

BUILDING STANDARDS COMMISSION

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February 9, 2011

Larry I. Perlin, Chief Building Official
Department of Planning and Community Environment
City of Palo Alto
250 Hamilton Ave.
P.O. Box 10250
Palo Alto, CA 94303

Dear Mr. Perlin:

This is to acknowledge receipt of the City of Palo Alto submittal pertaining to Ordinance No. 5107 with findings on January 4, 2011. 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,


Enrique M. Rodriguez

Associate Construction Analyst

cc: Joe Loyer, California Energy Commission
Chron
Local Filings

City of Palo Alto

Department of Planning and
Community Environment

January 3, 2011

Jane G. Taylor, Senior Architect
State of California – State and Consumer Services Agency
Building Standards Commission
2525 Natomas Park Drive, Suite 130
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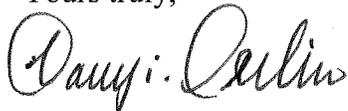
Subject: Filing of Local Amendments to 2010 California Green Building
Standards Code (CALGreen), (CCR Title 24 – Part 11) – Ordinance No. 5107

Dear Ms. Taylor:

Transmitted herewith for filing with the Building Standards Commission is a signed copy of Ordinance No. 5107 passed by the Palo Alto City Council on December 13, 2010, which adopts the 2010 Edition of the California Green Building Standards Code (CALGreen), (Part 11 of Title 24 of the California Code of Regulations), along with local amendments thereto. The requisite findings for the local amendments required by H&SC Section 17958.5 are attached as Exhibit A to the Ordinance.

Please contact the undersigned if there are any questions about this.

Yours truly,



Larry I. Perlin, PE
Chief Building Official

Enclosure: Ordinance No. 5107

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BUILDING STANDARDS COMMISSION

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Ordinance No. 5107

Ordinance of the Council of the City of Palo Alto Adopting a New Chapter 16.14 of the Palo Alto Municipal Code, California Green Building Standards Code, 2010 Edition, and Local Amendments and Related Findings

WHEREAS, the City of Palo Alto's (City) Comprehensive Plan sets forth goals for preserving and improving the City's natural and built environment, protecting the health of its residents and visitors, conserving water and energy, and fostering its economy; and

WHEREAS, the City Council of the City of Palo Alto has identified Environmental Protection as one of its top five goals, and green building is a key component of Environmental Protection; and

WHEREAS, green building design, construction, restoration, operation, and maintenance can have a significant positive effect on energy, water, and resource conservation, waste management and pollution reduction, and the health and productivity of a property's residents, workers, and visitors over the life of a building and/or site; and

WHEREAS, green building regulations comprise an important component of a whole systems approach to the City's sustainability program related to building and land development, other components of which include but are not limited to requirements for: disposal of construction and demolition debris, storm water quality and flood protection, tree protection, water conservation, recyclable materials storage, parking lot landscaping, and transportation demand management; and

WHEREAS, the City has already adopted several ordinances to promote green building, sustainability, and environmental protection, including a green building ordinance (adopted 2008), a construction and demolition debris recycling ordinance (adopted 2004, amended 2009), a recycled water ordinance (adopted 2008), a storm water pollution prevention ordinance (adopted 2003, amended 2005 & 2006) and water use regulations (adopted 1989, amended 1990, 1991, 1993); and

WHEREAS, the State of California has adopted new mandatory green building regulations, known as the California Green Building Standards Code "CALGreen" that will take effect on January 1, 2011 for all new construction in the state and covers many of the same matters contained in the City's green building and sustainability ordinances; and

WHEREAS, adoption of the California Green Building Standards Code promotes statewide consistency and predictability for building professionals; and

WHEREAS, to maintain the City's existing level of green building requirements and to harmonize the City's various sustainability standards and regulations with the provisions of CALGreen, the City intends to adopt local amendments to CALGreen, make certain enhanced measures of CALGreen mandatory, and repeal and amend existing provisions of the City's green

building and sustainability ordinances, with the goal of providing a comprehensive, yet straightforward approach to green building in the City.

Now, therefore the Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Title 16 of the Palo Alto Municipal Code is amended to adopt a new Chapter 16.14 to read as follows:

16.14.010 2010 California Green Building Standards Code adopted.

The California Green Building Standards Code, 2010 Edition, Title 24, Part 11 of the California Code of Regulations, together with those omissions, amendments, exceptions and additions thereto, is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein. One copy of the California Green Building Standards Code, 2010 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

Whenever the phrases “California Green Building Standards Code,” “California Green Building Code,” or “CALGreen” appear in this code or in any ordinance of the City, such phrases shall be deemed and construed to refer and apply to the “2010 California Green Building Standards Code” as adopted in the California Code of Regulations, Title 24, Part 11 and this chapter.

16.14.020 2010 California Green Building Standards Code Appendix Chapters adopted.

The following Appendix Chapters of the California Green Building Standards Code, 2010 Edition, are adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein:

- A. Appendix A4 – Residential Voluntary Measures
- B. Appendix A5 – Nonresidential Voluntary Measures

16.14.030 Cross - References to California Green Building Standards Code.

The provisions of this Chapter contain cross-references to the provisions of the California Green Building Standards Code, 2010 Edition, in order to facilitate reference and comparison to those provisions.

16.14.040 Enforcement -- Citation authority.

The employee positions designated in this section may enforce the provisions of this chapter by the issuance of citations; persons employed in such positions are authorized to exercise the authority provided in Penal Code section 836.5 and are authorized to issue citations for violations of this chapter. The designated employee positions are: (1) chief building official; (2) assistant building official; (3) building inspection supervisor; (4) director of planning and community environment, and (5) code enforcement officer.

16.14.050 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Green Building Standards Code, 2010 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.14.060 Section 101.3 amended – Scope.

Section 101.3 of the California Green Building Standards Code is amended to read:

101.3 Scope. The provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every building or structure unless otherwise indicated in this code, throughout the City of Palo Alto.

16.14.070 Section 101.3.1 amended – State-regulated buildings, structures and applications.

Section 101.3.1 of the California Green Building Standards Code is amended to read:

101.3.1 State-regulated buildings, structures and applications. Provisions of this code shall apply to the following buildings, structures, and applications regulated by state agencies as referenced in the Matrix Adoption Tables and as specified in Sections 103 through 106, except where modified by local ordinance pursuant to Section 101.7. When adopted by a state agency, the provisions of this code shall be enforced by the appropriate enforcing agency, but only to the extent of authority granted to such agency by statute.

- 1. State-owned buildings, including buildings constructed by the Trustees of the California State University, and to the extent permitted by California laws, buildings designed and constructed by the Regents of the University of California and regulated by the Building Standards Commission. See Section 103 for additional scoping provisions.*
- 2. Energy efficiency standards regulated by the California Energy Commission*
- 3. Residential buildings, whether low-rise or high-rise, constructed throughout the City of Palo Alto, including but not limited to, hotels, motels, lodging houses, apartment houses, dwellings, dormitories, condominiums, shelters for homeless persons, congregate residences, employee housing, factory-built housing and other types of dwellings containing sleeping accommodations with or without common toilets or cooking facilities regulated by the Department of Housing and Community Development. See Section 104 for additional scoping provisions.*
- 4. Public and private elementary and secondary schools, and community college buildings, whether or not regulated by the Division of the State Architect. See Section 105 for additional scope provisions.*
- 5. Qualified historical buildings and structures and their associated sites regulated by the State Historical Building Safety Board within the Division of the State Architect.*

6. *General acute care hospitals, acute psychiatric hospitals, skilled nursing and/or intermediate care facilities, clinics licensed by the Department of Public Health and correctional treatment centers regulated by the Office of Statewide Health Planning and Development. See Section 106 for additional scoping provisions.*
7. *Graywater systems regulated by the Department of Water Resources and the Department of Housing and Community Development.*

16.14.080 Section 101.4 amended – Appendices.

Section 101.4 of the California Green Building Standards Code is amended to read:

***101.4 Appendices.** Certain voluntary measures contained in the appendices of this code are mandatory in the City of Palo Alto pursuant to Palo Alto Municipal Code section 16.14.020. Refer to Sections 101.10, 304, Chapters 4, 5 and Appendix A5.*

16.14.090 Section 101.10 amended – Mandatory requirements.

Section 101.10 of the California Green Building Standards Code is amended to read:

***101.10 Mandatory requirements.** This code contains both mandatory and voluntary green building measures. Mandatory and voluntary measures are identified at the beginning of Chapters 4 and 5 and in the appropriate application checklists contained in this code, when modified and applied to specific projects.*

16.14.100 Section 202 amended – Definitions added.

Section 202 of the California Green Building Standards Code is amended to add the following definitions:

***ADDITION.** For application of green building requirements, this term means new floor area added to an existing building or structure.*

***BUILD IT GREEN, GREENPOINT RATED.** Build It Green means a non-profit organization that administers the GreenPoint Rated program for the design and construction of environmentally responsive and healthy homes. The program includes a rating system that is third-party verified and includes recognition.*

***ENERGY STAR PORFOLIO MANAGER.** Energy STAR Portfolio Manager (Portfolio Manager) shall mean the program managed by the U.S. Environmental Protection Agency that offers an energy management tool allowing applicants to track and assess energy and water consumption of a building project. Tracked projects receive an energy performance rating on a scale of 1–100 relative to similar buildings nationwide. Applicants are is not required to achieve a set rating.*

HERS II. *HERS shall mean the California Home Energy Rating System, a statewide program for residential dwellings administered by the California Energy Commission and defined in the 2008 California Building Energy Efficiency Standards. HERS Phase I provides field verification and diagnostic testing to show compliance with Title 24, Part 6, of the 2008 California Building Energy Efficiency Standards. HERS Phase II includes whole-house home energy efficiency ratings for existing and newly constructed homes. Applicants are not required to achieve a set rating.*

HIGH-RISE RESIDENTIAL BUILDING. *A building that is of Occupancy Group R and is not a low-rise residential building.*

MULTI-FAMILY RESIDENTIAL. *Any low- or high-rise residential building or structure with three or more attached units.*

INVASIVE PLANTS. *Invasive plants are both indigenous and non-indigenous species with growth habits that are characteristically aggressive. Invasive plants that are of concern and may be prohibited by this code are defined as such by WUCOLS (UCCE). <http://ucce.ucdavis.edu/files/filelibrary/1726/15359.pdf>.*

REBUILD. *For application of green building requirements, this term means any remodeled building or structure where the remodel includes exposure of insulation, or the removal of exterior sheathing on 25% or more of the exterior walls for a residential project, or 50% or more of the exterior walls for a nonresidential project.*

RENOVATION. *Means any rehabilitation, repair, remodel, change, or modification to an existing building, where changes to floor area and the footprint of the building are negligible. The valuation of renovation improvements shall be determined by the Director of Planning and Community Environment, upon recommendation of the Building Official. The Building Official may exclude from such valuation the cost of (a) seismic upgrades, (b) accessibility upgrades, or (c) photovoltaic panels or other solar energy or similar devices exterior to the building. Renovation valuation thresholds identified in Chapters 4 and 5 shall be adjusted to reflect changes in the City's valuation per square foot for new construction, using valuations in effect as of July 1, 2008, as the base index.*

RESIDENTIAL BUILDING. *(See "low-rise residential building" and "high-rise residential building.")*

SQUARE FOOTAGE. *For application of green building requirements, square footage means all new and replacement square footage, including basement areas (7 feet or greater in height) and garages, except that unconditioned garage space shall only count as 50%. Areas demolished shall not be deducted from the total new construction square footage. Square footage may also apply to landscapes, in*

which case it is the total surface area of the site not covered by impervious surfaces.

16.14.110 Section 303.1.2 added – Cumulative construction.

Section 303.1.2 is added to the California Green Building Standards Code to read:

303.1.2 Cumulative construction. Cumulative construction over any two-year period, or a project completed in phases, shall be considered as a single project, subject to the highest level of green building requirements for that project, unless exempted by the Building Official as impractical for compliance.

16.14.120 Section 304 amended – Voluntary Tiers.

Section 304 of the California Green Building Standards Code is amended to read:

304.1 Purpose. Voluntary tiers are intended to further encourage building practices that improve public health, safety and general welfare by promoting the use of building concepts which minimize the building's impact on the environment and promote a more sustainable design. Use of the voluntary tiers is required in the City of Palo Alto for certain non-residential projects (see Chapter 5 for specific requirements).

304.1.1 Tiers. The provisions of Appendices A4 and A5 outline means of achieving enhanced construction levels by incorporating additional measures. Buildings complying with tiers specified for each occupancy contain additional prerequisite and elective green building measures necessary to meet the threshold of each tier.

Where there are practical difficulties involved in complying with the threshold levels of a tier, the enforcing agency may grant modifications for individual cases. The enforcing agency shall first find that a special individual reason makes the strict letter of the tier impractical and that modification is in conformance with the intent and purpose of the measure. The details of any action granting modification shall be recorded and entered in the files of the enforcing agency. Projects with an unusual scope or with unique circumstances may qualify for an exemption to the requirements either in whole or in part. Examples of such projects include cemeteries, ecological restoration projects, community gardens, commercial cultivation of agricultural products, and antenna installations.

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<i>Project Type</i>	<i>Project Scope</i>	<i>Green Building Requirements</i>
<i>Design and Construction of Multi-Family Residential</i>	<p>1. All new construction and rebuilds.</p> <p>Renovations or alterations \geq 50% of an existing unit's square footage, and that also include replacement or alteration of at least two of the following: HVAC system, building envelope, hot water system, or lighting system.</p>	<p>Build It Green, GreenPoint Rated (BIG GPR) minimum requirements and achieve 70 points.</p> <ul style="list-style-type: none"> ▪ Additional measures that must be claimed under BIG GPR: <ul style="list-style-type: none"> ▪ A. SITE 2.c. Divert 100% of Asphalt and Concrete and 80% (by weight) of Remaining Materials. ▪ The project must claim 15 points in water efficiency. .
<i>Design and Construction of Single and Two-Family Residential</i>	<p>2. All new construction, rebuilds, and additions \geq 1,250 SF.</p>	<ul style="list-style-type: none"> ▪ BIG GPR minimum requirements and achieve 70 points + 1 point per additional 70 SF over 2,550 SF (150 points maximum) for new construction and rebuilds, and 50 points for additions. ▪ Additional measures that must be claimed under BIG GPR: <ul style="list-style-type: none"> ▪ A. SITE 2.c. Divert 100% of Asphalt and Concrete and 80% (by weight) of Remaining Materials. ▪ The project must claim 15 points in water efficiency.

<p>Design and Construction of All Residential</p>	<p>3. Any project not covered under project scopes 1 and 2 above \geq \$25,000 valuation AND physical site changes that require major or minor Architectural Review.</p> <ul style="list-style-type: none"> ▪ Compliance with the following CALGreen non-residential mandatory and voluntary measures is required based on project scope: <ul style="list-style-type: none"> ▪ 5.106.2 Local storm water pollution prevention. ▪ 5.303.5.1 Recycled water infrastructure. ▪ 5.304 OUTDOOR WATER USE when a landscape area greater than 1,000 SF is included in the project scope, and A5.304.4 Potable Water Reduction when a landscaped area greater than 1,500 SF is included in the project scope. ▪ A5.408.3.1 Enhanced construction waste reduction. 80% required for all projects regardless of scope. ▪ If the project is over \$100,000 in valuation: <ul style="list-style-type: none"> ▪ Complete an existing home green remodeling checklist. ▪ Complete a HERS II Rating.
<p>Operations</p>	<p>4. Buildings over 10,000 SF</p> <p><i>*effective only for those projects for which a building permit is issued after 01/01/2009.</i></p> <ul style="list-style-type: none"> • The City reserves the right to conduct a performance review, no more frequently than once every five years unless a project fails review, to evaluate the building's energy use to ensure that resources used at the building and/or site do not exceed the maximum allowance set forth in the rehabilitation or new construction design. Energy use reviews may be initiated by the Building Division or as a coordinated effort between the City's Utilities Department and/or its designated contractors. Following the findings and recommendations of the review, the City may require adjustments to the energy usage or energy-using equipment or systems if the building is no longer compliant with the original design. Renovation or rehabilitation resulting from such audit activity shall be considered a project, and shall be subject to applicable documentation submittal requirements of the City.

	<p>5. Sites greater than one acre</p> <ul style="list-style-type: none"> • <i>The City reserves the right to conduct performance reviews, no more frequently than once every five years unless a project fails review, to evaluate water use to ensure that resources used at the building and/or site do not exceed a maximum allowance set forth in the rehabilitation or new construction design. Water use reviews may be initiated by the Building Division, or as a coordinated effort between the City's Utilities Department and the Santa Clara Valley Water District (SCVWD), or as part of SCVWD's established water conservation programs. Following the findings and recommendations of the review, the City may require adjustments to irrigation usage, irrigation hardware, and/or landscape materials to reduce consumption and improve efficiency. Renovation or rehabilitation resulting from such audit activity shall be considered a project, and shall be subject to applicable documentation submittal requirements of the City.</i>
Demolitions	<p>6. Demolitions</p> <ul style="list-style-type: none"> ▪ <i>Compliance with the following CALGreen non-residential voluntary measures is required based on project scope:</i> <ul style="list-style-type: none"> ▪ A5.105.1.3 Salvage. ▪ A5.408.3.1 Enhanced Construction Waste Reduction. 80%.

16.14.140 Chapter 5 Preface added – Green Building Requirements for Project Type and Scope.

A Preface is added to Chapter 5 of the California Green Building Standards Code to read:

Preface – Green Building Requirements for Project Type and Scope

The City of Palo Alto has expanded the types and scopes of projects covered by this code and established mandatory compliance requirements to address all aspects of a building's life cycle. For design and construction of non-residential projects, the City requires compliance with the mandatory measures of Chapter 5 and Appendix A5, in addition to use of the Voluntary Tiers as prescribed in the following table:

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Project Type	Project Scope	Green Building Requirements
Design and Construction	1. All new construction and rebuilds $\geq 1,000$ SF, and additions $\geq 1,000$ SF that include a new HVAC system.	<ul style="list-style-type: none"> ▪ CALGreen Mandatory Measures. ▪ CALGreen Tier 2.
	2. Tenant improvements, renovations, or alterations $\geq 5,000$ SF that include replacement or alteration of at least two of the following: HVAC system, building envelope, hot water system, or lighting system.	<ul style="list-style-type: none"> ▪ CALGreen Mandatory Measures as applicable to project scope. ▪ CALGreen Tier 1 as applicable to project scope.
	3. Any project not covered under project scopes 1 and 2 above \geq \$25,000 valuation AND physical site changes that require major or minor Architectural Review.	<ul style="list-style-type: none"> ▪ Compliance with the following CALGreen non-residential mandatory and voluntary measures is required based on project scope: <ul style="list-style-type: none"> ▪ 5.106.2 Local storm water pollution prevention. ▪ 5.303.5.1 Recycled water infrastructure. ▪ 5.304 OUTDOOR WATER USE when a landscape area greater than 1,000 SF is included in the project scope, and A5.304.4 Potable Water Reduction when a landscaped area greater than 1,500 SF is included in the project scope. ▪ A5.408.3.1 Enhanced construction waste reduction. 80% required for all projects regardless of scope. ▪ If the project is over \$100,000 in valuation: <ul style="list-style-type: none"> ▪ Energy STAR Portfolio Manager Rating

<p>Operations</p>	<p>4. Buildings \geq 10,000 SF</p> <p><i>*effective only for those projects for which a building permit is issued after 01/01/2009.</i></p>	<ul style="list-style-type: none"> <i>The City reserves the right to conduct a performance review, no more frequently than once every five years unless a project fails review, to evaluate the building's energy use to ensure that resources used at the building and/or site do not exceed the maximum allowance set forth in the rehabilitation or new construction design. Energy use reviews may be initiated by the Building Division or as a coordinated effort between the City's Utilities Department and/or its designated contractors. Following the findings and recommendations of the review, the City may require adjustments to the energy usage or energy-using equipment or systems if the building is no longer compliant with the original design. Renovation or rehabilitation resulting from such audit activity shall be considered a project, and shall be subject to applicable documentation submittal requirements of the City.</i>
	<p>5. Sites greater than one acre</p>	<ul style="list-style-type: none"> <i>The City reserves the right to conduct performance reviews, no more frequently than once every five years unless a project fails review, to evaluate water use to ensure that resources used at the building and/or site do not exceed a maximum allowance set forth in the rehabilitation or new construction design. Water use reviews may be initiated by the Building Division, or as a coordinated effort between the City's Utilities Department and the Santa Clara Valley Water District (SCVWD), or as part of SCVWD's established water conservation programs. Following the findings and recommendations of the review, the City may require adjustments to irrigation usage, irrigation hardware, and/or landscape materials to reduce consumption and improve efficiency. Renovation or rehabilitation resulting from such audit activity shall be considered a project, and shall be subject to applicable documentation submittal requirements of the City.</i>

Demolitions	6. Demolitions	<ul style="list-style-type: none"> ▪ Compliance with the following CALGreen non-residential voluntary measures is required based on project scope: <ul style="list-style-type: none"> ▪ A5.105.1.3 Salvage. ▪ A5.408.3.1 Enhanced Construction Waste Reduction. 80%.
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16.14.150 Section 5.106.2 added – Local storm water pollution prevention.

Section 5.106.2 is added to the California Green Building Standards Code to read:

5.106.2 Local storm water pollution prevention. *Comply with additional storm water pollution prevention measures as applicable. (See Chapter 16.11, Stormwater Pollution Prevention, of the Palo Alto Municipal Code.)*

16.14.160 Section 5.302 amended – Definitions added.

Section 5.302 of the California Green Building Standards Code is amended to include the following definitions:

DEDICATED IRRIGATION METER. *A dedicated irrigation meter is a water meter that exclusively meters water used for outdoor watering and irrigation, and is completely independent from the meter used for indoor water use.*

PROCESS WATER. *Process water means untreated wastewater, uncontaminated by toilet discharge or an unhealthy bodily waste, which is not a threat from unhealthful processing, manufacturing or operating wastes.*

SUBMETER. *A meter installed subordinate to a site meter, usually used to measure water intended for one purpose, such as landscape irrigation. For the purposes of this section, a Dedicated Meter may be considered a submeter, however a submeter may not be considered a Dedicated Meter.*

16.14.170 Section 5.303.5.1 added – Recycled Water Infrastructure.

Section 5.303.5.1 is added to the California Green Building Standards Code to read:

5.303.5.1 Recycled Water Infrastructure. *Install infrastructure for and/or use recycled water for irrigation and/or interior plumbing, as applicable. (See Recycled Water Ordinance No. 5002, Chapter 16.12 of the Palo Alto Municipal Code.)*

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16.14.180 Section 5.304.2 amended – Outdoor water use.

Section 5.304.2 of the California Green Building Standards Code is amended to read:

5.304.2 Outdoor water use. For new water service for landscaped areas greater than 1,000 square feet, separate meters or submeters shall be installed for indoor water use, and a dedicated meter shall be installed for outdoor water use. Backflow prevention devices shall be installed on each water line serving the property as required.

16.14.190 Section 5.304.3 amended – Irrigation design.

Section 5.304.3 of the California Green Building Standards Code is amended to read:

5.304.3 Irrigation design. In new non-residential construction with greater than 1,000 square feet of landscaped area, design the system and install irrigation hardware (i.e. controllers and sensors) which include the following criteria, and meet manufacturer's recommendations.

**16.14.200 Section 5.304.3.2 added – Irrigation efficiency.
Section 5.304.3.3 added – Water waste.**

Sections 5.304.3.2 and 5.304.3.3 are added to the California Green Building Standards Code to read:

5.304.3.2 Irrigation efficiency. The irrigation system must meet an efficiency level of 70%, and subsurface and/or low volume irrigation must be used in all areas that exhibit any of these characteristics: less than 8 feet in width, with a slope greater than 25%, setback area within 24 inches of a non-permeable surface.

5.304.3.3 Water waste. The irrigation system must be designed and installed to prevent water waste due to overspray, low head drainage, or other conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.

16.14.210 Section 5.408 amended – Construction waste reduction, disposal and recycling.

Section 5.408 (Sections 5.408.1 through 5.408.4) of the California Green Building Standards Code is amended to read:

5.408.1 Construction waste diversion. Establish a construction waste management plan for the diverted material. All debris generated by a project that are not salvaged for reuse must be delivered to an Approved Facility as defined in Chapter 5.24 of the Palo Alto Municipal Code.

5.408.2 Construction waste management plan. *Where a local jurisdiction does not have a construction and demolition waste management ordinance, submit a construction waste management plan for approval by the enforcement agency that:*

- 1. Identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project, or salvage for future use or sale.*
- 2. Determines if materials will be sorted on-site or mixed.*
- 3. Identifies approved diversion facilities where material collected will be taken.*
- 4. Identifies waste hauling company. Hauling of debris is subject to provisions of Chapter 5.20 of the Palo Alto Municipal Code.*
- 5. Specifies that the amount of materials diverted shall be calculated by weight.*

5.408.2.1 Documentation. *Documentation shall be provided to the enforcing agency which demonstrates compliance with Section 5.408.2 items 1 thru 5. The waste management plan shall be updated as necessary and shall be accessible during construction for examination by the enforcing agency, and upon completion of the project shall be revised to show actual debris tonnage diverted. Supporting documentation shall be provided, consisting of original receipts and weight tags or other records of measurement from the approved facility, which document the address of the project or project permit number and documentation of how the material was processed. Photocopies will be accepted if the permit number and/or project address is recorded on the receipts provided by an approved facility. In the case of reuse or salvage of material, a description of reused or salvaged materials and an estimate of the weight or volume of material reused or salvaged shall be provided.*

Exception: *Jobsites in areas where there is no mixed construction and demolition debris (C&D) processor or recycling facilities within a feasible haul distance shall meet the requirements as follows:*

- 1. The enforcement agency having jurisdiction shall at its discretion, enforce the waste management plan and make exceptions as deemed necessary.*

Exception: *Jobsites where immediate or emergency demolition is required to protect the public health, safety, or welfare, as determined by the chief building official; or on the ground of impracticability or impossibility, including but not limited to, where the scope of the covered project is unusual (i.e. large mechanical equipment installation), and/or the amount of reusable material or recyclable debris is negligible.*

5.408.2.2 Isolated jobsites. *The enforcing agency may make exceptions to the requirements of this section when jobsites are located in areas beyond the haul boundaries of the diversion facility.*

Notes:

1. Sample forms found in Chapter 8 may be used to assist in documenting compliance with the waste management plan.
2. A list of approved construction and demolition debris diversion facilities can be located at www.cityofpaloalto.org/greenbuilding.

5.408.3 Construction waste reduction of at least 80%. Recycle and/or salvage for reuse a minimum of 80% of the non-hazardous construction and demolition debris. Calculate the amount of materials diverted by weight.

Exceptions:

1. Excavated soil, land-clearing debris and inert solids.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist.

5.408.4 Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing, and inert solids such as concrete and asphalt, shall be reused or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed.

16.14.220 Section A5.102 amended – Definitions added.

Section A5.102 of the California Green Building Standards Code is amended to include the following definitions:

SALVAGE. Salvage means the controlled removal of construction or demolition debris/ material from a building, construction, or demolition site for the purpose of on- or off-site reuse, or storage for later reuse. Examples include air conditioning and heating systems, columns, balustrades, fountains, gazebos, molding, mantels, pavers, planters, quoins, stair treads, trim, wall caps, bath tubs, bricks, cabinetry, carpet, doors, ceiling fans, lighting fixtures, electrical panel boxes, fencing, fireplaces, flooring materials of wood, marble, stone or tile, furnaces, plate glass, wall mirrors, door knobs, door brackets, door hinges, marble, iron work, metal balconies, structural steel, plumbing fixtures, refrigerators, rock, roofing materials, siding materials, sinks, stairs, stone, stoves, toilets, windows, wood fencing, lumber and plywood.

16.14.220 Section A5.105.1.3 amended – Salvage.

Section A5.105.1.3 of the California Green Building Standards Code is amended to read:

A5.105.1.3 Salvage. *Salvage structural and non-structural items in good condition such as wood, light fixtures, plumbing fixtures, and doors as follows. Document the weight and number of the items salvaged.*

1. *Salvage for reuse on the project items that conform to other provisions of Title 24 in an onsite storage area.*
2. *Nonconforming items may be salvaged in dedicated collection bins for exempt projects or other uses.*

16.14.230 Section A5.203.1.2 amended – Tier 2 Energy efficiency – 15% above Title 24, Part 6.

Section A5.203.1.2 of the California Green Building Standards Code is amended to read:

A5.203.1.2 Tier 2 Energy efficiency – 15% above Title 24, Part 6 [DSA-SS] *Exceed California Energy Code requirements, based on the 2008 Energy Efficiency Standards, by 15% and meet the requirements of Division A5.6.*

16.14.240 Section A5.302 amended – Definitions.

The following definitions in Section A5.302 of the California Green Building Standards Code are amended to read:

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE. *The California ordinance regulating landscape design, installation and maintenance practices that will ensure commercial, multifamily and other developer installed landscapes greater than 2,500 square feet meet an irrigation water budget developed based on landscaped area, and climatological parameters. The City of Palo Alto has adopted more stringent requirements in this code than the Model Water Efficient Landscape Ordinance, however the Model Ordinance is referenced as the method for determining the water budget associated with a project.*

SUBMETER. *Refer to Section 5.302.*

16.14.250 Section A5.304.4 amended – Potable water reduction.

Section A5.304.4 of the California Green Building Standards Code is amended to read:

A5.304.4 Potable water reduction. *Provide water efficient landscape irrigation design that reduces the use of potable water beyond the initial requirements for plant installation and establishment in accordance with Section A5.304.4.1 or A5.304.4.2. Calculations for the reduction shall be based on the water budget developed pursuant to section 5.304.1. Do not install invasive plant species.*

16.14.260 Section A5.408.3.1 amended – Enhanced construction waste reduction.

Section A5.408.3.1.1 amended – Verification of compliance.

Sections A5.408.3.1 and A5.408.3.1.1 of the California Green Building Standards Code are amended to read:

***A5.408.3.1 Enhanced construction waste reduction.** Divert to recycle or salvage non-hazardous construction and demolition debris generated at the site in compliance with one of the following:*

- Tier 1. At least an 80% reduction.*
- Tier 2. At least an 80% reduction.*

***A5.408.3.1.1 Verification of compliance.** A copy of the completed waste management report shall be provided, and upon completion of the project shall be revised to show actual debris tonnage diverted. Supporting documentation shall be provided, consisting of original receipts and weight tags or other records of measurement from the approved facility, which document the address of the project or project permit number and documentation of how the material was processed. Photocopies will be accepted if the permit number and/or project address is recorded on the receipts provided by an approved facility. In the case of reuse or salvage of material, a description of reused or salvaged materials and an estimate of the weight or volume of material reused or salvaged shall be provided.*

16.14.270 Section A5.601.2.4 amended – Voluntary measures for CALGreen Tier 1.

Sub-section 3 of Section A5.601.2.4 of the California Green Building Standards Code is amended to read:

- 3. From Division A5.4,*
 - a) Comply with recycled content of 10% of materials based on estimated total cost in Section A5.405.4.*
 - b) Comply with the 80% reduction in construction waste in Section A5.408.3.1*
 - c) Comply with one elective measure selected from this division.*

16.14.280 Section A5.601.3.3 amended – Tier 2.

Section A5.601.3.3 of the California Green Building Standards Code is amended to read:

***A5.601.3.3 Tier 2.** Exceed California Energy Code requirements, based on the 2008 Energy Efficiency Standards, by 15%. Field verify and document the measures and calculations used to reach the desired level of efficiency following the requirements specified in the Title 24 Nonresidential Alternative Calculation Method Manual. For each additional 5% the California Energy Code is exceeded beyond the 15% minimum required, the project can decrease one elective*

measure required under any section under A5.601.3.4 below (e.g. a project that exceeds the California Energy Code by 25% can decrease the required elective measures by two).

16.14.290 Section A5.601.3.4 amended – Voluntary measures for CALGreen Tier 2.

Sub-section 4 of Section A5.601.3.4 of the California Green Building Standards Code is amended to read:

- 4. *From Division A5.5,*
 - a) *Comply with resilient flooring systems for 90% of resilient flooring in Section A5.504.4.7.1.*
 - b) *Comply with thermal insulation meeting 2009 CHPS low-emitting materials list and no added formaldehyde in Section A5.504.4.8.1.*
 - c) *Comply with four elective measures selected from this division.*

SECTION 2. The Council adopts the findings for local amendments to the California Green Building Standards Code, 2010 Edition, attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION 3. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the amendments herein adopted will have a significant effect on the environment.

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SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED: November 8, 2010

PASSED: December 13, 2010

AYES: BURT, ESPINOSA, HOLMAN, KLEIN, PRICE, SCHARFF, SCHMID, SHEPHERD, YEH

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

Beth Ormer

City Clerk

Patricia Burt

Mayor

APPROVED AS TO FORM:

Melinda Strong

Senior Deputy City Attorney

APPROVED:

John Jo

City Manager

Curtis Williams

Director of Planning & Community Environment

EXHIBIT "A"

Findings Adoption of California Green Building Standards Code and Related Amendments

In adopting the ordinance adding Chapter 16.14 to the Palo Alto Municipal Code, the City Council finds as follows:

Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions of the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions of the California Building Standards Code, including green building standards, which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions.

A. General Findings Related to Green Building and Sustainability Requirements in City of Palo Alto

1. Green building enhances the public health and welfare by promoting the environmental and economic health of the City through the design, construction, maintenance, operation and deconstruction of buildings and sites by incorporating green practices into all development. The green provisions in this Chapter are designed to achieve the following goals:

- (a) Increase energy efficiency in buildings;
- (b) Increase water and resource conservation;
- (c) Reduce waste generated by construction and demolition projects;
- (d) Provide durable buildings that are efficient and economical to own and operate;
- (e) Promote the health and productivity of residents, workers, and visitors to the city;
- (f) Recognize and conserve the energy embodied in existing buildings;
- (g) Encourage alternative transportation; and
- (h) Reduce disturbance of natural ecosystems.

2. The City of Palo Alto's (City) Comprehensive Plan sets forth goals for preserving and improving the City's natural and built environment, protecting the health of its residents and visitors, conserving water and energy, and fostering its economy;

3. The Council identified Environmental Protection as one of its top five goals and green building is a key component of environmental protection;

4. Green building design, construction, restoration, operation, and maintenance can have a significant positive effect on energy, water, and resource conservation, waste management and pollution generation, and the health and productivity of a property's residents, workers, and visitors over the life of a building and/or site;

5. Green building regulations comprise an important component of a whole systems approach to the City's sustainability program related to building and land development, other components of which include but are not limited to requirements for: disposal of construction and demolition debris, storm water quality and flood protection, tree protection, water conservation, recyclable materials storage, parking lot landscaping, and transportation demand management.

B. Findings for Local Amendments to 2010 California Green Building Standards Code (PAMC 16.14.020)

1. The City Council adopted a local Green Building Ordinance in 2008. In adopting that Ordinance, the Council recognized that a green building program supports the following principles important to the City of Palo Alto and found that:

(a) The City of Palo Alto's (City) Comprehensive Plan sets forth goals for preserving and improving the City's natural and built environment, protecting the health of its residents and visitors, conserving water and energy, and fostering its economy;

(b) The Council identified Environmental Protection as one of its top four goals for 2008, and green building is a key component of environmental protection;

(c) Green building design, construction, restoration, operation, and maintenance can have a significant positive effect on energy, water, and resource conservation, waste management and pollution generation, and the health and productivity of a property's residents, workers, and visitors over the life of a building and/or site;

(d) The provisions of California Assembly Bill 32 (Global Warming Solutions Act) require actions on the part of State and local governments to significantly reduce greenhouse gas (GHG) emissions such that statewide GHG emissions in 2020 are lowered to 1990 levels;

(e) Failure to address and significantly reduce greenhouse gas emissions could result in rises in sea level, including in San Francisco Bay, that could put at risk Palo Alto homes and businesses, public facilities, and Highway 101 (Bayshore Freeway), particularly the mapped Flood Hazard areas of the City;

(f) Green building regulations comprise an important component of a whole systems approach to the City's sustainability program related to building and land development, other components of which include but are not limited to requirements for: disposal of construction and demolition debris, storm water quality and flood protection, tree protection, water conservation, recyclable materials storage, parking lot landscaping, and transportation demand management;

(g) The City's Climate Protection Plan (CPP), adopted by the City Council on December 3, 2007, identifies green building as an important approach to reducing greenhouse gases generated in the Palo Alto community. The CPP notes that building construction and maintenance accounts

for approximately 38% of U.S. greenhouse gas emissions (U.S. Department of Energy) and approximately 40% of the energy use in the Palo Alto community. Buildings also account for much of the 14% of emissions that are generated by waste materials;

(h) Green building and landscape design, construction, operations and maintenance techniques are increasingly widespread in residential and commercial building construction, and green building benefits can be spread throughout the systems and features of a building such that green buildings can include: the use of certified sustainable wood products and high-recycled content products; reuse of existing facilities and recycling and salvage; reduced demands on heating and cooling systems; increased energy efficiency; enhancement of indoor air quality; reduced per capita demand on water resources and infrastructure; and the installation of alternative and renewable energy systems;

(i) At the state level, Build It Green has taken the lead in promoting and defining residential green building by developing the GreenPoint Rated Rating System™; and

(j) Because the design, restoration, construction, and maintenance of buildings and structures within the City can have a significant impact on the City's environment, greenhouse gas emissions, resource usage, energy efficiency, waste management and the health and productivity of residents, workers and visitors over the life of the building, requiring commercial and residential projects to incorporate green building measures is necessary and appropriate to achieve the public health and welfare benefits of green building.

2. The local amendments to the California Green Building Standards Code make that code consistent with the City's previously adopted Green Building Ordinance and are reasonably necessary because of the following local climatic, geological, topographical or environmental conditions:

(a) The principles articulated and restated in Section 1 of this exhibit remain as relevant to the City today as they were when the City's original Green Building Ordinance was adopted in 2008;

(b) Green building and landscape design, construction, operations and maintenance techniques are increasingly widespread in residential and commercial building construction in Palo Alto, and green building benefits can be spread throughout the systems and features of a building, such that green buildings can include: the use of certified sustainable wood products and high-recycled content products; reuse of existing facilities and recycling and salvage; reduced demands on heating and cooling systems; increased energy efficiency; enhancement of indoor air quality; reduced per capita demand on water resources and infrastructure; and the installation of alternative and renewable energy systems;

(c) The design, restoration, construction, and maintenance of buildings and structures within the City can have a significant positive impact on the City's environment by reducing greenhouse gas emissions and resource usage, and promoting energy efficiency and sustainable waste management. These impacts improve the health and productivity of residents, workers and visitors over the life of a green building. As such, requiring commercial and residential projects

to incorporate green building measures is necessary and appropriate to achieve the public health and welfare benefits of green building;

(d) The City of Palo Alto's (City) Comprehensive Plan sets forth goals for preserving and improving the City's natural and built environment, protecting the health of its residents and visitors, conserving water and energy, and fostering its economy;

(e) Energy efficiency is a key component in reducing GHG emissions, and construction of more energy efficient buildings can help Palo Alto reduce its share of the GHG emissions that contribute to climate change;

(f) The City of Palo Alto Utilities (CPAU) is the only municipal utility in California that operates City-owned-utility services including electric, fiber optic, natural gas, water and wastewater services, and as such, the City Council is uniquely concerned that CPAU be able to provide reliable power to Palo Alto residents and businesses, especially in periods of peak energy demand;

(g) Summer ambient temperatures in the City during the months of June, July and August can reach over 100 degrees, creating peak energy load demands that can cause power outages, affecting public safety and causing adverse local economic impacts;

(h) The total square footage of conditioned habitable space within residential and nonresidential buildings in the City is increasing and using more energy and resources than in the past;

(i) The burning of fossil fuels used in the generation of electric power and heating of buildings contributes to climate change, which could result in rises in sea level, including in San Francisco Bay, that could put at risk Palo Alto homes and businesses, public facilities, and Highway 101;

(j) Reduction of total and peak energy use as a result of incremental energy efficiency measures will have local and regional benefits in the cost-effective reduction of energy costs for building owners, additional available system energy capacity, and a reduction in greenhouse gas emissions;

(k) The provisions of California Assembly Bill 32 (Global Warming Solutions Act) require actions on the part of State and local governments to significantly reduce greenhouse gas (GHG) emissions such that statewide GHG emissions in 2020 are lowered to 1990 levels; Failure to address and significantly reduce greenhouse gas emissions could result in rises in sea level, including in San Francisco Bay, that could put at risk Palo Alto homes and businesses, public facilities, and Highway 101 (Bayshore Freeway);

(l) The City's local Green Building Ordinance has already resulted in considerable local environmental benefits to the City, including but not limited to, benefits to the local environmental conditions addressed in the CPP. Specifically, for calendar year 2009, staff calculated that the Green Building Ordinance resulted in the following benefits to the City:

- (i) 74,021 square feet of green construction;
- (ii) More than 900 City residents or employees now housed in green facilities;
- (iii) Energy efficiency savings beyond the requirements of the California State Energy Code averaging twenty one percent;
- (iv) Annual electricity savings of 21,526 kwh;
- (v) Annual natural gas savings of 535 therms;
- (vi) Annual indoor water use savings of 286,389 gallons;
- (vii) Annual outdoor water use savings of 50,000 gallons;
- (viii) 16,122 tons of waste diverted from landfills; and
- (ix) Avoidance of 5,800 metric tons of greenhouse gas emissions (from energy, water and waste).

(m) At the state level, Build It Green has taken the lead in promoting and defining residential green building by developing the GreenPoint Rated Rating System™, and the City of Palo Alto finds that meeting the minimum requirements of Build It Green, GreenPoint Rated system to be equivalent to the mandatory provisions of the California Green Building Standards Code.

C. Findings Related to Enhanced Green Building Measures (PAMC §§ 16.14.080-.140, 16.14.270-.290):

1. The California Green Building Standards Code appendices include voluntary tiers to provide cities, counties, building professionals, and the general public with a range of prerequisite and elective green building measures for builders to choose from when constructing homes in California.
2. The California Green Building Standards Code appendices benefited from extensive input from cities, counties, building professionals, state agencies, and recognized green building professionals, and the practices contained in these guidelines were selected for their viability in today's market and their ability to promote sustainable buildings and communities.
3. Adoption of the California Green Building Standards Code appendices promotes statewide consistency and predictability for building professionals, while ensuring that the level of green building standards established by the City of Palo Alto in its 2008 Green Building Ordinance is not diminished.

D. Findings Related to Construction and Demolition Debris Amendments (PAMC §§ 16.14.210-.220):

1. The State of California through its California Integrated Waste Management Act of 1989, Assembly Bill 939 (AB 939), requires that each local jurisdiction in the state divert 50% of discarded materials (base year 1990) from landfills.
2. The City Council adopted a Zero Waste Strategic Plan in 2005 that sets a goal of zero waste by 2021 and provides that 90% or more of waste materials should be diverted from landfills through waste reduction, reuse, and recycling efforts.

3. There are facilities both within the City and in nearby surrounding areas that can effectively reuse, recycle or otherwise recover the constituent elements of the waste materials generated by construction and demolition activity and thereby divert such materials from landfills.

4. Construction and demolition debris recovery programs reduce the amount of materials generated and hauled to landfills.

E. Findings Related to Water Efficiency Amendments (PAMC § 16.14.160-.200; 16.14.240-.260):

1. The outdoor water use requirements set forth in the California Green Building Standards Code (CALGreen) meet or exceed the minimum requirements of the Department of Water Resources' (DWR) Model Water Efficient Landscape Ordinance, mandated by state law (AB 1881 (2006), and are at least as effective in reducing landscape water use as the DWR Model Ordinance, for the following reasons:

- (a) CALGreen applies to more projects than the DWR Model Ordinance;
- (b) CALGreen is linked to projects requiring building permits, which undergo review through the City's Planning and Community Environment Department, whereas the DWR Ordinance applies only to projects that require landscape permits. Because the City does not issue landscape permits, more projects will be captured by the CALGreen requirements and subjected to the landscape water use standards contained therein;
- (c) CALGreen sets forth maximum limits for evapotranspiration, an important element in water use calculations, which are more effective in reducing landscape water use than what is required in the DWR Model Ordinance;
- (d) Planting specifications under CALGreen reduce the area and amount of high water use plants allowed for landscape projects, which exceed DWR requirements;
- (e) Under CALGreen, landscape submetering is required for both residential and nonresidential projects with landscape areas smaller than what is recommended in the DWR Model Ordinance. Landscape submetering has been shown in many cases to reduce overall site water use.

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



February 24, 2011

Mr. Larry I. Perlin, P.E.
Department of Planning and Community Environment
City of Palo Alto
250 Hamilton Avenue, P.O.Box 10250
Palo Alto, California 94303

Dear Mr. Larry I. Perlin:

This letter is to acknowledge receipt on December 31, 2010 of the City of Palo Alto submittal pertaining to Ordinance Nos. 5099, 5101 and 5102 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards 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 (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect 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 Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

City of Palo Alto

Department of Planning and
Community Environment

December 28, 2010

Jane G. Taylor, Senior Architect
State of California – State and Consumer Services Agency
Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

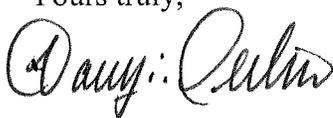
Subject: Filing of Local Amendments to 2010 California Building Code, 2010
California Residential Code & 2010 California Plumbing Code (CCR Title 24 –
Parts 2, 2.5 & 5) – Ordinance Nos. 5099, 5101 & 5102

Dear Ms. Taylor:

Transmitted herewith for filing with the Building Standards Commission are
signed copies of Ordinance Nos. 5099, 5101 and 5102 passed by the Palo Alto
City Council on November 22, 2010, which adopt the 2010 Editions of the
California Building Code, California Residential Code and California Plumbing
Code (Parts 2, 2.5 and 5 of Title 24 of the California Code of Regulations), along
with local amendments thereto. The requisite findings for the local amendments
required by H&SC Section 17958.5 are attached as Exhibit A to each Ordinance.

Please contact the undersigned if there are any questions about this.

Yours truly,



Larry I. Perlin, PE
Chief Building Official

Enclosures: Ordinance Nos. 5099, 5101 & 5102

Planning
250 Hamilton Avenue
P.O. Box 10250
Palo Alto, CA 94303
650.329.2441
650.329.2154

Transportation
250 Hamilton Avenue
P.O. Box 10250
Palo Alto, CA 94303
650.329.2520
650.617.3108

Building
285 Hamilton Avenue
P.O. Box 10250
Palo Alto, CA 94303
650.329.2496
650.329.2240

Ordinance No. 5099

Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2010 Editions, and Local Amendments and Related Findings

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Chapter 16.04 of the Palo Alto Municipal Code is hereby amended by repealing in its entirety Chapter 16.04 and adopting a new Chapter 16.04 to read as follows:

16.04.010 2010 California Building Code adopted.

The California Building Code, 2010 Edition, Title 24, Part 2 of the California Code of Regulations, together with those omissions, amendments, exceptions and additions thereto, is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein. One copy of the California Building Code, 2010 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

Wherever the phrases “California Building Code” or “Building Code” are used in this code or any ordinance of the City, such phrases shall be deemed and construed to refer and apply to the California Building Code, 2010 Edition, as adopted by this Chapter.

16.04.020 2010 California Building Code Appendix Chapters adopted.

The following Appendix Chapters of the California Building Code, 2010 Edition, are adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein:

- A. Appendix I – Patio Covers

16.04.030 Cross - References to California Building Code.

The provisions of this Chapter contain cross-references to the provisions of the California Building Code, 2010 Edition, in order to facilitate reference and comparison to those provisions.

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16.04.040 Enforcement -- Citation authority.

The employee positions designated in this section may enforce the provisions of this chapter by the issuance of citations; persons employed in such positions are authorized to exercise the authority provided in Penal Code section 836.5 and are authorized to issue citations for violations of this chapter. The designated employee positions are: (1) chief building official; (2) assistant building official; (3) building inspection supervisor; and (4) code enforcement officer.

16.04.050 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Building Code, 2010 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.04.060 Section 105.1.3 of Division II added – Demolition permits.

Section 105.1.3 of Division II of the California Building Code is added to read:

105.5.1.3 Demolition permits. In addition to other requirements of law, every person seeking a permit to demolish a unit used for residential rental purposes shall furnish an affidavit or declaration under penalty of perjury that the unit proposed to be demolished is vacant, or that notice to vacate has been given to each tenant lawfully in possession thereof as required by law or by the terms of such tenancy. No work or demolition shall begin upon any portion of such a unit until each and every portion has been vacated by all tenants lawfully in possession thereof.

16.04.070 Section 105.5 of Division II amended – Expiration.

Section 105.5 of Division II of the California Building Code is amended to read:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each and may require; 1) that the construction documents be revised to partially or fully comply with current codes, and 2) payment of a fee. Extensions shall be requested in writing and justifiable cause demonstrated. For the purpose of this section, failure to progress a project to the next level of required inspection shall be deemed to be suspension of the work.

16.04.080 Section 109.6 of Division II amended – Refunds.

Section 109.6 of Division II of the California Building Code is amended to read:

109.6 Refunds. *The building official may authorize the refund of any fee paid hereunder which was erroneously paid or collected.*

The building official may authorize the refund of not more than eighty percent (80%) of the Permit Fee paid when no work has occurred under a permit issued pursuant to this Chapter.

The building official may authorize the refund of not more than eighty percent (80%) of the Plan Review Fee paid when a permit application is withdrawn or canceled before any plan review work has started.

16.04.090 Section 110.7 of Division II added – Re-Inspections.

Section 110.7 of Division II is added to the California Building Code to read:

119.7 Re-inspections. *A Re-Inspection Fee may be assessed by the building official for each inspection or re-inspection required when work for which an inspection is requested is not ready for inspection or when required corrections noted during prior inspections have not been completed. This section is not intended to require payment of a Re-Inspection Fee the first time work is rejected for failure to comply with the requirements of applicable codes, but as a means to discourage the practice of requesting inspections before work is ready for inspection or re-inspection. A Re-Inspection Fee may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available for the inspector at the time of inspection, the inspector is unable to access the work at the time of inspection, or when work has substantially deviated from the approved plans without the prior approval of the building official. When a Re-Inspection Fee is assessed, additional inspection of the work will not be performed until the fee has been paid.*

16.04.100 Section 111.1 of Division II amended – Use and occupancy.

Section 111.1 of Division II of the California Building Code is amended to read:

111.1 Use and occupancy. *No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.*

Exception: *Certificates of occupancy are not required for work exempt from permits under Section 105.2 and:*

- 1. Group R – Division 3 occupancies*
- 2. Group U occupancies*

111.1.1 Change of occupancy or tenancy. *Each change of occupancy, official name or tenancy of any building, structure or portion thereof, shall require a new certificate of occupancy, whether or not any alterations to the building are required by this code.*

If a portion of any building does not conform to the requirements of this code for a proposed occupancy, that portion shall be made to conform. The building official may issue a new certificate of occupancy without requiring compliance with all such requirements if it is determined that the change in occupancy or tenancy will result in no increased hazard to life or limb, health, property or public welfare.

When application is made for a new certificate of occupancy under this section, the building official and fire chief shall cause an inspection of the building to be made. The inspector(s) shall inform the applicant of those alterations necessary, or if none are necessary, and shall submit a report of compliance to the building official.

Before any application for a new certificate of occupancy is accepted, a fee shall be paid by the applicant to cover the cost of the inspection of the building required by the change of occupancy or tenancy.

16.04.110 Section 111.3 of Division II amended – Temporary occupancy.

Section 111.3 of Division II of the California Building Code is amended to read:

111.3 Temporary occupancy. *The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, or as otherwise required, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.*

16.04.120 Section 111.5 of Division II added – Posting.

Section 111.5 of Division II is added to the California Building Code to read:

111.5 Posting. *The certificate of occupancy shall be posted in a conspicuous, readily accessible place in the building or portion of building to be occupied and shall not be removed except when authorized by the building official.*

16.04.130 Section 702A amended – Definitions (Wildland-Urban Interface Fire Area).

Section 702A (Wildland-Urban Interface Fire Area) of the California Building Code is amended to read:

WILDLAND-URBAN INTERFACE FIRE AREA is a geographical area identified by the State of California as a "Fire Hazard Severity Zone" in accordance with Public Resources Code Sections 4201 through 4202 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Within the city limits of the City of Palo Alto, "Wildland-Urban Fire Interface Area" shall also include all areas west of Interstate 280, and all other areas recommended as a "Very High Fire Hazard Severity Zone" by the Director of the California Department of Forestry.

16.04.140 Section 902.1 amended – Definitions.

Section 902.1 of the California Building Code is amended to include the following definitions:

DUAL SENSOR PHOTOELECTRIC/IONIZATION SMOKE DETECTOR OR ALARM. A smoke alarm or detector that utilizes both photoelectric and ionization methods in a single device.

IONIZATION SMOKE DETECTOR OR ALARM. A smoke alarm or detector that uses a small amount of radioactive material to detect invisible particles generated by flame.

PHOTOELECTRIC SMOKE DETECTOR OR ALARM. A smoke alarm or detector that uses a light-source to detect the presence of smoke.

16.04.150 Section 903.2 amended – Where required.

Section 903.2 of the California Building Code is amended to read:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures, and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.12 and as follows, whichever is the more restrictive:

1. An automatic sprinkler system shall be provided throughout all new buildings and structures.

Exception: New non-residential occupancies, buildings or structures that do not exceed 1,000 square feet of building area.

2. An automatic sprinkler system shall be provided for all existing buildings or structures where modifications have been determined by the Building Official to trigger requirements for seismic retrofit.

3. An automatic sprinkler system shall be provided throughout all existing buildings when modifications are made that create conditions described in Sections 903.2.1 through 903.2.18, that create an increase in fire area beyond 3,600 square feet or that create an increase in the number of stories to two (2) or more.

Exception: One-time additions to existing buildings made after January 1, 1994 and that do not exceed 500 square feet in building area.

4. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50%.

5. An automatic sprinkler system shall be provided throughout all new buildings located in the designated Wildland-Urban Interface Fire Areas.

Exception: Non-residential accessory structures to single family dwellings that have a fire area of 500 square feet or less.

6. An automatic sprinkler system shall be provided throughout all existing buildings located in the designated Wildland-Urban Interface Fire Areas when modifications are made that increases the fire area.

Exception: One-time additions to existing buildings made after January 1, 1994 that do not exceed 500 square feet in fire area.

16.04.160 Section 907.2.11 amended – Single- and multiple-station smoke alarms.

Section 907.2.11 of the California Building Code is amended to read as follows:

907.2.11 Single- and multiple-station smoke alarms. Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with the provisions of this code and the household warning equipment provisions of NFPA 72.

Smoke alarms more than 10 years old shall not be considered as satisfying any requirement of this code or of the Health and Safety Code Section 13113 and shall be immediately replaced by the owner with a smoke alarm that complies with this section.

Smoke alarms and smoke detectors installed on or after January 1, 2011 in compliance with this code or with the provisions of the Health and Safety Code Section 13113 shall also meet the following requirements:

1. Smoke detectors or smoke alarms located within 20 feet of a kitchen or room containing a wood-burning stove or fireplace shall be photoelectric detectors or alarms.

2. *In any other required locations dual sensor photoelectric/ionization detectors or alarms, shall be installed. A photoelectric smoke detector or alarm installed together with an ionization smoke detector or alarm may be used as a substitute for a dual sensor photoelectric/ionization detector or alarm.*

Exception: Group R occupancies. *A fire alarm system with smoke detectors located in accordance with, and meeting the requirements of, this section may be installed in lieu of smoke alarms. Upon actuation of the detector, only those notification appliances in the dwelling unit or guest rooms where the detectors are actuated shall activate.*

16.04.170 Section 1206.3.4 added – Roof guardrails at interior courts.

Section 1206.3.4 is added to the California Building Code to read:

1206.3.4 Roof guardrails at interior courts. *Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12 inch diameter sphere cannot pass through.*

Exception: *Where the roof opening is greater than 600 square feet in area.*

16.04.180 Section 1505.1.4 amended – Roofing requirements in a Wildland-Urban Interface Fire Area.

Section 1505.1.4 of the California Building Code is amended to read:

1505.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area. *The entire roof covering on new structures and existing structures on which more than 50 percent of the total roof area is replaced within any one-year period, and any roof covering applied in the alteration, repair or replacement of roofs on existing structures, shall be a fire-retardant roof covering that is at least Class A. Roofing requirements for structures located in a Wildland-Urban Interface Fire Area shall also comply with Section 704A.1.*

16.04.190 Section 1612.1.1 added - Palo Alto Flood Hazard Regulations.

Section 1612.1.1 is added to the California Building Code to read:

1612.1.1 Palo Alto Flood Hazard Regulations. *Notwithstanding the provisions of Section 1612.1, all construction or development within a flood hazard area (areas depicted as a Special Flood Hazard Area on Flood Insurance Rate Maps published by the Federal Emergency Management Agency) shall comply with the City of Palo Alto Flood Hazard Regulations (Palo Alto Municipal Code Chapter*

16.52). Where discrepancies exist between the requirements of this code and said regulations, the provisions of said regulations shall apply.

16.04.200 Table 1809.7 amended – Prescriptive Footings Supporting Walls of Light-Frame Construction.

Table 1809.7 of the California Building Code is amended to read:

TABLE 1809.7

Prescriptive Footings Supporting Walls of Light-Frame Construction

<i>Number of Stories</i>	<i>Thickness of Foundation Wall (inches)</i>	<i>Width of Footing (inches)</i>	<i>Thickness of Footing (inches)</i>	<i>Depth of Foundation Below Natural Surface of Ground or Finish Grade (inches)</i>
<i>1&2</i>	<i>8</i>	<i>14</i>	<i>8</i>	<i>20</i>
<i>3</i>	<i>8</i>	<i>18</i>	<i>8</i>	<i>30</i>
<i>Group U Occupancies</i>	<i>8</i>	<i>12</i>	<i>12</i>	<i>12</i>

All foundations as required in the above Table shall be continuous and have a minimum of three #4 bars of reinforcing steel, except for one story, detached accessory buildings of Group U occupancy where two bars are required.

16.04.210 Section 3302.3 added – Fire walls.

Section 3302.3 is added to the California Building Code to read:

3302.3 Fire walls. *When fire walls are required, the fire wall construction shall be completed, with all openings protected, immediately after the building is sufficiently weather protected at the location of the wall(s).*

16.04.220 Section 3310.1 amended – Stairways required.

Section 3310.1 of the California Building Code is amended to read:

3310.1 Stairways required. *Each level above the first story in new multi-story buildings shall be provided with at least two (2) usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two (2) floor levels shall be enclosed (with*

openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and existing occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception: For new multi-story buildings, one of the required exit stairs may be obstructed on not more than two (2) contiguous floor levels for the purpose of stairway construction (i.e. installation of gypsum board, painting, flooring, etc.).

16.04.230 Section 3310.3 added – Required means of egress.

Section 3310.3 is added to the California Building Code to read:

3310.3 Required Means Of Egress. All new buildings under construction shall have a least one unobstructed means of egress. All means of egress shall be identified in the Fire Protection Plan.

16.04.240 Section 3405.2.4 added – Seismic Evaluation and Design Procedures for Repairs.

Section 3405.2.4 is added to the California Building Code to read:

3405.2.4 Seismic Evaluation and Design Procedures for Repairs. The seismic evaluation and design shall be based on the procedures specified in the California Building Code, ASCE 31 Seismic Evaluation of Existing Buildings (for evaluation only) or ASCE 41 Seismic Rehabilitation of Existing Buildings. The procedures contained in Appendix A of the International Existing Building Code shall be permitted to be used as specified in Section 3403.5.1.1.3.

3405.2.4.1 Compliance with CBC level seismic forces. Where compliance with the seismic design provisions of the California Building Code is required, the procedures shall be in accordance with one of the following:

1. One-hundred percent of the values in the California Building Code. Where the existing seismic force-resisting system is a type that can be designated as "Ordinary," the values of R , Ω_o , and C_d used for analysis in accordance with Chapter 16 of the California Building Code shall be those specified for structural systems classified as "Ordinary" in accordance with Table 12.2-1 of ASCE 7, unless it is demonstrated that the structural system will provide performance equivalent to that of a "Detailed," "Intermediate" or "Special" system.

2. Compliance with ASCE 41 using both BSE-1 and BSE-2 earthquake hazard levels and the corresponding performance levels in Table 3405.2.4.1.

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**TABLE 3405.2.4.1
PERFORMANCE CRITERIA FOR CBC LEVEL SEISMIC FORCES**

OCCUPANCY CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
<i>I</i>	<i>Life Safety (LS)</i>	<i>Collapse Prevention (CP)</i>
<i>II</i>	<i>Life Safety (LS)</i>	<i>Collapse Prevention (CP)</i>
<i>III</i>	<i>Note a</i>	<i>Note a</i>
<i>IV</i>	<i>Immediate Occupancy (IO)</i>	<i>Life Safety (LS)</i>

a. Acceptance criteria for Occupancy Category III shall be taken as 80 percent of the acceptance criteria specified for Occupancy Category II performance levels, but need not be less than the acceptance criteria specified for Occupancy Category IV performance levels.

3405.2.4.2 Compliance with reduced CBC level seismic forces. *Where seismic evaluation and design is permitted to meet reduced California Building Code seismic force levels, the procedures used shall be in accordance with one of the following:*

1. The California Building Code using 75 percent of the prescribed forces. Values of R , Ω_o , and C_d used for analysis shall be as specified in Section 3405.2.4.1 Item 1.

2. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A of the International Existing Building Code as specified in Items 2.1 through 2.5 below shall be deemed to comply with this section.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

2.5. Seismic evaluation and design of concrete buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.

3. Compliance with ASCE 31 based on the applicable performance level as shown in Table 3405.2.4.2. It shall be permitted to use the BSE-1 earthquake hazard level as defined in ASCE 41 and subject to the limitations in item 4 below.

4. Compliance with ASCE 41 using the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 3405.2.4.2. The design spectral response acceleration parameters S_{xs} and S_{x1} specified in ASCE 41 shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_{DS} and S_{D1} defined by the California Building Code and its reference standards.

**TABLE 3405.2.4.2
PERFORMANCE CRITERIA FOR REDUCED CBC
LEVEL SEISMIC FORCES**

OCCUPANCY CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Life Safety (LS)
II	Life Safety (LS)	Life Safety (LS)
III	Note a, Note b	Note a
IV	Immediate Occupancy (IO)	Immediate Occupancy (IO)

a. Acceptance criteria for Occupancy Category III shall be taken as 80 percent of the acceptance criteria specified for Occupancy Category II performance levels, but need not be less than the acceptance criteria specified for Occupancy Category IV performance levels.

b. For Occupancy Category III, the ASCE screening phase checklists shall be based on the life safety performance level.

3405.2.4.3 Referenced Standards

Standard Reference Number	Title	Referenced In Code Section Number
ASCE 31-03	Seismic Evaluation of Existing Buildings	3405.2.4.1, TABLE 3405.2.4.1 3405.2.4.2, TABLE 3405.2.4.2
ASCE 41-06	Seismic Rehabilitation of Existing Buildings	3405.2.4.1,

(Including
Supplement No. 1)

TABLE 3405.2.4.1
3405.2.4.2,
TABLE 3405.2.4.2

16.04.250 Section 3404.7 added – *Suspended ceiling systems.*

Section 3404.7 is added to the California Building Code to read:

***3404.7 Suspended ceiling systems.** In existing buildings or structures, when a permit is issued for alterations or repairs, the existing suspended ceiling system within the area of the alterations or repairs shall comply with Section 803.9.1.1 and with ASCE 7-05 Section 13.5.6.*

16.04.260 2010 California Historical Building Code adopted.

The California Historical Building Code, 2010 Edition, Title 24, Part 8 (authorized by Health and Safety Code Sections 18950 through 18961), which provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of designated historic buildings, is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein. One copy of the California Historical Building Code, 2010 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

16.04.270 2010 California Existing Building Code adopted.

The California Existing Building Code, 2010 Edition, Title 24, Part 10, which provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of existing buildings, is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein. One copy of the California Existing Building Code, 2010 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

SECTION 2. The Council adopts the findings for local amendments to the California Building Code, 2010 Edition, attached hereto as Exhibit “A” and incorporated herein by reference.

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SECTION 3. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the amendments herein adopted will have a significant effect on the environment.

SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED: November 8, 2010

PASSED: November 22, 2010

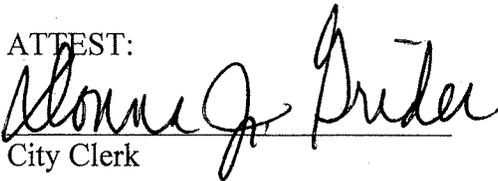
AYES: BURT, ESPINOSA, HOLMAN, KLEIN, PRICE, SCHARFF, SCHMID, SHEPHERD, YEH

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

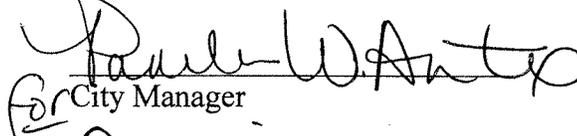

City Clerk

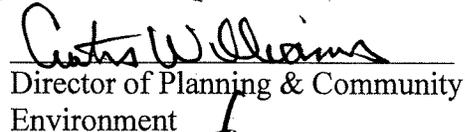

Mayor

APPROVED AS TO FORM:


Senior Deputy City Attorney

APPROVED:


For City Manager


Director of Planning & Community Environment

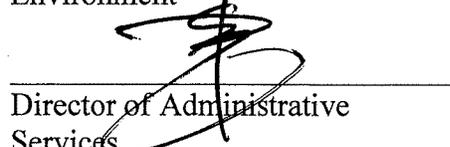

Director of Administrative Services

EXHIBIT "A"
FINDINGS FOR LOCAL AMENDMENTS
TO CALIFORNIA BUILDING CODE

Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions of the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions of the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions.

Local building regulations having the effect of amending the uniform codes, which were adopted by the City prior to November 23, 1970, were unaffected by the regulations of Sections 17958, 17958.5 and 17958.7 of the Health and Safety Code. Therefore, amendments to the uniform codes which were adopted by the City Council prior to November 23, 1970, and have been carried through from year to year without significant change, need no required findings. Also, amendments to provisions not regulating buildings used for human habitation do not require findings.

A. Explanation of Administrative Amendments

16.04.060 Section 105.1.3 of Division II added – Demolition permits.

Finding: This amendment requires the notification of the occupants of a residential building prior to the issuance of a demolition permit, and requires that the building be vacated prior to the issuance of the demolition permit. This is an administrative amendment that is needed to ensure the safety of the occupants of a building which is proposed to be demolished.

16.04.070 Section 105.5 of Division II amended – Expiration.

Finding: This is an administrative amendment to clarify when a permit expires.

16.04.080 Section 109.6 of Division II amended – Refunds; 16.04.100 Section 110.7 of Division II added – Re-Inspections.

Finding: These amendments bring the administrative provisions of the California Building Code into compliance with the Palo Alto Municipal Code and the organization of the City of Palo Alto.

16.04.100 Section 111.1 of Division II amended – Use and occupancy
16.04.110 Section 111.3 of Division II amended – Temporary occupancy
16.04.120 Section 111.5 of Division II added – Posting

Finding: These administrative amendments provide for a Certificate of Occupancy to be issued for each occupancy change of a building or portion thereof. The amendment is needed for the

building to be inspected when tenants change to ascertain compliance with life safety and accessibility requirements. These sections also permit the issuance of a Temporary Occupancy Certificate provided all life safety and accessibility requirements have been complied with prior to completion of the entire project.

B. Explanation of Amendments to conform California Building Code, as amended locally, to California Fire Code, as amended locally

- 16.04.130 Section 702A amended – Definitions (Wildland-Urban Interface Fire Area)
- 16.04.140 Section 902.1 amended – Definitions
- 16.04.150 Section 903.2 amended – Where required
- 16.04.160 Section 907.2.11 amended – Single- and multiple-station smoke alarms
- 16.04.170 Section 1206.3.4 added – *Roof guardrails at interior courts*
- 16.04.180 Section 1505.1.4 amended – Roofing requirements in a Wildland-Urban Interface Fire Area
- 16.04.210 Section 3302.3 added – *Fire walls*
- 16.04.220 Section 3310.1 amended – Stairways required
- 16.04.230 Section 3310.3 added – *Required means of egress*

Finding: These amendments make the provisions of the California Building Code, 2010 Edition, as amended locally, consistent with those of the California Fire Code, 2010 Edition, as amended locally pursuant to Section 18941.5 of the Health and Safety Code. The Findings for these amendments are more specifically set forth in Exhibit “A” of the City’s Ordinance adopting the California Fire Code, 2010 Edition. In general, these amendments have been recognized by the City of Palo Alto as tools for addressing the fire problems, concerns and future direction by which the authority can establish and maintain an environment that will afford a level of fire and life safety to all who live and work within the City’s boundaries. Based on the specific findings that identify the unique local climatic, geologic and topographic conditions within the City of Palo Alto, these amendments are also considered reasonable and necessary. The experience of several disastrous fires within the city, in addition to other fires in Santa Clara, Monterey, San Mateo, Alameda and Contra Costa Counties have demonstrated the need for additional fire protection features in new buildings and those that are under construction. The implementation of these amendments may reduce the severity and potential of loss of life and property due to fire.

C. Findings for Substantive Local Amendments

- 16.04.190 Section 1612.1.1 added - *Palo Alto Flood Hazard Regulations*

Finding: This section is amended to conform to other provisions of the Palo Alto Municipal Code and to comply with the National Flood Insurance Program (implementing the National Flood Act of 1968, as amended), and federal regulations adopted thereunder, for the purpose of promoting public health, safety and general welfare and to minimize public and private losses due to flood conditions in the mapped Flood Hazard areas of the City..

16.04.200 Table 1809.7 amended – Prescriptive Footings Supporting Walls of Light-Frame Construction

Finding: This amendment is necessary and justified due to the documented existence of expansive soil conditions throughout much of Palo Alto as shown on published geotechnical and geologic hazard maps in the City’s Comprehensive Plan. The prescribed minimum foundation requirements are based on sound engineering practices.

16.04.240 Section 3405.2.4 added – *Seismic Evaluation and Design Procedures for Repairs;*

Finding: The greater San Francisco Bay region is a densely populated area with many buildings constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to, the 1989 Loma Prieta Earthquake, and similar disasters. This amendment is intended to promote pre-disaster mitigation measures as part of repairs and renovations to existing buildings, as well as establish reasonable repair and reconstruction requirements for damaged buildings, in a manner consistent with the Federal Emergency Management Agency’s (FEMA’s) implementation of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, (“Stafford Act”), and other relevant information so that Public Assistance funds may be secured for the repair and restoration of eligible government and non-profit facilities damaged in a declared disaster.

16.04.250 Section 3404.7 added – *Suspended ceiling systems*

Finding: This amendment requires that existing suspended ceilings be braced for lateral forces at the time of remodel work. This amendment is necessary because the greater San Francisco Bay region is a densely populated area with many buildings constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to, the 1989 Loma Prieta Earthquake.

Ordinance No. 5101
Ordinance of the Council of the City of Palo Alto Adopting a
New Chapter 16.06 of the Palo Alto Municipal Code,
California Residential Code, 2010 Edition, and Local
Amendments and Related Findings

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Title 16 of the Palo Alto Municipal Code is amended to adopt a new Chapter 16.06 to read as follows:

16.06.010 2010 California Residential Code adopted.

The California Residential Code, 2010 Edition, Title 24, Part 2.5 of the California Code of Regulations, together with those omissions, amendments, exceptions and additions thereto, is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein. One copy of the California Residential Code, 2010 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

Wherever the phrases “California Residential Code” or “Residential Code” are used in this code or any ordinance of the city, such phrases shall be deemed and construed to refer and apply to the California Residential Code, 2010 Edition, as adopted by this Chapter.

16.06.020 2010 California Residential Code Appendix Chapters adopted.

The following Appendix Chapters of the California Residential Code, 2010 Edition, are adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein:

- A. Appendix G – Swimming Pools, Spas and Hot Tubs
- B. Appendix H – Patio Covers

16.06.030 Cross - References to California Residential Code.

The provisions of this Chapter contain cross-references to the provisions of the California Residential Code, 2010 Edition, in order to facilitate reference and comparison to those provisions.

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16.06.040 Enforcement -- Citation Authority.

The employee positions designated in this section may enforce the provisions of this chapter by the issuance of citations; persons employed in such positions are authorized to exercise the authority provided in Penal Code section 836.5 and are authorized to issue citations for violations of this chapter. The designated employee positions are: (1) chief building official; (2) assistant building official; (3) building inspection supervisor; and (4) code enforcement officer.

16.06.050 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Residential Code, 2010 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.06.60 Chapter 1, Division II amended – Administration.

Chapter 1, Division II of the California Residential Code is amended to read:

***DIVISION II
ADMINISTRATION***

The provisions of Chapter 1 (Scope and Administration), Division II (Scope and Administration), of the California Building Code, 2010 Edition, as locally amended and adopted, shall apply to this code.

16.06.070 Section R202 amended – Definitions added.

Section R202 of the California Residential Code is amended to include the following definitions:

DUAL SENSOR PHOTOELECTRIC/IONIZATION SMOKE DETECTOR OR ALARM. *A smoke alarm or detector that utilizes both photoelectric and ionization methods in a single device.*

IONIZATION SMOKE DETECTOR OR ALARM. *A smoke alarm or detector that uses a small amount of radioactive material to detect invisible particles generated by flame.*

PHOTOELECTRIC SMOKE DETECTOR OR ALARM. *A smoke alarm or detector that uses a light-source to detect the presence of smoke.*

WILDLAND-URBAN INTERFACE FIRE AREA *is a geographical area identified by the State of California as a “Fire Hazard Severity Zone” in accordance with Public Resources Code Sections 4201 through 4202 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Within the city*

limits of the City of Palo Alto, "Wildland-Urban Fire Interface Area" shall also include all areas west of Interstate 280, and all other areas recommended as a "Very High Fire Hazard Severity Zone" by the Director of the California Department of Forestry.

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

Section R313.2 of the California Residential Code is amended to read:

R313.2 One- and two-family dwellings automatic fire sprinkler systems. *Approved automatic sprinkler systems in new one- and two- family dwellings and in existing modified one- and two- family dwellings shall be provided in accordance with this section.*

1. An automatic sprinkler system shall be provided throughout all new residential buildings and structures.

Exception: *New detached Group U occupancies, buildings or structures that do not exceed 1,000 square feet of building area.*

2. An automatic sprinkler system shall be provided throughout all existing buildings when modifications are made that create an increase in fire area beyond 3,600 square feet or that create an increase in the number of stories to two (2) or more.

Exception: *One-time additions to existing buildings made after January 1, 1994 that do not exceed 500 square feet in building area.*

3. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50%.

4. An automatic sprinkler system shall be provided throughout all new buildings located in the designated Wildland-Urban Interface Fire areas.

Exception: *Any detached non-residential accessory structures to single family residences that have a fire area of 500 square feet or less.*

5. An automatic sprinkler system shall be provided throughout all existing buildings located in the designated Wildland-Urban Interface Fire areas when modifications are made that increases the fire area.

Exception: *One-time additions to existing buildings made after January 1, 1994 that do not exceed 500 square feet in fire area.*

16.06.090 Section R314.1 amended – Smoke detection and notification.

Section R314.1 of the California Residential Code is amended to read:

R314.1 Smoke detection and notification. *Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with the provisions of this code and the household warning equipment provisions of NFPA 72.*

Smoke alarms more than 10 years old shall not be considered as satisfying any requirement of this code or of the Health and Safety Code Section 13113 and shall be immediately replaced by the owner with a smoke alarm that complies with this section.

Smoke alarms and smoke detectors installed on or after January 1, 2011 in compliance with this code or with the provisions of the Health and Safety Code Section 13113 shall also meet the following requirements:

- 1. Smoke detectors or smoke alarms located within 20 feet of a kitchen or room containing a wood-burning stove or fireplace shall be photoelectric detectors or alarms.*
- 2. In any other required locations dual sensor photoelectric/ionization detectors or alarms, shall be installed. A photoelectric smoke detector or alarm installed together with an ionization smoke detector or alarm may be used as a substitute for a dual sensor photoelectric/ionization detector or alarm.*

Exception: *A fire alarm system with smoke detectors located in accordance with, and meeting the requirements of, this section may be installed in lieu of smoke alarms. Upon actuation of the detector, only those notification appliances in the dwelling unit or guest rooms where the detectors are actuated shall activate.*

16.06.100 Section R322.1 amended – General.

The following paragraph is added to Section R322.1 of the California Residential Code:

Palo Alto Flood Hazard Regulations. *Notwithstanding the provisions of this section, all construction or development within a flood hazard area (areas depicted as a Special Flood Hazard Area on Flood Insurance Rate Maps published by the Federal Emergency Management Agency) shall comply with the City of Palo Alto Flood Hazard Regulations (Palo Alto Municipal Code Chapter 16.52). Where discrepancies exist between the requirements of this code and said regulations, the provisions of said regulations shall apply.*

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16.06.110 Section R329 added – Sound Transmission.
Section R329 is added to the California Residential Code to read:

**SECTION R329
SOUND TRANSMISSION**

***R329.1 General.** For building standards and regulations governing sound transmission, refer to Section 1207 of the California Building Code.*

16.06.120 Section R403.1.8 amended – Foundations on expansive soils.
Section R403.1.8 of the California Residential Code is amended to read:

***R403.1.8 Foundations on expansive soils.** Foundations and floor slabs for buildings located on expansive soils shall be designed in accordance with Section 1808.6 or Table 1809.7 of the California Building Code.*

16.06.130 Table R602.10.1.2(2) amended – Bracing Requirements Based on Seismic Design Category.

Footnote d is added to Table R602.10.1.2(2) to read as follows:

d. In Seismic Design Categories D_0 , D_1 and D_2 , Method GB is not permitted and the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

16.06.140 Section R902.1.4 amended – Roofing requirements in a Wildland-Urban Interface Fire Area.

Section R902.1.4 of the California Residential Code is amended to read:

***R902.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area.** The entire roof covering on new structures and existing structures on which more than 50 percent of the total roof area is replaced within any one-year period, and any roof covering applied in the alteration, repair or replacement of roofs on existing structures, shall be a fire-retardant roof covering that is at least Class A. Roofing requirements for structures located in a Wildland-Urban Interface Fire Area shall also comply with Section R327.5.*

16.06.150 Section R1003.9.2 added – Repairs, replacements and alterations.
Section R1003.9.2 is added to the California Residential Code to read:

***R1003.9.2 Repairs, replacements and alterations.** When any repair, replacement or alteration to the roof of an existing structure is performed, a spark arrester shall be installed on the existing chimney in accordance with Section R1003.9.1.*

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SECTION 2. The Council adopts the findings for local amendments to the California Residential Code, 2010 Edition, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the amendments herein adopted will have a significant effect on the environment.

SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED: November 8, 2010

PASSED: November 22, 2010

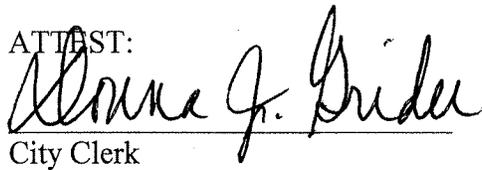
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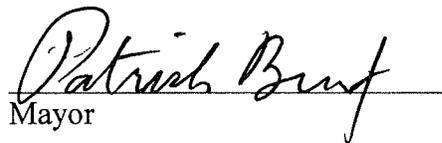
NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

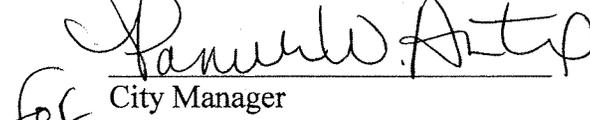

City Clerk

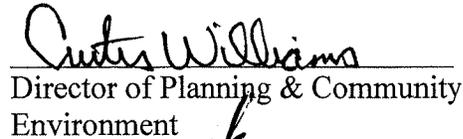

Mayor

APPROVED AS TO FORM:


Senior Deputy City Attorney

APPROVED:


City Manager


Director of Planning & Community Environment


Director of Administrative Services

EXHIBIT "A"
FINDINGS FOR LOCAL AMENDMENTS
TO CALIFORNIA RESIDENTIAL CODE

Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions of the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions of the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions.

A. Explanation of Administrative Amendments

16.06.060 Chapter 1, Division II amended – Administration.

Finding: This amendment brings the administrative provisions of the California Residential Code into compliance with those of the California Building Code as locally amended and adopted, the Palo Alto Municipal Code and the organization of the City of Palo Alto.

B. Explanation of Amendments to conform California Residential Code, as amended locally, to California Fire Code, as amended locally

- 16.06.070 Section R202 amended – Definitions added.**
- 16.06.080 Section R313.2 amended – One- and two-family dwellings automatic fire sprinkler systems.**
- 16.06.090 Section R314.1 amended – Smoke detection and notification.**
- 16.06.140 Section R902.1.4 amended – Roofing requirements in a Wildland-Urban Interface Fire Area.**
- 16.06.150 Section R1003.9.2 added – *Repairs, replacements and alterations.***

Finding: These amendments make the provisions of the California Residential Code, 2010 Edition, as amended locally, consistent with those of the California Fire Code, 2010 Edition, as amended locally pursuant to Section 18941.5 of the Health and Safety Code. The Findings for these amendments are more specifically set forth in Exhibit "A" of the City's Ordinance adopting the California Fire Code, 2010 Edition. In general, these amendments have been recognized by the City of Palo Alto as tools for addressing the fire problems, concerns and future direction by which the authority can establish and maintain an environment that will afford a level of fire and life safety to all who live and work within the City's boundaries. Based on the specific findings that identify the unique local climatic, geologic and topographic conditions within the City of Palo Alto, these amendments are also considered reasonable and necessary. The experience of several disastrous fires within the city, in addition to other fires in Santa Clara, Monterey, San Mateo, Alameda and Contra Costa Counties have demonstrated the need for additional fire protection features in new buildings and those that are under construction. Implementation of these amendments may reduce the severity and potential of loss of life and property due to fire.

C. Findings for Substantive Local Amendments

16.06.100 Section R322.1 amended – General.

Finding: This section is amended to conform to other provisions of the Palo Alto Municipal Code and to comply with the National Flood Insurance Program (implementing the National Flood Act of 1968, as amended), and federal regulations adopted thereunder, for the purpose of promoting public health, safety and general welfare and to minimize public and private losses due to flood conditions in the mapped Flood Hazard areas of the City.

16.06.110 Section R329 added – *Sound Transmission*.

Finding: This section merely makes reference to and incorporates the provisions of California Building Code Section 1207 to provide design guidance and requirements for sound transmission within buildings. It is included in lieu of Appendix Chapter K that was not adopted by any State agencies.

16.06.120 Section R403.1.8 amended – Foundations on expansive soils.

Finding: This amendment is necessary and justified due to the documented existence of expansive soil conditions throughout much of Palo Alto as shown on published geotechnical and geologic hazard maps in the City's Comprehensive Plan. The prescribed minimum foundation requirements are based on sound engineering practices.

16.06.130 Table R602.10.1.2(2) amended – Bracing Requirements Based on Seismic Design Category.

Finding: This amendment limits the bracing methods that can be used for walls within certain seismic design categories and is based on sound engineering principles. The amendment is necessary because the greater San Francisco Bay region is a densely populated area with many buildings constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to, the 1989 Loma Prieta Earthquake. These fault systems place structures within the City of Palo Alto at greater risk of damage or collapse due to earthquakes.

Ordinance No. 5102

Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.08, California Plumbing Code, 2010 Edition, and Local Amendments and Related Findings

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Chapter 16.08 of the Palo Alto Municipal Code is hereby amended by repealing in its entirety Chapter 16.08 and adopting a new Chapter 16.08 to read as follows:

16.08 CALIFORNIA PLUMBING CODE

16.08.010 2010 California Plumbing Code adopted.

The California Plumbing Code, 2010 Edition, Title 24, Part 5 of the California Code of Regulations together with those omissions, amendments, exceptions and additions thereto, is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein. One copy of the California Plumbing Code, 2010 edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.

Wherever the phrases "California Plumbing Code" or "Plumbing Code" are used in this code or any ordinance of the City, such phrases shall be deemed and construed to refer and apply to the California Plumbing Code, 2010 Edition, as adopted by this Chapter.

16.08.020 2010 California Plumbing Code Appendix Chapters adopted.

The following Appendix Chapters of the California Plumbing Code, 2010 Edition, are adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein:

- A. Appendix A – Recommended Rules for Sizing the Water Supply System
- B. Appendix B – Explanatory Notes on Combination Waste and Vent Systems
- C. Appendix I – Installation Standards

16.08.030 Cross - References to California Plumbing Code.

The provisions of this Chapter contain cross-references to the provisions of the California Plumbing Code, 2010 Edition, in order to facilitate reference and comparison to those provisions.

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16.08.040 Enforcement -- Citation authority.

The employee positions designated in this section may enforce the provisions of this chapter by the issuance of citations; persons employed in such positions are authorized to exercise the authority provided in Penal Code section 836.5 and are authorized to issue citations for violations of this chapter. The designated employee positions are: (1) chief building official; (2) assistant building official; (3) building inspection supervisor; and (4) code enforcement officer.

16.08.050 Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Plumbing Code, 2010 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.08.060 Section 305.4 added – Sewers Required.

Section 305.4 is added to the California Plumbing Code to read:

***305.4 (Palo Alto Sewer Use Ordinance referenced).** All non-domestic waste shall comply with the City of Palo Alto Sewer Use Ordinance (Palo Alto Municipal Code Chapter 16.09). Where discrepancies exist between the requirements of this code and said ordinance, the provisions of said ordinance shall apply.*

16.08.070 Section 605.9 added – Valves.

Section 605.9 is added to the California Plumbing Code to read:

***605.9 (Hose bibs required).** All commercial and industrial buildings where the building face is parallel to the city sidewalk shall have a hose bib connection installed, conveniently available to accommodate persons washing the building face or watering plants.*

16.08.080 Section 701.1.4 amended – Materials.

Section 701.1.4 of the California Plumbing Code is amended to read:

***701.1.4** Copper, copper alloys, lead and lead alloys, including brass, shall not be used for building sanitary sewer systems except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical.*

Where permitted by the Building Official, copper tube for drainage and vent piping shall have a weight of not less than that of copper drainage tube type DWV.

16.08.090 Table 7-1 amended – Materials for Drain, Waste, Vent Pipe and Fittings.

Footnote 2 is added to Table 7-1 to read as follows:

² For limitations on the use of Brass and Copper (Type DWV) refer to Section 701.1.4.

16.08.100 Section 710.1 amended – Drainage of Fixtures Located Below the Next Upstream Manhole or Below the Main Sewer Level.

Section 710.1 of the California Plumbing Code is amended to read:

710.1 Drainage piping serving fixtures with flood level rims located below one foot above the elevation of the next upstream manhole cover of the public or private sewer serving such drainage piping shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures above such elevation shall not discharge through the backwater valve except as approved by the local administrative authority. On existing structures, the backwater valve may be installed on the private property sewer lateral upstream of the building's cleanout at the public right of way.

16.08.110 Section 714.4 amended – Damage to Public Sewer or Private Sewage System.

Section 714.4 of the California Plumbing Code is amended to read:

714.4 (Commercial Food Waste Grinders Prohibited). The installation of a commercial food waste grinder connecting to a private sewage disposal system is prohibited.

16.08.120 Section 719.7 added – Cleanouts.

Section 719.7 is added to the California Plumbing Code to read:

719.7 A cleanout shall be provided at the point of connection between the building sewer and the city lateral and an approved fitting shall be used to bring the cleanout riser to grade. Where sewer cleanouts are to be connected to existing city laterals, such connections shall be accomplished by use of an approved fitting.

16.08.130 Section 808.0 amended – Cooling Water.

Section 808.0 of the California Plumbing Code is amended to read:

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808.0 Single Pass Cooling Water Systems Prohibited. Clean running water used exclusively as a cooling medium in an appliance, device, or apparatus is prohibited.

16.08.140 Section 1014.1.3 amended – Food Waste Disposal Units and Dishwashers.

Section 10.14.1.3 of the California Plumbing Code is amended to read:

1014.1.3 Food Waste Disposal Units and Dishwashers. *Unless specifically required or permitted by the Authority Having Jurisdiction, no dishwasher shall be connected to or discharge into any grease interceptor. Commercial Food Waste Disposal Units are prohibited.*

16.08.150 Section 1101.3 amended – Storm Drainage, Material Uses.

Section 1101.3 of the California Plumbing Code is amended to read:

1101.3 Material Uses. *Rainwater piping placed within the interior of a building or run within a vent or shaft shall be of cast iron, galvanized steel, wrought iron, Schedule 40 ABS DWV, Schedule 40 PVC DWV, stainless steel 304 or 316L (stainless steel 304 pipe and fittings shall not be installed underground and shall be kept not less than six (6) inches (152 mm) aboveground), or other approved materials, and changes in direction shall conform to the requirements of Section 706.0. ABS and PVC DWV piping installations shall be installed in accordance with IS 5 and IS 9. Except for individual single-family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of a maximum of twenty-five (25) and a smoke-developed index of a maximum of fifty (50), when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (see the Building Code standards based on ASTM E 84 and UL 723.).*

[HCD 1 & HCD 2] ABS or PVC installations are limited to not more than two stories of areas of residential accommodation.

16.08.160 Section 1101.9 amended – Filling Stations and Motor Vehicle Washing Establishments.

Section 1101.9 of the California Plumbing Code is amended to read:

1101.9 Motor Vehicle Washing Establishments. *Motor vehicle washing establishments shall have the paved areas sloped towards sumps or gratings within the property lines. Curbs not less than six (6) inches (152 mm) high shall be placed where required to direct water to gratings or sumps.*

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16.08.170 Section 1105.1.2 amended – Roof Drains (Materials).

Section 1105.1.2 of the California Plumbing Code is amended to read:

1105.1.2 Roof drains shall be of cast iron, plastic or other approved materials.

SECTION 2. The Council adopts the findings for local amendments to the California Plumbing Code, 2010 Edition, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the amendments herein adopted will have a significant effect on the environment.

SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED: November 8, 2010

PASSED: November 22, 2010

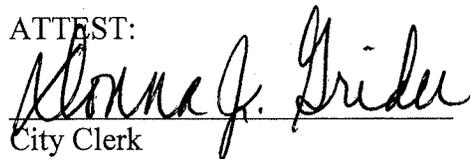
AYES: BURT, ESPINOSA, HOLMAN, KLEIN, PRICE, SCHARFF, SCHMID,
SHEPHERD, YEH

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

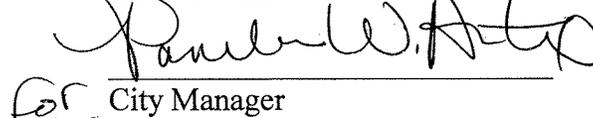

City Clerk


Mayor

APPROVED AS TO FORM:


Senior Deputy City Attorney

APPROVED:


for City Manager


Director of Planning & Community
Environment

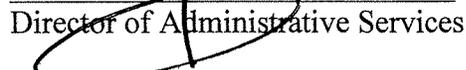

Director of Administrative Services

EXHIBIT "A"
FINDINGS FOR LOCAL AMENDMENTS TO
CALIFORNIA PLUMBING CODE, 2010 EDITION

Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions in the uniform codes that are published in the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions.

Local building regulations having the effect of amending the uniform codes, which were adopted by the City prior to November 23, 1970, were unaffected by the regulations of Sections 17958, 17958.5 and 17958.7 of the Health and Safety Code. Therefore, amendments to the uniform codes which were adopted by the City Council prior to November 23, 1970, and have been carried through from year to year without significant change, need no required findings. Also, amendments to provisions not regulating buildings used for human habitation, including amendments made only for administrative consistency, do not require findings.

The findings made by the Council of the City of Palo Alto in Ordinance 3215 adopting the 1979 Uniform Plumbing Code reaffirmed the findings which had been made by prior Council actions in adopting amendments to the Uniform Plumbing Code subsequent to November 23, 1970. Such findings have been reaffirmed with each successive adoption of the Uniform Plumbing Code (California Plumbing Code) as published in the California Building Standards Code, and are hereby reaffirmed and expressly made applicable to all local amendments that are hereby again adopted and carried through without significant change.

16.08.60 Section 305.4 added – (Palo Alto Sewer Use Ordinance referenced).

Finding: This section is amended to conform to other provisions of the Palo Alto Municipal Code and is specifically authorized in Section 305.3 of the California Plumbing Code.

16.08.080 - Section 701.1.4 amended – Materials; 16.08.090-Table 7-1 amended; 16.08.150-Section 1101.3 amended – Material Uses; 16.08.170-Section 1105.1.2 amended – Roof Drains (Materials).

Finding: These amendments prohibit the use of lead, copper and brass piping in sanitary drainage systems within buildings, except in limited circumstances or when specifically approved by the Building Official. The City's Regional Water Quality Control Plant has, for many years, implemented programs to reduce copper and other heavy metal discharges into San Francisco Bay to comply with State Regional Water Quality Control Board requirements. These amendments are consistent with and support the City's efforts to reduce the amount of copper and heavy metal influent to the Plant in accordance with the City's approved Copper Action Plan and NPDES (Discharge) Permit under which the Plant operates.

16.08.100 Section 710.1 amended – Drainage of Fixtures Located Below the Next Upstream Manhole or Below the Main Sewer Level; 16.08.110 Section 714.4 amended – Commercial Food Waste Grinders Prohibited; 16.08.120 Section 719.7 added – Cleanouts; 16.08.140 Section 1014.1.3 amended – Food Waste Disposal Units and Dishwashers.

Finding: These amendments are required by the location of the City of Palo Alto between the Santa Cruz Mountain foothills and the San Francisco Bay, and the presence of several substantial creeks flowing through highly developed residential, urban and industrial areas. The City operates its own sanitary sewage collection system and Regional Water Quality Control Plant and is subject to State and Federal laws regarding both point and non-point source discharges. These amendments promote compliance with State Water Resources Control Board requirements to minimize sanitary sewer overflows caused by blockages in the sewer system and protect the various creeks, the San Francisco Bay and Palo Alto residents from unnecessary sewage spills and threats to public health.

16.08.130 Section 808.0 amended – Single Pass Cooling Water Systems Prohibited.

Finding: This amendment promotes water conservation by prohibiting potable water from being used solely for the purpose of cooling appliances and other mechanical systems. This amendment is necessitated by local climatic conditions rendering potable water as a scarce and valuable resource.

16.08.160 Section 1101.9 amended – Motor Vehicle Washing Establishments.

Finding: This amendment prohibits the paved areas of public filling stations from draining towards sumps and gratings that could otherwise be connected to the sanitary sewage collection system, which in addition to polluting the sanitary sewer, could cause explosions or other hazardous events. The amendment is consistent with Best Management Practices contained within the City's Storm Water Pollution Prevention Plan as well as statewide best practice guidelines for the proper design of motor vehicle fueling stations.

