

BUILDING STANDARDS COMMISSION

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



February 21, 2014

Ron La France
Building Official
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

RE: Ordinance #1001

Dear Mr. La France:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 15, 2014.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code 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.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

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

Sincerely,

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

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

O'Brien, Laurie@DGS

From: Lafrance, Ron J <RjLafrance@menlopark.org>
Sent: Wednesday, January 15, 2014 11:23 AM
To: OrdinanceFilings@DGS
Subject: City of Menlo Park's Ordinance Adopting and Amending the 2013 CA Building Standards Code
Attachments: Signed copy of Menlo Park Ordinance Amending and Adopting the 2013 CA Building Standard Code.pdf

Attached is the City of Menlo Park's Ordinance adopting and amending the 2013 CA Building Standards Code.

Thanks,

Ron La France
Building Official
City of Menlo Park

ORDINANCE NO. 1001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING TITLE 12 [BUILDINGS AND CONSTRUCTION] OF THE MENLO PARK MUNICIPAL CODE TO ADOPT THE 2013 CALIFORNIA BUILDING STANDARDS CODE PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12 AND AMENDMENTS THERETO

WHEREAS, the City of Menlo Park ("City") wishes to adopt a building code in accordance with law and to use the most updated regulations in the processing of development in the City; and

WHEREAS, because of the City's unique local climatic, geologic and topographic conditions, the City desires to make amendments and additions to the Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK DOES ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS AND DETERMINATIONS. The following local geologic conditions justify modifications to California Building Standards Code.

a. **Geological:** The City is located in Seismic Risk Zones D, E, and F, which are the most severe earthquake zones in the United States. The area includes various soils and areas with significant movement potential. Buildings and other structures in Zones D, E and F can experience major seismic damage. Lack of adequate building designs and detailing as well as the lack of flexible materials and/or building systems have been contributing factors to damage that reduces the life-safety of building occupants and increases the cost of the rehabilitation of structures.

b. **Climatic:** The City is located in a climatic zone with precipitation ranging from 13 to 20 inches per year with an average of approximately 15 inches per year. Ninety-five percent of precipitation falls during the months of November through April, leaving a dry period of approximately six months each year. Relative humidity remains moderate most of the time. Temperatures in the summer average around 80 degrees Fahrenheit and in the winter in the mid 50 degrees Fahrenheit. Prevailing winds in the area come from the west with velocities generally in the 12 miles per hour range, gusting form 25 to 35 miles per hour. These climatic conditions require compliance with energy efficiency standards for building construction.

c. **Topographic:** Areas of highly combustible dry grasses, weeds, brush and trees adjacent to structures are common throughout the City. Above ground electrical power transmission lines are suspended through trees and above large areas of dry vegetation. The arrangement of man-made features around many buildings greatly limit any approach to all but one side of a building.

SECTION 2: DELETION OF EXISTING MUNICIPAL CODE SECTIONS: Existing Chapter 12.06 [California Building Code Amendments] and Chapter 12.08 [California Residential Code Amendments] are hereby deleted.

SECTION 3: AMENDMENT OF CODE. Section 12.04.010 [Municipal Building Code] of Chapter 12.04 [Adoption of Codes] of Title 12 [Buildings and Construction] of the Menlo Park Municipal Code is amended to read as follows:

"12.04.010. Municipal building code. The following codes are hereby adopted and by reference are incorporated herein as if set forth in full:

- A. The 2013 California Administrative Code, published by the International Code Council, as amended in Part 1 of the California Building Standards Code, California Code of Regulations Title 24;
- B. The International Building Code 2012 Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 2 of the California Building Standards Code, California Code of Regulations Title 24, ("California Building Code");
- C. The International Residential Code 2012 Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 2.5 of the California Building Standards Code, California Code of Regulations Title 24, ("California Residential Code");
- D. The National Electrical Code 2011 Edition published by the National Fire Protection Association together with those omissions, amendments, exceptions and additions thereto as amended in Part 3 of the California Building Standards Code, California Code of Regulations Title 24, ("California Electrical Code");
- E. The Uniform Mechanical Code 2012 Edition, published by the International Association of Plumbing and Mechanical Officials together with those omissions, amendments, exceptions and additions thereto as amended in Part 4 of the California Building Standards Code, California Code of Regulations Title 24, ("California Mechanical Code");
- F. The Uniform Plumbing Code 2012 Edition, including the Installation Standards thereto, published by the International Association of Plumbing and Mechanical Officials together with those omissions, amendments, exceptions and additions thereto as amended in Part 5 of the California Building Standards Code, California Code of Regulations Title 24, ("California Plumbing Code");
- G. The 2013 California Energy Code, published by the International Code Council, as amended in Part 6 of the California Building Standards Code, California Code of Regulations Title 24;
- H. The 2013 California Historical Building Code, published by the International Code Council, as amended in Part 8 of the California Building Standards Code, California Code of Regulations Title 24;
- I. The International Existing Building Code 2012 Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 10 of the California Building Standards Code, California Code of Regulations Title 24, ("California

Existing Building Code”);

- J. The 2013 California Green Building Standards Code, published by the International Code Council, as amended in Part 11 of the California Building Standards Code, California Code of Regulations Title 24; and
- K. The 2013 California Referenced Standards Code, published by the International Code Council, as amended in Part 12 of the California Building Standards Code, California Code of Regulations Title 24.

A copy of each code is on file in the office of the City Clerk. The provisions of this title, including said codes and amendments thereto, shall be known as the building code of the City.”

SECTION 4: ADDITION OF CODE. Chapter 12.06 of Title 12 [Buildings and Construction] is hereby added to read as follows:

**“Chapter 12.06
CALIFORNIA BUILDING CODE AMENDMENTS**

Sections:

- 12.06.010 Chapter 1 Division II adopted.
- 12.06.020 Section 105.2 of Chapter 1 Division II amended.
- 12.06.030 Appendix J adopted

12.06.010 Chapter 1 Division II adopted. Chapter 1 Division II of the California Building Code is hereby adopted.

12.06.020 Section 105.2 of Chapter 1 Division II amended.

Section 105.2 of Chapter 1 of the California Building Code is amended as follows:

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other law or ordinance of the City of Menlo Park. Permits will not be required for the following:

1. Detached accessory buildings used as tool and storage or garden sheds or similar uses, provided the height does not exceed eight feet, the projected roof area does not exceed 64 square feet, and the structure complies with Section 16.68.030 Accessory buildings and/or structures of the City of Menlo Park Municipal Code
2. Wood fences not over seven feet high.
3. Oil Derricks.
4. Retaining walls which are not over two feet high measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III liquids.

5. Detached free-standing water tanks supported directly on a concrete foundation at grade if the capacity does not exceed five 500 gallons and the height above grade does not exceed six feet and the height to width ratio does not exceed two to one.
6. Platforms, walks, and driveways not more than 12 inches above grade and not over any basement or story below.
7. Painting, papering, carpeting, and similar finish work.
8. Temporary television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R Division 3 occupancy that are less than 24 inches deep, do not exceed 5,000 Gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems
11. Swings and other playground equipment accessory to detached one- and two-family dwellings not exceeding 120 square feet as measured at the supports or nine feet in height as measured from existing natural grade to the top of the highest structural member, guard rail, or appendage.
12. Windows awnings supported by an exterior wall of Group R Division 3 occupancy when projecting not more than 36 inches.
13. Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over five feet nine inches in height.

Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work done in a manner in violation of the provisions of these codes or any laws or ordinances of the City of Menlo Park."

12.06.030 Appendix J adopted. Appendix J of the California Building Code is hereby adopted.

SECTION 5: ADDITION OF CODE. Chapter 12.08 of Title 12 [Buildings and Construction] is hereby added to read as follows:

"CALIFORNIA RESIDENTIAL CODE AMENDMENTS

Sections:

12.08.010 Section R105.2 of Chapter 1 Division II amended.

12.08.010 Section R105.2 of Chapter 1 amended.

Section 105.2 of Appendix Chapter 1 of the California Residential Code is amended as follows:

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other law or ordinance of the City of Menlo Park. Permits will not be required for the following:

1. Detached accessory buildings used as tool and storage or garden sheds or similar uses, provided the height does not exceed 64 square feet, and the structure complies with Section 16.68.030 Accessory buildings and/or structures of the City of Menlo Park Municipal Code
2. Wood fences not over seven feet high.
3. Oil Derricks.
4. Retaining walls which are not over two feet high measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III liquids.
5. Detached free-standing water tanks supported directly on a concrete foundation at grade if the capacity does not exceed five 500 gallons and the height above grade does not exceed six feet and the height to width ratio does not exceed two to one.
6. Platforms, walks, and driveways not more than 12 inches above grade and not over any basement or story below.
7. Painting, papering, carpeting, and similar finish work.
8. Temporary television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R Division 3 occupancy that are less than 24 inches deep, do not exceed 5,000 Gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems
11. Swings and other playground equipment accessory to detached one- and two-family dwellings not exceeding 120 square feet as measured at the supports or nine feet in height as measured from existing natural grade to the top of the highest structural member, guard rail, or appendage.
12. Windows awnings supported by an exterior wall of Group R Division 3 occupancy when projecting not more than 36 inches.
13. Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over five feet nine inches in height.

Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work done in a manner in violation of the provisions of these codes or any laws or ordinances of the City of Menlo Park.

SECTION 6: EXEMPTION FROM CEQA. The City Council finds, pursuant to

Title 14 of the California Administrative Code, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a project that has the potential for causing a significant effect on the environment.

SECTION 7: SEVERABILITY. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 8: EFFECTIVE DATE. This Ordinance shall become effective January 1, 2014.

SECTION 9: POSTING. Within fifteen (15) days of its adoption, the Ordinance shall be posted in three (3) public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the tenth day of December, 2013.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the seventeenth day of December, 2013, by the following vote:

AYES: Carlton, Cline, Keith, Ohtaki, Mueller

NOES: None

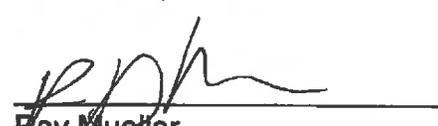
ABSENT: None

ABSTAIN: None

ATTEST:


Pamela Aguilar
City Clerk

APPROVED:


Ray Mueller
Mayor