Electrical Code", including the appendices, are adopted as and for the rules, regulations and standards within this city as to matters therein contained except as provided in this chapter. The mandatory requirements of the appendices to the code shall be enforceable to the same extent as if contained in the body of the code.

18.16.020 Section 230.70 (A) (1) amended – Main switch accessible from exterior.

Section 230.70 (A) (1) is amended to read as follows:

230.70 (A) (1) Main switch accessible from exterior. The main switch location shall be accessible from the exterior of a building. If, due to structural or architectural

conditions, it is not possible to make the main switch accessible from the building exterior a shunt trip disconnecting all active electrical conductors shall be installed at an accessible exterior location.

18.16.030 Section 410.10 (F) added – Exterior lighting restricted.

Section 410.10 (F) is added to read as follows:

410.10 (F) Exterior lighting restricted.

1. Exterior lighting on all residential and commercial properties shall be designed and located so that the cone of light and/or glare from the lighting element is kept entirely on the property or below the top of any fence, edge or wall.
2. On all residential properties exterior lighting outlets and fixtures shall not be located more than nine (9) feet above adjacent grade or required landing; walls or portions of walls shall not be floodlit; only shielded light fixtures which focus light downward shall be allowed, except for illuminated street numbers required by the fire department.
3. Variances to the provisions of this section may be approved by the planning commission, pursuant to the provisions of Chapter 25.16 of this code, except that notice of the application for the variance shall only be given to property owners within fifty feet.
4. This section shall not apply to signs having an approved permit for an illuminated sign pursuant to Title 22 of this code.

Section 10. An application for a building permit received after December 31, 2010 must comply with this Ordinance unless specific land use provisions for the project were approved by the City of Burlingame prior to 5:00 p.m. on December 31, 2010. If the Planning Commission has approved the project then the building permit application for that project may use the provisions found in the 2007 California Building Codes including all amendments as adopted in Ordinance 1813.

Section 11. This ordinance shall be published as required by law.



Mayor

I, MARY ELLEN KEARNEY, City Clerk of the City of Burlingame, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on the 4th day of October, 2010, and adopted thereafter at a regular meeting of the City Council held on the 18th day of October, 2010 by the following vote:

AYES: COUNCILMEMBERS: **BAYLOCK, BROWNRIGG, DEAL, KEIGHRAN, NAGEL**

NOES: COUNCILMEMBERS: **NONE**

ABSENT: COUNCILMEMBERS: **NONE**



City Clerk

ORDINANCE NO. 1857-2010

AN ORDINANCE OF THE CITY OF BURLINGAME AMENDING TITLE 18 OF THE CODE OF THE CITY OF BURLINGAME; ADOPTING BY REFERENCE THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN), PART 11 , WITH MANDATORY TIER ONE ENERGY EFFICIENCY PROVISIONS AND AMENDMENTS AND MODIFICATIONS, AND ADDING CHAPTER 18.30 AS
THE BURLINGAME GREEN BUILDING ORDINANCE

The City Council of the City of Burlingame ordains as follows:

Section 1. FINDINGS.

Climatic. The City of Burlingame is in climate zone 3 and is located between the Santa Cruz Mountain foothills and San Francisco Bay, with a number of substantial creeks flowing through highly developed residential and industrial areas. It is surrounded by large areas of open space maintained in natural condition, as well as having a significant natural canyon in the center of the residential area. Green Building encourages water conservation and improved energy efficiency, which reduces water and energy consumption.

Geologic. The City is directly east of the San Andreas Fault, and much of the highly developed part of the City is located along the front of the Bay, much of it on fill. The United States Geologic Survey, the California Division of Mines and Geology, and the Association of Bay Area Governments have extensively mapped the area for such earthquake probabilities. The foothill areas have a variety of soil formations with steep canyons and heavy precipitation.

Green Building practices foster development away from these active areas by encouraging their location near existing public transportation and services.

Topographic. The City of Burlingame is “The City of Trees.” Green Building practices encourage minimal disruption of the natural flora and the practical placement of trees to provide shade. Green Building also encourages limited grading and buildings that blend with the natural topography. The City has worked with other jurisdictions on the San Francisco Peninsula to establish consistent standards to minimize the impact that varying standards might have on development and redevelopment of both residential and commercial buildings.

Social. The City of Burlingame Citizens Environmental Council (CEC) and Green Information Group (GIG) have worked in concert to design a green building ordinance with built-in measures that establish energy efficiency standards for new and existing residential and non-residential construction projects that exceed the State of California Title 24 energy requirements. Use of green building practices that employ higher standards above Title 24 energy requirements, as stated in the City’s Climate Action Plan, will further improve residential and commercial building energy efficiency.

The City of Burlingame intends by this ordinance to ensure that all buildings subject to this ordinance will consume no more energy than what is permitted by the 2008 Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code. In seeking to attain these goals the building standards in Title 18 have been and are adopted.

Section 2. To provide appropriate, clear information to applicants for construction approvals, Section 18.07.050 is adopted to conform Title 18 to Zoning Code requirements established in the Municipal Code.

Section 3. The City operates its own sanitary sewer system and water quality control plant and is subject to State and Federal laws regarding both point and non-point discharges. Sections 18.07.060, 18.08.010, 18.12.080, 18.12.090, 18.12.100, 18.12.110, 18.12.115, 18.12.120, and 18.12.125 are intended to assist the City in meeting its responsibilities regarding those laws as well as protecting the public safety and welfare.

Section 4. The City also operates its own water supply system for its citizens. Sections 18.07.060, 18.12.050, 18.12.060, 18.12.070, and 18.12.100 are intended to provide consistent policy regarding water service installations and to protect the public's water supply. Green Building practices encourage water conservation and sustainability that reduces water usage in the City.

Section 5. Chapter 18.30 is added to the City of Burlingame Municipal Code to read as follows:

Chapter 18.30

GREEN BUILDING CODE

Sections:

- 18.30.010** Adoption of 2010 California Green Building Standards Code.
- 18.30.015** Section 101.2 amended – Purpose.
- 18.30.020** Section 202 amended – Definitions.
- 18.30.030** Section 4.408.2 amended – Construction Demolition and Recycling Plan.
- 18.30.040** Section A4.203.1 amended – Tier 1 Energy Efficiency (Residential - Performance Approach) Adopted as Mandatory Measure.
- 18.30.045** Section A4.204 amended – Tier 1 Energy Efficiency (Residential - Prescriptive Approach) Adopted as Mandatory Measure.

- 18.30.050 Section A5.203.1.1 amended – Tier 1 Energy Efficiency (Non-Residential) Adopted as Mandatory Measure.
- 18.30.060 Section 304.1.2 added – Undue Hardship.
- 18.30.070 Section 102.3.1 added – Final Approval.
- 18.30.080 Subsection 101.12 added – Appeals.

18.30.010 Adoption of 2010 California Green Building Standards Code.

The rules, regulations and standards printed in one volume and published by the International Code Council under the title the "2010 California Green Building Standards Code", including the appendices, are adopted as and for the rules, regulations and standards within this city as to matters therein contained except as provided in this chapter. The mandatory requirements of the appendices to the code shall be enforceable to the same extent as if contained in the body of the code.

18.30.015 Section 101.2 amended – Purpose.

Section 101.2 is amended to read as follows:

101.2 Purpose. The purpose of the Burlingame Green Building Ordinance is to enhance public health and welfare by encouraging green building measures in the design, construction, operation and maintenance of buildings. The green building practices referenced in this ordinance are intended to achieve the following goals:

1. To encourage conservation of natural resources;
2. To reduce waste in landfills generated by construction projects;
3. To increase energy efficiency and lower energy usage;
4. To reduce the operating and maintenance costs for buildings;

5. To promote a healthier indoor environment; and
6. To promote use of recycled material.

18.30.020 Section 202 amended – Definitions.

Section 202 is amended to include the following:

202 Definitions.

1. ***Build It Green:*** the non-profit organization that publishes the New Home Construction Green Building Guidelines, the Multi-Family Green Guidelines (Parts 1 & 2), Home Remodeling Green Building Guidelines, the GreenPoint Rated checklists, and any successor entity that assumes responsibility for the programs and operations of Build It Green.
2. ***Chief Building Official:*** means the Chief Building Official or his or her designee.
3. ***Green building:*** a whole systems approach to the design, construction, location and operation of buildings and structures that helps to mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green building practices recognize the relationship between the natural and built environment, seek to minimize the use of energy, water, and other natural resources, and promote a healthy, productive indoor environment.
4. ***GreenPoints:*** credits assigned under the applicable GreenPoint Checklist for a residential project.
5. ***GreenPoint Rated:*** a residential green building rating system developed by Build It Green.

6. **Green Point Rated Verification:** verification of compliance by a certified GreenPoint Rater by Build It Green.
7. **GreenPoint Rater:** a person certified by Build It Green.
8. **LEED®:** the “Leadership in Energy and Environmental Design” green building rating system developed by the U.S. Green Building Council.
9. **LEED®/USGBC Verification:** verification to meet the standards of the U.S. Green Building Council (USGBC) and resulting in LEED® certification of the project by the USGBC. Minimum level: Certified.
10. **Mixed use:** the construction of a building or buildings that include both residential and non-residential uses.
11. **Non-residential project:** the construction of retail, office, industrial, warehouse, services, hotels, motels, or similar buildings.
12. **Qualified green building professional:** a person trained through the USGBC as a LEED® AP (accredited professional), or through Build It Green as a GreenPoint Rater, or other qualifications when acceptable to the Building Official. A certified green building professional, architect, engineer, designer, builder, or building inspector may be considered a qualified green building professional when determined appropriate by the Chief Building Official.
13. **Remodel:** any construction or renovation to an existing structure other than repair or addition
14. **Repair:** the reconstruction or renewal of any part of an existing structure for the purpose of maintenance

15. **Residential project:** the construction of R2, R3, R3.1, and R4 buildings, except hotels and motels.
16. **Residential reconstruction:** a residential-type project where the building at any time is uninhabitable, including removal of any or all utilities (water, electrical, natural gas, or sewer); or the project provides no permanent kitchen or bathroom facilities; or the project provides no shelter or ability to maintain heat as defined by code; or when over 50% of the foundation is replaced or reinforced other than the repair of a foundation failure; or when over 50% of the framing above the foundation is removed or replaced. Final determination whether a project meets the definition of residential reconstruction shall be made by the Chief Building Official.

18.30.030 Section 4.408.2 amended – Construction Demolition and Recycling Plan.

Section 4.408.2 is deleted in its entirety and replaced with the following:

4.408.2 Construction Demolition and Recycling Plan. A Construction Demolition and Recycling Plan must be submitted for any project that has a construction value of \$50,000 or more. The Construction Demolition and Recycling Plan must comply with the City of Burlingame Construction and Demolition Recycling Ordinance #1704 as set forth in Chapter 8.17.

18.30.40 Section A4.203.1 amended – Tier 1 Energy Efficiency (Residential - Performance Approach) Adopted as Mandatory Measure.

Section A4.203.1 is amended as follows:

A4.203.1 Tier 1 Energy Efficiency (Residential - Performance Approach) Adopted as Mandatory Measure. The following residential projects must exceed Title 24 Energy Efficiency Standards by 15% as required under this ordinance:

All residential additions, remodels, alterations, or repairs in which the cost of construction has a total value of fifty thousand dollars (\$50,000) or more

A permit applicant is required to submit a completed checklist of the proposed compliance measures for the project at the initial submittal to the Planning Division for projects requiring Planning Commission approval. If Planning Commission approval is not required prior to Building Code plan check, then an applicant must submit a completed checklist of the proposed compliance measures directly to the Building Division at the time of the initial Building Code plan check submittal. A GreenPoint Rated checklist, or equivalent, with a minimum of fifty (50) points shall be accepted as one method of meeting compliance with this ordinance. Applicants are encouraged, but not required, to meet with City staff prior to any application submittal to review the green building program and details to achieve compliance with this ordinance.

The means by which compliance measures are achieved shall be by Build It Green “GreenPoints”, LEED®, Energy Efficiency Standards, other recognized point systems, or equivalent approved methods. LEED® projects must verify that they exceed the 2008 Energy Efficiency Standards by 15% (Title 24, Part 6.) Compliance measures shall be approved by the Chief Building Official prior to issuance of a building permit. Projects must show verification of

energy savings which exceed the 2008 Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code by 15%.

Projects using the performance approach may use an Alternative Calculation Method (ACM) approved by the California Energy Commission to show verification of the required energy savings of 15% by comparison of the proposed building to the Title 24 standard or “budget” building.

18.30.45 Section A4.204 amended – Tier 1 Energy Efficiency (Residential Prescriptive Approach) Adopted as Mandatory Measure.

Section A4.204 is amended by adding the following:

A4.204 Tier 1 Energy Efficiency (Residential - Prescriptive Approach) Adopted as Mandatory Measure. The following residential projects must exceed Title 24 Energy Efficiency Standards by 15% as required under this ordinance:

All residential additions, remodels, alterations, or repairs in which the cost of construction has a total value of fifty thousand dollars (\$50,000) or more

A permit applicant is required to submit a completed checklist of the proposed compliance measures for the project at the initial submittal to the Planning Division for projects requiring Planning Commission approval. If Planning Commission approval is not required prior to Building Code plan check, then an applicant must submit a completed checklist of the proposed compliance measures directly to the Building Division at the time of the initial

Building Code plan check. A GreenPoint Rated checklist, or equivalent, with a minimum of fifty (50) points shall be accepted as one method of meeting compliance with this ordinance.

Applicants are encouraged, but not required, to meet with City staff prior to any application submittal to review the green building program and details to achieve compliance with this ordinance.

The means by which compliance measures are achieved shall be by Build It Green “GreenPoints”, LEED®, Energy Efficiency Standards, other recognized point systems, or equivalent approved methods. LEED® projects must verify that they exceed the 2008 Energy Efficiency Standards by 15% (Title 24, Part 6.) Compliance measures shall be approved by the Chief Building Official prior to issuance of a building permit. Projects must show verification of energy savings which exceed the 2008 Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code by 15%.

18.30.50 Section A5.203.1.1 amended – Tier 1 Energy Efficiency (Non-Residential)

Adopted as Mandatory Measure.

Section A5.203.1.1 is amended as follows:

A5.203.1.1 Tier 1 Energy Efficiency (Non-Residential) Adopted as Mandatory Measure.

The following non-residential projects must exceed Title 24 Energy Efficiency Standards by 15% as required under this ordinance:

- 1) All new non-residential buildings 10,000 square feet or more in gross floor area
- 2) All non-residential additions 10,000 square feet or more in gross floor area

A permit applicant is required to submit completed documentation, prepared by a qualified green building professional, of the proposed compliance measures for the project at the initial submittal to the Planning Division for projects requiring Planning Commission approval. If Planning Commission approval is not required prior to Building Code plan check, then an applicant must submit completed documentation, prepared by a qualified green building professional, of the proposed compliance measures directly to the Building Division at the time of the initial Building Code plan check. Applicants are encouraged, but not required, to meet with City staff prior to any application submittal to review the green building program and details to achieve compliance with this ordinance.

Verification of compliance with Section A5.203.1.1 Tier 1 (15% above Title 24) or LEED® Silver shall be accepted as the methods of meeting compliance with this ordinance. Compliance measures shall be approved by the Chief Building Official prior to issuance of a building permit. Projects must show verification of energy savings which exceed the current 2008 Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code by 15%.

Projects using the performance approach may use an Alternative Calculation Method (ACM) approved by the California Energy Commission to show verification of the required energy savings of 15% by comparison of the proposed building to the Title 24 standard or “budget” building.

18.30.060 Section 304.1.2 added – Undue Hardship.

Section 304.1.2 added to read as follows:

304.1.2 Undue Hardship. If circumstances, beyond the control of the applicant, exist which make strict compliance with this ordinance an undue hardship, then the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show undue hardship and to show continued compliance with 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

Application. If an applicant for a covered project believes such circumstances exist, then the applicant may apply for an exemption at the time of the planning application or building permit application submittal. The applicant shall indicate the maximum threshold of compliance that they calculate is feasible and state the circumstances that would create an undue hardship to fully comply with this chapter. For the purposes of this section, an undue hardship exists if:

- 1) There is a lack of commercially available green building materials and technologies, or;
- 2) The green building compliance requirements do not include enough green building measures that are compatible with the scope and cost of the covered project.

Granting of Exemption. If the Chief Building Official determines that it is an undue hardship for the applicant to fully meet the requirements of this chapter based upon the information provided, the Chief Building Official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. If a finding of undue hardship is determined, the decision of the Chief Building Official shall be provided to the applicant in writing. If an exemption is granted, the applicant shall be required to comply with this chapter in all other aspects and shall be required to attain, in accordance with this chapter, the threshold of compliance determined to be achievable by the Chief Building Official.

Denial of Exemption. If the Chief Building Official determines compliance would not constitute an undue hardship, the request shall be denied and the Chief Building Official shall notify the applicant in writing. All decisions of the Chief Building Official under this section shall be final.

18.30.070 Section 102.3.1 added – Final Approval.

Section 102.3.1 is added to read as follows:

102.3.1 Final Approval. Prior to final building inspection and occupancy for projects included under this ordinance, and when required by the Chief Building Official, a qualified green building professional shall provide evidence of adequate green building compliance or documentation to the Chief Building Official to satisfy the requirements of compliance for residential and/or non-residential projects covered under this ordinance. Evidence of green building compliance shall include, but not be limited to, verification or certification by Build It Green GreenPoint Rater or LEED® specialist, or in-progress site inspections and final sign-off by a City of Burlingame building inspector or other designated City employee. Compliance shall not be deemed complete until formal certification has been granted and submitted to the Chief Building Official. The Chief Building Official shall make the final determination whether a project meets green building requirements of this ordinance.

18.30.080 Subsection 101.12 added – Appeals.

Subsection 101.12 is added to read as follows:

101.12 Appeals.

An appeal of a denial of or a refusal to issue a permit or from any other decision of the building official may be taken as set forth in section 18.07.040.

Section 6. An application for a building permit received after December 31, 2010 must comply with this Ordinance unless specific land use provisions for the project were approved by the City of Burlingame prior to 5:00 p.m. on December 31, 2010. If the Planning Commission has approved the project then the building permit application for that project may use the provisions found in the 2007 California Building Codes including all amendments as adopted in Ordinance 1813.

Section 7. This ordinance shall be published as required by law.


Mayor

I, MARY ELLEN KEARNEY, City Clerk of the City of Burlingame, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on the 4th day of October, 2010, and adopted thereafter at a regular meeting of the City Council held on the 18th day of October, 2010 by the following vote:

AYES: COUNCILMEMBERS: **BAYLOCK, BROWNRIGG, DEAL, KEIGHRAN, NAGEL**

NOES: COUNCILMEMBERS: **NONE**

ABSENT: COUNCILMEMBERS: **NONE**


City Clerk