

BUILDING STANDARDS COMMISSION

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



September 15, 2011

James Palisi
Redwood City Fire Department
755 Marshall Street
Redwood City, CA 94063

Dear Mr. Palisi:

This letter is to acknowledge receipt on September 13, 2011 of the City of San Carlos submittal pertaining to Ordinance No. 1432 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 finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

Fire Department
755 Marshall Street
Redwood City, CA 94063



Fire Prevention Bureau
Telephone (650) 780-7400
FAX (650) 780-7461
<http://www.redwoodcity.org>

September 9, 2011

To: State of California Building Standards Commission

From: James Palisi, Fire Marshal
Redwood City Fire Department

Subject: New Ordinance

To Whom It May Concern:

Enclosed is the newly adopted fire code ordinance for the new City of San Carlos Fire Department. The City of Redwood City of Redwood City Fire Department is providing management oversight of this new fire department on a five year contractual basis. This oversight includes; Management, Training, Operations, and Fire Prevention.

Please place this document on file with your agency as required by state law.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Palisi', is written over a horizontal line.

James Palisi

City of Redwood City Core Purpose:
Build a great community together.

Redwood City Fire Department Mission Statement:
To protect life, property, and the environment from fire, medical, disaster, and hazardous materials related incidents through emergency mitigation, public education and code enforcement.

RECEIVED
2011 SEP 13 PM 12:10
STATE OF CALIFORNIA
BUILDING STANDARDS COMMISSION

ORDINANCE NO. 1432

AN ORDINANCE OF THE CITY OF SAN CARLOS AMENDING SAN CARLOS MUNICIPAL CODE SECTION 15.04 – TECHNICAL BUILDING CODES - ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE WITH THE 2010 CALIFORNIA FIRE CODE AMENDMENTS INCLUDING ALL ADOPTED STANDARDS AS SPECIFIED PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIAL, OR EXPLOSION, AND FOR PROVIDING THE FIRE SAFETY INSPECTION PROCESS FOR HAZARDOUS USES OR OPERATIONS; AND ESTABLISHING A BUREAU OF FIRE PREVENTION

THE CITY COUNCIL FOR THE CITY OF SAN CARLOS DOES ORDAIN AS FOLLOWS:

PREAMBLE

The City Council for the City of San Carlos finds that the unique characteristics of the topography, geographical, climatic, and the balance of industrial, commercial and residential properties in the areas served by the City of San Carlos Fire Department requires the adoption of the 2009 International Fire Code (IFC) with the 2010 California Fire Code Amendments, (CFC), including all Appendix Chapters if deemed necessary together with modifications thereto "herein" set forth, and the referenced standards contained within the 2009 IFC, in order to protect health, safety, and welfare of the residents and properties in the areas served, because of the existence of the following findings of fact:

FINDINGS OF FACTS

- A. Pursuant to Sections 17958.5 and 18941.5 of the California Health and Safety Code, the report contained herein is submitted as the "Findings of Fact" document with regard to the adoption of the City of San Carlos (hereafter referred to as the City) Local Ordinance, which would adopt the 2009 International Fire Code with the 2010 California Fire Code Amendments, the International Fire Code Standards, and the below mentioned local amendments. Under this adopting ordinance, specific amendments have been established, which are more restrictive in nature than those adopted by the State of California (State Building Standards Commission) commonly referred to as the California Code of Regulations.
- B. These local amendments to the 2009 International Fire Code with the 2010 California Fire Code Amendments, have been recognized by the City as tools for addressing the fire and life safety hazard problems, concerns, and future direction by which the City can establish and maintain an environment, which will afford a level of fire and life safety to all who live and work within the City of San Carlos Fire Department jurisdictional boundaries.
- C. Under the provisions of Sections 17958.5 and 18941.5 of the California Health and Safety Code, local amendments shall be based upon the following conditions: **climatic, geographical, and topographical**. The "Findings of Fact" contained herein shall address each of these situations and shall present the local situation, which, either singularly or in combination, caused the established amendments to be adopted.

1) CLIMATIC

The areas served by the City, on average, experience an annual rainfall between 8 to 18 inches. This rainfall can be expected between October and April of each year and is based on the 100 year weather almanac. However, during the summer and early fall months there is little, if any, measurable precipitation. During this dry period, the temperatures are usually between 70°-90° with light to gusty westerly winds. These drying winds, mixed with the natural vegetation, which is dominant throughout the area, create a hazardous fuel condition, which further create extensive grass and brushland fire risk. With residential developments encroaching into these wooded and grass, or brush covered areas, wind and terrain-driven fires could have severe consequences to improved properties at risk. This has been demonstrated on several occasions in other areas of our State Fire/Rescue Aid Regions.

2) GEOGRAPHICAL

a. Geographic Location

The area served by the City is located in San Mateo County. This area is identified as being in the southern region of the county.

b. Seismic Location

The relatively young geological processes that have created the San Francisco bay region are still active today. Seismically, the City sits along the active San Andreas Fault, and is rated as a Seismic Zone E.

c. Size and population

Areas served by the Fire Department encompass approximately 6 square miles and 28,000 people.

d. Roads and Streets

The number of vehicle miles driven is steadily increasing despite limited growth. Many older streets are narrow and steep. The impact of additional planned developments and increased traffic flow will continue to create an effect on the delivery of fire protection services.

e. Soil Conditions

The City of San Carlos is in the southern end of San Mateo County. The areas closest to the Bay are overlain by unconsolidated fine silty clay, known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. Bedrock lies beneath the area at depths generally three hundred (300) feet or more. The topography is essentially flat, dropping from an elevation of eight hundred (800) feet to sea level. The slope of the city extends upwards on the western side. Slopes range from (0) degrees to more than (20) degrees on some streets.

f. Vegetation

The hilly portion of the City of San Carlos contains trees, dense brush vegetation and a heavy growth of natural grasses. The City and surrounding areas suffer several wildland fires each year.

3) TOPOGRAPHICAL:

The topographical element, as would be expected, is closely associated with the geographical element. The City has few major cross-town thoroughfares, which tend to be heavily congested, primarily during commute hours and seasonal periods of the year. "Pass-through" vehicular traffic is found in the city in areas around the Alameda de Las Pulgas, Brittan Avenue, San Carlos Avenue and El Camino Real. This increased commute time increases traffic for East and West bound vehicular movement to Highway 101 and Interstate 280. This creates barriers, which increase the response time of fire apparatus and other emergency vehicles. Employment areas are throughout the city, and the people who work in these complexes have added to the traffic congestion throughout the City of San Carlos, thereby increasing fire apparatus response times.

Inherent delays caused by the traffic patterns to many of these sites make it necessary to mitigate this problem by requiring additional built-in automatic fire protection and detection systems that provide early detection and initial control of fires until the arrival of the fire department.

As a result of the "Findings of Fact," which identify the various climatic, geographical and topographical elements, additional requirements as specified in the amendments to the adopting ordinance for the 2009 International Fire Code with the 2010 California Amendments, and the International Fire Code Standards by the City, are considered reasonable and necessary modifications. The experiences of several disastrous urban-wildland interface fires within Alameda, Santa Clara, San Mateo, Monterey and Contra Costa Counties have demonstrated the need for other fire protection features/regulations.

While it is clearly understood that the adoption of such regulations may not prevent the incidence of fire, their implementation reduce the severity and potential loss of life and property of these fires which do occur.

Section 1: ADOPTION OF THE 2009 INTERNATIONAL FIRE CODE WITH THE 2010 CALIFORNIA FIRE CODE AMENDMENTS

These codes are hereby adopted by the City of San Carlos, for the purposes of prescribing regulations governing the conditions hazardous to life and property and for protection from fire, hazardous materials, or explosion, contained within the International Fire Code and the California Fire Amendments, Title 24, Part 9, including all Appendix Chapters, and the International Fire Code Standards, as compiled, recommended and published by the International Code Council.

One (1) copy of said Code and Standards, including local amendments herein adopted and made part thereof, entitled "AMENDMENTS TO THE 2009 INTERNATIONAL FIRE CODE WITH 2010 CALIFORNIA FIRE CODE AMENDMENTS" have been, and are now filed with the office of the Clerk for the City of San Carlos. The same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of City of San Carlos Fire Department.

Note: When sections noted in this ordinance stipulate the *IFC*, this shall mean the 2009 Edition of the International Fire Code for non-State Fire Marshal regulated occupancies. When sections noted in the ordinance stipulate the *CFC*, this shall mean the 2010 Edition of the California Fire

Code, for California State Fire Marshal regulated occupancies for both building and non-building regulations.

Section 2: ESTABLISHMENT AND DUTIES OF THE BUREAU OF FIRE PREVENTION

The International Fire Code and the California Fire Code, including International Fire Code Standards as adopted and amended herein, shall be enforced by the City of San Carlos Fire Department and managed by the City of Redwood City Fire Department (Bureau) of Fire Prevention, and shall operate under the direction of the Fire Chief and the Fire Marshal of the Redwood City Fire Department. Both Fire Officers shall be known as the Fire Code Officials.

Section 3: DEFINITIONS

Whenever the word "jurisdiction" is used in the International/California Fire Code, and Fire Code Standards, it is the City of San Carlos.

3.1 The party responsible for the enforcement of the International/California Fire Code and Fire Code Standards under the direction of the Fire Chief of the Redwood City Fire Department shall be the Fire Marshal.

3.2 **Add the following definition:**

Fire Marshal is the Fire Code Official of the Bureau of Fire Prevention.

Section 4: APPEALS

Whenever the Fire Code Official disapproves an application or refuses to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Code Official to the City Council of the City of San Carlos. For State Fire Marshal regulated occupancies, see section 111.2.5 of the California Fire Code, Part 9, Title 24 CCR.

Section 5: PENALTIES-109, 2009-IFC

Any person who shall violate any of the provisions of this code or standards hereby adopted, or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order affirmed or modified by the Fire Code Official shall be guilty of a misdemeanor. Upon conviction, the court shall impose a fine not less than \$500 dollars or more than \$1,000 dollars or imprisonment for not less than 180 days or both.

Notwithstanding any other provision of this code, whenever violation of any section contained in this code is punishable as a misdemeanor, the prosecuting attorney having jurisdiction to prosecute said misdemeanor, may specify that the offense is an infraction and proceed with prosecution as an infraction, unless the defendant, at the time of his arraignment or plea, objects to the offense being made an infraction, in which event the complaint shall be amended to charge a misdemeanor and the case shall proceed on a misdemeanor complaint.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- (1) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- (2) Due to the potential danger of the hazardous materials regulated under the International/California Fire Code, any person, firm, or corporation who violates any of the provisions of the International/California Fire Code, shall be liable for civil penalties not exceeding \$500 dollars per day for the first ten days; and \$1,000 dollars per day for the next 20 days; and \$5,000 dollars for each day after twenty. This shall apply to each violation.
- (3) In addition to the penalties set out in this Code, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be summarily abated as such, and each day such condition continues shall be regarded as a new separate offense. The City of San Carlos shall also be permitted the right of recovering those funds, used to mitigate continuous, unabated hazards, which present a clear and present danger. The cost recovery fee shall be based on the actual hourly rate for Fire Department personnel, used in gaining compliance for those in violation.

TEXT LANGUAGE/LOCAL AMENDMENTS

CHAPTER 1: ADMINISTRATION

Section 108.1. Amended.

Section 108.1. of the 2009 IFC is amended as follows. For State Fire Marshal Regulated occupancies sections 111.2.5 of the CFC is adopted as written.

Appeals: In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of this code, and relief by way of appeal from the granting or denial of any permit these shall be and hereby is created a Board of Appeals consisting of members of the City Council, to pass upon pertinent matters, who shall grant such relief or make such interpretation or explanation as may be necessary and proper pursuant to the provisions of this code. The Fire Chief shall be an ex-officio member and shall act as Secretary of the Board. The Board of Appeals shall be the San Carlos City Council. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire Chief, with duplicate copy to the appellant, and may recommend to the executive body such new legislation consistent therewith.

Whenever the Fire Code Official/Fire Marshal disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Code Official to the San Carlos City Council. Such appeal shall be made within thirty (30) days from the date of the decision being appealed and shall be in writing and filed with the City Clerk of the City of

San Carlos. Said notice of appeal shall be accompanied by a payment of \$100, payable to the City of San Carlos.

The notice of appeal shall:

1. Specify the substance and particulars of the decision being appealed;
2. Show the date of the decision;
3. Be signed by the appellant or his/her duly authorized agent; and
4. Indicate the mailing address of the appellant.

Whenever a notice of appeal is filed with the City Clerk, the Clerk shall set the matter for the hearing at the earliest reasonable time and shall notify the appellant of the place, date and time for the hearing and consider the appeal. The City Clerk shall give notice of the hearing to the appellant at least seven days prior to the time set for the hearing. Notice shall be given to the appellant by mailing said notice to the address shown on the notice of appeal.

Section 105.1.2 Added. Section 105.1.2 is added to this code and shall read as follows: Section 111.4 of the CFC is adopted as written in the 2009 Edition of the CFC.

105.1.2 Fees and Special Requirements.

The fees for permits and other services shall be as established by resolution of the San Carlos City Council. The fees shall be set as a cost recovery for services; to review and inspect the intended activities, operations, or functions as stipulated by section 105.1.1 and section 105.1.2 "Types of Permits". Subsection 2, Construction Permit is adopted as written by model code. Operational Permits as indicated in section 105, subsection 105.1.2.1 is "not" adopted as written by model code for this ordinance. Section 105.1.1 is amended and enforceable as follows:

105.1.1. Construction Permits Required and Fire Clearance Inspections.

105.1.1 Permits required by this code for construction related provisions for fire and life safety that is under the responsibility of the fire department, shall be obtained upon approval of said construction plans and documents. This includes but is not limited to; architectural fire plan review, site plan review, automatic fire alarm systems, automatic fire sprinkler systems, automatic fire suppression systems, wildland urban intermix mitigation plans, and any other review of plans and specifications that require the approval of the Fire Code Official.

105.1.2 Fire clearance inspections are that maintenance type of fire code inspections performed to all occupancies that are under the jurisdictional enforcement powers of the City of San Carlos Fire Department.

Operational use permits "are not" issued on a regular or annual basis as per section 105.6 of the 2009 International Fire Code. Fire clearance inspections are designed to unify fire code operational use permits under one fire clearance inspection procedure, thereby having one inspection inclusive of any potential issued operational use permits.

On a case by case basis, operational use may issue when deemed necessary by the Fire Code Official.

All fire construction plan check and construction permit fees and fire clearance inspection fees must be paid to the City of San Carlos Permit Center prior to engaging in the listed activities, operations or functions. A penalty for all permit payments delinquent after 30 days shall be a doubling of the original fee.

Chapter 3: GENERAL FIRE SAFETY PRECAUTIONS

Section 307 Amended.

Section 307 of the 2009 IFC/2010 CFC is deleted in its entirety and is replaced by the following section:

Section 307.1 General: Open burning is strictly prohibited within the jurisdictional boundaries of the City of San Carlos. Open burning does not include approved exterior fireplaces or barbecues that are used in a safe manner, and used for cooking or warming purposes only. The Fire Chief prohibits burning of trash or vegetation, except for fire hazard reduction purposes when deemed necessary to abate an immediate fire hazard or during wildland fire suppression activities.

CHAPTER 9: FIRE PROTECTION SYSTEMS AND EQUIPMENT

Section 901.1 Scope Amended.

Adding the following language to section 901.1 of the 2009 IFC and the 2010 CFC.

The Fire Code Official may require additional extinguishers, and/or extinguishers of different ratings for protection of special hazards or hazardous areas. The higher ratings may be permitted if in the opinion of the Fire Code Official, they are better suited to substantially protect or mitigate the hazard(s).

Section 903.1 Amended. Section 903.2 of this code is deleted in its entirety and is replaced by the following sub-sections 903.2.1.1 and 903.2.1.2:

903.2.1.1 New Construction. When the provisions of Chapter 9 of the 2009 IFC with the 2010 State of California Fire Code Amendments do not mandate automatic fire sprinkler system protection, and when the following occupancies are of new construction and the total square footage of the new building exceeds **2,500 square feet** in size, or more than one-story in height, an automatic fire sprinkler system, shall be installed: Group A, Group B, Group E, (Non-public schools), Group F, Group H, Group I, Group M, and Group S occupancies.

903.2.1.2 Existing Construction. An approved automatic fire sprinkler system shall be installed in all locations of existing Group A, Group B, Group E (Non-public schools), Group F, Group H, Group I, Group M, Group R Division 2 (Hotels & Motels, only) and Group S occupancies, when the total square footage of the existing building exceeds **2,500 square feet** in size, or is greater than one-story in height, and one or more of the following items apply:

- a. Change to a more hazardous use/occupancy.

- b. When the Fire Code Official determines that an automatic sprinkler system is necessary due to emergency vehicle access, fire load, occupant load or some other reason that may hinder fire suppression efforts in the event of a fire or other perils.

Section 903.2.7 Amended. Section 903.2.7 of this code is deleted in its entirety and is replaced by the following Sub-sections 903.2.7.1 and 903.2.7.2:

903.2.7.1 Group R, Division 1 and 2 Occupancies – New Construction.

When the provisions of Part 9, Title 24, C.C.R, 2011 California Fire Code, Section 903 do not mandate automatic fire sprinkler system protection, an approved automatic fire sprinkler system shall be installed in all new Group R-1 and R-2 occupancies, when the total square footage including garages and carports, exceeds **2,500 square feet** in size, or one-story in height. Installation of the sprinkler system shall conform to NFPA Standard 13R if the residential building is four stories or less in height and with the following additional protection:

1. Sprinklers shall be installed throughout garages, open attached porches, carports, large under-floor spaces that are of combustible construction, and accessible for storage use.
2. Sprinklers shall be installed throughout attic areas.

903.2.7.2 Group R, Division 3 Occupancies – New Construction.

An approved automatic fire sprinkler system shall be installed when the total floor area of the building exceeds **2,500 habitable square feet** or the building is **two stories** or greater in height. This area calculation does not include any attached non-habitable structure or garage space. Installation of the automatic fire sprinkler system shall be in accordance with NFPA 13D standards and with the following areas of the residence to be protected by automatic fire sprinklers:

1. Sprinklers shall be installed throughout garages, carports, and similar attached structures.
2. Pilot Sprinklers shall be installed in attic areas at the entry point into the attic, near heat sources, and near mechanical equipment installed in the attic.

903.2.7.2(A) Group R, Division 3 Occupancies-Existing Construction.

An approved automatic fire sprinkler system meeting the design criteria as stipulated in section 903 is required for existing Group R, Division 3 when the existing structure is demolished and is reconstructed to become a habitable space of **2500 square feet** or greater in size.

Demolished and Reconstruction means:

- 1) The building has been completely torn down to the foundation. The structure is being renovated and is made uninhabitable during said renovation or reconstruction. This includes the removal or inoperability of **any or all** of the utilities to the building for a period of time of more than twenty-four consecutive hours. **Utilities mean;** water, electrical, natural gas, and sanitary sewer.
- 2) The structure increases height from one story, to a two story single family dwelling and is greater than 2,500 habitable square feet.

NOTE: The purpose of the residential fire sprinkler systems is to provide a life safety evacuation fire suppression system for the occupants, as to increase the survivability rate during the occurrence of a residential structure fire.

Section **905-Standpipes**-Amended: Section 905 of the 2009 IFC and the 2010 CFC is amended by adding the following Section 905.3(A)

905.3(A) Where Required. When the provisions of Section IFC Section 905.3 do not mandate fire standpipe system protection, approved fire standpipe system shall be installed in all buildings, **except** Group R-Division 3 occupancies, when the building or structure is **three or more** stories in height. Design and installation requirements shall be, as per the current edition of NFPA Standard #14. Each floor shall be provided with at least two fire department hose connection outlets.

Chapter 33: FIREWORKS AND PYROTECHNICAL SPECIAL EFFECTS MATERIAL:

Section 3301.1 Amended: Chapter 3301.1 of the 2009 CFC is code is amended and is replaced by the following sections:

3301.1-A

All non-professional fireworks listed by the California State Fire Marshal as "Safe and Sane" are prohibited within the jurisdictional boundaries of the City of San Carlos on a year round basis.

3301.2

All professional pyrotechnical devices used for public display, or special effects, shall be in accordance with the applicable provisions of the State of California Code of Regulations, Title 19 and the applicable sections of the State of California Fire Code. Permits for public display and/or special effects shall be obtained from the City of San Carlos.

Application for a use permit shall be submitted to the Fire Department thirty days prior to the event.

Section 6: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The San Carlos City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

Section 7:

DATE OF EFFECT: Pursuant to Section 36937 of the Government Code of the State of California, this ordinance shall take effect and be in full force and affect thirty (30) days after its final passage.

Section 8:

PUBLIC POSTING: This ordinance shall be posted on the bulletin boards at the following three public places in the City of San Carlos:

- (1) San Carlos City Hall; Clerk's Office
- (2) San Carlos Library
- (3) Administrative Office, Belmont-San Carlos Fire Department.

Introduced this 27th day of June, 2011.

* * * * *
PASSED AND ADOPTED as an Ordinance of the City of San Carlos at a regular meeting thereof held on the 11th day of July, 2011.

AYES, Council Members: GRASSILLI, GROCOTT, LEWIS, ROYCE, KLEIN

NOES, Council Members: NONE

ABSENT, Council Members: NONE

ABSTAIN, Council Members: NONE


Christine Boland, City Clerk
City of San Carlos

APPROVED:



Andy Klein, Mayor
City of San Carlos

CITY OF SAN CARLOS

CITY HALL

600 ELM STREET
P.O. BOX 3009
SAN CARLOS, CA 94070-1309



BUILDING DEPARTMENT

TELEPHONE (650) 802-4261

FAX (650) 595-6761

WEB: <http://www.cityofsancharlos.org>

December 9, 2010

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

Subject: Filing of the San Carlos Green Building Ordinance

On behalf of the City of San Carlos, I respectfully request the California Building Standards Commission to file the San Carlos Green Building Ordinance (CALGreen with amendments and modifications).

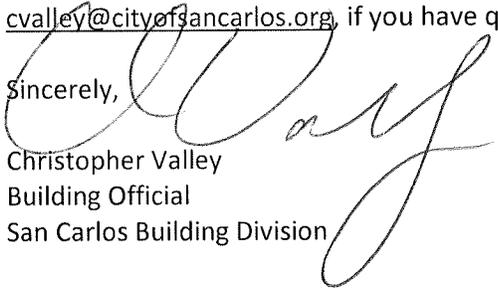
California Public Resources Code Section 25402.1 allows local governments to adopt energy standards that are more stringent than the California Energy Efficiency Standards, conditioned on approval by the California Energy Commission. With that, and in accordance with California Title 24, Part 1, Section 10-106 (b), this letter and enclosed materials shall serve as documentation for approval of the San Carlos Green Building Ordinance.

Please consider the following items as part of the San Carlos Green Building Ordinance:

- 1) The San Carlos City Council adopted Climate Action Plan Resolution 2009.080 establishing energy use requirements for the built environment (exceed Title 24 Energy Efficiency Standards by 15%).
- 2) The San Carlos City Council adopted the San Carlos Green Building Ordinance, along with findings and facts, August 23, 2010.
- 3) The San Carlos Green Building Ordinance is based upon the California Green Building Standards Code (CALGreen).
- 4) The San Carlos Green Building Ordinance will require buildings to be designed to consume no more energy than permitted by California Title 24, Part 6.
- 5) The San Carlos Green Building Ordinance has been edited to include pre-review comments by the California Energy Commission.
- 6) The City of San Carlos is located in Climate Zone 3. The Cost Effectiveness Study by Gabel Associates, LLC demonstrates that enhanced green building codes similar to the San Carlos Green Building Ordinance are cost effective for citizens, contractors, and developers.
- 7) The San Carlos Green Building Ordinance does not mandate the use or employment of third party raters.

Thank you for filing the San Carlos Green Building Ordinance. Please contact me, at 650-802-4262, or cvalley@cityofsancharlos.org, if you have questions regarding my request.

Sincerely,


Christopher Valley
Building Official
San Carlos Building Division

BUILDING SAFETY INTO THE COMMUNITY, ONE PROJECT AT A TIME

2010 DEC 10 P 1:55
CITY OF SAN CARLOS
BUILDING DEPARTMENT
CALIFORNIA BUILDING STANDARDS COMMISSION

ORDINANCE NO. 1422

AN ORDINANCE ADOPTING THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN), PART 11 , WITH MANDATORY TIER ONE ENERGY EFFICIENCY PROVISIONS AND AMENDMENTS AND MODIFICATIONS, AND ADDING SECTION 15.04.125 AS "SAN CARLOS GREEN BUILDING ORDINANCE"

The City Council of the City of San Carlos does ordain as follows:

SECTION 1:

WHEREAS, in June 2007, the City Council of the City of San Carlos approved a work program and process for the 2030 General Plan and to augment and inform the Goals, Policies, and Actions of the 2030 General Plan Environmental Management Element and other Elements of the General Plan, the City had prepared a Climate Action Plan (CAP); and

WHEREAS, the City Council of the City of San Carlos adopted Resolution 2009-078 adopting the 2030 General Plan on October 12, 2009, including the finding that the General Plan references a Climate Action Plan which serves as a threshold of significance, through the 2030 General Plan, within the City of San Carlos to address climate change and as such is consistent with the direction of the California Attorney General opinion (Climate Change, CEQA, and General Plans, Revised March 5, 2009) and Public Resources Code 21083.3; and

WHEREAS, the City Council of the City of San Carlos adopted Resolution 2009-080 adopting the Climate Action Plan on October 12, 2009 including the finding that the Climate Action Plan provides the strategies for San Carlos to reduce greenhouse gas emissions consistent with the direction of the State of California via AB32 and Governor's Order S-03-05 and Public Resources Code Section 2108.3; and

WHEREAS, the Final Environmental Impact Report ("FEIR") for the San Carlos 2030 General Plan and the Climate Action Plan, pursuant to 15168 of the California Environmental Quality Act ("CEQA"), was a "Program" FEIR upon which later activities can be reviewed; and

WHEREAS, in accordance with CEQA Section 15168 (c)(5), the City Council finds that adoption of amendments to Title 15 of the San Carlos Municipal Code can be found to be within the scope of the project described in the 2030 General Plan and Climate Action Plan Program FEIR and no further environmental review is required; and

WHEREAS, in order to fully address the intent of the City Council regarding green building regulation in the City of San Carlos, amendments to the San Carlos Municipal Code, Title 15 "Buildings and Construction", Chapter 15.04 concerning Technical Building Codes are necessary; and

WHEREAS, the City Council makes the following findings of consistency with the 2030 General Plan and Climate Action Plan:

A. The ordinance amendments to the San Carlos Municipal Code Chapter 15.04 "Technical Building Codes" are consistent with the General Plan.

Amendments proposed to Chapter 15.04 are consistent with Guiding Principles, Goals, Policies and Actions of the General Plan as follows:

- Housing Element Guiding Principle: Housing in San Carlos promotes environmental sustainability and protection of natural resources.
- Housing Element Goal 2: To increase energy efficiency of and minimize environmental impacts from housing in San Carlos and Policies HOU-2.1 and HOU-2.2 and Action HOU2.1 that support the Goal.
- Environmental Management Element Guiding Principles: Support community health and wellness through sound environmental practice. Ensure that there is a Climate Action Plan in place at all times to address reduction in greenhouse gas emissions and manage the impacts of climate change.
- Environmental Management Goal 5: To assure a high level of domestic water quality, promote water conservation and reduce toxics in run-off, including storm water and the sanitary sewer system and Policy EM-5.3 and Action EM-5.4 that support the Goal.
- Environmental Management Element Goal 9: To reduce energy consumed citywide and the Policy EM-9.6 and Actions EM-9.1 and EM-9.2 that support the Goal.
- Environmental Management Element Goal 12: To reduce solid waste disposal and increase recycling and Policy EM-12.1 and Actions EM-12.1 and EM-12.5 that support the Goal.

Finding: The proposed amendments to Chapter 15.04 provide for adoption of water efficiency standards, for adoption of energy standards 15% above State Title 24 Energy Efficiency Standards, and for adoption of solid waste efficiency standards which, when applied to housing and other construction projects, help minimize the environmental impacts resulting from greenhouse gas emissions.

B. The ordinance amendments to the San Carlos Municipal Code Chapter 15.04 adding Section 15.04.125 "San Carlos Green Building Ordinance" are consistent with the Climate Action Plan.

Amendments proposed to Chapter 15.04 are consistent with the Reduction Measures of the Climate Action Plan as follows:

- Climate Action Plan Energy Use analysis concludes that based on the 2005 baseline inventory, the second largest contributor of San Carlos' greenhouse gas emissions (38.8%) comes from energy use in San Carlos. Reduction measures are adopted in the Climate Action Plan to reduce energy demand.
- Climate Action Plan Energy Reduction Measure 2.1: Establish energy efficiency standards for new construction and remodel projects that exceed the State's 2008 Title 24 energy standards; and
- Climate Action Plan Energy Reduction Measure 3: Adopt a green building standard for new development and major remodels.

Finding: the review of Chapter 15.04 and the proposed amendments thereto provide for adoption of energy efficiency standards above State Title 24 energy requirements which, when applied to construction projects, help minimize the environmental impacts resulting from greenhouse gas emissions; and

WHEREAS, green building design, site location, construction, and operation can have a significant positive effect on energy and resource efficiency, reduction of waste and pollution generation, and the health and productivity of a building's occupants over the life of the building.

WHEREAS, green building is a critical component of sustainable construction that meets the needs of the present without compromising the ability of future generations to meet their own needs.

WHEREAS, green building design, construction and operational techniques have become increasingly widespread in commercial and residential building construction. National and regional systems have been established to serve as guides and objective standards for green building practices. At the national level, the U.S. Green Building Council has established the Leadership in Energy and Environmental Design (LEED®), a green building rating system for new construction and major renovation of commercial projects. At the State level, the Building Standards Commission has adopted a green building code (CALGreen) which will become mandatory January 1, 2011. At the regional level, Build it Green (BIG), a non-profit organization headquartered in the Bay Area, has developed a GreenPoint Rating system.

WHEREAS, California Health & Safety Code Sections 18938 and 17958 provide that the California Building Standards Code establishes building standards for all occupancies throughout the State.

WHEREAS, Health & Safety Code Section 17958.5 provides that a city may establish more restrictive building standards if they are reasonably necessary due to local, geological, topographical, or social conditions and findings are made based on these criteria during adoption.

SECTION 2: Chapter 15.04 Technical Building Codes, City Council Findings is hereby amended to read as follows:

15.04.020 City Council Findings.

The City Council finds that modifications are required for the respective Codes being adopted herein. Specifically, local climatic, geologic, topographic, and social conditions necessitate the modifications as listed in Sections 15.04.125 A and 15.04.170.

SECTION 3: Chapter 15.04 Technical Building Codes is hereby amended to add Section 15.04.125 “San Carlos Green Building Ordinance” to read as follows:

Sections:

15.04.125 Title 24, Part 11, California Green Building Standards Code (CALGreen), with amendments and modifications (San Carlos Green Building Ordinance).

Section 15.04.125 A. FINDINGS. To the extent the proposed San Carlos Green Building Ordinance effects changes to the California Building Standards Code as adopted by the City, the City Council finds the provisions herein to be reasonably necessary due to local climatic, geologic, topographic, and social conditions, specifically:

Climatic: The City of San Carlos is located in Climate Zone 3 with precipitation averaging approximately 20 inches per year. Most precipitation falls during the months of November through April, leaving a relatively dry period of approximately six months each year. Use of green building practices encourages water conservation and sustainable efforts that reduce usage in this area.

Geologic: The City of San Carlos is located in an active seismic area. The San Andreas Fault is located within 3 miles of the City. Use of green building practices encourage development away from these areas and the fault zone; and encourages locating development near existing public transportation and services found along El Camino Real and downtown areas of the City.

Topographic: The City of San Carlos can be characterized as a hillside community that is substantially built-out. The remaining open space is generally located in steep terrain. New development often requires substantially grading, which impacts the topography of the adjacent land and results in unintended circumstances, such as run-off and drainage issues. Use of green building practices encourages reduced grading and the location of buildings in harmony with natural topography. In addition, the City of San Carlos is a community that values its trees. Use of green building practices encourages minimal disruption of the natural flora and fauna, and encourages strategic placement of trees, where practicable, for shading.

Social: The City of San Carlos City Council has provided staff with direction to adopt a green building ordinance with built-in measures to establish energy efficiency standards for new construction and remodel projects that exceed the State's Title 24 energy requirements. Use of green building practices that employ higher standards above Title 24 energy requirements, as stated in the City's Climate Action Plan, will further improve residential and commercial building energy efficiency.

The City of San Carlos intends by this ordinance to ensure that all building subject to this ordinance will consume no more energy than what is permitted by the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

Section 15.04.125 B. PURPOSE. The purpose of the San Carlos Green Building Ordinance is to enhance public health and welfare by encouraging green building measures in the design, construction, operation and maintenance of buildings. The green building practices referenced in this ordinance are intended to achieve the following goals:

- A. To encourage conservation of natural resources;
- B. To reduce waste in landfills generated by construction projects;
- C. To increase energy efficiency and lower energy usage;
- D. To reduce the operating and maintenance costs for buildings;
- E. To promote a healthier indoor environment; and
- F. To promote use of recycled material.

Section 15.04.125 C. AMENDMENTS AND MODIFICATIONS. 15.04.125, Title 24, Part 11, California Green Building Standards Code (CALGreen), 2010 Edition, is hereby:

1. Adopted by reference as mandatory, with the following amendments and modifications:

- A. Appendix A4, Section A4.203.1 Tier 1 (Residential Energy Efficiency: Exceed the California Energy Code based on the 2008 energy standards requirements by 15%), adopted as mandatory, and;
- B. Appendix A4, Section A4.204 (Residential Energy Efficiency: Prescriptive Approach), adopted as mandatory, and;
- C. Appendix A5, Section A5.203.1.1 Tier 1 (Non-Residential Energy Efficiency: Exceed the California Energy Code based on the 2008 energy standards requirements by 15%) adopted as mandatory.

- 2. Adopted additional "Definitions", as amendments and modifications, for the purpose of application of the San Carlos Green Building Ordinance.

Section 15.04.125 D. Definitions.

- 3. Adopted as amendments and modification, mandatory standards, for the purpose of application of the San Carlos Green Building Ordinance to include residential and non-residential projects.

Section 15.04.125 E. Mandatory Standards for Green Building Compliance for Residential Projects.

Section 15.04.125 F. Mandatory Standards for Green Building Compliance for Non-Residential Projects.

- 4. Adopted as amendments and modifications, voluntary standards, for the purpose of application of the San Carlos Green Building Ordinance.

Section 15.04.125 G. Voluntary Standards for Green Building Compliance for Residential and Non-Residential Projects.

- 5. Adopted as amendments and modifications, undue hardship provisions, for the purpose of application of the San Carlos Green Building Ordinance.

Section 15.04.125 H. Undue Hardship.

- 6. Adopted as amendments and modifications, final approval provisions, for the purpose of application of the San Carlos Green Building Ordinance.

Section 15.04.125 I. Final Approval.

- 7. Adopted as amendments and modifications, appeal provisions, for the purpose of application of the San Carlos Green Building Ordinance.

Section 15.04.125 J. Appeal.

Section 15.04.125 D. DEFINITIONS. For the purpose of this ordinance, the following terms shall have the meanings set forth below:

- A. "Build It Green" means the non-profit organization that publishes the New Home Construction Green Building Guidelines, the Multi-Family Green Guidelines (Parts 1 & 2), Home Remodeling Green Building Guidelines, the GreenPoint Rated checklists, and any successor entity that assumes responsibility for the programs and operations of Build It Green.
- B. "Green building" means a whole systems approach to the design, construction, location and operation of buildings and structures that helps to mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green building practices recognize the relationship between the natural and built environment and seek to minimize the use of energy, water, and other natural resources and promote a healthy, productive indoor environment.
- C. "GreenPoints" means credits assigned under the applicable GreenPoint Checklist for a residential project.
- D. "GreenPoint Rated" means a residential green building rating system developed by Build It Green.
- E. "Green Point Rated Verification" means verification of compliance by a certified GreenPoint Rater by Build It Green.
- F. GreenPoint Rater means person certified by Build It Green.
- G. "LEED®" means the "Leadership in Energy and Environmental Design" green building rating system developed by the U.S. Green Building Council.
- H. "LEED®/USGBC Verification" means verification to meet the standards of the U.S. Green Building Council (USGBC) and resulting in LEED® certification of the project by the USGBC. Minimum level: Certified.
- I. "Mixed use" means the construction of a building or buildings that include both non-residential and residential uses.
- J. "Non-residential project" means the construction of retail, office, industrial, warehouse, services, hotels, motels, or similar building(s).
- K. "Qualified green building professional" means a person trained through the USGBC as a LEED AP (accredited professional), or through Build It Green as a GreenPoint Rater, or other qualifications when acceptable to the Building Official. A certified green building professional, architect, engineer, designer, builder, or building inspector, may be considered a qualified green building professional when determined appropriate by the Building Official.
- L. "Residential project" means the construction of R2, R3, R3.1, and R4 buildings, except hotels and motels.
- M. "Residential reconstruction" means a residential-type project where the building at any time is uninhabitable, including removal of any or all utilities (water, electrical, natural gas, or sewer); or the project provides no permanent kitchen or

bathroom facilities; or the project provides no shelter or ability to maintain heat as defined by code; or when over 50% of the foundation is replaced or reinforced other than the repair of a foundation failure; or when over 50% of the framing above the foundation is removed or replaced. Final determination whether a project meets the definition of residential reconstruction shall be made by the Building Official.

Section 15.04.125 E. MANDATORY STANDARDS FOR GREEN BUILDING COMPLIANCE FOR RESIDENTIAL PROJECTS. The following residential projects shall exceed Title 24 Energy Efficiency Standards by 15% as required under this ordinance:

- A. New single family residences.
- B. Residential additions over 500 square feet.
- C. Residential reconstruction (as defined).
- D. New multi-family buildings.
- E. Multi-family additions over 500 square feet.

The means by which compliance measures are achieved shall be by Build It Green "GreenPoints", LEED, other recognized point systems, Title 24 Energy Efficiency Standards, or equivalent approved methods. Compliance measures shall be approved by the Building Official prior to issuance of building permit. Projects are required to show verification of the required energy savings of 15% by comparison of the proposed building to the Title 24 standard building by calculation of the TDV energy.

Section 15.04.125 F. MANDATORY STANDARDS FOR GREEN BUILDING COMPLIANCE FOR NON-RESIDENTIAL PROJECTS. The following non-residential projects shall exceed Title 24 Energy Efficiency Standards by 15% as required under this ordinance:

- A. New commercial buildings.
- B. Commercial building additions over 5000 square feet.
- C. Mixed use buildings.

The means by which compliance measures are achieved shall be by Build It Green "GreenPoints", LEED, other recognized point systems, Title 24 Energy Efficiency Standards, or equivalent approved methods. Compliance measures shall be approved by the Building Official prior to issuance of building permit. Projects are required to show verification of the required energy savings of 15% by comparison of the proposed building to the Title 24 standard building by calculation of the TDV energy.

Section 15.04.125 G. VOLUNTARY STANDARDS FOR GREEN BUILDING COMPLIANCE FOR RESIDENTIAL AND NON-RESIDENTIAL PROJECTS. Projects listed under Sections 15.04.125 (E) & 15.04.125 (F) of this ordinance may achieve voluntary measures that exceed Title 24 Energy Efficiency Standards by 30%.

The means by which compliance measures are achieved shall be by Build It Green "GreenPoints", LEED, other recognized point systems, Title 24 Energy Efficiency Standards, or equivalent approved methods. Compliance measures shall be approved by the Building Official prior to issuance of building permit. Projects are required to show verification of the required energy savings of 15% by comparison of the proposed building to the Title 24 standard building by calculation of the TDV energy.

Section 15.04.125 H. UNDUE HARDSHIP. Exemption. If an applicant for a covered project believes that circumstances make it an undue hardship to meet all of the requirements of this chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show undue hardship and to show continued compliance with 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

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

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

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

Denial of Exemption. If the Building Official determines compliance would not constitute an undue hardship, the request shall be denied and the Building Official shall notify the applicant in writing.

All decisions of the Building Official under this section shall be final.

Section 15.04.125 I. FINAL APPROVAL. Prior to final building inspection and occupancy for projects included under this ordinance, and when required by the

Building Official, a qualified green building professional shall provide evidence of adequate green building compliance or documentation to the Building Official to satisfy the requirements of compliance for residential and non-residential projects covered under this ordinance. Evidence of green building compliance shall include, but not limited to, certification by Build It Green GreenPoint Rater or LEED specialist, or in-progress site inspections and final sign-off by a City of San Carlos building inspector. Compliance with Build It Green GreenPoints or LEED shall not be deemed complete until formal certification has been granted and submitted to the Building Official. Compliance of this ordinance alone does not equal compliance with GreenPoints or LEED. The Building Official shall make the final determination whether a project meets green building requirements of this ordinance.

Section 15.04.125 J. APPEAL. Any decision or determination by the Building Official that the material or type of construction is not deemed to be in compliance with this ordinance may be appealed pursuant to California Administrative Code Section 112. Notice of such appeal must be filed with the Building Official not more than 15 days after the date on which the final decision or determination by the Building Official is rendered. The notice shall identify the decision or determination that is the subject of appeal and shall state the alleged error or reason for the appeal.

Section 4: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason, any sentence, paragraph, or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 5: This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

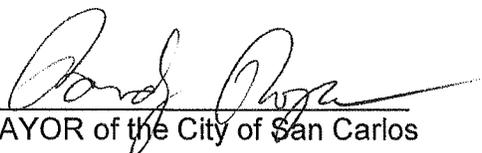
Introduced this 9th day of AUGUST, 2010.

Passed and adopted as an Ordinance of the City Council of the City of San Carlos at a regular meeting thereof held on the 23rd day of AUGUST 2010, by the following vote:

AYES, COUNCIL MEMBERS: GRASSILLI, GROCOTT, KLEIN, ROYCE
NOES, COUNCIL MEMBERS: AHMAD
ABSENT, COUNCIL MEMBERS: NONE

ATTEST:


CITY CLERK of the City of San Carlos


MAYOR of the City of San Carlos

BUILDING STANDARDS COMMISSION

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



February 3, 2011

Christopher Valley, Building Official
San Carlos Building Division
City of San Carlos
600 Elm Street
P.O. Box 3009
San Carlos, CA 94070-1309

Dear Mr. Valley:

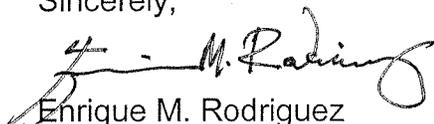
This letter is to acknowledge receipt on December 17, 2010 of the City of San Carlos submittal pertaining to Ordinance NO. 1428 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

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

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

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

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

CITY OF SAN CARLOS

CITY HALL
600 ELM STREET
P.O. BOX 3009
SAN CARLOS, CA 94070-1309



BUILDING DEPARTMENT
TELEPHONE (650) 802-4261
FAX (650) 595-6761
WEB: <http://www.cityofsancarlos.org>

December 16, 2010

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

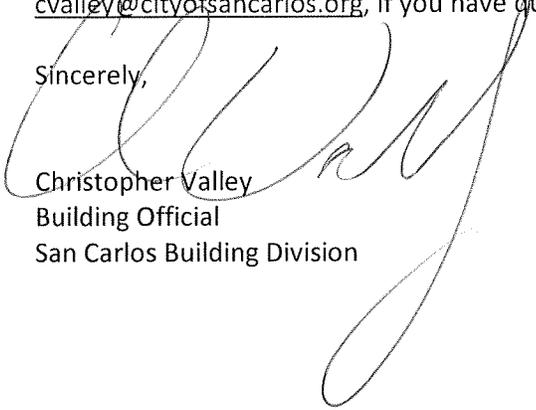
Subject: Filing of City of San Carlos California Building Code Ordinance #1428

To whom it may concern:

On behalf of the City of San Carlos, I respectfully request the California Building Standards Commission file the recently adopted California Building Codes by our City Council.

Thank you for filing the Ordinance Number 1428. Please contact me, at 650-802-4262, or cvalley@cityofsancarlos.org, if you have questions regarding my request.

Sincerely,


Christopher Valley
Building Official
San Carlos Building Division

RECEIVED
CALIFORNIA BUILDING
STANDARDS COMMISSION
2010 DEC 17 A 11:38

BUILDING SAFETY INTO THE COMMUNITY, ONE PROJECT AT A TIME

DRAFT ORDINANCE NO. 1428

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SAN CARLOS AMENDING THE SAN CARLOS MUNICIPAL
CODE BY ADOPTING THE 2010 EDITIONS OF THE
CALIFORNIA ADMINISTRATIVE CODE, CALIFORNIA BUILDING
CODE, VOLUMES 1 AND 2, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA MECHANICAL
CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ENERGY CODE, CALIFORNIA
HISTORICAL BUILDING CODE, CALIFORNIA FIRE CODE, CALIFORNIA EXISTING BUILDING
CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA REFERENCED
STANDARDS CODE, AND THE 1997 EDITIONS OF THE UNIFORM SECURITY CODE,
UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, AND THE UNIFORM
HOUSING CODE.

IT IS HEREBY ORDAINED by the City Council of the City of San Carlos to amend
the San Carlos Municipal Code as follows:

SECTION 1: Prior Ordinance No. 1396 adopted by reference in 2008, the 2007
editions of the California Administrative Code, the California Building Code (Volumes 1 and 2) with
Appendices and Amendments, the California Electrical Code with Modifications, the California
Mechanical Code with Appendices, the California Plumbing Code with Appendices, the California
Energy Code, the California Elevator Safety Construction Code, the California Historical Code, the
California Fire Code with Amendments, the California Existing Building Code, the California
Referenced Standards Code, and the 1997 editions of the Uniform Building Security Code, the
Uniform Code for the Abatement of Dangerous Buildings with Amendments, and the Uniform
Housing Code with Amendments. Ordinance No. 1396 is hereby repealed in its entirety.

SECTION 2: Chapter 15.04, Technical Building Codes is added to the San Carlos
Municipal Code as follows:

Chapter 15.04

TECHNICAL BUILDING CODES*

Sections:

15.04.010	Adoption of Codes by Reference, Copies on File
15.04.020	City Council Findings
15.04.030	Title 24, Part 1, California Administrative Code
15.04.040	Title 24, Part 2, California Building Code, Volumes 1 and 2, with Appendices, Amendments, and Modifications
15.04.045	Title 24, Part 2.5, California Residential Code with Appendices, Amendments, and Modifications
15.04.050	Title 24, Part 3, California Electrical Code with Amendments and Modifications
15.04.060	Title 24, Part 4, California Mechanical Code with Appendices
15.04.070	Title 24, Part 5, California Plumbing Code with Appendices
15.04.080	Title 24, Part 6, California Energy Code with Appendices
15.04.090	Title 24, Part 7, Vacant
15.04.100	Title 24, Part 8, California Historical Building Code

15.04.110	Title 24, Part 9, California Fire Code with Amendments and Modifications
15.04.120	Title 24, Part 10, California Existing Building Code
15.04.125	Title 24, Part 11, California Green Building Standards Code with Amendments and Modifications (San Carlos Green Building Ordinance).
15.04.130	Title 24, Part 12, California Referenced Standards Code
15.04.140	1997 Uniform Security Code
15.04.150	1997 Uniform Code for the Abatement of Dangerous Buildings with Amendments and Modifications
15.04.160	1997 Uniform Housing Code with Amendments and Modifications
15.04.170	Findings

*Prior Ordinance History: Ordinances 1021, 1078, 1099, 1104, 1267, 1320, and 1396.

15.04.010 Adoption of Codes by Reference, Copies on File

The City Council finds that the requirements of Government Code Sections 50022.4, 50022.5 and 500.22.6, relating to adopting codes by reference have been met. The City Council directs that one copy of each code adopted by reference shall be placed on file with the Chief Building Official and maintained there for public inspection while the said Codes are in effect.

15.04.020 City Council Findings

The City Council finds that Amendments and Modifications are required for the respective Codes being adopted herein. Specific local Geologic, Climatic, and Topographic conditions necessitate the said Amendments and Modifications, as listed in Section 15.04.170.

15.04.030 Title 24, Part 1, California Administrative Code

The California Administrative Code (CAC), 2010 Edition, is hereby adopted by reference.

15.04.040 Title 24, Part 2, California Building Code, Volumes 1 and 2, with Appendices, Amendments and Modifications

Title 24, Part 2, California Building Code (CBC), 2010 Edition, Volumes 1 and 2, is hereby adopted by reference, with the following selected Appendices, Amendments and Modifications:

A. Section 113, Board of Appeals, is deleted in its entity and replaced with Section 89.108.8, Appeals Board, Title 24, Part 3.

B. Division II, Scope and Administration, is adopted and amended as follows:

Section 105.2 (2) Fences not over 6 feet (1829 mm) high. Add: *plus 12" of 50% lattice. See SCMA.*

Section 105.2 (4) Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids. Add: *Wood retaining walls are limited to 3 feet tall without permits. Retained soil at top of wall limited to 2:1 slope.*

C. Section 901.2, Add: *as amended by the Belmont-San Carlos Fire Department.*

D. Section 1613.8 ASCE 7, Section 12.8.7. Modify ASCE 7, Section 12.8.7 by amending equation 12.8-6 as follows:

$$0 = \frac{P_x \square I}{V_x h_{sx} C_d}$$

- E. Section 1615A.1.16 ASCE 7, Sub-section 13.5.6 Suspended ceilings, Add item 7 under Sub-section 13.5.6.2.2: *When a permit is issued for new or alterations or repairs over 50% of the total suspended ceiling area in a contained area, such as a tenant space remodel, the new and existing ceiling shall comply with all requirements of Sub-section 13.5.6.2.2.*
- F. Section 1704.4 and Table 1704.4 is amended to read as follows:
Bolts or threaded rod, such as used for hold-down anchors, installed in existing concrete shall be load tested if used in tension.
1. *The special inspection required to observe the placement of these types of rods or bolts is not required.*
 2. *All (100%) of rods or bolts installed in existing concrete for tension anchorage such as hold-downs shall be tested.*
 3. *All such anchors shall be tension tested to twice the allowable tension value for bolts of the same diameter, per Table 1911.2, or higher value as specified by the design structural engineer.*
 4. *Use f'c of 2500 psi unless higher f'c can be determined by report or test.*
 5. *Tension testing (pull tests) of bolts or rods shall be performed by a third party testing lab approved by the Building Official.*
 6. *Failed bolts or rods shall be replaced and tested per (3).*
 7. *A final letter from the testing agency shall indicate all bolts passed the testing criteria.*
- G. Section 1704.4, Exception 1, Add: *where the structural design of the footing is based on a specified compression strength, f'c, no greater than 2500 pound per square inch (psi)(17.2 Mpa).*
- H. Section 1908.1.8 ACI 318, Section 22.10, is modified to read as follows:

Section 1908.1.8 ACI 318, Section 22.10. Delete ACI 318, Section 22.10, and replace with the following:

22.10 – *Plain concrete in structures assigned to seismic design category C, D, E or F.*

22.10.1 – *Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:*

- (a) *Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.*

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

- (b) *Plain concrete footings supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing.*

Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stories or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

- I. Section 1910, Minimum Slab Provisions, Add: *The slab shall be reinforced by a minimum of 6"x6", 10 gauge welded wire fabric or approved equal for all structures that require a building permit.*
- J. Section 2306.7, Shear walls sheathed with other materials is deleted.
- K. Appendices I and J are adopted.
- L. Appendices A, B, C, D, F, G (see CBC 1603.A.1.6) and H are not adopted.

15.04.045 Title 24, Part 2.5, California Residential Code with Appendices, Amendments, and Modifications

Title 24, Part 2.5, California Residential Code (CRC), 2010 Edition, is hereby adopted by reference, with the following selected Appendices, Amendments, and Modifications:

- A. Section R105.2, Work exempt from permit. Item number 10 is deleted.
- B. Section R112, Board of Appeals, is deleted in its entirety and replaced with Section 89.108.8, Appeals Board, Title 24, Part 3.
- C. Chapter 2, Definitions, Add "*RESIDENTIAL RECONSTRUCTION. A residential-type project where the building at any time is uninhabitable, including removal of any or all utilities (water, electrical, natural gas, or sewer); or the project provides no permanent kitchen or bathroom facilities; or the project provides no shelter or ability to maintain heat as defined by code; or when over 50% of the foundation is replaced or reinforced other than the repair of a foundation failure; or when over 50% of the framing above the foundation is removed or replaced. Final determination whether a project meets the definition of residential reconstruction shall be made by the Building Official.*"
- D. Section R313.2, One- and two-family dwellings automatic fire systems. Add: *An automatic residential fire sprinkler system shall be installed in Residential Reconstruction projects.*
- E. Section R311.7.4.1, Riser height. Add: *The minimum stair riser height shall be no less than 4 inches (102 mm).*
- F. Section R403.1.3 Seismic reinforcing, is modified to read as follows:

Section R403.1.3 Seismic reinforcing. *Concrete footings located in Seismic Design Categories D₀, D₁ and D₂, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.*

In Seismic Design Categories D_0 , D_1 and D_2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D_0 , D_1 and D_2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D_0 , D_1 and D_2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: *In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.*

G. Section R403.1.6 Foundation anchorage, is modified to read as follows:

Section R403.1.6 Foundation anchorage. *Sill plates and walls supported directly on continuous foundations shall be anchored to the foundation in accordance with this section.*

Wood sole plates at all exterior walls on monolithic slabs, wood sole plates of braced wall panels at building interiors on monolithic slabs and all wood sill plates shall be anchored to the foundation with anchor bolts spaced a maximum of 6 feet (1829 mm) on center. Bolts shall be at least 5/8" (15.9 mm) in diameter and shall extend a minimum of 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. A nut and washer shall be tightened on each anchor bolt. Such washers shall be a minimum of 0.229 inch by 3 inches by 3 inches (5.82 mm x 76 mm x 79 mm) in size. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundation that are not a part of a braced wall panel shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318. Cold-formed steel framing systems shall be fastened to wood sill plates or anchored directly to the foundation as required in Section R505.3.1 or R603.3.1.

Exceptions:

- 1) *Foundation anchorage spaced as required to provide equivalent anchorage to 5/8 – inch diameter (15.9 mm) anchor bolts.*
- 2) *Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of two anchor bolts located no less than 7 bolt diameters from each end of the plate section and shall be attached to adjacent braced wall panels at corners as shown in Figure R602.10.4.4 (1).*
- 3) *Connection of walls 12 inches (305 mm) total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent braced wall panels at corners as show in Figure R602.10.4.4 (1).*

- H. Section R602.10.2.1 Intermittent braced wall panel interior finish material. Add: New subsection R602.10.2.1.1, to read:

R602.10.2.1.1 Limits on methods GB and PCP. *In Seismic Design Categories D₀, D₁ and D₂, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of studs from other types of braced wall sheathing. In Seismic Design Categories D₀, D₁ and D₂, the use of Method PCP is limited to one-story single family dwellings and accessory structures.*

- I. Table R602.10.1.2 (2), Add: New footnote "d" to the end of Table R602.10.1.2 (2), to read:

d. In Seismic Design Categories D₀, D₁ and D₂, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the "d" footnote notation in the title of Table R602.10.1.2 (2) after the three footnotes currently shown, to read:

TABLE R602.10.1.2 (2)^{a,b,c,d}

- J. CRC Appendix Chapters G, J, K, and O are selected and adopted.
- K. CRC Appendix Chapters A through F, H, I, L, M, N, P, Q, and R are not selected and not adopted.

15.04.050 Title 24, Part 3, California Electrical Code with Amendments and Modifications

Title 24, Part 3, California Electrical Code (CEC), 2010 Edition, is hereby adopted by reference, with the following Amendments and Modifications:

- A. Section 89.108.4.1, Permits (a), Add: *A California State Licensed Electrical Contractor is required to obtain the permit for all electrical work performed in all occupancies except single family dwellings, attached or detached garages, carports or accessory buildings.*
- B. Chapter 1, Article 100, Definitions: Approved, Add: *Existence of a factory applied label or application of a field applied label by an agency approved by the AHJ to test and label is an alternate method of approval. See the list of recognized third party testing and labeling agencies.*
- C. Chapter 1, Article 100, Definitions: Authority Having Jurisdiction (AHJ), Add: *The Authority Having Jurisdiction is the Chief Building Official of the City of San Carlos.*

15.04.060 Title 24, Part 4, California Mechanical Code with Appendices

Title 24, Part 4, California Mechanical Code (CMC), 2010 Edition, is hereby adopted by reference, with all Appendices.

15.04.070 Title 24, Part 5, California Plumbing Code with Appendices

Title 24, Part 5, California Plumbing Code (CPC), 2010 Edition, is hereby adopted by reference, with the following selected Appendices:

- A. CPC Appendix Chapters A, B, D, G and I are selected and adopted.

B. CPC Appendix Chapters K and L are not selected and not adopted.

C. There are no CPC Appendix Chapters C, E, F, H, and J.

15.04.080 Title 24, Part 6, California Energy Code with Appendices

Title 24, Part 6, the California Energy Code (CEC), 2010 Edition, is hereby adopted by reference, with all Appendices.

15.04.090 Title 24, Part 7, Vacant

15.04.100 Title 24, Part 8, California Historical Building Code

Title 24, Part 8, the California Historical Building Code (CHBC), 2010 Edition, is hereby adopted by reference.

15.04.110 Title 24, Part 9, California Fire Code with Amendments and Modifications

Title 24, Part 9, the California Fire Code (CFC), 2010 Edition, is hereby adopted by reference, with the following Amendments and Modifications:

A. Chapter 1 Scope and Administration, Division I California Administration, Section 1.1.4 Appendices, Add: *Appendices are selected and enforced by the Belmont-San Carlos Fire Department, See Ordinance # 2011-01.*

B. Chapter 1 Scope and Administration, Division I California Administration, Section 1.1.8 City, county or city and county amendments, additions or deletions, Add: *Amendments, additions or deletions are specified in Ordinance # 2011-01.*

15.04.120 Title 24, Part 10, California Existing Building Code

Title 24, Part 10, the California Existing Building Code (CEBC), 2010 Edition, is hereby adopted by reference.

15.04.125 Title 24, Part 11, California Green Building Standards Code with Amendments and Modifications

Title 24, Part 11, the California Green Building Standards Code (CALGreen), 2010 Edition, is hereby adopted by reference, with Amendments and Modifications (See Ordinance # 1422, San Carlos Green Building Ordinance).

15.04.130 Title 24, Part 12, California Referenced Standards Code

Title 24, Part 12, the California Referenced Standards Code (CRSC), 2010 Edition, is hereby adopted by reference.

15.04.140 1997 Uniform Building Security Code

The 1997 Uniform Building Security Code (UBSC) is hereby adopted by reference.

15.04.150 1997 Uniform Code for the Abatement of Dangerous Buildings with Amendments and Modifications

The 1997 Uniform Code for the Abatement of Dangerous Buildings is hereby adopted by reference, with the following Amendments and Modifications:

A. Section 102.1, Purpose, replace *Building Code, Housing Code* with: *the current, adopted editions of the California Building Codes and current, adopted edition of the Uniform Housing Code.*

C. Section 103, Alterations, Additions and Repairs, replace *Section 3402 of the Building Code* with: *the current, adopted edition of the California Building Codes.*

D. Section 204, Inspection of Work, replace *Sections 108 and 1701 of the Building Code* with: *the current, adopted edition of the California Building Codes.*

E. Section 301, General, replace the definition of *Building Code* with: *the California Building Code as adopted by this jurisdiction.*

15.04.160 1997 Uniform Housing Code with Amendments and Modifications

The 1997 Uniform Housing Code is hereby adopted by reference, with the following Amendments and Modifications:

A. Section 104.1, Additions, Alterations or Repairs, replace: See Section 3403 of the Building Code with: *See Chapter 34 of the California Building Code, Part 2, Volume 2.*

B. Section 401 Definitions, replace the definition of Building Code with: *The California Building Code as adopted by this jurisdiction.*

C. Section 401 Definitions, replace the definition of Health Officer with: *The legally designated head of the San Mateo County Health Department or his/her deputy.*

D. Section 401 Definitions, replace the definition of Mechanical Code with: *The California Mechanical Code as adopted by this jurisdiction.*

15.04.170 Findings

The following **FINDINGS** have been made:

A. Geologic: The City of San Carlos is located near a very active seismic area, seismic zone E (previously known as seismic zone 4). The entire City is 2-7 kilometers from the San Andreas Fault, a major active fault in California.

There are five major soils types in the City from the bay to the hillsides. There is existing fill overlying unconsolidated Holocene Bay mud deposits. There is unconsolidated Holocene fine to course-grained alluvial fan and basin deposits with a water table equal to or less than 10'. There is unconsolidated Holocene fine to course-grained alluvial fan deposits with a water table equal to or greater than 10'. There are weak consolidated Pleistocene fine to course-grained alluvial fan and basin deposits. There are colluvial and landslide deposits locally overlying sandstone and bedrock units.

There are high flooding hazards in two of the five soils types and moderate flooding hazards in two of the five. There is high ground settlement potential in the area along the bay. There is high potential for seismically induced ground failure in the same area and moderate potential in the adjacent area.

There is a high potential for seismically induced ground shaking in all areas in the City. There is a high potential for liquefaction in the area adjacent to the bay and moderate potential in the adjacent

area. There is moderate potential for erosion and slope instability / landslides in approximately 50% of the City. Expansive soils or bedrock varies in significance in over 2/3 of the entire City.

These actions can cause great damage to structures in or on the ground. Gypsum wallboard and exterior Portland cement plaster have performed poorly during recent California seismic events. Cyclic seismic action testing has proven the limited seismic resistance of these materials.

B. Climatic: The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the expansive characteristics of soil.

C. Topography: San Carlos topography includes mountain and foothill areas. The ground elevation rises over 900' in less than 1 mile in much of the City resulting in large areas of unstable, steep slopes. Upgraded structural provisions are required to construct housing on these unpredictable, unstable steep slopes. Upgraded automatic sprinkler provisions are required due to approximately 1/4 of residential properties located in Very High Fire Hazard Severity Zone.

D. That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph and section by section, and does hereby declare that any provisions in this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

E. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after thirty (30) days after its passage and adoption.

Introduced this ____ day of _____, 2010.

PASSED AND ADOPTED as an Ordinance of the City of San Carlos at a regular meeting thereof held on the ____ day of _____, 2010.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

MAYOR of the City of San Carlos

ATTEST:

CITY CLERK of the City of San Carlos

