

BUILDING STANDARDS COMMISSION

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



March 1, 2013

Judy Saunders, Assistant Fire Marshal
Department of Planning & Development
Office of the Fire Marshal, County of Santa Clara
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110-1705

Dear Ms. Saunders:

This letter is to acknowledge receipt on February 1, 2013 of the County of Santa Clara submittal pertaining to Ordinance No. NS-1100.116 and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code §17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the findings and the modifications or changes 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 [Health and Safety Code Section 13869.7(c)], ATTENTION: State Housing Law Program Manager, rather than the Commission. Likewise, ordinances containing energy efficiency standards may require approval from the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2).

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

Sincerely,

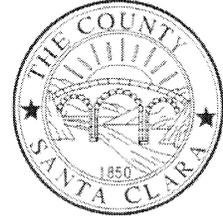

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

County of Santa Clara

Department of Planning & Development
Office of the Fire Marshal

County Government Center, East Wing
70 West Hedding St, 7th Floor
San Jose, California 95110-1705
(408) 299-5761 FAX: (408) 299-6757



January 29, 2013

California Building Standards Commission
2525 Natomas Park Drive, Suite #130
Sacramento, CA 95833-2936

SUBJECT: Amendment to Santa Clara County Ordinance Code; Minor Change to Fire Code Amendments

Dear Commissioners:

At the Board of Supervisors' regular meeting on December 18th (Item #114) Ordinance No. NS-1100.116 was adopted. The ordinance relates to a single item in the Fire Code, Exception to Sec. 503.2.1. and was a result of changes to the County road standards.

Enclosed you will find a conformed/adopted copy of this Ordinance for your records as well as the findings.

I can be reached at (408) 299-5761 if you have any questions. Thank you.

Sincerely,

Judy Saunders
Assistant Fire Marshal
Santa Clara County

Attachments

~~RECEIVED~~
2013 JAN 32 A 11: 21
CALIFORNIA BUILDING
STANDARDS COMMISSION

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CALIFORNIA BUILDING
STANDARDS COMMISSION

ORDINANCE NO. NS-1100.116

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA AMENDING
CERTAIN SECTIONS OF DIVISION B7 OF
THE COUNTY OF SANTA CLARA ORDINANCE CODE

Summary

This ordinance reflects the County's amendments to certain provisions of the various 2010 California building codes to address local conditions.

WHEREAS, Health and Safety Code section 18938 provides that the California Building Standards Commission ("Commission") shall adopt building standards applicable to all occupancies in the State of California. The building standards consist of certain model building codes published by specified code-writing bodies, as amended to address California-specific issues. When adopted, these building standards constitute the California Building Standards Code;

WHEREAS, the California Building Standards Code is typically revised on a triennial basis. The Commission adopted the 2010 triennial edition of the California Building Standards Code, Title 24, California Code of Regulations. The new building standards became effective in all cities and counties throughout the state on January 1, 2011 unless the standards were modified by local jurisdictions; and

WHEREAS, the Board of Supervisors adopted Ordinance No. NS-1100.115 in December 2010 adopting the California Building Standards Code and amending certain provisions of the building codes to address local conditions;

WHEREAS, pursuant to Health and Safety Code sections 17958.7 and 18941.5, counties and cities may modify the State building standards where reasonably necessary because of local climatic, geological or topographical conditions

THE BOARD OF SUPERVISORS HEREBY FINDS that each of the amendments to the California Building Standards Codes adopted below are reasonably necessary to address local climatic, geological, and topographical conditions, as set forth in Exhibit A, attached hereto.

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(d) Section 503.7 is added to read as follows:

503.7 Traffic Calming Devices. Traffic Calming Devices such as speed humps, traffic circles or other physical measures intended to control vehicle speed on fire apparatus access roads are prohibited unless approved by the fire code official.

(e) Section 504.4 is added to read as follows:

504.4 Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the fire code official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department.

Access control devices shall also comply with Chapter 10 Egress.

(f) Section 510.1 is amended to read as follows:

510.1 Emergency responder radio coverage in buildings. All buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications system of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communications system. Emergency responder radio coverage systems shall be installed in accordance with Section 510 and Appendix J.

(g) Section 510.1.1 is added to read as follows:

510.1.1 Obstruction by new buildings. When in the opinion of the fire code official, a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore communications capabilities. The equipment shall be located in an approved space or area within the new structure.

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EXHIBIT A

BASIS FOR LOCAL AMENDMENTS TO CALIFORNIA FIRE CODE

C) B7-8. The California Fire Code expressly allows local jurisdictions to establish their own regulations for fire protection water supply and fire department access to address local conditions. This provision is necessary to conform to the definition of access roads in the County Ordinance Code and address firefighter safety.

BUILDING STANDARDS COMMISSION

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



February 29, 2012

Michael Harrison, Building Official
Department of Planning and Development
County of Santa Clara
70 West Hedding Street, 7th Floor
San Jose, CA 95110

Dear Mr. Harrison:

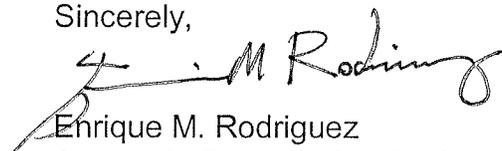
This letter is to acknowledge receipt on December 28, 2010 and January 5, 2011, of the County of Santa Clara's submittal pertaining to Ordinance Nos. NS-1100.114 and NS-1100.115, respectively, with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the findings and the modifications or changes 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,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

County of Santa Clara
Department of Planning and Development

County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110



	Administration	Development Services	Fire Marshal	Planning
Phone:	(408) 299-6740	(408) 299-5700	(408) 299-5760	(408) 299-5770
Fax:	(408) 299-6757	(408) 279-8537	(408) 287-9308	(408) 288-9198

February 22, 2012

Enrique Rodriguez
California Building Standards Commission
2525 Natomas Park Drive, Suite # 130
Sacramento, CA 95833-2936

**Subject: Amendment to Santa Clara County Ordinance Code
2010 Adoption of Uniform Model Codes**

RECEIVED
2012 FEB 28 A 9:37
CALIFORNIA BUILDING
STANDARDS COMMISSION

Dear Mr. Rodriguez

This letter supplements the cover letter sent to the California Building Standards Commission on December 30, 2010 (attached) regarding Santa Clara County's adoption of Ordinance No. NS-1100.115.

The purpose of this letter is to clarify that Santa Clara County is enforcing CCR Title 24 part 11 *California Green Building Standard Code*. Section C3-30 of the County of Santa Clara Ordinance Code (adopted Dec. 14, 2010), provides as follows:

Sec. C3-30. - 2010 California Green Building Standards Code adopted.

The green building standards code of the County is the 2010 California Green Building Standards Code, as modified by the additions, deletions and amendments set forth in this chapter.

(Ord. No. NS-1100.115, § 4, 12-14-10)

The County's green building code standards in sections C3-32 and following are supplemental to the state standards, there are no deletions or other modifications to the state standards in the County ordinance. If there are any differences between the state and County standards, then the County would apply and enforce the most restrictive standard.

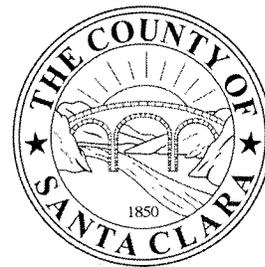
Sincerely,

Michael Harrison
Building Official
County of Santa Clara

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110



	Administration	Development Services	Fire Marshal	Planning
Phone:	(408) 299-6740	(408) 299-5700	(408) 299-5760	(408) 299-5770
Fax:	(408) 299-6757	(408) 279-8537	(408) 287-9308	(408) 288-9198

March 15, 2011

Enrique M. Rodriguez, Associate Construction Analyst
California Buildings Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936

Dear Mr. Rodriguez

Enclosed please find a copy of the Resolution by the California Energy Standards Commission that approves County of Santa Clara locally adopted energy standards.

These energy standards were contained in Santa Clara County Ordinance number NS-1100.114. The energy standards were not modified in Santa Clara County Ordinance No NS-1100.115 which was enacted in order for the County to adopt 2010 California Building Codes.

Please accept the Resolution as proof that the County of Santa Clara is in compliance with the California Energy Commission requirements. Please file the Santa Clara County findings regarding Santa Clara County Ordinance Code section NS-1100.115.

I can be reached at 408-299-5718 if addition information is needed.

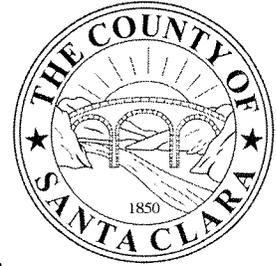
Sincerely,

Michael Harrison
Acting Building Official
Office of Development Services
County of Santa Clara

RECEIVED
2011 MAR 21 P 1:06
CALIFORNIA BUILDING
STANDARDS COMMISSION

County of Santa Clara
Department of Planning and Development

County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110



	Administration	Development Services	Fire Marshal	Planning
Phone:	(408) 299-6740	(408) 299-5700	(408) 299-5760	(408) 299-5770
Fax:	(408) 299-6757	(408) 279-8537	(408) 287-9308	(408) 288-9198

December 30, 2010

California Building Standards Commission
2525 Natomas Park Drive, Suite # 130
Sacramento, CA 95833-2936

**Subject: Amendment to Santa Clara County Ordinance Code
2010 Adoption of Uniform Model Codes**

Dear Commissioners:

At the Board of Supervisors' regular meeting on December 14, 2010 (Item No. 75) Ordinance No. NS-1100.115 was adopted.

The ordinance relates to Revised Fire, Building, Residential Building, Green Building, Electrical, Mechanical and Plumbing Codes and Amending Divisions B7, C1, C3, C4, C9, and C11 to reflect adoption by the County of the 2010 California Building Standards Code with certain amendments to address local conditions.

Enclosed you will find a conformed/adopted copy of this Ordinance for your records.

Should you have any questions, please feel free to contact me at (408) 299-5718.

Sincerely,

Michael Harrison
Interim Building Official
Department of Planning and Development

2011 JAN -5 P 1:10
CALIFORNIA BUILDING STANDARDS COMMISSION

ORDINANCE NO. NS-1100.115

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA ADOPTING
FIRE, BUILDING, RESIDENTIAL BUILDING, GREEN
BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING
CODES AND AMENDING DIVISIONS B7, C1, C3, C4, C9 AND C11
OF THE COUNTY OF SANTA CLARA ORDINANCE CODE

Summary

This ordinance reflects the County's adoption
of the various 2010 California building codes with
certain amendments to address local conditions.

WHEREAS, Health and Safety Code section 18938 provides that the California Building Standards Commission ("Commission") shall adopt building standards applicable to all occupancies in the State of California. The building standards consist of certain model building codes published by specified code-writing bodies, as amended to address California-specific issues. When adopted, these building standards constitute the California Building Standards Code;

WHEREAS, the California Building Standards Code is typically revised on a triennial basis. The Commission recently adopted the 2010 triennial edition of the California Building Standards Code, Title 24, California Code of Regulations. The new building standards automatically become effective in all cities and counties throughout the state on January 1, 2011 unless the standards are modified by local jurisdictions; and

WHEREAS, pursuant to Health and Safety Code sections 17958.7 and 18941.5, counties and cities may modify the State building standards where reasonably necessary because of local climatic, geological or topographical conditions.

THE BOARD OF SUPERVISORS HEREBY FINDS that each of the amendments to the California Building Standards Codes adopted below are reasonably necessary to address local climatic, geological, and topographical conditions. The basis for each of these findings is set forth in Exhibits A and B, attached hereto.

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Ordinance No. NS-1100.115 Adopting
Fire, Building, Residential Building,
Green Building, Electrical, Mechanical
and Plumbing Codes



Adopted

DEC 14 2010
~~DEC 07 2010~~

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:

SECTION 1. Division B7 of Title B of the County of Santa Clara Ordinance Code is hereby repealed and reenacted to read as follows:

Division B7

FIRE PROTECTION

CHAPTER I. INCORPORATION BY REFERENCE

Sec. B7-1. 2010 California Fire Code adopted.

The fire code of the County is the 2010 California Fire Code (“CFC”), which is based on the International Fire Code (“IFC”) (2009 Edition) published by the International Code Council, as modified by the California Building Standards Commission, and as further modified by the additions, deletions and amendments set forth in this chapter.

CHAPTER II. ADDITIONS, DELETIONS AND AMENDMENTS TO CALIFORNIA FIRE CODE

Sec. B7-2. Additions, deletions and amendments.

Additions, deletions and amendments to the 2010 California Fire Code are as set forth in this chapter.

Sec. B7-3. IFC Appendices.

Appendix Chapter J, Emergency Responder Radio Coverage, of the 2009 IFC is added in its entirety.

Sec. B7-4. Chapter 1 Amendments.

Chapter 1 is amended as follows:

(a) Section 1.11.2.5 is amended to read as follows:

1.11.2.5 Appeals. When a request for an alternate means of protection related to an order, rule or regulation adopted by the State Fire Marshal has been denied by the enforcing agency, the applicant may file a written appeal to the State Fire Marshal for consideration of the applicant’s proposal. In considering such an appeal, the State Fire Marshal may seek the advice of the State Board of Fire Services. The State Fire Marshal shall, after

Adopted

considering all of the facts presented, including any recommendations of the State Board of Fire Services, determine if the proposal is for the purposes intended, at least equivalent to that specified in the regulations in quality, strength, effectiveness, fire resistance, durability and safety, and shall transmit such findings and any recommendations to the applicant and to the enforcing agency.

(b) Section 101.1 is amended to read as follows:

101.2 Title. These regulations shall be known as the County of Santa Clara Fire Code.”

(c) Sections 102.7, 103, 104.6 and 108 are deleted.

(d) Section 109.3 is modified to read as follows:

106.5 Final Inspection. No final inspection as to all or any portion of a development shall be deemed completed until the installation of the required fire protection facilities and access ways have been completed and approved. No final certificate of occupancy may be granted until the Fire Marshal issues notice of final clearance of such fire protection facilities and access ways to the Building Inspection Office.

(e) Section 109.3 is modified to read as follows:

109.3 Violation penalties. Persons who violate a provision of this code or fail to comply with any of the requirements of this code or who erect, install, alter, repair or do work in violation of the plans or other documents reviewed and approved by the fire code official, or of a permit or certificate issued pursuant to the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 dollars or by imprisonment not exceeding one year, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(f) Section 111.4 is modified to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 dollars or by imprisonment not exceeding one year, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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Sec. B7-5. Chapter 2 Amendments.

Chapter 2 is amended as follows:

- (a) Section 202 (Definitions) is amended to add the following definitions:

URBAN SERVICE AREA has the same definition as provided in California Government Code section 56080.

WORKSTATION is a defined space or independent principal piece of equipment using hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

Sec. B7-6. Chapter 3 Amendments

Chapter 3 is amended as follows:

- (a) Sections 311.5 through 311.5.5 (Vacant Premises-Placards) are deleted.

- (b) Section 316.6 is added to read as follows:

316.6 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.

Sec. B7-7. Chapter 4 Addition.

Chapter 4 is added with the following modifications:

- (a) Section 404.2 is modified to read as follows:

404.2 Where Required. An approved fire safety and evacuation plan shall be prepared and maintained for the following occupancies and buildings.

1. Group A - Buildings having an occupant load of 100 or more persons.
2. Group B - Buildings having an occupant load of 500 or more persons.

3. Group E - See regulations in Title 19, California Code of Regulations, § 3.13.
4. Group H.
5. Group I - See regulations in Title 19, California Code of Regulations, § 3.09.
6. Group R-1 - See regulations in Title 19, California Code of Regulations, § 3.09.
7. Group R-2 - College and university buildings.
8. Group M - Buildings having an occupant load of 500 or more persons.
9. Covered malls exceeding 50,000 square feet (4,645 m²) in aggregate floor area.
10. Underground buildings.

(b) Section 404.3.1 is modified to read as follows:

404.3.1 Fire Evacuation Plans. Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
2. Description of what the fire alarm, if required, sounds and looks like (audible and visual warning devices).
3. Procedures for employees who must remain to operate critical equipment before evacuating.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

(c) Table 405.2 is modified to read as follows:

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**TABLE 405.2
FIRE AND EVACUATION DRILL
FREQUENCY AND PARTICIPATION**

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B ^a	Annually	Employees
Group E	See Title 19, Cal. Code Regs. §3.13	
Group I	See Title 19, Cal. Code Regs. §3.09	
Group R-1	See Title 19, Cal. Code Regs. §3.09	
Group R-2 ^b	Four annually	All occupants
High-rise buildings ^c	See Title 19, Cal. Code Regs. §3.09	

- a. Group B buildings having an occupant load of 500 or more persons.
- b. Applicable to Group R-2 college and university buildings only.
- c. Applicable to high-rise office buildings only.

(d) Section 408 is modified to delete the following sections:

- 408.2.2 Announcements.
- 408.3.1 First Emergency Evacuation Drill.
- 408.3.2 Emergency Evacuation Drill Deferral.
- 408.3.3 Time Of Day.
- 408.3.4 Assembly Points.
- 408.5.1 Fire Safety And Evacuation Plan.
- 408.5.2 Staff Training.
- 408.5.3 Resident Training.
- 408.5.4 Drill Frequency.
- 408.5.5 Resident Participation.
- 408.6 Group I-2 Occupancies.
- 408.6.1 Evacuation Not Required.
- 408.6.2 Coded Alarm Signal.
- 408.7 Group I-3 Occupancies.
- 408.7.1 Employee Training.
- 408.7.2 Staffing.
- 408.7.3 Notification.
- 408.7.4 Keys.
- 408.8 Group R-1 Occupancies.
- 408.8.1 Evacuation Diagrams.
- 408.8.2 Emergency Duties.
- 408.8.3 Fire Safety And Evacuation Instructions.

- (e) Section 408.9 is modified to read as follows:

408.9 Group R-2 Occupancies. Group R-2 occupancies shall comply with the requirements of Sections 408.9.1 through 408.9.3 and Sections 401 through 406. Group R-2 college and university buildings shall comply with the requirements of Sections 401 through 406 and 408.9.1 through 408.9.6.

- (f) Section 408.9.4 is added to read as follows:

408.9.4 First Emergency Evacuation Drill. The first emergency evacuation drill of each school year shall be conducted within 10 days of the beginning of classes.

- (g) Section 408.9.5 is added to read as follows:

408.9.5 Time of Day. Emergency evacuation drills shall be conducted at different hours of the day or evening, during the changing of classes, when the school is at assembly, during the recess or gymnastic periods, or during other times to avoid distinction between drills and actual fires. In Group R2 college and university buildings, one required drill shall be held during hours after sunset or before sunrise.

- (h) Section 408.10 is modified to delete the following sections:

408.10 Group R-4 Occupancies.
408.10.1 Fire Safety And Evacuation Plan.
408.10.2 Staff Training.
408.10.3 Resident Training.
408.10.4 Drill Frequency.
408.10.5 Resident Participation.

- (i) Section 408.11.1.2 is modified to read as follows:

408.11.1.2 Revisions. The lease plans shall be revised annually or as often as necessary to keep them current.

Sec. B7-8. Chapter 5 Amendments.

Chapter 5 is amended as follows:

- (a) Section 503.2.1 is modified to read as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.2 and as per Fire Marshal standards.

(b) Section 503.1.1 is modified to read as follows:

503.1.1 Building and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend within 150 feet (45,720 mm) of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. When the building is equipped throughout with an approved automatic sprinkler installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the dimension may be increased to 300 feet.
2. When fire apparatus roads cannot be installed because of topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection shall be provided.

(c) Section 503.2.1 is modified to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

Exception: When there is not more than one Group R, Division 3, or Group U Occupancy, the access road width may be modified by the fire code official.

(d) Section 503.7 is added to read as follows:

503.7 Traffic Calming Devices. Traffic Calming Devices such as speed humps, traffic circles or other physical measures intended to control vehicle speed on fire apparatus access roads are prohibited unless approved by the fire code official.

(e) Section 504.4 is added to read as follows:

504.4 Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the fire code official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department.

Access control devices shall also comply with Chapter 10 Egress.

- (f) Section 510.1 is amended to read as follows:

510.1 Emergency responder radio coverage in buildings. All buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications system of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communications system. Emergency responder radio coverage systems shall be installed in accordance with Section 510 and Appendix J.

- (g) Section 510.1.1 is added to read as follows:

510.1.1 Obstruction by new buildings. When in the opinion of the fire code official, a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore communications capabilities. The equipment shall be located in an approved space or area within the new structure.

Sec. B7-9. Chapter 6 Amendments.

Chapter 6 is amended as follows:

- (a) Section 605.11 is added to read as follows:

605.11 Immersion Heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

- (b) Section 608.6.4 is added to read as follows:

608.6.3 Failure of Ventilation System. Failure of the ventilation system shall automatically disengage the charging system.

Sec. B7-10. Chapter 8 Amendments.

Chapter 8 is amended as follows:

- (a) Section 806.1.1 is amended to read as follows:

806.1.1 Display inside buildings. The display of Christmas trees and other decorative vegetation in new and existing buildings shall be in accordance with the California

Code of Regulations, Title 19, Division 1, Section 3.08 and Sections 806.1 through 806.5.

Sec. B7-11. Chapter 9 Amendments.

Chapter 9 is amended as follows:

(a) Section 903.2 of Chapter 9 is modified to read as follows:

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 or in Sections 903.2.1 through 903.2.18 whichever is more restrictive.

For the purposes of this section, firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

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

Exceptions:

- a. Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that do not exceed 1,000 square feet of building area and that are not located in the Wildland-Urban Interface Fire Area.
 - b. Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that are located in the Wildland-Urban Interface Fire Area and do not exceed 500 square feet of building area.
2. An automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18.
 3. An automatic sprinkler system shall be provided throughout existing buildings and structures, when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1000 square feet of building area.

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

(b) Section 903.3.1.1 of Chapter 9 is modified to read as follows:

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and local standards.

For new buildings having no designated use or tenant, the minimum sprinkler design density shall be Ordinary Hazard Group 2.

(c) Section 903.3.1.2 is added to read as follows:

903.3.1.2 NFPA 13R sprinkler systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R and local standards.

(d) Section 903.3.1.3 is added to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems installed in one- and two-family dwellings and townhouses shall be installed throughout in accordance with NFPA 13D and local standards.

(e) Section 912.2 is added to read as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus. The location of fire department connections shall be approved by the fire code official.

Sec. B7-12. Chapter 14 Amendments.

Chapter 14 is amended as follows:

(a) Section 1404.8 is added to read as follows:

1404.8 Fire Walls. When firewalls are required, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather-protected at the location of the wall(s).

(b) Section 1411.1 is modified to read as follows:

[B] 1411.1 Stairways Required. Each level above the first story in new multi-story buildings shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in 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 contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

(c) Section 1411.1.1 is added to read as follows:

1411.1.1 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 Construction Site Safety Plan.

Sec. B7-13. Chapter 18 Amendments.

Chapter 18 is amended as follows:

(a) Section 1802 is amended to delete the definition of the term "Workstation" and to modify the definition of the term "Continuous Gas Detection System" to read as follows:

Continuous Gas Detection System. An approved gas detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed 30 minutes. In occupied areas where air is re-circulated and not exhausted to a treatment system (e.g. breathing zone), the Chief may require a cyclical basis at intervals not to exceed 5 minutes. The gas detection system shall be able to detect the presence of a gas at or below the permissible exposure limit in occupiable areas and at or below ½ IDLH (or 0.05 LC 50 if no established IDLH) in unoccupiable areas.

Sec. B7-14. Chapter 19 Amendments.

Chapter 19 is amended as follows:

(a) Section 1907.6 is added to read as follows:

1907.6 Fire Protection Water Supply System. An approved fire protection water

supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24.

(b) Section 1908.11 is added to read as follows:

1908.11 Fire Protection Water Supply System. An approved fire protection water supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24.

Sec. B7-15. Chapter 27 Amendments.

Chapter 27 is amended as follows:

(a) Section 2703.9.11 is added to read as follows:

2703.9.11 Fire Extinguishing Systems For Workstations Dispensing, Handling or Using Hazardous Materials. Combustible and non-combustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 1803.10.

Exception: Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500 ml.

Sec. B7-16. Chapter 32 Amendments.

Chapter 32 is amended as follows:

(a) Section 3204.3.1.1 is augmented to provide that the prohibition on the storage of flammable cryogenic fluids in stationary containers applies to all areas within an urban service area unless approved by the Fire Marshal.

Sec. B7-17. Chapter 33 Amendments.

Chapter 33 is amended as follows:

(a) Section 3301.1 is modified to read as follows:

3301.1 Scope. For explosives requirements see Title 19 California Code of Regulations Chapter 10 and Section 3301.1.2 of this Chapter. For fireworks requirements see Title 19 California Code of Regulations Division 1, Chapter 6, and

Section 3301.5 of this Chapter.

Exceptions:

1. The armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
4. Items preempted by federal regulations.

(b) Section 3301.2 is added to read as follows:

3301.2. Explosives. The possession, manufacture, storage, sale, handling, and use of explosives are prohibited.

Exceptions:

1. Possession, storage, handling and use of explosives for test and research purposes is allowed with permit and approval of the fire code official.
2. Possession, storage, handling and use of squibs, explosive nuts or bolts and similar small quantity explosive devices is allowed with permit and approval of the fire code official.
3. Possession, storage, handling and use of explosives and blasting agents for mining operations is allowed with a permit and approval of the fire code official and shall be in conformance with Title 19 California Code of Regulations Chapter 10.

(c) Section 3301.3 is added to read as follows:

3301.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exceptions:

1. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions in accordance

with Title 19 of the California Code of Regulations.

2. Storage, handling and use of pyrotechnic special effects fireworks inside of buildings, equipped throughout with an approved fire sprinkler system, when used for proximate audience displays or special effects in theatrical, television, motion picture and group entertainment productions and when handled and used by a licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and permitted in accordance with this Chapter.

(d) Section 3301.4 is added to read as follows:

3301.4 Model Rocketry. The storage, handling, and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and as approved by the fire code official.

(e) Section 3301.5 is added to read as follows:

3301.5 Small Arms Ammunition-General. Indoor storage and display of black powder, smokeless propellants and small arms ammunition shall comply with Sections 3301.5.1 through 3301.5.4.2.3.

3301.5.1 Packages. Smokeless propellants shall be stored in approved shipping containers conforming to DOTn 49 CFR, Part 173.

3301.5.1.1 Repackaging. The bulk repackaging of smokeless propellants, black powder and small arms primers shall not be performed in retail establishments.

3301.5.1.2 Damaged packages. Damaged containers shall not be repackaged.

Exception: Approved repackaging of damaged containers of smokeless propellant into containers of the same type and size as the original container.

3301.5.2 Storage in Group R occupancies. The storage of small arms ammunition in Group R occupancies shall comply with Sections 3301.5.2.1 through 3301.5.2.3.

3301.5.2.1 Smokeless propellants. Smokeless propellants intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers. Smokeless powder in quantities exceeding 20 pounds (9 kg) but not exceeding 50 pounds (23 kg) are permitted to be stored in Group R-3 occupancies where kept in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.

3301.5.2.2 Black powder. Black powder intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers and stored in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness

3301.5.2.3 Small arms primers. No more than 10,000 small arms primers shall be stored in Group R-3 occupancies.

3301.5.3 Display and storage in Group M occupancies. The display and storage of small arms ammunition in Group M occupancies shall comply with Sections 3301.5.3.1 through 3301.5.3.2.3.

3301.5.3.1 Display. The display of small arms ammunition in Group M occupancies shall comply with Sections 3301.5.3.1.1 through 3301.5.3.1.3.

3301.5.3.1.1 Smokeless propellant. No more than 20 pounds (9 kg) of smokeless propellants, each in containers of 1 pound (0.454 kg) or less capacity, shall be displayed in Group M occupancies.

3301.5.3.1.2 Black powder. No more than 1 pound (0.454 kg) of black powder shall be displayed in Group M occupancies.

3301.5.3.1.3 Small arms primers. No more than 10,000 small arms primers shall be displayed in Group M occupancies.

3301.5.3.2 Storage. The storage of small arms ammunition in Group M occupancies shall comply with Sections 3301.5.3.2.1 through 3301.5.3.2.3.

3301.5.3.2.1 Storage of Smokeless propellant. Commercial stocks of smokeless propellants not on display shall not exceed 100 pounds (45 kg). Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg) shall be stored in portable wooden boxes having walls of at least 1 inch (25 mm) nominal thickness.

3301.5.3.2.2 Black powder. Commercial stocks of black powder not on display shall not exceed 50 pounds (23 kg) and shall be stored in a type 4 indoor magazine. When black powder and smokeless propellants are stored together in the same magazine, the total quantity shall not exceed that permitted for black powder.

3301.5.3.2.3 Small arms primers. Commercial stocks of small arms primers not on display shall not exceed 750,000. Storage shall be arranged such that not more than 100,000 small arms primers are stored in any one pile and piles are at least 15 feet (4572 mm) apart.

Sec. B7-18. Chapter 34 Amendments.

Chapter 34 is amended as follows:

- (a) Section 3404.2.7.5.8 is added to read as follows:

3404.2.7.5.8 Overfill Prevention. An approved means or method in accordance with Section 3404.2.9.6.6 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 3406.4 or 3406.7 shall have overfill protection in accordance with API 2350.

An approved means or method in accordance with Section 3404.2.9.7.6 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

- (b) Section 3404.2.7.5.9 is modified to read as follows:

3404.2.7.5.9 Automatic Filling of Tanks. Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official, that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

- (c) The prohibitions on the storage of flammable or combustible liquids in aboveground tanks referred to in Sections 3404.2.9.6.1 and 3406.2.4.4 apply to all areas within an urban service area unless approved by the Fire Marshal.

Sec. B7-19. Chapter 35 Amendments.

Chapter 35 is amended as follows:

- (a) Sections 3506.2 is augmented to provide that the prohibitions on the storage of flammable or combustible liquids in aboveground tanks apply to all areas within an urban service area unless approved by the Fire Marshal.

Sec. B7-20. Chapter 38 Amendments.

Chapter 38 is amended as follows:

- (a) Section 3804.2 is augmented to provide that the prohibition on the storage of liquefied petroleum gas referred to in applies to all areas within an urban service area unless approved by the Fire Marshal.

Sec. B7-21. Chapter 49 Amendments.

Chapter 49 is amended as follows:

(a) Section 4902 is amended to modify the definition of “Wildland-Urban Interface Fire Area” to read as follows:

Wildland-Urban Interface Fire Area is a geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. See Article 86B for the applicable referenced sections of the Government Code and the Public Resources Code. The Wildland-Urban Interface Fire Area shall be defined as all unincorporated areas within the County of Santa Clara as set forth and delineated on the map entitled “Wildland-Urban Interface Fire Area” adopted by resolution of the Board of Supervisors, which map and all notations, references, data and other information shown thereon is hereby adopted and made a part of this chapter. The map shall be on file in the Office of the Fire Marshal.

(b) Section 4906.2 is modified to read as follows:

4906.2 Application. Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:
 - 1.1. Moderate Fire Hazard Severity Zones
 - 1.2. High Fire Hazard Severity Zones
 - 1.3. Very-High Fire Hazard Severity Zones
2. Land designated as a Very-High Fire Hazard Severity Zone or as a Wildland Urban Interface Fire Area by the County.

(c) Section 4907.1 is modified to read as follows:

4907.1 General. Defensible space shall be maintained around all buildings and structures in Sate Responsibility Area (SRA) as required in Public Resources Code 4290 and “SRA Fire Safe Regulations” California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 – 51189 and as specified below.

Persons owning, leasing, controlling, operating or maintaining buildings or structures in the locally adopted Wildland-Urban Interface Fire Area but that are not within the Very-High Fire Hazard Severity Zone and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

- i. *Exception:* Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

(d) Section 4907.2 is added to read as follows:

4907.2 Corrective Actions. The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4907.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and seek reimbursement from the property owner through all available legal means.

(e) Section 4908 is added to read as follows:

4908 Fire Protection Plan.

4908.1 *General.* When required by the code official, a fire protection plan shall be prepared.

4908.2 *Content.* The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

4908.3 *Cost.* The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4908.4 *Plan Retention.* The fire protection plan shall be retained by the fire code official.

(f) Section 4909 is added to read as follows:

4909 Standby Power for Water Supply.

4909.1 *Standby Power.* Stationary water supply facilities within the wildland-urban interface area dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the Electrical Code to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions:

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.
2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

(g) Section 4910 is added to read as follows:

4910 General Requirements for Suppression and Control.

4910.1 *Scope.* The provisions of this chapter establish general requirements applicable to new and existing properties located within the Wildland-Urban Interface Fire Area.

4910.2 Clearance Of Brush Or Vegetative Growth From Roadways. The code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of non-fire-resistive vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

4910.3 Restricted entry to public lands.

4910.3.1 Restricted Access to Public Lands. The fire code official is authorized to determine and publicly announce when Wildland-Urban Interface fire areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildland-urban interface areas, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the wildland-urban interface fire area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within wildland-urban interface fire areas and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of any wildland firefighting service.

4910.3.2 Use of fire roads and defensible space. Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

Exception: Public officers acting within their scope of duty. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

4910.3.3 Use of motorcycles, motor scooters, ultralight aircraft and motor vehicles. Motorcycles, motor scooters, ultralight aircraft and motor vehicles shall not be operated within wildland-urban interface fire areas, without a permit by the fire code official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

4910.3.4 Tampering with locks, barricades, signs and address markers. Locks, barricades, seals, cables, signs and address markers installed within wildland-urban interface fire areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or under the control of the fire code official shall not be unlocked.

(h) Section 4911 is added to read as follows:

4911 Ignition Source Control.

4911.1 General. Ignition sources shall be in accordance with Section 4912.

4911.2 Clearance from ignition sources. Clearance between ignition sources and grass, brush or other combustible materials shall be maintained a minimum of 30 feet (9144 mm).

4911.3 Smoking. When required by the fire code official, signs shall be posted stating NO SMOKING. No person shall smoke within 15 feet (4572 mm) of combustible materials or nonfire-resistive vegetation.

Exception: Places of habitation or in the boundaries of established smoking areas or campsites as designated by the fire code official.

4911.4 Equipment and devices generating heat, sparks or open flames. Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in wildland-urban interface fire areas without a permit from the fire code official.

Exception: Use of approved equipment in habitated premises or designated campsites that are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

4911.5 Fireworks. Fireworks shall not be used or possessed in wildland-urban interface fire areas.

Exception: Fireworks allowed by the fire code official under permit in accordance with the *County Fire Code* when not prohibited by applicable local or state laws, ordinances and regulations. The fire code official is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

(i) Section 4912 is added to read as follows:

4912 Outdoor Fires.

4912.1 General. No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any wildland-urban interface fire area, except by the authority of a written permit from the fire code official.

Exception: Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from any combustible material or nonfire-resistive vegetation.

4912.2 Permits. Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under the following conditions:

1. When high winds are blowing,
2. When a person 17 years old or over is not present at all times to watch and tend such fire, or
3. When a public announcement is made that open burning is prohibited.

4912.3 Restrictions. No person shall use a permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

4912.4 Outdoor Fireplaces, Permanent Barbecues And Grills. Outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in the Wildland-Urban Interface Fire Area without approval of the Building or Fire Code Official.

Wood-burning outdoor fireplaces, permanent barbecues and grills shall be located a minimum of 30 feet (9144 mm) from any combustible material or non-fire-resistive vegetation and shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen or door.

Exception: When approved by the fire code official, unprotected openings in barbecues and grills necessary for proper functioning.

(j) Section 4913 is added to read as follows:

4913 Liquefied Petroleum Gas Installations.

4913.1 Vegetation Clearance around Tanks/Containers. Flammable vegetation shall be cleared a minimum of 30 feet around liquefied petroleum gas tanks/containers.

(k) Section 4914 is added to read as follows:

4914 Storage of Firewood and Combustible Materials.

4914.1 General. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

4914.2 Storage For Off-Site Use. Firewood and combustible materials not for consumption on the premises shall be stored as approved by the fire code official.

(l) Section 4914 is added to read as follows:

4914 Dumping.

4914.1 Waste material. Waste material shall not be placed, deposited or dumped in wildland-urban interface fire areas, or in, on or along trails, roadways or highways or against structures in wildland-urban interface fire areas.

Exception: Approved public and approved private dumping areas.

4914.2 Ashes and coals. Ashes and coals shall not be placed, deposited or dumped in or on wildland-urban interface fire areas.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tight fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from nonfire-resistant vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of

mineral earth not less than 25 feet (7620 mm) from nonfire-resistive vegetation or structures.

(m) Section 4915 is added to read as follows:

4915 Protection of Pumps and Water Storage Facilities.

4915.1 Clearance of Flammable Vegetation. Flammable vegetation shall be cleared a minimum of 30 feet from water storage equipment and pumping facilities.

SECTION 2. Section C1-67 of Article 5, Chapter I of Division C1 of Title C of the County of Santa Clara Ordinance Code is hereby amended to read as follows:

No person shall engage in any work, or cause any work to be performed, for which a permit or approval is required by any provision of this title, without first obtaining a permit or approval in accordance with the provisions of this title. County of Santa Clara public facilities are exempt from the requirement to obtain permits or other approvals that may be required pursuant to the County Building Code, County Residential Building Code, County Green Building Standards Code, County Plumbing Code, County Electrical Code and County Mechanical Code. Any exemption from the permit requirements of such codes shall not be construed as authorization to perform any work in any manner that violates the provisions of such codes or any other County ordinances, codes or standards.

SECTION 3. Section C1-69 of Article 5, Chapter I of Division C1 of Title C of the County of Santa Clara Ordinance Code is hereby amended to read as follows:

Sec. C1-69. Fees.

The Board of Supervisors may, by resolution, establish a schedule of fees to be charged and collected for services performed related to permits issued pursuant to the County Building Code, County Residential Building Code, County Green Building Standards Code, County Plumbing Code, County Mechanical Code and County Electrical Code, and for such other building, construction and development regulations as may be incorporated in this title.

SECTION 4. Division C3 of Title C of the County of Santa Clara Ordinance Code is hereby repealed and reenacted to read as follows:

CHAPTER I. COUNTY BUILDING CODE

ARTICLE 1. INCORPORATION BY REFERENCE

Sec. C3-1. 2010 California Building Code adopted.

The building code of the County is the 2010 California Building Code, which is based on Volumes I and II of the 2009 International Building Code ("2009 IBC"), as compiled and published by the International Code Council, as modified by the California Building Standards Commission, and as further modified by the additions, deletions and amendments set forth in this chapter.

ARTICLE 2. ADDITIONS, DELETIONS AND AMENDMENTS
TO THE 2010 CALIFORNIA BUILDING CODE

Sec. C3-2. Additions, deletions and amendments.

Additions, deletions and amendments to the 2010 California Building Code are as set forth in this article.

Sec. C3-3. Chapter 1 Amendments.

Chapter 1 is amended as follows:

(a) Section 109.1 is amended to read as follows:

109.1 Payment of Fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Plan Review Fee – A plan review fee, in an amount established by resolution of the Board of Supervisors, shall be paid when plans or documents are required to be submitted for review prior to issuing a building permit.

Investigation Fee – An investigation fee, in an amount established by resolution of the Board of Supervisors, shall be paid for any building or structure that is constructed, altered, demolished or has a change of occupancy without obtaining the required building permits. This fee shall be in addition to any other fees required to review plans or issue any building permits for the building or structure.

(b) Section 111.2 is modified to add the following text after item 12:

The final approval of the Building Inspection Office on the building permit inspection card shall serve as the certificate of occupancy.

(c) Section 111.2 is amended to delete item 6 and modify item 5 to read as follows:

5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified. Final inspection approval on the building inspection permit card shall be evidence of compliance with this requirement.

Sec. C3-4. IBC Appendices Added.

(a) Appendix C (Group U – Agricultural Buildings) of the 2009 IBC is added with the following modifications:

(1) Section C102.2 is modified to read as follows:

Section C102.2 One-story Unlimited Area. A one-story Group U agricultural building shall not be limited in area if the building is entirely surrounded and adjoined by public ways or yards not less than 20 feet in width.

(2) Section C105 is added to read as follows:

SECTION C105 - BUILDING PERMIT EXEMPTION

C105.1 Scope: Any agricultural building less than 10,000 square feet in total area and located on a lot of 10 acres or more, which is designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, shall be exempt from obtaining a building permit. This exemption from obtaining a building permit shall not be construed as authorization to perform any work in any manner that violates the provisions of the County Building Code, County Plumbing Code, County Electrical Code or County Mechanical Code or any other County ordinances, codes or standards.

Exception: If such agricultural use ceases, this exemption automatically expires by operation of law.

Every agricultural building exempt from obtaining a building permit under this section shall be subject to periodic onsite inspections, to ensure continued compliance with the limited agricultural uses set forth herein. Failure to comply with the limited agricultural uses of the building shall be deemed a violation of the building code.

Any agricultural building requiring plumbing, heating or electrical services shall obtain the necessary plumbing, heating and electrical permits in compliance with the County Building Code, the County Plumbing Code, the County Mechanical Code, the County Electrical Code and any other applicable County ordinances.

Agricultural buildings shall be subject to all other applicable provisions of this Code, including but limited to the County Fire Code, grading ordinance, zoning ordinance, drainage ordinance and flood ordinance, regardless of the size of the lot upon which the building is located. An agricultural building exempt from obtaining a building permit and located within 100 feet of either a county- or city-designated scenic road shall be subject to design review procedures, as provided in the Santa Clara County Zoning Ordinance.

C105.2 Application and Fee: An Agricultural Exemption application and supporting documents shall be submitted for review to the Planning Office. A review fee, in an amount established by resolution of the Board of Supervisors, shall be collected when the submittal is made.

C105.3 Application Referrals: The application and supporting documents shall be reviewed by the Planning Office for compliance with the Agricultural land use designation in accordance with County Zoning Ordinance Section 2.10.040. The application and supporting documents will also be reviewed by the Fire Marshal's Office for compliance with County Ordinance Section A33-49. At the discretion of the Planning Office, referrals may be made to other agencies on the basis of health and safety issues. The Planning Office shall make the final decision on the request for Agricultural Exemption.

C105.4 Appeal to the Board of Supervisors: Any person dissatisfied with the determination of the Planning Office may file an appeal with the Clerk of the Board of Supervisors within 15 calendar days after the final decision of the Planning Office. Appeals shall be filed at the County Planning Office and shall include a non-refundable fee in an amount established by resolution of the Board of Supervisors. The Planning Office shall transmit to the Board of Supervisors all maps, records, papers and files which constitute the record in the action in which the appeal was taken. The Board shall hear the matter de novo and approve, disapprove or modify the decision of the Planning Office. The decision of the Board of Supervisors shall be final.

C105.6 Issuance of exemption: If the final determination to grant an Agricultural Exemption is made, the Planning Office shall issue a Certificate of Agricultural Exemption to the applicant. If the final determination is to not grant an Agricultural Exemption, the applicant may apply for a building permit.

(b) Appendix I (Patio Covers) of the 2009 IBC is added.

Sec. C3-5. Chapter 7A Amendments.

Chapter 7A is amended as follows:

1. Additions to structures built under Chapter 7A requirements must comply with Chapter 7A.

3. Section 707A.8 *Underside of appendages* is amended to read as follows:

707A.8 Underfloor protection. The underfloor area of elevated or overhanging buildings shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed underfloor shall consist of one of the following:

1. Noncombustible material
2. Ignition-resistant material
3. One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the floor projection
4. The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the floor including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual
5. The underside of a floor assembly that meets the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3

Exception: Heavy timber structural columns and beams do not require protection.

4. Section 7010A.3.2 is deleted in its entirety.

5. Section 7010A.4 is amended to read as follows:

710A.4. Requirements. Accessory structures shall be constructed of noncombustible or ignition-resistant materials.

Sec. C3-6. Chapter 9 Amendments.

Chapter 9 is amended as follows:

(a) Section 903.2 is modified to read as follows:

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 or in Sections 903.2.1 through 903.2.18 whichever is more restrictive.

For the purposes of this section, firewalls used to separate building areas shall be

constructed in accordance with the California Building Code and shall be without openings or penetrations.

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

Exceptions:

(a) Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that do not exceed 1,000 square feet of building area and that are not located in the Wildland-Urban Interface Fire Area.

(b) Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that are located in the Wildland-Urban Interface Fire Area and do not exceed 500 square feet of building area.

4. An automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18.

5. An automatic sprinkler system shall be provided throughout existing buildings and structures, when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1000 square feet of building area.

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

- (b) Section 903.3.1.1 is modified to read as follows:

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and local standards.

1. For new buildings having no designated use or tenant, the minimum sprinkler design density shall be Ordinary Hazard Group 2.

- (c) Section 903.3.1.2 is added to read as follows:

903.3.1.2 NFPA 13R sprinkler systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R and local standards.

- (d) Section 903.3.1.3 is added to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems installed in one-and two-family dwellings and townhouses shall be installed throughout in accordance with NFPA 13D and local standards.

- (e) Section 912.2 is added to read as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus. The location of fire department connections shall be approved by the fire code official.

Sec. C3-7. Chapter 10 Amendments.

Chapter 10 is amended as follows:

- (a) Section 1013.7 is added to Chapter 10 to read as follows:

1013.7 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.

Sec. C3-8. Chapter 15 Amendments.

Chapter 15 is amended as follows:

- (a) Section 1505.1.4.1 is amended to read:

1505.1.4.1 Roofing coverings within the Wildland-Urban Interface Fire Area. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

Sec. C3-9. Chapter 33 Amendments.

Chapter 33 is amended as follows:

(a) Section 3310.1 is modified to read as follows:

3310.1 Stairways Required. Each level above the first story in new multi-story buildings shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in 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 contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

(b) Section 3310.3 is added to read as follows:

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 Construction Site Safety Plan.

CHAPTER II. COUNTY RESIDENTIAL BUILDING CODE

ARTICLE 1. INCORPORATION BY REFERENCE

Sec. C3-20. 2010 California Residential Building Code adopted.

The residential building code of the County is the 2010 California Residential Code, which is based on the 2009 International Residential Code, as compiled and published by the International Code Council ("2009 IRC"), as modified by the California Building Standards Commission, and as further modified by the additions, deletions and amendments set forth in this chapter.

ARTICLE 2. ADDITIONS, DELETIONS AND AMENDMENTS TO THE 2010 CALIFORNIA RESIDENTIAL BUILDING CODE

Sec. C3-21. Additions, deletions and amendments.

Additions, deletions and amendments to the 2010 California Residential Code are as set forth in this article.

Sec. C3-22. Chapter 1, Division II, Scope and Application, Amendments.

Chapter 1, Division II, Scope and Application, is amended as follows:

(a) Section R106.1 is modified to read as follows:

R106.1 General. Submittal documents consisting of construction documents and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Such other information as may reasonably be required by the building official shall be provided, such a geologic reports which shall be necessary where the county determines that such report is needed on the basis of the county hazard maps.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

(2) Section R108.1 is amended to read as follows:

R108.1 Payment of Fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Plan Review Fee – A plan review fee, in an amount established by resolution of the Board of Supervisors, shall be paid when plans or documents are required to be submitted for review prior to issuing a building permit.

Investigation Fee – An investigation fee, in an amount established by resolution of the Board of Supervisors, shall be paid for any building or structure that is constructed, altered, demolished or has a change of occupancy without obtaining the required building permits. This fee shall be in addition to any other fees required to review plans or issue any building permits for the building or structure.

(2) Section R110.3 is modified to add the following text after item 9:

The final approval of the Building Inspection Office on the building permit

inspection card shall serve as the certificate of occupancy.

(3) Section R110.3 is amended to delete item 6 and modify item 5 to read as follows:

5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code. Final inspection approval on the building inspection permit card shall be evidence of compliance with this requirement.

Sec. C3-23. Chapter 3 Amendments.

Chapter 3 is amended as follows:

(a) Section R313.1 is amended to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in all new townhouses and in existing townhouses when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1000 square feet of building area.

(b) Section R313.2 is amended to read as follows:

R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows:

(a) In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1000 square feet of building area.

(b) In all new basements and in existing basements that are expanded.

Exception: Existing basements that are expanded by not more than 50%.

(c) Section R327.7.9 *Underside of appendages* is amended to read as follows:

R327.7.9 Underside of appendages. The underside of overhanging appendages shall

be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed under-floor shall consist of one of the following:

1. Noncombustible material
2. Ignition-resistant material
3. One layer of 5/8-inch Type X gypsum sheathing applied
4. The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the floor including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual
5. The underside of a floor assembly that meets the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3

Exception: Heavy-timber structural columns and beams do not require protection.

(d) Section R327.10.3.2 is deleted.

(e) Section R327.10.4 is amended to read as follows:

R327.10.4. Requirements. Accessory structures shall be constructed of noncombustible or ignition-resistant materials.

Sec. C3-24. Chapter 9 Amendments.

Chapter 9 is amended as follows:

(a) Section R902.1.4.1 is added to read as follows:

R902.1.4.1 Roofing coverings within the Wildland-Urban Interface Fire Area.

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

CHAPTER III. COUNTY GREEN BUILDING STANDARDS CODE

ARTICLE 1. INCORPORATION BY REFERENCE

Sec. C3-30. 2010 California Green Building Standards Code adopted.

The green building standards code of the County is the 2010 California Green Building Standards Code, as modified by the additions, deletions and amendments set forth in this chapter.

ARTICLE 2. ADDITIONS, DELETIONS AND AMENDMENTS
TO 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE

Sec. C3-31. Additions, deletions and amendments.

Additions, deletions and amendments to the 2010 California Green Building Standards Code are as set forth in this article.

Section C3-32. Purpose.

The purpose of the amendments in this article is to enhance public health and welfare and assure that green building principles and practices are incorporated into new development to limit impacts to the natural and human environment within unincorporated Santa Clara County. The green building provisions referenced in this chapter are designed to achieve the following goals:

- (a) Increase energy efficiency in buildings;
- (b) Reduce potable water demand;
- (c) Encourage natural resource conservation;
- (d) Reduce waste generated by construction projects;
- (e) Provide durable buildings that are efficient, cost effective, and economical to own and operate; and
- (f) Promote the health and productivity of residents and workers who occupy and live in buildings within the County.

Section C3-33. Definitions.

The following definitions shall apply to this chapter:

- (a) "Addition" means new construction square footage added to an existing structure.
- (b) "Applicant" means any person or entity applying to the County for a building permit to undertake any Covered Project within the County.
- (c) "Alternative Means" means of achieving the green building performance standards equivalent to the LEED or GreenPoint Rated systems without using the checklists and verification methods of those programs. Alternative means must achieve a green building standard that is equal or better than the LEED or Green Point Rated programs and is independently verified to the satisfaction of the Compliance Official.
- (d) "Compliance Official" means the Building Official as defined in Section C1-4 of the Santa Clara County Ordinance Code or his or her designee.

- (e) “Compliance threshold” means the minimum number of points or rating level of a green building rating system that must be attained for a particular Covered Project, as set forth in the Standards for Compliance in Section C3-35.
- (f) “Covered Project” means any building permit application for new construction or renovations subject to Standards for Compliance as set forth in Section C3-535
- (g) “County Verification” means verification by qualified employees of the County of Santa Clara or consultants under contract with the County.
- (h) “Dual Plumbing” means buildings shall install dual plumbing for both potable and recycled water.
- (i) “Green Building” means a whole systems approach to the design, construction, and operation of buildings that substantially mitigates the environmental impacts of buildings. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water and other natural resources and provide a healthy, productive indoor environment.
- (j) “Green Building Certification” means verification to meet the certification requirements of Build it Green or LEED.
- (k) “Green Building Compliance” means written documentation by a Qualified Green Building Professional demonstrating that a Covered Project will meet the Green Building Standards for Compliance listed under Section C3-35.
- (l) “Green Building Project Checklist” means a checklist or score developed for the purpose of calculating a green building rating.
- (m) “Green Building Rating System” means the rating system associated with specific green building criteria and used to determine compliance thresholds, as set forth in Green Building Standards for Compliance under Section C3-35. Examples of rating systems include, but are not limited to, the LEED and Green Point Rated systems.
- (n) “GreenPoint Rated” means a residential green building rating system developed by the Build it Green organization.
- (o) “GreenPoint Verification” means verification of compliance by a certified GreenPoint Rater, resulting in green building certification by Build it Green including green points allocation across all of the resource categories.
- (p) “Indoor Potable Water Reduction” means reduction of potable water usage within a building included as a Covered Project in comparison with the water use baseline as

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established under Part 11 (California Green Building Standards Code) of the 2010 California Building Code. Indoor Potable Water Reduction can be accomplished using the plumbing fixtures identified in Part 11 of the Building Code or through a reduction in the overall potable water usage within a building.

- (q) “Indoor Potable Water Reduction Calculation” means a calculation showing the Indoor Potable Water usage within a building included as a Covered Project, in comparison with the water use baseline as established under Part 11 (California Green Building Standards Code) of the 2010 Building Code.
- (r) “LEED” means the “Leadership in Energy and Environmental Design” green building rating system developed by the U.S. Green Building Council.
- (s) “LEED AP Verification” means verification of compliance by a LEED Accredited Professional who is a registered architect or engineer and has successfully completed at least one LEED Certified project.
- (t) “LEED Certification” means verification to meet the standard of Certified or better by the U.S. Green Building Council (USGBC), and resulting in LEED certification of the project by the USGBC.
- (u) “Major Remodel” means any remodel that exceeds the permit valuation thresholds established within the Standards for Compliance in Section C3-35.
- (v) “Minor Remodel” means any remodel for which the permit valuation of the construction is less than the value established for a “Major Remodel” per the Standards for Compliance in Section C3-35.
- (w) “Multi-family Residential” means buildings containing three or more dwelling units within the same structure, each having its own kitchen and bathroom facilities.
- (x) “New Residences” means the construction of a new single family dwelling.
- (y) “Non-residential” means buildings not used for a residential use that are defined under Occupancy Classifications A, B, E, F, H, I, L and M in the California Building Code.
- (z) “Qualified Green Building Professional” means a person trained through the USGBC as a LEED Accredited Professional or through Build it Green as a Certified Green Point Rater, or a person with similar qualifications if acceptable to the Compliance Official.

- (aa) "Rainwater Harvesting" means the onsite collection, storage, and reuse of rain water to meet water demand.
- (bb) "Rebuild" means any alteration or modification to an existing building that is not a "Remodel" as defined under Ordinance Code Section C1-22 and thus is considered a new building.
- (cc) "Remodel" means any alteration or modification to an existing building that is a "Remodel" as defined under Ordinance Code Section C1-22.
- (dd) "Self Verify" means verification submitted by an Applicant that a Covered Project will meet the Standards for Compliance under Section C3-35.
- (ee) "Square footage" for the purposes of calculating additional or new construction square footage means the sum of the gross horizontal areas of the several floors of a building, as measured from the rough exterior walls, or (if applicable) from the centerline of the common wall between two attached buildings. Square footage also includes the total area of any attached garage, carport, porch or similar attached structure or feature that is both (a) covered, and (b) greater than 50% enclosed by perimeter walls. It includes the horizontal area of an interior stairway at each of the two or more stories to which the stairway provides access. An attic space that has a minimum clearance of seven (7) feet in each of the three (3) dimensions for at least 70 contiguous square feet shall be included. Where the vertical distance between any floor and the ceiling above exceeds 15 feet, floor area shall be counted twice.
- (ff) "Two-Family Residential" means two dwelling units within the same structure, each having its own kitchen and bathroom facilities.
- (gg) "Water Efficiency Landscape Ordinance" means either the State Model Water Efficiency Ordinance or the replacement County Water Efficiency Landscape Ordinance, in compliance with the California Water Conservation in Landscaping Act.
- (hh) "Water Reduction Credits" means the amount of water savings achieved through retrofits accomplished after January 1, 2000 to reduce potable water demand. Water Reduction Credits can be achieved through retrofits to reduce both indoor and outdoor potable water use, however any retrofits enacted to comply with the State or County Water Efficiency Landscape Ordinance shall not apply. Acceptance of Water Reduction Credits can only be accomplished through the Alternative Means process and must include independent verification.

Section C3-34. Applicability.

(a) Single-Family Residential Construction

Effective January 1, 2010, all Covered Projects described in Table I of Section C3-35 shall meet the requirements set forth in Table I, except that no point requirements or certification shall apply to any project for which a building permit application was submitted prior to January 1, 2010 and still remains valid.

(b) Multi-Family Residential and Non-Residential Construction

All Covered Projects described in Table II of Section C3-35 shall submit to the Compliance Official a completed Green Building Project Checklist and a Indoor Potable Water Demand Calculation; however, no standards or certification are required to be achieved until January 1, 2011 or whenever the cost-effectiveness determination for this Ordinance is approved by the California Energy Commission, whichever is later.

Effective January 1, 2011, or whenever the cost-effectiveness determination for this Ordinance is approved by the California Energy Commission (whichever is later), all Covered Projects described under Table II of Section C3-35 shall meet the requirements set forth in Table II, except that no standards or certification is required for any project for which a building permit application is submitted prior to January 1, 2011 and still remains valid.

All Covered Projects shall also meet or exceed the energy requirements contained in the California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

Section C3-35. Standards for Compliance.

Table I

**Green Building Standards for Compliance for Private Development
Single-Family Residential Construction**

Adopted

Type of Project	Checklist Required	Minimum Requirements or Standard	Verification
Remodels & Additions			
Minor Remodel and Addition < 500 square feet ⁸	No Requirement (<i>Handouts and Checklists Provided</i>)		
Major Remodel ¹ and Addition ≥ 500 square feet ⁷	Green Point Rated Existing Home Checklist ²	Submit Checklist	Self Verify

New Residences & Rebuilds			
New Residence and Rebuild ≤ 1,200 square feet	No Requirements (<i>Handouts and Checklists Provided</i>)		
New Residence and Rebuild 1,201 ≤ 3,000 square feet	Single-Family Green Point Checklist ³ or LEED for Homes Checklist ⁴	50 points ⁶ or LEED Certification	Green Point Verification or LEED Certification
New Residence and Rebuild >3,000 square feet	Single-Family Green Point Checklist ³ or LEED for Homes Checklist ⁴	50 points ⁶ + 1 point per additional 100 square feet beyond 3,000 square feet ⁵ or LEED Certification	Green Point Verification or LEED Certification

¹ Major Remodel entails renovations of >\$100,000 permit valuation.

² Green Point Rated Existing Home Checklist v1.2

³ Single Family Green Point Checklist 4.2

⁴ LEED® for Homes Project Checklist (January 2008)

⁵ For purposes of determining points required, square footage shall be rounded to the nearest whole number (in 100's), for example 149 shall be rounded down to 100 and 150 shall be rounded up to 200.

⁶ Points shall include Green Point Rated minimum points across all resource categories.

⁷ Requirements do not apply to Residences where the resulting square footage is 1,200 square feet or less in size.

⁸ Additions that result in the cumulative addition of over 500 square feet within a twenty four (24) month period (application date to application date) shall not be included within this classification.

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Table II

Green Building Standards for Compliance for Private Development
Multi-family Residential and Non-Residential Construction

Type of Project	Minimum Standard	Verification
Two-Family Residential		
All Two Family Residential (Minor and Major Remodel, Rebuild, New Residence)	Applicable Standards listed under Table I	Applicable Verification Method Listed under Table I
Multi-Family Residential		
New buildings and rebuilds < 5,000 square feet with each unit < 1,200 square feet	Submit GreenPoint Rated (GPR) ¹ or LEED Checklist ²	Self Verify
New buildings and rebuilds > 2 units and < 9 units	GPR ¹ or LEED ² Certification or Alternative means approved by Building Official ----- Indoor Water Demand Reduction of 25% ⁴ Dual Plumbing	GreenPoint Verification or LEED AP Verification or LEED Certification ----- County Verification
New buildings and rebuilds >10 units	GPR ¹ (70 points) or LEED ²³ Certification or Alternative means approved by Building Official ----- Indoor Water Demand Reduction of 25% ⁴ Dual Plumbing	GreenPoint Verification or LEED Certification ----- County Verification
Non-Residential		
New buildings, rebuilds & additions < 5,000 square feet	Submit LEED Checklist ³	Self Verify

Adopted

New buildings, rebuilds & additions > 5,000 and < 25,000 square feet	LEED ³ Certification or Alternative means approved by Building Official ----- Indoor Water Demand Reduction of 25% ⁴ Dual Plumbing ⁵	LEED AP Verification or LEED Certification ----- County Verification
New building, rebuilds & additions > 25,000 square feet	LEED ³ Silver Certification or Alternative means approved by Building Official ----- Indoor Water Demand Reduction of 25% ⁴ Dual Plumbing ⁵	LEED Certification ----- County Verification

¹ Multifamily GreenPoint Rated Checklist v2.2

² LEED® for Homes Project Checklist (January 2008)

³ LEED 2009 for New Construction and Major Renovations Checklist

⁴ Water Reduction Credits may be used through the Alternative Means process to apply towards the 5% difference between the State Green Building Code Standard of 20% and the County Green Building Standard of 25%.

⁵ Dual Plumbing shall apply if recycled water is available within 0.5 mile of the parcel or is scheduled for installation within 0.5 mile of a parcel under a Capital Improvement Plan within ten years. Dual Plumbing shall not be required for any building additions unless the entire plumbing system for the structure is replaced.

Section C3-36. Administrative Procedures.

(a) The procedures for compliance may include, but not be limited to, the following:

(1) Building Plan Check Review. Any submittal of an application for a building permit for any Covered Project shall include a Green Building Project Checklist. This checklist shall be incorporated onto a separate plan sheet included with the building plans. A Qualified Green Building Professional shall provide evidence of adequate Green Building Compliance to the Compliance Official to satisfy the requirements of the Standards of Compliance set forth in Section C3-35, prior to issuance of a building permit.

(2) Final Building Inspection, Verification, and Occupancy. Prior to final building inspection and occupancy for any Covered Project, a Qualified Green Building Professional shall provide evidence of Green Building Certification, to the Compliance Official to satisfy the requirements of the Standards of Compliance set forth in Section

C3-35.

(3) Final Determination of Compliance. Prior to final building inspection for a Covered Project, the Compliance Official shall review the documentation submitted by the Applicant and determine whether the Applicant has achieved the required compliance as set forth in the Standards for Compliance under Section C3-35. If the Compliance Official determines that the Applicant has met the requirements of Section C3-35, the final building inspection may proceed, provided the Covered Project has received all other required applicable approvals. If the Compliance Official determines that the Covered Project has not met the requirements of Section C3-35, the Compliance Official shall find one of the following:

- i. Substantial Compliance. An Applicant may submit evidence showing that the Applicant is unable to immediately meet all of the requirements of Section C3-35 but will meet all necessary requirements within a six-month period. Upon this submission (and provided all other applicable requirements have been met) the Compliance Official may issue a Temporary Certificate of Occupancy for a six-month period within which the Applicant must meet all of the requirements of Section C3-35. Circumstances under which a Temporary Certificate of Occupancy may be issued include, but are not limited to: installation of, or compliance with all Green Building measures as required under Section C3-35 but Green Building Certification has not occurred or been processed, and the unavailability of Green Building materials. An additional six month extension may be granted at the discretion of the Compliance Official. The total extension term shall not exceed one year. If the Applicant meets the requirements of Section C3-35 within this extension period (as determined by the Compliance Official), final building inspection may proceed. If the Applicant does not meet the requirements of Section C3-35 after the total one-year extension period has run out, the Compliance Official may revoke the Temporary Certificate of Occupancy and the project shall be classified as a Non-Compliance Project.
- ii. Non-Compliance Project. If the Compliance Official determines that the Covered Project does not meet the requirements of Section C3-35 and is not in Substantial Compliance (as specified above), the Covered Project shall be determined to be a Non-Compliance project, and the final inspection for this project shall not occur until the project is brought into full compliance with Section C3-35 (provided all other applicable requirements have been met).

(4) Lack of Inspectors. If the Compliance Official determines that there is a lack of Qualified Green Building Professionals available to perform green building inspections

and/or certifications within a timely manner, the Compliance Official may, at his or her discretion, allow inspections and/or certifications by qualified employees of the County of Santa Clara, or Self Verification by the Applicant that the project is in Compliance with Section C3-35.

- (b) The Director of Planning and Development shall promulgate any rules and regulations necessary or appropriate to achieve compliance with the requirements of this Chapter. The rules and regulations shall provide, at minimum, for the incorporation of green building requirements of this Chapter into checklist submittals with building permit applications, and supporting documents demonstrate compliance with this Chapter.
- (c) In addition to the procedures in this section, a Covered Project shall also meet or exceed the energy requirements contained in the California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

Section C3-37. Appeal.

- (a) Any Applicant or other interested person may appeal the determination of the Compliance Officer regarding compliance with any provision of this ordinance to the Director of Planning and Development. Any such appeal must be filed within 15 days of the decision by the Compliance Officer and shall be accompanied by a payment of a fee in an amount established by resolution by the Board of Supervisors.
- (b) An Applicant or other interested person may appeal the determination made pursuant to subsection (a) to the Board of Supervisors. Any such appeal must be filed within 15 days of the decision and be accompanied by a payment of a fee in an amount established by resolution by the Board of Supervisors.
- (c) Any appeal related to any provision required to comply with the California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code shall be limited to whether the provision applies to the project, but the appeal process shall not be used to exempt any project from compliance with applicable California Building Energy Efficiency Standards.

Section C3-38. Interaction with other regulations.

This ordinance is not intended to apply where its application shall result in its preemption by federal or state laws or rules, including but not limited to conservation standards applicable to appliances and equipment, including heating, ventilating, and air conditioning (“HVAC”) products and water heaters.

There are many other laws, regulations, and ordinances that apply to building design construction and maintenance and to development. The provisions of this Ordinance are intended

to be in addition to and not in conflict with these other laws, regulations, and ordinances. If any provision of this chapter conflicts with any duly adopted and valid statutes or regulations of the federal government or the State of California, the federal or state statutes or regulations shall take precedence.

SECTION 5. Chapter I of Division C4 of Title C of the County of Santa Clara Ordinance Code is hereby repealed and reenacted to read as follows:

CHAPTER I. COUNTY ELECTRICAL CODE

ARTICLE 1. INCORPORATION BY REFERENCE

Sec. C4-1. 2010 California Electrical Code and 2006 ICC Electrical Code – Administrative Provisions Adopted.

The electrical code of the County consists of the 2010 California Electrical Code, which is based on the National Electrical Code (“NEC”) (2008 Edition) published by the National Fire Protection Association, as modified by the California Building Standards Commission, and the 2006 ICC Electrical Code - Administrative Provisions, as published by the International Code Council, and as further modified by the additions, deletions and amendments set forth in this chapter.

ARTICLE 2. ADDITIONS, DELETIONS AND AMENDMENTS TO 2010 CALIFORNIA ELECTRICAL CODE AND 2006 ICC ELECTRICAL CODE – ADMINISTRATIVE PROVISIONS

Sec. C4-2. Additions, deletions and amendments.

Additions, deletions and amendments to the 2010 California Electrical Code and the 2006 ICC Electrical Code – Administrative Provisions are as set forth in this article.

Sec. C4-3. 2006 ICC Electrical Code – Administrative Provisions Amendments.

Amendments to the 2006 ICC Electrical Code - Administrative Provisions are as follows:

(a) Section 404.2 is amended to read as follows:

Section 404.2. Plan Review and Permit Fees

A plan review fee shall be paid when plans or documents are required to be submitted for review prior to issuing an electrical permit. An electrical permit fee shall be paid when the plans or documents have been approved for permit issuance. The fees shall be in an amount established by resolution of the Board of Supervisors.

SECTION 6. Chapter I of Division C9 of Title C of the County of Santa Clara Ordinance Code is hereby repealed and reenacted to read as follows:

CHAPTER I. COUNTY MECHANICAL CODE

ARTICLE 1. INCORPORATION BY REFERENCE

Sec. C9-1. 2010 California Mechanical Code adopted.

The mechanical code of the County is the 2010 California Mechanical Code, which is based on the Uniform Mechanical Code (2009 Edition) published by the International Association of Plumbing and Mechanical Officials (“2009 UMC”), as modified by the California Building Standards Commission, and as further modified by the additions, deletions and amendments set forth in this chapter.

**ARTICLE 2. ADDITIONS, DELETIONS AND AMENDMENTS TO
2010 CALIFORNIA MECHANICAL CODE**

Sec. C9-2. Additions, deletions and amendments.

Additions, deletions and amendments to the 2010 California Mechanical Code are as set forth in this article.

Sec. C9-3. Chapter 1 Amendments.

Chapter 1 is amended as follows:

- (a) Table 1-1 (Mechanical Permit Fees) and all references thereto are deleted.
- (b) Section 115.2 (Permit Fees) is modified to read as follows:

115.2 Plan Review and Permit Fees

A plan review fee shall be paid when plans or documents are required to be submitted for review prior to issuing a mechanical permit. A mechanical permit fee shall be paid when the plans or documents have been approved for permit issuance. The fees shall be in the amount established by resolution of the Board of Supervisors.

- (c) Section 115.3 (Plan Review Fees) is deleted.

SECTION 7. Chapter I of Division C11 of Title C of the Ordinance Code of the County of Santa Clara is hereby repealed and reenacted to read as follows:

CHAPTER I. COUNTY PLUMBING CODE

ARTICLE 1. INCORPORATION BY REFERENCE

Sec. C11-1. 2010 California Plumbing Code adopted.

The plumbing code of the County is the 2010 California Plumbing Code, which is based on the Uniform Plumbing Code (2009 Edition) ("2009 UPC") published by the International Association of Plumbing and Mechanical Officials, as modified by the California Building Standards Commission, and as further modified by the additions, deletions and amendments set forth in this chapter.

ARTICLE 2. ADDITIONS, DELETIONS AND AMENDMENTS TO 2010 CALIFORNIA PLUMBING CODE

Sec. C11-2. Additions, deletions and amendments.

Additions, deletions and amendments to the 2010 California Plumbing Code are as set forth in this article.

Sec. C11-3. Chapter 1 Amendments.

Chapter 1 is amended to read as follows:

- (a) Section 102.3.2 (Penalties) is amended to read as follows:

102.3.2 Penalties. Any person, firm, or corporation violating any provision of this code shall be subject to penalties as provided in section C1-72 of the County of Santa Clara Ordinance Code. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense.

- (b) Section 103.4.1 (Permit Fees) is amended to read as follows:

103.4 Permit Fees. A plan review fee shall be paid when plans or documents are required to be submitted for review prior to issuing a plumbing permit. A plumbing permit fee shall be collected when the plans or documents have been approved for permit issuance. The fees shall be in an amount established by resolution of the Board of Supervisors.

(c) Section 103.4.2 (Plan Review Fees) is deleted.

(d) Table 1-1 (Plumbing Permit Fees) and all references thereto is deleted.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara,
State of California on DEC 14 2010 by the following vote:

AYES: CORTESE, KNISS, SHIRAKAWA, WASSERMAN, YEAGER

NOES: NONE

ABSENT: NONE

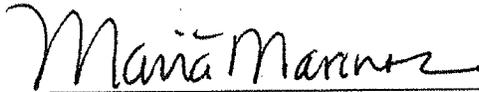
ABSTAIN: NONE



Ken Yeager, President
Board of Supervisors

Signed and certified that a copy
of this document has been delivered
by electronic or other means to the
President of the Board of Supervisors.

ATTEST:



Maria Marinos, Clerk of the Board

Maria Marinos, Clerk of the Board

APPROVED AS TO FORM:



Lizanne Reynolds, Deputy County Counsel

Lizanne Reynolds, Deputy County Counsel

Attachments:

- Exhibit A - Bases for Local Changes to California Fire Code
- Exhibit B - Bases for Local Changes to California Building, Residential Building, Green Building Standards, Electrical, Mechanical and Plumbing Codes

Adopted

EXHIBIT A

BASES FOR LOCAL AMENDMENTS TO CALIFORNIA FIRE CODE

- A) B7-4. This modification is necessary to differentiate the appeals process for state-adopted code requirements from the appeals process for County amendments.
- B) B7-5. The definition of "Urban Service Area" is needed to clarify the applicability of B7-18, B7-19 & B7-20. The definition of "Workstation" is needed to clarify the applicability of B7-10 and B7-13.
- C) B7-7, B7-10, B7-11. Many unincorporated areas of Santa Clara County are located in remote hillside and ranchland areas, characterized by dry grasslands, steady winds and steep terrain, which can rapidly spread fires, and result in delays for emergency responders. These modifications are necessary to minimize the risks associated with structure fires in remote areas.
- D) B7-8. The Fire Code allows local jurisdictions to establish their own regulations regarding fire department access and fire protection water supply.
- E) B7-6, B7-14. The California Fire Code expressly allows local jurisdictions to establish their own regulations for fire protection water supply and fire department access to address local conditions. This provision is necessary to conform to the definition of access roads in the County Ordinance Code, provide water supply for remote recycling facilities, and address firefighter safety.
- F) B7-9, B7-13, B7-15, B7-16. Many unincorporated areas of Santa Clara County are located in remote hillside and ranchland areas, characterized by dry grasslands, steady winds and steep terrain, which can rapidly spread fires, and result in delays for emergency responders. Facilities using hazardous materials are located within these high fire-risk areas, and special precautions are therefore necessary to minimize the risks associated with hazardous material storage, use and handling.
- G) B7-12. Due to the size of Santa Clara County, and to the remoteness and steepness of hillside and ranchland areas, which are also characterized by dry grasslands, steady winds and high temperatures in the summer months, special precautions are necessary to provide a reasonable level of fire and life safety for structures under construction.
- H) B7-18, B7-19, B7-20. The California Fire Code gives local jurisdictions authority to establish regulatory limits for activities covered in these sections.
- I) B7-17. Many unincorporated areas of Santa Clara County are located in remote hillside and ranchland areas, characterized by dry grasslands, steady winds and steep terrain, which can rapidly spread fires, and result in delays for emergency responders.

EXHIBIT A

These provisions are necessary to address the local use of explosives for mining operations and control the use of model rockets in the County.

J) B7-21. Due to the size of Santa Clara County, and to the remoteness and steepness of hillside and ranchland areas, which are also characterized by dry grasslands, steady winds and high temperatures in the summer months, it is necessary to address land development and usage issues in the Wildland-Urban Interface.

Adopted

EXHIBIT B

BASES FOR LOCAL AMENDMENTS TO 2010 CALIFORNIA BUILDING CODE

A) C3-1 and C3-2. 2010 California Building Code Adopted, Amended.

This is administrative only.

B) C3-3. Chapter 1 Amendments.

These are modifications for local administrative procedures for fees and Certificates of Occupancy.

C) C3-4. IBC Appendices Addition.

This is administrative only:

- 1) Adopt Appendix C (Group U - Agricultural Buildings); modify requirements for unlimited area and building permit exemption due to local historical precedent.
- 2) Adopt Appendix I (Patio Covers).

D) C3-5. Chapter 7A Amendments.

This chapter is applicable to the Wildland Urban Interface areas of the County which are remote hillside and ranchland areas, characterized by dry grassland, steady winds and steep terrain, which can rapidly spread fires and result in delays for emergency responders. These modifications ensure that additions to existing structures built to fire-resistive standards under the 2007 Building Code are not built to a lesser standard.

E) C3-6. Chapter 9 Amendments.

Adopt amendments to Chapter 9 "Fire Protection Systems." Many unincorporated areas of Santa Clara County are located in remote hillside and ranchland areas, characterized by dry grassland, steady winds and steep terrain, which can rapidly spread fires and result in delays for emergency responders. These modifications to the automatic sprinkler system section are necessary to reduce the risks associated with fires in remote areas.

F) C3-7. Chapter 10 Amendments.

Adopt amendments to Chapter 10 "Means of Egress." The California Fire Code expressly allows local jurisdictions to establish their own regulations for fire fighter safety. This addition to the guard section provides additional safety for fire fighters on the roofs of buildings with interior courts, and is consistent with the Fire Marshal's change to County Ordinance Section B7-6.

G) C3-8. Chapter 15 Amendments.

Adopt amendments to Chapter 15 "Roof Assemblies and Rooftop Structures." Many unincorporated areas of Santa Clara County are located in remote hillside and ranchland areas, characterized by dry grassland, steady winds and steep terrain, which can rapidly spread fires and result in delays for emergency responders. This modification is necessary to reduce the risk of wildfire to structures in Wildland Urban Interface areas.

H) C3-9. Chapter 33 Amendments.

Adopt amendments to Chapter 33 "Safeguards During Construction." The California Fire Code expressly allows local jurisdictions to establish their own regulations for fire fighter safety. This

addition to the code is necessary to provide a reasonable level of fire and life safety for structures under construction.

I) C3-20 and C3-21. California Residential Code Adopted, Amended.
This is administrative only.

J) C3-22. Chapter 1 Amendments.
These are modifications are local administrative procedures for submittal documentation, fees and Certificates of Occupancy.

K) C3-23. Chapter 3 Amendments.
Adopt amendments to Chapter 3 "Building Planning." Many unincorporated areas of Santa Clara County are located in remote hillside and ranchland areas, characterized by dry grasslands, steady winds and steep terrain, which can rapidly spread fires, and result in delays for emergency responders. These modifications to the automatic sprinkler system section are necessary to reduce the risks associated with residential fires in remote areas.

L) C3-24. Chapter 9 Amendments.
Adopt amendments to Chapter 9 "Roof Assemblies." Many unincorporated areas of Santa Clara County are located in remote hillside and ranchland areas, characterized by dry grassland, steady winds and steep terrain, which can rapidly spread fires and result in delays for emergency responders. This modification is necessary to reduce the risk of wildfire to structures in Wildland Urban Interface areas.

M) C3-30 through C3-38. California Green Building Standards Code Amendments.

The proposed modifications the 2010 California Green Building Standards Code are reasonably necessary because of local climatic, geological, or topographical conditions for at least the following reasons:

(1) In the United States, buildings account for 40 percent of total energy use, 14 percent of the total water consumption 72 percent of total electricity consumption, and 39 percent of the carbon dioxide emissions, according to statistics provided by the federal Environmental agencies.

(2) Energy consumption from the non-residential sector in Santa Clara County was the highest among all Bay Area counties, according to 2007 data from the California Energy Commission's Energy Consumption Data Management System.

(3) Green building is a practice of building construction, operation and design that intends to minimize the environmental impacts of the buildings upon the natural and human environment by preserving natural resources, reducing energy and water usage, and improving indoor environmental quality.

(4) Reduction of energy usage as a result of efficiencies and conservation required by this ordinance is likely to have local benefits such as cost reduction, additional available system energy capacity, reduction in electricity demand, and a reduction in greenhouse gas emissions. These benefits are likely to become increasingly important as the effects of global warming and climate change are felt locally.

(5) According to studies published by the California Department of Water Resources and the Santa Clara Valley Water District, continued availability of sufficient potable water supply to meet demand in Santa Clara County is at risk. Expected increased air temperature associated with climate change is expected to reduce annual snowmelt and increase the potential for drought, reducing both imported and local water sources.

(6) Environmental benefits of green building include: enhanced and protected biodiversity and ecosystems, improvements in air and water quality, reduced waste streams, and conservation of natural resources. Other benefits of green building according to the EPA include improved occupant productivity, enhanced occupant comfort and health and minimized strain on local infrastructure. Therefore, the design, construction, and maintenance of buildings and structures within the Santa Clara County is likely to have a beneficial impact on the County's environmental sustainability, resource usage, energy efficiency, waste management, and the health and productivity of occupants.

(7) The adoption of California Assembly Bill 32 (the "Global Warming Solutions Act") recognizes that greenhouse gas ("GHG") emissions from California are contributing to global warming and the legislation mandates that statewide GHG emissions be lowered to 1990 levels by 2020. The use of green building practices furthers, at the local level, the environmental protection goals of the County General Plan and the greenhouse reduction goals set forth under the Global Warming Solutions Act by reducing energy and water usage while conserving resources and creating healthier environments.

(8) The local amendments will further the goals and policies of the County General Plan regarding environmental protection and will reduce future greenhouse gas emissions in accordance with the goals established under the Global Warming Solutions Act.

N) C4-1 and C4-2. 2010 California Electrical Code and 2006 ICC Electrical Code - Administrative Provisions Adopted, Amended.

This is administrative only.

O) C4-3. Permit Fees Amendments.

These are modifications for local administrative procedures for fees.

P) C9-1 and 9-2. 2010 California Mechanical Code Adopted, Amended.

This is administrative only.

Q) C9-3. Chapter 1 Amendments.

These are modifications for local administrative procedures for fees.

R) C11-1 and C11-2. 2010 California Plumbing Code Adopted, Amended.

This is administrative only.

S) C11-3. Chapter 1 Amendments.

These are modifications for local administrative procedures for penalties and fees.

Resolution

Whereas, the County of Santa Clara has submitted an application to the California Energy Commission for approval of a local ordinance with energy efficiency requirements meeting or exceeding those required by the 2008 California Building Energy Efficiency Standards; and

Whereas, Public Resources Code Section 25402.1(h) (2) and Title 24, Part 1, Section 10-106 establish a process for local governments to apply to the California Energy Commission for approval to adopt new versions of Building Energy Efficiency Standards that require additional energy efficiency measures or set more stringent energy budgets; and

Whereas, the County of Santa Clara submitted an application to the California Energy Commission that meets all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h) (2) and Section 10-106; and

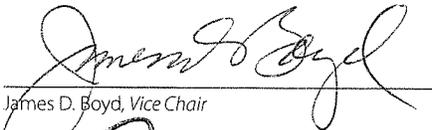
Whereas, the County of Santa Clara has made a written commitment to actively enforce compliance both with the locally adopted energy standards and the 2008 California Building Energy Efficiency Standards; and

Whereas, the California Energy Commission commends the County of Santa Clara for seeking to achieve additional demand reductions, energy savings and other benefits exceeding those of the 2008 California Building Energy Efficiency Standards.

Therefore, Be It Resolved, that the California Energy Commission approves the

County of Santa Clara

locally adopted energy standards and that these local standards may be enforced by the County of Santa Clara.



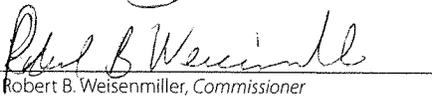
James D. Boyd, Vice Chair



Jeffrey D. Byron, Commissioner



Anthony Eggert, Commissioner



Robert B. Weisenmiller, Commissioner



Karen Douglas, Chairman



December 15, 2010

County of Santa Clara
Department of Planning and Development
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110



	Administration	Development Services	Fire Marshal	Planning
Phone:	(408) 299-6740	(408) 299-5700	(408) 299-5760	(408) 299-5770
Fax:	(408) 299-6757	(408) 279-8537	(408) 287-9308	(408) 288-9198

December 30, 2010

California Building Standards Commission
2525 Natomas Park Drive, Suite # 130
Sacramento, CA 95833-2936

**Subject: Amendment to Santa Clara County Ordinance Code
2010 Adoption of Uniform Model Codes**

Dear Commissioners:

At the Board of Supervisors' regular meeting on December 14, 2010 (Item No. 75) Ordinance No. NS-1100.115 was adopted.

The ordinance relates to Revised Fire, Building, Residential Building, Green Building, Electrical, Mechanical and Plumbing Codes and Amending Divisions B7, C1, C3, C4, C9, and C11 to reflect adoption by the County of the 2010 California Building Standards Code with certain amendments to address local conditions.

Enclosed you will find a conformed/adopted copy of this Ordinance for your records.

Should you have any questions, please feel free to contact me at (408) 299-5718.

Sincerely,

Michael Harrison
Interim Building Official
Department of Planning and Development

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



December 28, 2010

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

Dear Commissioners:

The purpose of this letter is to file findings demonstrating that energy efficiency standards in Santa Clara County's Green Building Ordinance are reasonable necessary with respect to climatic, geological or topographical conditions (Health & Safety Code §17958.7).

On September 14, 2010 the Santa Clara County Board of Supervisors adopted Ordinance NS-1100.114 (enclosed), establishing local building energy standards exceeding those required in Title 24 for single-family dwellings greater than 1,200 square feet of floor area. In adopting the ordinance, the Board found that the modifications to the *2008 California Building Energy Efficiency Standards* are reasonably necessary due to local climatic conditions. The following finding (from Ordinance NS-1100.114 section *I. Findings Pursuant to Health and Safety Code Sections 18941.5 AND 17958.7*) support this conclusion as follows:

- (4) Reduction of energy usage as a result of efficiencies and conservation required by this ordinance is likely to have local benefits such as cost reduction, additional available system energy capacity, reduction in electricity demand, and a reduction in greenhouse gas emissions. These benefits are likely to become increasingly important as the effects of global warming and climate change are felt locally.

Reduction of total energy use and peak demand as a result of incremental energy conservation measures required by the ordinance will have local and regional benefits in the reduction of energy costs for building owners, additional available system energy capacity, and a reduction in greenhouse gas emissions.

On December 15, 2010 the State Energy Resources Conservation and Development Commission passed Resolution No. 10-1215-11e, granting California Energy Commission approval of the County of Santa Clara's locally adopted energy standards to require greater energy efficiency than the *2008 Building Energy Efficiency Standards*. The Commission found that documentation submitted by the County was sufficient to show the ordinance meets State standards for cost-effectiveness.

This letter should provide sufficient documentation to conclude that the Green Building Ordinance adopted by the County of Santa Clara County is reasonably necessary because of local climatic, geological or topographical conditions in the County.

Should you have any questions or need additional information, you may contact me at (408) 299-5718.

Sincerely,

A handwritten signature in cursive script that reads "Michael Harrison".

Michael Harrison
Interim Building Official
Department of Planning and Development

Enclosure

1. County of Santa Clara Ordinance No. NS-II00.114
2. State Energy Resources Conservation and Development Commission Resolution No. 10-1215-11e

ORDINANCE NO. NS-1100.114

ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA AMENDING SELECTED PROVISIONS OF CHAPTER III OF DIVISION C3 OF THE COUNTY OF SANTA CLARA ORDINANCE CODE, RELATING TO GREEN BUILDING REGULATIONS

THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS:

I. FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 18941.5 AND 17958.7:

The proposed modifications to Chapter III, "Green Building Regulations" of Division C3 of the County Ordinance Code set forth minimum green building standards for new multi-family residential and non-residential development. The application of these requirements will further the goals and policies of the County General Plan regarding environmental protection and will reduce future greenhouse gas emissions in accordance with the goals established under the Global Warming Solutions Act.

To the extent the requirements of this ordinance are deemed to constitute changes or modifications to the requirements of the California Building Standards Code or other regulations adopted pursuant to Health and Safety Code Section 17922, this Board of Supervisors expressly finds that the provisions of this ordinance are reasonably necessary because of local climatic, geological, or topographical conditions for at least the following reasons:

(1) In the United States, buildings account for 40 percent of total energy use, 14 percent of the total water consumption 72 percent of total electricity consumption, and 39 percent of the carbon dioxide emissions, according to statistics provided by the federal Environmental agencies.

(2) Energy consumption from the non-residential sector in Santa Clara County was the highest among all Bay Area counties, according to 2007 data from the California Energy Commission's Energy Consumption Data Management System.

(3) Green building is a practice of building construction, operation and design that intends to minimize the environmental impacts of the buildings upon the natural and human environment by preserving natural resources, reducing energy and water usage, and improving indoor environmental quality.

(4) Reduction of energy usage as a result of efficiencies and conservation required by this ordinance is likely to have local benefits such as cost reduction, additional available system energy capacity, reduction in electricity demand, and a reduction in greenhouse gas emissions. These benefits are likely to become increasingly important as the effects of global warming and climate change are felt locally.

(5) According to studies published by the California Department of Water Resources and the Santa Clara Valley Water District, continued availability of sufficient potable water supply to meet demand in Santa Clara County is at risk. Expected increased air temperature associated with climate change is expected to reduce annual snowmelt and increase the potential for drought, reducing both imported and local water sources.

(6) Environmental benefits of green building include: enhanced and protected biodiversity and ecosystems, improvements in air and water quality, reduced waste streams, and conservation of natural resources. Other benefits of green building according to the EPA include improved occupant productivity, enhanced occupant comfort and health and minimized strain on local infrastructure. Therefore, the design, construction, and maintenance of buildings and structures within the Santa Clara County is likely to have a beneficial impact on the County's environmental sustainability, resource usage, energy efficiency, waste management, and the health and productivity of occupants.

(7) The adoption of California Assembly Bill 32 (the "Global Warming Solutions Act") recognizes that greenhouse gas ("GHG") emissions from California are contributing to global warming and the legislation mandates that statewide GHG emissions be lowered to 1990 levels by 2020. The use of green building practices furthers, at the local level, the environmental protection goals of the County General Plan and the greenhouse reduction goals set forth under the Global Warming Solutions Act by reducing energy and water usage while conserving resources and creating healthier environments.

II. FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"), Public Resources Code § 21000 *et seq.*:

The adoption of this ordinance is categorically exempt from the requirements of CEQA pursuant to Section 15308 of the CEQA Guidelines (14 Cal. Code Regs. § 15308) because it is an action taken by a regulatory agency for the protection of the environment and no exceptions to this categorical exemption apply.

III. OTHER FINDINGS

(1) The goals of this ordinance are consistent with the County of Santa Clara General Plan, which sets forth goals to minimize the environmental impacts of land development and the construction of buildings while preserving the natural landscape and conserving water and energy.

(2) The regulation of building design, construction and operation lies with the realm of police power traditionally assigned to states and their political subdivisions.

(3) The County does not intend to mandate installation of products whose efficiencies exceed applicable federal or state standards that govern the efficiency of such products, or to set up a system of local appliance standards.

(4) Nothing in this ordinance is intended to duplicate, contradict, or enter a field that has been fully occupied by, federal or state law or regulation.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:**

SECTION 1: Chapter III (Green Building Regulations) of Division C3 of Title C of the County of Santa Clara Ordinance Code is amended to read as follows:

CHAPTER III.

GREEN BUILDING REGULATIONS

Section C3-50. Purpose.

The purpose of this chapter is to enhance public health and welfare and assure that green building principles and practices are incorporated into new development to limit impacts to the natural and human environment within unincorporated Santa Clara County. The green building provisions referenced in this chapter are designed to achieve the following goals:

- (a) Increase energy efficiency in buildings;
- (b) Reduce potable water demand;
- (c) Encourage natural resource conservation;
- (d) Reduce waste generated by construction projects;
- (e) Provide durable buildings that are efficient, cost effective, and economical to own and operate; and
- (f) Promote the health and productivity of residents and workers who occupy and live in buildings within the County.

Section C3-51. Definitions.

The following definitions shall apply to this chapter:

- (a) "Addition" means new construction square footage added to an existing structure.
- (b) "Applicant" means any person or entity applying to the County for a building permit to undertake any Covered Project within the County.
- (c) "Alternative Means" means of achieving the green building performance standards equivalent to the LEED or GreenPoint Rated systems without using the checklists and verification methods of those programs. Alternative means must achieve a green building standard that is equal or better than the LEED or Green Point Rated programs and is independently verified to the satisfaction of the Compliance Official.
- (d) "Compliance Official" means the Building Official as defined in Section C1-4 of the Santa Clara County Ordinance Code or his or her designee.
- (e) "Compliance threshold" means the minimum number of points or rating level of a green building rating system that must be attained for a particular Covered Project, as set forth in the Standards for Compliance in Section C3-53.
- (f) "Covered Project" means any building permit application for new construction or renovations subject to Standards for Compliance as set forth in Section C3-53.

- (g) "County Verification" means verification by qualified employees of the County of Santa Clara or consultants under contract with the County.
- (h) "Dual Plumbing" means buildings shall install dual plumbing for both potable and recycled water.
- (i) "Green Building" means a whole systems approach to the design, construction, and operation of buildings that substantially mitigates the environmental impacts of buildings. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water and other natural resources and provide a healthy, productive indoor environment.
- (j) "Green Building Certification" means verification to meet the certification requirements of Build it Green or LEED.
- (k) "Green Building Compliance" means written documentation by a Qualified Green Building Professional demonstrating that a Covered Project will meet the Green Building Standards for Compliance listed under Section C3-53.
- (l) "Green Building Project Checklist" means a checklist or score developed for the purpose of calculating a green building rating.
- (m) "Green Building Rating System" means the rating system associated with specific green building criteria and used to determine compliance thresholds, as set forth in Green Building Standards for Compliance under Section C3-53. Examples of rating systems include, but are not limited to, the LEED and Green Point Rated systems.
- (n) "GreenPoint Rated" means a residential green building rating system developed by the Build it Green organization.
- (o) "GreenPoint Verification" means verification of compliance by a certified GreenPoint Rater, resulting in green building certification by Build it Green including green points allocation across all of the resource categories.
- (p) "Indoor Potable Water Reduction" means reduction of potable water usage within a building included as a Covered Project in comparison with the water use baseline as established under Part 11 (California Green Building Standards Code) of the 2010 California Building Code. Indoor Potable Water Reduction can be accomplished using the plumbing fixtures identified in Part 11 of the Building Code or through a reduction in the overall potable water usage within a building
- (q) "Indoor Potable Water Reduction Calculation" means a calculation showing the Indoor Potable Water usage within a building included as a Covered Project, in comparison with the water use baseline as established under Part 11 (California Green Building Standards Code) of the 2010 Building Code.
- (r) "LEED" means the "Leadership in Energy and Environmental Design" green building rating system developed by the U.S. Green Building Council.
- (s) "LEED AP Verification" means verification of compliance by a LEED Accredited Professional who is a registered architect or engineer and has successfully completed at least one LEED Certified project.
- (t) "LEED Certification" means verification to meet the standard of Certified or better by the U.S. Green Building Council (USGBC), and resulting in LEED certification of the project by the USGBC.
- (u) "Major Remodel" means any remodel that exceeds the permit valuation thresholds established within the Standards for Compliance in Section C3-53.

- (v) “Minor Remodel” means any remodel for which the permit valuation of the construction is less than the value established for a “Major Remodel” per the Standards for Compliance in Section C3-53.
- (w) “Multifamily” means buildings containing three or more dwelling units within the same structure, each having its own kitchen and bathroom facilities.
- (x) “New Residences” means the construction of a new single family dwelling.
- (y) “Non-residential” means buildings not used for a residential use that are defined under Occupancy Classifications A, B, E, F, H, I, L and M in the California Building Code.
- (z) “Qualified Green Building Professional” means a person trained through the USGBC as a LEED Accredited Professional or through Build it Green as a Certified Green Point Rater, or a person with similar qualifications if acceptable to the Compliance Official.
- (aa) “Rainwater Harvesting” means the onsite collection, storage, and reuse of rain water to meet water demand.
- (bb) “Rebuild” means any alteration or modification to an existing building that is not a “Remodel” as defined under Ordinance Code Section C1-10.1 and thus is considered a new building.
- (cc) “Remodel” means any alteration or modification to an existing building that is a “Remodel” as defined under Ordinance Code Section C1-10.1.
- (dd) “Self Verify” means verification submitted by an Applicant that a Covered Project will meet the Standards for Compliance under Section C3-53.
- (ee) “Square footage” for the purposes of calculating additional or new construction square footage means the sum of the gross horizontal areas of the several floors of a building, as measured from the rough exterior walls, or (if applicable) from the centerline of the common wall between two attached buildings. Square footage also includes the total area of any attached garage, carport, porch or similar attached structure or feature that is both (a) covered, and (b) greater than 50% enclosed by perimeter walls. It includes the horizontal area of an interior stairway at each of the two or more stories to which the stairway provides access. An attic space that has a minimum clearance of seven (7) feet in each of the three (3) dimensions for at least 70 contiguous square feet shall be included. Where the vertical distance between any floor and the ceiling above exceeds 15 feet, floor area shall be counted twice.
- (ff) “Two-Family Residential” means two dwelling units within the same structure, each having its own kitchen and bathroom facilities.
- (gg) “Water Efficiency Landscape Ordinance” means either the State Model Water Efficiency Ordinance or the replacement County Water Efficiency Landscape Ordinance, in compliance with the California Water Conservation in Landscaping Act.
- (hh) “Water Reduction Credits” means the amount of water savings achieved through retrofits accomplished after January 1, 2000 to reduce potable water demand. Water Reduction Credits can be achieved through retrofits to reduce both indoor and outdoor potable water use, however any retrofits enacted to comply with the State or County Water Efficiency Landscape Ordinance shall not apply. Acceptance of Water Reduction Credits can only be accomplished through the Alternative Means process and must include independent verification.

Section C3-52. Applicability.

(a) Single Family Residential Construction

Effective January 1, 2010, all Covered Projects described in Table I of Section C3-53 shall meet the requirements set forth in Table I, except that no point requirements or certification shall apply to any project for which a building permit application was submitted prior to January 1, 2010 and still remains valid.

(b) Multi Family Residential and Non-Residential Construction

All Covered Projects described in Table II of Section C3-53 shall submit to the Compliance Official a completed Green Building Project Checklist and a Indoor Potable Water Demand Calculation; however, no standards or certification are required to be achieved until January 1, 2011 or whenever the cost-effectiveness determination for this Ordinance is approved by the California Energy Commission, whichever is later.

Effective January 1, 2011, or whenever the cost-effectiveness determination for this Ordinance is approved by the California Energy Commission (whichever is later), all Covered Projects described under Table II of Section C3-53 shall meet the requirements set forth in Table II, except that no standards or certification is required for any project for which a building permit application is submitted prior to January 1, 2011. and still remains valid.

All Covered Projects shall also meet or exceed the energy requirements contained in the California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

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Section C3-53. Standards for Compliance.

Table I

**County of Santa Clara
Green Building Standards for Compliance for Private Development
Single Family Residential Construction**

Type of Project	Checklist Required	Minimum Requirements or Standard	Verification
Remodels & Additions			
Minor Remodel and Addition < 500 square feet ⁸	No Requirement (<i>Handouts and Checklists Provided</i>)		
Major Remodel ¹ and Addition ≥ 500 square feet ⁷	Green Point Rated Existing Home Checklist ²	Submit Checklist	Self Verify
New Residences & Rebuilds			
New Residence and Rebuild ≤ 1,200 square feet	No Requirements (<i>Handouts and Checklists Provided</i>)		
New Residence and Rebuild 1,201 ≤ 3,000 square feet	Single Family Green Point Checklist ³ or LEED for Homes Checklist ⁴	50 points ⁶ or LEED Certification	Green Point Verification or LEED Certification
New Residence and Rebuild >3,000 square feet	Single Family Green Point Checklist ³ or LEED for Homes Checklist ⁴	50 points ⁶ + 1 point per additional 100 square feet beyond 3,000 square feet ⁵ or LEED Certification	Green Point Verification or LEED Certification

¹ Major Remodel entails renovations of >\$100,000 permit valuation.

² Green Point Rated Existing Home Checklist v1.2

³ Single Family Green Point Checklist 4.2

⁴ LEED® for Homes Project Checklist (January 2008)

⁵ For purposes of determining points required, square footage shall be rounded to the nearest whole number (in 100's), for example 149 shall be rounded down to 100 and 150 shall be rounded up to 200.

⁶ Points shall include Green Point Rated minimum points across all resource categories.

⁷ Requirements do not apply to Residences where the resulting square footage is 1,200 square feet or less in size.

⁸ Additions that result in the cumulative addition of over 500 square feet within a twenty four (24) month period (application date to application date) shall not be included within this classification.

Table II

County of Santa Clara
Green Building Standards for Compliance for Private Development
Multifamily Residential and Non-Residential Construction

Type of Project	Minimum Standard	Verification
Two Family Residential		
All Two Family Residential (Minor and Major Remodel, Rebuild, New Residence)	Applicable Standards listed under Table I	Applicable Verification Method Listed under Table I
Multi-Family Residential		
New buildings and rebuilds < 5,000 square feet with each unit < 1,200 square feet	Submit GreenPoint Rated (GPR) ¹ or LEED Checklist ²	Self Verify
New buildings and rebuilds > 2 units and < 9 units	GPR ¹ or LEED ² Certification or Alternative means approved by Building Official ----- Indoor Water Demand Reduction of 25% ⁴ Dual Plumbing	GreenPoint Verification or LEED AP Verification or LEED Certification ----- County Verification
New buildings and rebuilds > 10 units	GPR ¹ (70 points) or LEED ²³ Certification or Alternative means approved by Building Official ----- Indoor Water Demand Reduction of 25% ⁴ Dual Plumbing	GreenPoint Verification or LEED Certification ----- County Verification
Non-Residential		
New buildings, rebuilds & additions < 5,000 square feet	Submit LEED Checklist ³	Self Verify
New buildings, rebuilds & additions > 5,000 and < 25,000 square feet	LEED ³ Certification or Alternative means approved by Building Official ----- Indoor Water Demand Reduction of 25% ⁴ Dual Plumbing ⁵	LEED AP Verification or LEED Certification ----- County Verification

New building, rebuilds & additions > 25,000 square feet	LEED ³ Silver Certification or Alternative means approved by Building Official ----- Indoor Water Demand Reduction of 25% ⁴ Dual Plumbing ⁵	LEED Certification ----- County Verification
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¹ Multifamily GreenPoint Rated Checklist v2.2

² LEED® for Homes Project Checklist (January 2008)

³ LEED 2009 for New Construction and Major Renovations Checklist

⁴ Water Reduction Credits may be used through the Alternative Means process to apply towards the 5% difference between the State Green Building Code Standard of 20% and the County Green Building Standard of 25%.

⁵ Dual Plumbing shall apply if recycled water is available within 0.5 mile of the parcel or is scheduled for installation within 0.5 mile of a parcel under a Capital Improvement Plan within ten years. Dual Plumbing shall not be required for any building additions unless the entire plumbing system for the structure is replaced.

Section C3-54. Administrative Procedures.

(a) The procedures for compliance may include, but not be limited to, the following:

(1) Building Plan Check Review. Any submittal of an application for a building permit for any Covered Project shall include a Green Building Project Checklist. This checklist shall be incorporated onto a separate plan sheet included with the building plans. A Qualified Green Building Professional shall provide evidence of adequate Green Building Compliance to the Compliance Official to satisfy the requirements of the Standards of Compliance set forth in Section C3-53, prior to issuance of a building permit.

(2) Final Building Inspection, Verification, and Occupancy. Prior to final building inspection and occupancy for any Covered Project, a Qualified Green Building Professional shall provide evidence of Green Building Certification, to the Compliance Official to satisfy the requirements of the Standards of Compliance set forth in Section C3-53.

(3) Final Determination of Compliance. Prior to final building inspection for a Covered Project, the Compliance Official shall review the documentation submitted by the Applicant and determine whether the Applicant has achieved the required compliance as set forth in the Standards for Compliance under Section C3-53. If the Compliance Official determines that the Applicant has met the requirements of Section C3-53, the final building inspection may proceed, provided the Covered Project has received all other required applicable approvals. If the Compliance Official determines that the Covered Project has not met the requirements of Section C3-53, the Compliance Official shall find one of the following:

- i. **Substantial Compliance.** An Applicant may submit evidence showing that the Applicant is unable to immediately meet all of the requirements of Section C3-53 but will meet all necessary requirements within a six-month period. Upon this submission (and provided all other applicable requirements have been met) the Compliance Official may issue a Temporary Certificate of Occupancy for a six-month period within which the Applicant must meet all of the requirements of Section C3-53. Circumstances under which a Temporary Certificate of Occupancy may be issued include, but are not limited to: installation of, or compliance with all Green Building measures as required under Section C3-53 but Green Building Certification has not occurred or been processed, and the unavailability of Green Building materials. An additional six month extension may be granted at the discretion of the Compliance Official. The total extension term shall not exceed one year. If the Applicant meets the requirements of Section C3-53 within this extension period (as determined by the Compliance Official), final building inspection may proceed. If the Applicant does not meet the requirements of Section C3-53 after the total one-year extension period has run out, the Compliance Official may revoke the Temporary Certificate of Occupancy and the project shall be classified as a Non-Compliance Project.
- ii. **Non-Compliance Project.** If the Compliance Official determines that the Covered Project does not meet the requirements of Section C3-53 and is not in Substantial Compliance (as specified above), the Covered Project shall be determined to be a Non-Compliance project, and the final inspection for this project shall not occur until the project is brought into full compliance with Section C3-53 (provided all other applicable requirements have been met).

(4) **Lack of Inspectors.** If the Compliance Official determines that there is a lack of Qualified Green Building Professionals available to perform green building inspections and / or certifications within a timely manner, the Compliance Official may, at his or her discretion, allow inspections and/or certifications by qualified employees of the County of Santa Clara, or Self Verification by the Applicant that the project is in Compliance with Section C3-53.

- (b) The Director of Planning and Development shall promulgate any rules and regulations necessary or appropriate to achieve compliance with the requirements of this Chapter. The rules and regulations shall provide, at minimum, for the incorporation of green building requirements of this Chapter into checklist submittals with building permit applications, and supporting documents demonstrate compliance with this Chapter.
- (c) In addition to the procedures in this section, a Covered Project shall also meet or exceed the energy requirements contained in the California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

Section C3-55. Appeal.

- (a) Any Applicant or other interested person may appeal the determination of the Compliance Officer regarding compliance with any provision of this ordinance to the Director of Planning and Development. Any such appeal must be filed within 15 days of the decision by the Compliance Officer and shall be accompanied by a payment of a fee in an amount established by resolution by the Board of Supervisors.
- (b) An Applicant or other interested person may appeal the determination made pursuant to subsection (a) to the Board of Supervisors. Any such appeal must be filed within 15 days of the decision and be accompanied by a payment of a fee in an amount established by resolution by the Board of Supervisors.
- (c) Any appeal related to any provision required to comply with the California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code shall be limited to whether the provision applies to the project, but the appeal process shall not be used to exempt any project from compliance with applicable California Building Energy Efficiency Standards.

Section C3-56. Interaction with other regulations.

This ordinance is not intended to apply where its application shall result in its preemption by federal or state laws or rules, including but not limited to conservation standards applicable to appliances and equipment, including heating, ventilating, and air conditioning ("HVAC") products and water heaters.

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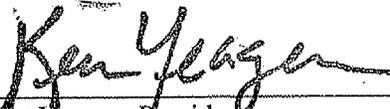
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There are many other laws, regulations, and ordinances that apply to building design construction and maintenance and to development. The provisions of this Ordinance are intended to be in addition to and not in conflict with these other laws, regulations, and ordinances. If any provision of this chapter conflicts with any duly adopted and valid statutes or regulations of the federal government or the State of California, the federal or state statutes or regulations shall take precedence.

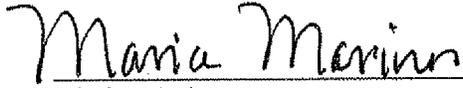
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on SEP 28 2010 by the following vote:

AYES: CORTSESE, GAGE, ~~KNISS~~, SHIRAKAWA, YEAGER
NOES: NONE
ABSTAIN: NONE
ABSENT: ~~KNISS~~



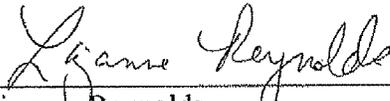
Ken Yeager, President
Board of Supervisors

ATTEST:



Maria Marinis
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



Lizanne Reynolds
Deputy County Counsel

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: California Energy Commission approval of the County of Santa Clara's locally adopted energy standards to require greater energy efficiency than the *2008 Building Energy Efficiency Standards*.

WHEREAS, the County of Santa Clara has submitted an application to the Energy Commission for approval of a local ordinance with energy efficiency requirements meeting or exceeding those required by the *2008 Building Energy Efficiency Standards*; and

WHEREAS, Public Resources Code Section 25402.1(h)(2) and Title 24, Part 1, Section 10-106 establish a process for local governments to apply to the Energy Commission for approval to adopt new versions of Building Energy Efficiency Standards that require additional energy efficiency measures or set more stringent energy budgets; and

WHEREAS, the County of Santa Clara submitted an application to the Energy Commission that meets all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2) and Section 10-106; and

WHEREAS, the County of Santa Clara has made a written commitment to enforce compliance with both the updated locally adopted energy standards and the *2008 California Building Energy Efficiency Standards*; and

WHEREAS, the Energy Commission commends the County of Santa Clara for seeking to achieve additional demand reductions, energy savings and other benefits exceeding those of the *2008 California Building Energy Efficiency Standards*;

THEREFORE BE IT RESOLVED, that on December 1, 2010 the Energy Commission approves the County of Santa Clara's locally adopted energy standards, and that these local standards may be enforced by the County of Santa Clara.

Dated: December 15, 2010

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION



KAREN DOUGLAS
Chairman