

BUILDING STANDARDS COMMISSION

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



August 2, 2011

Anthony Ghiossi, Chief Building Official
Community Development Department
City of Mountain View
500 Castro St., P.O. Box 7540
Mountain View, CA 94039-7540

Dear Mr. Ghiossi:

This letter is to acknowledge receipt on July 29, 2011 of the City of Mountain View submittal pertaining to Ordinance No. 8.11 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.

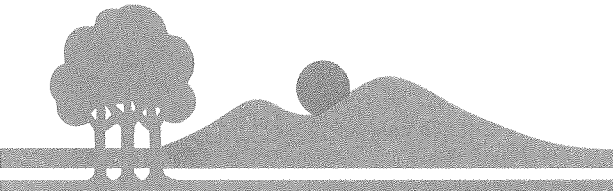
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez", is written over a horizontal line.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF MOUNTAIN VIEW

Community Development Department • Building Inspection Division
500 Castro Street • Post Office Box 7540 • Mountain View, California 94039-7540 • 650-903-6313 • FAX 650-962-8501

July 26, 2011

Mr. Dave Walls
Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California, 95833

CITY OF MOUNTAIN VIEW, 2010 CALIFORNIA GREEN BUILDING STANDARD CODE ADOPTION AND LOCAL AMENDMENTS

Dear Mr. Walls:

The attached ordinance outlines the amendments that the City of Mountain has made to the California Building Standards Code, Title 24, Part 11 -2010 California Green Building Standards code. On June 28, 2011, the Mountain View City Council approved the amendments to Chapter 8, Article I, Division III of the City Code that reflects the local environmental conditions that exist in the City of Mountain View.

A copy of the City Code Chapter 8 Article I, Division III ordinance amendments as adopted on June 28, 2011 is enclosed for your reference. The enclosed ordinance has been signed by the Mayor and noticed by the City Clerk to verify the adoption date. Also enclosed, is the California Energy Commission approval of the City of Mountain View amendments to the 2010 Green Building Standards Code as required by Public Resources Code

Should you have any questions regarding the City of Mountain View's adoption process and/or the amendments, please contact the Building Inspection Division at (650) 903-6313.

Sincerely,

Anthony Ghioffi
Chief Building Official

Enclosures

Cc; file, CA, ZA, CDD

2011 JUL 29 PM 12:03
CALIFORNIA BUILDING STANDARDS COMMISSION



June 29, 2011

Mr. Anthony Ghioffi, Chief Building Official
Community Development, Planning Division
City of Mountain View
P.O. Box 7540
Mountain View, Ca. 94039-7540

Dear Mr. Ghioffi:

The California Energy Commission congratulates the City of Mountain View on the approval of the local ordinance requiring energy efficiency more stringent than the 2008 *Building Energy Efficiency Standards* (Title 24, Part 6). Under Title 24, Part 1 Section 10-106, local governments are allowed to apply to the Energy Commission for approval of proposed standards that will save more energy than the current statewide standards. The City of Mountain View has complied with all requirements under Section 10-106 and has shown exemplary commitment to energy efficiency through the adoption of these standards. At the Business Meeting on June 29, 2011, the City of Mountain View local ordinance was approved before the full Energy Commission.

The City of Mountain View ordinance is a significant contribution in the continuing efforts of local governments to reduce overall energy use, curb the use of energy during peak periods, and improve the environment by lowering greenhouse gas emissions, water use and improving other environmental impacts. These issues impact all Californians and we are pleased that your efforts are in the forefront. The Energy Commission commends the City of Mountain View for seeking to achieve energy savings exceeding those of the 2008 *Building Energy Efficiency Standards* of the California Building Code.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Loyer", written over a horizontal line.

Joseph M. Loyer
California Energy Commission

Resolution

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

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

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

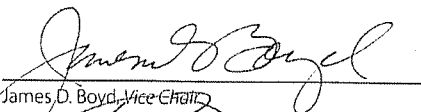
Whereas, the City of Mountain View has made a written commitment to actively enforce compliance both with the locally adopted energy standards and the 2008 California Building Energy Efficiency Standards; and

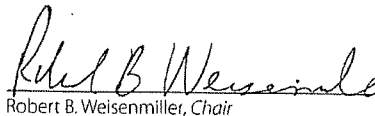
Whereas, the California Energy Commission commends the City of Mountain View for seeking to achieve additional demand reductions, energy savings and other benefits exceeding those of the 2008 California Building Energy Efficiency Standards.


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

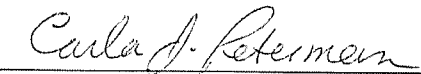
City of Mountain View

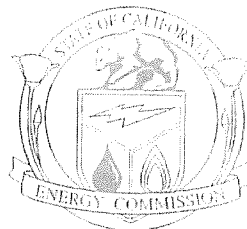
locally adopted energy standards and that these local standards may be enforced by the City of Mountain View.


James D. Boyd, Vice Chair


Robert B. Weisenmiller, Chair


Karen Douglas, Commissioner


Carla J. Peterman, Commissioner



June 29, 2011

Dated: 7/21/2011 Kathy Jones
Deputy City Clerk

ORDINANCE NO. 8.11

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE I, DIVISION III,
OF THE MOUNTAIN VIEW CITY CODE RELATING TO THE
ADOPTION OF THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE TO
INCLUDE LOCAL GREEN BUILDING REQUIREMENTS

WHEREAS, on March 24, 2009, the Council approved the Environmental Sustainability Action Plan, a document that identifies strategic short-term goals to achieve environmental sustainability in Mountain View, one of which was the development of a green building ordinance for private development; and

WHEREAS, on November 3, 2009, the Council approved community-wide Greenhouse Gas Reduction Targets which align the City with the provisions of California Assembly Bill 32 (Global Warming Solutions Act). The City is currently developing a Greenhouse Gas Reduction program for new development that focuses on energy-use reduction to which the implementation of the Mountain View Green Building Code helps achieve; and

WHEREAS, the San Francisco Public Utilities Commission has limited the water supply available to the Bay Area Water Supply and Conservation Agency (BAWSCA) member agencies until at least 2018 to preserve the limited resource. The Mountain View Green Building Code is a strategic step in achieving water use reduction to meet the reduced supply; and

WHEREAS, green building design, construction, restoration, operation and maintenance can have a significant positive effect on energy, water and resource conservation, waste management and pollution generation, and on the health and productivity of building occupants over the life of the building and/or site; and

WHEREAS, the California Green Building Standards Code Section 101.7 provides that a local government may establish more stringent building standards if they are reasonably necessary due to local climatic, geological, topographical or environmental conditions; and

WHEREAS, the Public Resource Code Section 25402.1(h)(2) states that a local enforcement agency may adopt more restrictive energy standards when they are cost-effective and approved by the California Energy Commission; and

WHEREAS, the City of Mountain View has local conditions which allow amendments to the California Green Building Standards Code to add local green building and energy requirements to achieve local and regional goals and initiatives; and

WHEREAS, the City of Mountain View has made amendments and adopted the California Building Codes as Chapter 8, Articles I, Division III, to address environmental conditions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Articles I, Division III of Chapter 8 of the Mountain View City Code is hereby amended to read as follows:

**"ARTICLE I.
BUILDING CODE.**

DIVISION III. GREEN BUILDING CODE.

SEC. 8.20.1. California Green Building Standards Code—Adopted.

The California Green Building Standards Code, 2010 edition, which regulates the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction for all new construction. One (1) copy of the California Building Code, including the Mountain View amendments, is on file and open to public inspection in the building inspection office.

SEC. 8.20.2. Subsection 101.1 —Amended—Title.

Subsection 101.1 of the 2010 California Green Building Standards Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Mountain View Green Building Code and may be cited as such and will be referred to herein as "this code." The Mountain View Green Building Code is an amendment to Part 11 of 12 parts of the official compilation and publication of the adoption, amendment and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code.

SEC. 8.20.3. Subsection 101.3—Amended.

Subsection 101.3 of the 2010 California Green Building Standards Code is amended to read as follows:

101.3 Scope. The provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every privately owned, newly constructed building, addition or tenant improvement as regulated in this code throughout the City of Mountain View.

It is not the intent that this code substitute or be identified as meeting the certification requirements of any private, third-party green building program.

SEC. 8.20.4. Subsection 101.3.2—Added.

Subsection 101.3.2 is added to the 2010 California Green Building Standards Code to read as follows:

101.3.2 Exempted projects. Projects that are exempted from complying with the Mountain View Green Building Code are:

1. Accessory structures;
2. Registered or eligible to be registered local, state or federal historic structures;
3. Natural disaster repairs;

4. Temporary structures;
5. Improvements that include residential interior alterations (i.e., remodels) only;
6. Residential additions less than 1,000 square feet; and
7. Nonresidential tenant improvements less than 15,000 square feet with a construction valuation less than \$100,000.

SEC. 8.20.5. Subsection 101.9.1—Added.

Subsection 101.9.1 is added to the 2010 California Green Building Standards Code to read as follows:

101.9.1 Adoption of Mountain View Amendments. Mountain View amendments to the 2010 California Green Building Standards Code shall be effective 30 days after adoption by the city council.

SEC. 8.20.6. Subsection 101.10—Amended.

Subsection 101.10 of the 2010 California Green Building Standards Code is amended to read as follows:

101.10 Mandatory requirements. This code contains the minimum mandatory green building measures and energy requirements as required by the City of Mountain View. All new structures in the City of Mountain View must comply with the mandatory measures of the 2010 California Green Building Standards Code as adopted by the state in addition to local amendments included in this code. This includes all residential new construction projects regardless of height or number of stories. Additionally, applicants must demonstrate that the area of improvement or new construction has an energy efficiency that is, at minimum, a specified percentage above the 2008 Building Energy Efficiency Standards in Title 24, Part 6.

SEC. 8.20.7. Subsection 101.10.1—Added.

Subsection 101.10.1 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1 Project types. Table 101.10 Mandatory Green Building Requirements, details the project types that are required to comply with this code.

SEC. 8.20.8. Subsection 101.10.1.1—Added.

Subsection 101.10.1.1 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.1 Residential projects. All residential projects (single-family and multi-family) regulated by this code must comply with Mountain View's energy and green building requirements as listed below.

SEC. 8.20.9. Subsection 101.10.1.1.1—Added.

Subsection 101.10.1.1.1 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.1.1 Residential additions. All residential additions with conditioned space greater than or equal to 1,000 square feet (gross) must comply with the applicable

section of the code listed below if the addition (including interior improvements within the existing structure) includes any of the following:

- A. Additions or alterations to plumbing fixtures must comply with Section 4.303 (Indoor Water Use);
- B. Replacement or installation of new interior finish materials (i.e., flooring, carpeting, paint, etc.) must comply with Section 4.504 (Pollutant Control); and
- C. New square footage to the existing structure must demonstrate energy compliance at least 10 percent above Title 24, Part 6.

Additionally, projects that include additions and interior alterations may use the total area (in square feet) of improvements in the Title 24, Part 6 energy calculations and may account for energy-efficiency upgrades that already exist in the structure, assuming the upgrades comply with the 2008 Building Energy Efficiency Standards.

SEC. 8.20.10. Subsection 101.10.1.1.2—Added.

Subsection 101.10.1.1.2 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.1.2 Residential new construction—Less than five (5) units. All residential new construction less than five (5) units must comply with the following:

- A. The mandatory measures of the California Green Building Standards Code and any Mountain View amendments; and
- B. Must demonstrate energy compliance at least 15 percent above Title 24, Part 6.

SEC. 8.20.11. Subsection 101.10.1.1.3—Added.

Subsection 101.10.1.1.3 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.1.3 Residential new construction—Five (5) units or more. All residential new construction with five (5) units or more must comply with the following:

- A. The mandatory measures of the California Green Building Standards Code and any Mountain View amendments;
- B. Meet the intent of seventy (70) GreenPoint Rated points; and
- C. Must demonstrate the appropriate energy compliance above Title 24, Part 6 based on the following project characteristics:

1. Low-rise residential building (up to three stories in height)—15 percent above Title 24, Part 6; or
2. High-rise residential building (over three stories in height)—15 percent above Title 24, Part 6. Plug and lighting energies may be deducted from both the standard and proposed building models when conducting the energy calculations.

SEC. 8.20.12. Subsection 101.10.1.2—Added.

Subsection 101.10.1.2 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.2 Nonresidential projects. All nonresidential projects regulated by this code must comply with Mountain View's energy and green building requirements as listed below.

SEC. 8.20.13. Subsection 101.10.1.2.1—Added.

Subsection 101.10.1.2.1 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.2.1 Nonresidential tenant improvements. All nonresidential tenant improvements 15,000 square feet (gross) or greater with a \$100,000 construction valuation must comply with the applicable section of the code listed below if the improvements include any of the following:

- A. Alterations to plumbing fixtures must comply with Section 5.303 (Indoor Water Use);
- B. Replacement or installation of new interior finish materials (i.e., flooring, carpeting, paint, etc.) must comply with Section 5.504 (Pollutant Control); and
- C. Any lighting improvements that require a Title 24, Part 6 energy calculation must demonstrate energy compliance at least 10 percent above Title 24, Part 6 for lighting only.

SEC. 8.20.14. Subsection 101.10.1.2.2—Added.

Subsection 101.10.1.2.2 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.2.2 Nonresidential new construction—Less than 5,000 square feet. All nonresidential new construction less than 5,000 square feet (gross) must comply with the following:

- A. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments; and
- B. Must demonstrate energy compliance 10 percent above Title 24, Part 6.

SEC. 8.20.15. Subsection 101.10.1.2.3—Added.

Subsection 101.10.1.2.3 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.2.3 Nonresidential new construction—5,000 through 25,000 square feet. All nonresidential new construction of 5,000 through 25,000 square feet (gross) must comply with the following:

- A. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments;
- B. Meet the intent of LEED® certified; and
- C. Must demonstrate energy compliance 10 percent above Title 24, Part 6.

SEC. 8.20.16. Subsection 101.10.1.2.4—Added.

Subsection 101.10.1.2.4 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.2.4 Nonresidential new construction—Greater than 25,000 square feet. All nonresidential new construction greater than 25,000 square feet (gross) must comply with the following:

- A. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments;
- B. Meet the intent of LEED® Silver certified; and
- C. Must demonstrate energy compliance 10 percent above Title 24, Part 6.

SEC. 8.20.17. Subsection 101.10.1.3—Added.

Subsection 101.10.1.3 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.3 Mixed-use projects. All new mixed-use construction projects must comply with Mountain View's energy and green building requirements and meet the requirements applicable to each primary occupancy component. See Table 101.10 for mixed-use project types that apply.

SEC. 8.20.18. Table 101.10—Added.

Table 101.10 is added to the 2010 California Green Building Standards Code to read as follows:

Table 101.10 Mandatory Green Building Requirements

Project Type	Energy Requirement ¹	Green Building Standard and Requirement
RESIDENTIAL PROJECTS (SINGLE-FAMILY, MULTI-FAMILY)		
New Construction		
New Residential < 5 units	15% above Title 24, Part 6	Mandatory CalGreen Requirements
New Residential ≥ 5 units	15% above Title 24, Part 6 ²	Meet the intent of 70 GreenPoint Rated points <u>and</u> Mandatory CalGreen Requirements
Additions³ (applies to conditioned space only)		
Additions ≥1,000 square feet	10% above Title 24, Part 6	Mandatory CalGreen Requirements: Sec. 4.303 (Indoor Water Use) Sec. 4.504 (Pollutant Control)
MIXED-USE PROJECTS		
New Construction		
New Residential < 5 units <u>and</u> New Nonresidential Use < 25,000 square feet	15% above Title 24, Part 6 for Residential; 10% above Title 24, Part 6 for Nonresidential	Residential and Nonresidential criteria as applicable to each component of the project.
New Residential ≥ 5 units <u>and</u> New Nonresidential Use ≥25,000 square feet	15% above Title 24, Part 6 for Residential; 10% above Title 24, Part 6 for Nonresidential	
NONRESIDENTIAL PROJECTS (INCLUDE HOTEL³)		
New Construction⁴		
New Nonresidential Buildings < 5,000 square feet	10% above Title 24, Part 6	Mandatory CalGreen Requirements
New Nonresidential Buildings 5,000 to 25,000 square feet	10% above Title 24, Part 6	Meet the intent of LEED [®] Certified <u>and</u> Mandatory CalGreen Requirements
New Nonresidential Buildings > 25,000 square feet	10% above Title 24, Part 6	Meet the intent of LEED [®] Silver <u>and</u> Mandatory CalGreen Requirements
Tenant Improvements		
Tenant Improve- ments ≥ 15,000 square feet with a \$100,000 construction valuation where the scope of work includes any of the following: (1) requires a Title 24 energy calculation; (2) the replacement or addition of any plumbing fixtures and/or interior finish materials (i.e., carpeting, paint, etc.).	10% above Title 24, Part 6 for Lighting Only	Mandatory CalGreen Requirements: Section 5.303 (Indoor Water Use) Section 5.504 (Pollutant Control)

1. On-site generation of renewable energy in an amount equivalent to the required reductions may be used as an alternate means to meet the local energy requirement. Energy production shall be determined through use of the CECPV Calculator provided by the California Energy Commission.
2. For high-rise residential buildings (over three stories in height) and hotels, plug and lighting energies can be deducted from both the standard and proposed building when conducting the Title 24, Part 6 energy calculations.
3. Residential additions that include interior alterations may use the total area (in square feet) of improvements in the Title 24 energy calculations and may account for energy-efficiency upgrades that already exist in the structure, assuming the upgrades comply with the 2008 Building Energy Efficiency Standards.
4. New shell construction with minimally installed systems are required to attain the following energy requirements above Title 24, Part 6: Cold Shell (no HVAC and no lighting)—5% or Warm Shell (includes HVAC and no lighting)—7%.

SEC. 8.20.19. Subsection 101.10.2—Added.

Subsection 101.10.2 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.2 Alternate green building standards. If an applicant proposes to use an alternate green building standard not included in this code, they must demonstrate that the alternate standard is, at minimum, equivalent to the referenced standard in terms of criteria, scope and certification process. The chief building official must approve the alternate standard prior to issuing a building permit.

SEC. 8.20.20. Subsection 101.10.3—Added.

Subsection 101.10.3 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.3 Certification. The city does not require projects to be certified by a third party green building organization unless certification is a condition of approval for a zoning permit. Applicants must demonstrate the project meets the intent of the required standard through documentation and verification consistent with the criteria and documentation process of the respective green building rating system. This includes meeting all mandatory prerequisites and minimum point totals of each category, if required by the rating system.

SEC. 8.20.21. Subsection 101.11—Amended.

Subsection 101.11 of the 2010 California Green Building Standards Code is amended to read as follows:

101.11 Effective use of this code. The following steps shall be used to establish which provisions of this code are applicable to a specific occupancy:

1. Establish the type of occupancy.
2. Verify which state agency has authority for the established occupancy by reviewing the authorities list in Sections 103 through 106.
3. Once the appropriate agency has been identified, find the chapter which covers the established occupancy.
4. The Matrix Adoption Tables at the beginning of Chapters 4 and 5 identify the mandatory green building measures necessary to meet the minimum requirements of this code for the established occupancy. Occupancies regulated by this code must also comply with the green building requirements included in Chapter 1.
5. Voluntary tier measures are contained in Appendix Chapters A4 and A5. A checklist containing each green building measure, both required and voluntary, is provided at the end of each appendix chapter. Each measure listed in the application checklist has a section number which correlates to a section where more information about the specific measure is available.
6. The application checklist identifies which measures are required by this code and allows users to check off which voluntary items have been selected to meet voluntary tier levels if desired or mandated by a city, county, or city and county.

SEC. 8.20.22. Subsection 102.1—Amended.

Subsection 102.1 of the 2010 California Green Building Standards Code is amended to read as follows:

102.1 Submittal documents. Construction documents and other data shall be submitted in one or more sets with each application for a permit. Where special conditions exist, the City is authorized to require additional construction documents to be prepared by the applicant or a licensed design professional, depending on the size of the project (see Section 102.4 for details), and may be submitted separately.

When submitting for building permits for a project regulated by this code, the applicant shall submit the following materials:

1. The appropriate completed green building checklist;
2. Project construction documentation (plans and specifications) that verifies incorporation of the design and construction-related credits;
3. A letter of acknowledgement from the applicant, licensed professional or qualified green building professional indicating that the project has been designed to achieve the sustainability standards defined in this code and in accordance with the approved green building checklist. The letter shall indicate the number of points the project has been designed to achieve. The letter shall also commit to compliance with Mountain View's energy requirements;
4. Any additional documentation such as maps, calculations or product information that would be required by U.S. Green Building Council's Green Building Certification Institute for LEED® certification or by Build It Green for GreenPoint Rated certification; and
5. Any additional information believed to be relevant by the city in determining that a good-faith effort has been made to comply with this code.

Exception: The enforcing agency is authorized to waive the submission of construction documents and other data not required to be prepared by a licensed design professional.

SEC. 8.20.23. Subsection 102.2—Amended.

Subsection 102.2 of the 2010 California Green Building Standards Code is amended to read as follows:

102.2 Information on construction documents. Construction documents shall be of sufficient clarity to indicate the location, nature and scope of the proposed green building feature and show that it will conform to the provisions of this code, the California Building Standards Code and other relevant laws, ordinances, rules and regulations as determined by the City.

SEC. 8.20.24. Subsection 102.3—Amended.

Subsection 102.3 of the 2010 California Green Building Standards Code is amended to read as follows:

102.3 Hardship or infeasibility exemption. If an applicant believes circumstances exist that make it a hardship or infeasible to meet the requirements of this code, the applicant may request an exemption. The applicant must still comply with the mandatory measures of the California Green Building Code and can only receive an exemption from the Mountain View amendments to the code. In applying for an

exemption, the burden is on the applicant to show hardship or infeasibility. An exemption will only be granted in unusual circumstances where, due to exceptional characteristics of the structure or property involved, a literal enforcement of this code will result in practical difficulties or unnecessary hardships, provided that no such exception will be contrary to the intent of this code.

SEC. 8.20.25. Subsection 102.3.1—Added.

Subsection 102.3.1 is added to the 2010 California Green Building Standards Code to read as follows:

102.3.1 Proof of hardship or infeasibility. The applicant shall submit a letter indicating the maximum threshold of compliance that is feasible for the project and the circumstances that create a hardship or make it infeasible to comply fully with this code.

SEC. 8.20.26. Subsection 102.3.2—Added.

Subsection 102.3.2 is added to the 2010 California Green Building Standards Code to read as follows:

102.3.2 Approval or denial of exemption. The chief building official will determine if it is infeasible for the project to comply fully with this code and approve an alternative requirement. This alternative requirement can be, but is not limited to, reducing the energy efficiency requirement or the amount of green building measures required. For all approved exemptions, the project must continue to comply with the minimum requirements of the 2008 Building Energy Efficiency Standards (Title 24, Part 6) and the mandatory measures of the 2010 California Green Building Standards Code. The applicant will be notified of the final decision by the chief building official.

SEC. 8.20.27. Subsection 102.4—Added.

Subsection 102.4 is added to the 2010 California Green Building Standards Code to read as follows:

102.4 Verification. Documentation of conformance for applicable green building measures shall be provided to the city. Alternate methods of documentation shall be acceptable when the city finds that the proposed alternate documentation is satisfactory to demonstrate substantial conformance with the intent of the proposed green building measure.

SEC. 8.20.28. Subsection 102.4.1—Added.

Subsection 102.4.1 is added to the 2010 California Green Building Standards Code to read as follows:

102.4.1 Self-verification. The burden of proving compliance with this code is on the applicant. The verification professional must provide evidence of adequate green building compliance or documentation to the building division to satisfy the requirements of this code.

SEC. 8.20.29. Subsection 102.4.1.1—Added.

Subsection 102.4.1.1 is added to the 2010 California Green Building Standards Code to read as follows:

102.4.1.1 Verification professional. The applicant or industry professional filing on behalf of the applicant must be the individual who verifies the project complies with the requirements of this code.

1. For residential additions and nonresidential tenant improvements regulated by this code, this individual can be a licensed industry professional, an authorized tenant or the property owner.

2. For all nonresidential and residential new construction projects regulated by this code, this individual must be a qualified green building professional with an industry license, such as an architect or contractor, or a professional with similar qualifications acceptable to the chief building official.

SEC. 8.20.30. Subsection 102.4.2—Added.

Subsection 102.4.2 is added to the 2010 California Green Building Standards Code to read as follows:

102.4.2 Noncompliance. If, as a result of any inspection, the City determines that the project does not or is unlikely to comply with the approved plans or green building program, a stop work order shall be issued if the inspector determines that continuation of construction activities will lessen the project's ability to meet the required compliance threshold. The stop work order shall remain in effect until the chief building official determines the project will be brought into compliance with the approved plans and/or verification documents.

SEC. 8.20.31. Section 202—Amended.

Section 202 of the 2010 California Green Building Standards Code is amended to add the following definitions:

ADDITION. New construction square footage added to an existing structure.

ALTERNATE GREEN BUILDING STANDARD. A private, third-party green building rating system not explicitly referenced in this code that achieves green building goals through a comprehensive checklist of requirements. To use an alternate standard, the applicant must prove it is at least equivalent to the referenced green building standard.

APPLICANT. Any entity or any subsequent owner of the site that applies to the city for the applicable permits to undertake any project types regulated by this code.

AREA OF IMPROVEMENT. The area (in square feet) where interior building improvements are proposed. Such improvements can include, but are not limited to, painting, installing carpet or flooring, replacing or upgrading mechanical, electrical or plumbing systems.

CITY. City means the City of Mountain View.

ENFORCING AGENCY. The community development department in the City of Mountain View as specified by this code.

GREEN POINT RATED (GPR). Refers to a residential green building rating system developed by Build It Green. Projects can use any of the adopted GPR checklists that most appropriately apply to the project type proposed.

GREEN BUILDING CERTIFICATION INSTITUTE (GBCI™). Oversees and administers the building certifications and professional designations for the U.S. Green Building Council's LEED® Green Building Rating Systems™.

LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED®). Refers to a green building rating system developed by U.S. Green Building Council for residential and nonresidential projects. Projects can use any of the adopted LEED® checklists that most appropriately apply to the project type proposed.

MEET THE INTENT. To demonstrate compliance with the green building requirements of LEED® or GPR without formally submitting documentation to U.S. Green Building Council's Green Building Certification Institute or Build It Green for verification and certification. The applicant must follow the approaches and procedures in the guidebook or reference guides for respective rating systems and submit the required documentation and verification materials as outlined in Section 102 of this code to the community development department. This includes meeting all mandatory prerequisites and minimum point totals of each category, if required per the rating system.

MIXED-USE. The construction of a building or buildings that include both commercial and residential uses.

NONRESIDENTIAL BUILDING. Any building constructed or occupied for a use other than residential, which may include, but is not limited to, commercial or hotel uses.

PROJECT. Any proposed development that is regulated by this code.

QUALIFIED GREEN BUILDING PROFESSIONAL. A licensed professional, such as an architect or contractor, trained through the Green Building Certification Institute as a LEED AP® or through Build It Green as a certified green building professional, or similar qualifications if acceptable to the chief building official.

SELF-VERIFICATION. Verification by the applicant or a qualified green building professional that the project has met the standards as indicated for the project type set forth in this code.

SQUARE FEET (GROSS). The gross square footage of a structure includes all floor area enclosed within the walls of the structure (measured from the outside perimeter of the wall).

TENANT IMPROVEMENTS. Any owner or authorized agent who intends to enlarge, alter or change the occupancy of a building or structure, or to erect, enlarge, alter or convert any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the California Building Code, or to cause any such work to be done, shall obtain the required permit and must comply with the requirements included in this code.

ZONING PERMIT. Any discretionary permit approval from the planning division that includes conditions of approval.

SEC. 8.20.32. Subsection 303.1.1.—Amended.

Subsection 303.1.1 of the 2010 California Green Building Standards Code is amended to read as follows:

303.1.1 Tenant improvements. The provisions of this code shall apply to the applicable tenant or occupant improvements to a project.

SEC. 8.20.33. Subsection 4.106.2—Amended.

Subsection 4.106.2 of the 2010 California Green Building Standards Code is amended to read as follows:

4.106.2 Storm water drainage and retention during construction. Projects which disturb less than one acre of soil and are not part of a larger common plan of development which in total disturbs one acre or more, shall manage storm water drainage during construction. In order to manage storm water drainage during construction, one or more of the following measures shall be implemented to prevent flooding of adjacent property, prevent erosion and retain soil runoff on the site.

1. Retention basins of sufficient size shall be utilized to retain storm water on the site.
2. Where storm water is conveyed to a public drainage system, collection point, gutter or similar disposal method, water shall be filtered by use of a barrier system, wattle or other method approved by the enforcing agency.
3. Storm water pollutant control measures must be installed at construction sites year round, in compliance with Section 35.32.10.1(T) of the Mountain View city code. The storm water pollutant control measures listed in the ordinance include erosion control, run-on and runoff control, sediment control, active treatment (as appropriate), good site management and nonstorm water management through all phases of construction until the site is fully stabilized by landscaping or the installation of permanent erosion control measures.

SEC. 8.20.34. Subsection 4.304.1—Amended.

Subsection 4.304.1 of the 2010 California Green Building Standards Code is amended to read as follows:

4.304.1 Compliance with local water-efficient landscape ordinance. Projects with landscape areas of 1,000 square feet or greater must comply with the City of Mountain View's Water Conservation in Landscaping Regulations, pursuant to Chapter 36, Article XII-A, Division A36.32 of the City Code. Projects with landscape areas of less than 1,000 square feet must comply with the requirements of Section 4.304.2 of this code.

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.
2. Weather- and soil moisture-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s).

Note: More information regarding irrigation controller function and specifications is available from the irrigation association.

SEC. 8.20.35. Subsection 4.408.1—Amended.

Subsection 4.408.1 of the 2010 California Green Building Standards Code is amended to read as follows:

4.408.1 Compliance with local construction and demolition debris diversion program. Projects adding or constructing 5,000 square feet or more of new floor area must comply with the City of Mountain View's Construction and Demolition Debris Ordinance, pursuant to Chapter 16, Article III of the city code. Projects adding or constructing 5,000 square feet or less of new floor area, if subject to this code, must comply with the requirements of Section 4.408 of this code.

SEC. 8.20.36. Subsection 4.408.1.1—Added.

Subsection 4.408.1.1 is added to the 2010 California Green Building Standards Code to read as follows:

4.408.1.1 Construction waste reduction of at least 50 percent. Recycle and/or salvage for reuse a minimum of 50 percent of the nonhazardous construction and demolition debris, or meet a local construction and demolition waste management ordinance, whichever is more stringent.

Exceptions:

1. Excavated soil and land-clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the jobsite.

SEC. 8.20.37. Subsection 4.408.3—Added.

Subsection 4.408.3 is added to the 2010 California Green Building Standards Code to read as follows:

4.408.3 Excavated soil and land clearing debris. One hundred percent (100%) of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on-site until the storage site is developed.

SEC. 8.20.38. Subsection 4.410.2—Added.

Subsection 4.410.2 is added to the 2010 California Green Building Standards Code to read as follows:

4.410.2 Recycling by occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals.

SEC. 8.20.39. Subsection 4.410.2.1—Added.

Subsection 4.410.2.1 is added to the 2010 California Green Building Standards Code to read as follows:

4.410.2.1 Sample ordinance. Space allocation for recycling areas shall comply with Chapter 18, Part 3, Division 30 of the public resources code. Chapter 18 is known as the California Solid Waste Reuse and Recycling Access Act of 1991 (Act).

SEC. 8.20.40. Subsection 4.503.1—Amended.

Subsection 4.503.1 of the 2010 California Green Building Standards Code is amended to read as follows:

4.503.1 General. Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed wood stove or pellet stove shall comply with U.S. EPA Phase II emission limits where applicable. Wood stoves, pellet stoves and fireplaces shall also comply with applicable local ordinances. Mountain View city code Chapter 8, Article 1, Division IV shall be referenced for wood-burning appliances.

SEC. 8.20.41. Subsection 4.504.2.4—Amended.

Subsection 4.504.2.4 of the 2010 California Green Building Standards Code is amended to read as follows:

4.504.2.4 Verification. Verification of compliance with this section shall be provided at the request of the City of Mountain View. Documentation may include, but is not limited to, the following:

1. Manufacturer's product specification.
2. Field verification of on-site product containers.

SEC. 8.20.42. Subsection 5.106.1—Amended.

Subsection 5.106.1 of the 2010 California Green Building Standards Code is amended to read as follows:

5.106.1 Storm water sediment and erosion control plan. For newly constructed projects of less than one acre, develop and implement a storm water sediment and erosion control plan that has been designed specific to its site. The storm water sediment and erosion control plan shall be developed to provide equivalent protection to projects regulated by the state storm water NPDES construction permit (greater than one acre of disturbed land), and Section 35.32.10.1(T) of the Mountain View city code. The storm water pollutant control measures that shall be included in the plan include erosion control, run-on and runoff control, sediment control, advanced treatment (as appropriate), good site management and nonstorm water management through all phases of construction until it is fully stabilized by landscaping or the installation of permanent erosion control measures.

Note: No state permit is required, but construction best management practices (BMPs) as approved by the City of Mountain View shall be followed. BMPs include, but are not limited to, the following:

1. Erosion and sediment control BMPs:
 - a. Scheduling construction activity.
 - b. Preservation of natural features, vegetation and soil.
 - c. Drainage swales or lined ditches to control storm water flow.
 - d. Mulching or hydroseeding to stabilize soils.
 - e. Erosion control covers to protect slopes.
 - f. Protection of storm drain inlets (gravel bags or catch basin inserts).

- g. Perimeter sediment control (perimeter silt fence, fiber rolls).
 - h. Sediment trap or sediment basin to retain sediment on-site.
 - i. Stabilized construction exits.
 - j. Wind erosion control.
2. Housekeeping BMPs:
- a. Material handling and waste management.
 - b. Building materials stockpile management.
 - c. Management of washout areas (concrete, paints, stucco, etc.).
 - d. Control of vehicle/equipment fueling to contractor's staging area.
 - e. Vehicle and equipment cleaning performed off-site.
 - f. Spill prevention and control.

SEC. 8.20.43. Subsection 5.302.1—Amended.

Subsection 5.302.1 of the 2010 California Green Building Standards Code is amended to add the following definition:

NEW WATER SERVICE. A site that has not been connected to the City's water distribution system as determined by the public works department.

SEC. 8.20.44. Subsection 5.304.1—Amended.

Subsection 5.304.1 of the 2010 California Green Building Standards Code is amended to read as follows:

5.304.1 Compliance with Local Water-Efficient Landscape Ordinance. Projects with landscape areas of 1,000 square feet or greater must comply with the City's Water Conservation in Landscaping Regulations, pursuant to Chapter 36, Article XII-A, Division A36.32 of the city code. Projects with landscape areas of less than 1,000 square feet must comply with the requirements of Section 5.304.

SEC. 8.20.45. Subsection 5.304.2—Amended.

Subsection 5.304.2 of the 2010 California Green Building Standards Code is amended to read as follows:

5.304.2 Water budget. A water budget shall be developed for landscape irrigation use that conforms to the Local Water-Efficient Landscape Ordinance or to the California Department of Water Resources Model Water-Efficient Landscape Ordinance where no local ordinance is applicable.

Note: Prescriptive measures to assist in compliance with the water budget are listed in Sections 492.5 through 492.8, 492.10 and 492.11 of the ordinance, which may be found at: <http://www.owue.water.ca.gov/landscape/ord/ord.cfm>.

SEC. 8.20.46. Subsection 5.304.3—Amended.

Subsection 5.304.3 of the 2010 California Green Building Standards Code is amended to read as follows:

5.304.3 Outdoor potable water use. For new water service for landscaped areas between 1,000 square feet and 5,000 square feet (the level at which Water Code §535 applies), separate meters or submeters shall be installed for indoor and outdoor potable water use.

SEC. 8.20.47. Subsection 5.304.4—Amended.

Subsection 5.304.4 of the 2010 California Green Building Standards Code is amended to read as follows:

5.304.4 Irrigation design. In new nonresidential construction with between 1,000 and 2,500 square feet of landscaped area (the level at which the MLO applies), install irrigation controllers and sensors which include the following criteria, and meet manufacturer's recommendations.

SEC. 8.20.48. Subsection 5.304.4.1—Amended.

Subsection 5.304.4.1 of the 2010 California Green Building Standards Code is amended to read as follows:

5.304.4.1 Irrigation controllers. Automatic irrigation system controllers installed at the time of final inspection shall comply with the following:

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.
2. Weather- and soil moisture-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.

Note: More information regarding irrigation controller function and specifications is available from the Irrigation Association.

SEC. 8.20.49. Subsection 5.408.1—Amended.

Subsection 5.408.1 of the 2010 California Green Building Standards Code is amended to read as follows:

5.408.1 Compliance with local construction and demolition debris diversion program. Projects adding, constructing or renovating 5,000 square feet or more of floor area must comply with the City of Mountain View's Construction and Demolition Debris Diversion Ordinance, pursuant to Chapter 16, Article III of the city code. Projects adding or constructing 5,000 square feet or less of floor area, if subject to this code, must comply with the requirements of Section 5.408 of this code.

SEC. 8.20.50.

Subsection 5.408.1.1—Added.

Subsection 5.408.1.1 is added to the 2010 California Green Building Standards Code to read as follows:

5.408.1.1 Construction waste diversion. Establish a construction waste management plan for the diverted materials, or meet local construction and demolition waste management ordinance, whichever is more stringent.

SEC. 8.20.51. **Subsection 5.503.1—Amended.**

Subsection 5.503.1 of the 2010 California Green Building Standards Code is amended to read as follows:

5.503.1 General. Install only a direct-vent sealed-combustion gas or sealed wood-burning fireplace, or a sealed wood stove or pellet stove, and refer to residential requirements in the California Energy Code, Title 24, Part 6, Subchapter 7, Section 150. Wood stoves, pellet stoves and fireplaces shall comply with applicable local ordinances. Mountain View city code Chapter 8, Article 1, Division IV shall be referenced for wood burning appliances.

SEC. 8.20.52. **Subsection 5.504.4.3.2—Amended.**

Subsection 5.504.4.3.2 of the 2010 California Green Building Standards Code is amended to read as follows:

5.504.4.3.2 Verification. Verification of compliance with this section shall be provided at the request of the City of Mountain View. Documentation may include, but is not limited to, the following:

1. Manufacturer's product specification.
2. Field verification of on-site product containers."

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 22nd day of March, 2011, and thereafter adopted at the Regular Meeting of said Council, duly held on the 28th day of June, 2011, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Bryant, Macias, Vice Mayor Kasperzak and Mayor Siegel

NOES: Councilmembers Inks and Means

ABSENT: None

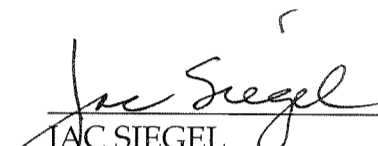
NOT VOTING: None

ATTEST:

APPROVED:

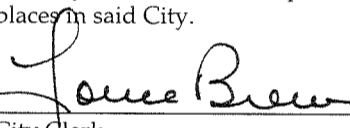


LORRIE BREWER, MMC
CITY CLERK



JAC SIEGEL
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 28th day of June, 2011, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 24th day of June, 2011, and posted in three prominent places in said City.



City Clerk
City of Mountain View

AG/7/ORD
807-03-22-11o-E^



AGENDA: March 22, 2011

5.1

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: Mountain View Green Building Code

RECOMMENDATION

1. Make the required findings for amendments to the California Green Building Code.
2. Introduce AN ORDINANCE AMENDING CHAPTER 8, ARTICLE I, DIVISION III, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE TO INCLUDE LOCAL GREEN BUILDING REQUIREMENTS (Attachment 5 to the staff report) to be read in title only, further reading waived.

FISCAL IMPACT

The fiscal impact to the City from this ordinance will be minimal. Funding for staff training has already been budgeted for this year and any additional training can be accomplished from the Community Development Department's existing training budget.

INTRODUCTION

The proposed Mountain View Green Building Code (MVGBC) amends the State-mandated California Green Building Code (CalGreen) to include local green building standards and requirements for private development. The proposed MVGBC applies green building requirements per building type and threshold to new construction, residential additions and commercial/industrial tenant improvements and includes energy efficiency standards that exceed the 2008 Building Energy Efficiency Standards.

The process for amending CalGreen includes: (1) approval by the City Council; (2) submitting a cost-effectiveness study to the California Energy Commission (CEC) demonstrating that the proposed energy requirements are cost-effective; and (3) filing the amendments with the California Building Standards Commission (BSC). Approval from the CEC takes approximately three months and must be obtained before the amendments become effective. No approval is necessary from the BSC.

This report summarizes how the MVGBC has been developed, describes its major elements and discusses how the ordinance affects the associated costs and returns on investment for private development.

Post-it® Fax Note	7671	Date	8/1/11	# of pages	10
To	KEVIN	From	Anthony		
Co./Dept.	B.S.C	Co.	C.M.V		
Phone #	916 263-5889	Phone #	650903-6313		
Fax #	916-263-0957	Fax #	650 903 6474		

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BACKGROUND

City Council Study Session—September 14, 2010

The purpose of the Study Session was to provide an update on the MVGBC process and receive feedback on the overall proposed approach. At this meeting, staff presented an overview of green building concepts and a framework for the MVGBC. This framework was based on the Santa Clara County Cities Association Green Building Collaborative's Phase II Recommendation (see Attachment 1—Phase II Recommendations), which is a reference guide for applying third-party green building standards to various building types and is intended to provide consistency of private green building standards within the County. Staff also developed the framework from input from the MVGBC's Technical Advisory Group and from internal staff criteria. The Study Session staff report summarizes the proposed MVGBC development process and staff's recommended approach to the requirements, verification process and incentives (see Attachment 2—City Council Study Session Staff Report, September 14, 2010).

At this meeting, Councilmembers asked for additional information on the following topics (see Attachment 3—Study Session Minutes, September 14, 2010); staff responses are included in italics:

- **Existing Apartments:** How can the MVGBC encourage owners of existing apartment buildings to make green building improvements?

Staff and the TAG members think that outreach targeting multiple-family property owners with information on rebate programs for water and energy reduction and the use of green building products would be beneficial. However, additional requirements targeting existing apartments would not be effective. Typically, apartment building improvements involve minor upgrades to maintain the building; i.e., water heater and furnace replacements, reroofing, general maintenance and other minor repairs as needed. The Building Division currently enforces the State Building Code's minimum mandatory energy efficiency requirements when apartment units are remodeled or equipment is replaced. Typically, any landscaping modifications are captured by the Water Conservation in Landscaping Ordinance. Additional green building requirements focused on interior improvements such as finishes and low-water-use fixtures would likely deter property owners from the permit process and create enforcement issues. Therefore, staff does not recommend additional green building requirements for apartment buildings.

- **Residential Remodels:** Are there any improvements that can be required for residential remodels?

The Building Division enforces State-mandated minimum energy efficiency standards when homes are remodeled or equipment replaced. By complying with current codes, the energy

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efficiency of the existing house increases incrementally over time. Staff is concerned that adding green building or energy efficiency requirements for minor projects that are above and beyond the minimum State code might cause owners to avoid the permitting process due to added costs. Local building departments around the State are struggling with the lack of permits being obtained for equipment replacements like water heaters, furnaces and air conditioners. Staff worked with consultants to determine a threshold where energy improvements are reasonable, technically feasible and do not expand the proposed scope of work.

- **Costs:** Can staff provide additional cost information for green building improvements for private development?

Cost information has been provided under the Costs to Private Development Section of this report.

- **Training:** Will staff receive green building-related training?

Green building-related training for staff will be provided with \$5,000 from the Fiscal Year 2009-10 budget earmarked for training. Staff is still developing the scope for this training, but it will likely include both introductory and advanced green building concepts relevant to Planning, Building and Public Works staff. Continual staff training can be accomplished internally and within the Community Development Department's existing training budget.

Development of the MVGBC: Public Outreach and Comments

After the Council Study Session, staff drafted the proposed MVGBC and performed additional outreach.

On November 5, 2010, two outreach meetings were held for contractors specializing in smaller building projects such as residential remodels. The purpose of these meetings was to receive input on how the proposed MVGBC might impact their business and their ability to comply with the requirements. The 11 attendees did not have major comments or issues with the proposed MVGBC.

On December 8, 2010, staff met with MVGBC Technical Advisory Group (TAG) members to discuss the draft ordinance. A main discussion topic was staff's proposed "meet the intent" of a rating system approach to verification. Some members questioned why formal third-party certification was not being required and felt that the formal certification process ensures consistent review and reliability that the standards are achieved. They noted that "meeting the intent" is not a meaningful documentation of performance. Other members commented that the recommended approach of "meeting the intent" of the rating system is a good first step to improved green building standards.

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Other outreach efforts included staff discussions on the proposed MVGBC standards with applicants currently in the City's development review process; posting information on the City's web site and in the Community Development Department; and publishing an announcement in *The View* newsletter.

The Silicon Valley Leadership Group (SVLG) reviewed the proposed MVGBC and has submitted a letter of support (see Attachment 4—Letter from SVLG). The SVLG helped form the Santa Clara County Cities Association's Green Building Collaborative, which has provided direction for cities to consider as they develop their own green building ordinances.

ANALYSIS

MVGBC: Green Building Requirements

The proposed MVGBC amends the State's CalGreen Code to administer local green building standards and requirements for new construction, residential additions and commercial/industrial tenant improvements for private development. The amendments also clarify existing mandatory CalGreen requirements to be consistent with existing City regulations (see Attachment 5—Ordinance—MVGBC Amendments).

The proposed MVGBC references third-party rating systems LEED[®] (Leadership in Energy and Environmental Design) and GPR (GreenPoint Rated), and requires affected projects to attain a specific amount of points based on an itemized checklist of green building measures from the respective rating system. As discussed at the Study Session, these rating systems were selected because they are commonly used, marketable and many developers already have staff trained in these systems. The project thresholds and point requirements recommended by staff are based on our current development review process, current and foreseeable project types, TAG input and the Phase II recommendations.

Additionally, projects regulated by the proposed MVGBC will be required to exceed the 2008 Building Energy Efficiency Standards and comply with the mandatory requirements of the State's 2010 CalGreen Code. These requirements correspond with points in the LEED[®] and GPR systems and work towards meeting the respective minimum point totals. The proposed energy requirements are based on construction feasibility and cost-effectiveness as identified by our consultants and on third-party incentive or rebate programs that require specific energy efficiency above the 2008 Standard.

The proposed MVGBC also includes a list of prescriptive requirements for residential additions and nonresidential tenant improvements that focus on energy reduction, water reduction and the use of low VOC products. Staff has proposed to focus on these requirements for additions and tenant improvements because they do not expand the

¹ LEED is a trademark owned by the U.S. Green Building Council.

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proposed scope of work, are cost-effective or cost-neutral, reduce the use of resources, or improve indoor air quality.

The proposed MVGBC applies energy and green building requirements per building type and threshold, as shown in the table below:

PROPOSED MANDATORY GREEN BUILDING REQUIREMENTS

Project Type	Energy Requirement ¹	Green Building Standard and Requirement
RESIDENTIAL PROJECTS (SINGLE-FAMILY, MULTI-FAMILY)		
New Construction		
New Residential < 5 units	15% above Title 24, Part 6	Mandatory CalGreen Requirements
New Residential ≥ 5 units	15% above Title 24, Part 6 ²	Meet the intent of 70 GreenPoint Rated points and Mandatory CalGreen Requirements
Additions³ (applies to conditioned space only)		
Additions ≥1,000 square feet	10% above Title 24, Part 6	Mandatory CalGreen Requirements: Sec. 4.303 (Indoor Water Use) Sec. 4.504 (Pollutant Control)
MIXED-USE PROJECTS		
New Construction		
New Residential < 5 units and New Nonresidential Use < 25,000 square feet	15% above Title 24, Part 6 for Residential; 10% above Title 24, Part 6 for Nonresidential	Residential and Nonresidential criteria as applicable to each component of the project.
New Residential ≥ 5 units and New Nonresidential Use ≥25,000 square feet	15% above Title 24, Part 6 for Residential; 10% above Title 24, Part 6 for Nonresidential	
NONRESIDENTIAL PROJECTS (INCLUDE HOTEL)		
New Construction⁴		
New Nonresidential Buildings < 5,000 square feet	10% above Title 24, Part 6	Mandatory CalGreen Requirements
New Nonresidential Buildings 5,000 to 25,000 square feet	10% above Title 24, Part 6	Meet the intent of LEED [®] Certified and Mandatory CalGreen Requirements
New Nonresidential Buildings > 25,000 square feet	10% above Title 24, Part 6	Meet the intent of LEED [®] Silver and Mandatory CalGreen Requirements

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Tenant Improvements		
Tenant Improvements ≥15,000 square feet with a \$100,000 construction valuation where the scope of work includes any of the following: (1) requires a Title 24 energy calculation; (2) the replacement or addition of any plumbing fixtures and/or interior finish materials (i.e., carpeting, paint, etc.).	10% above Title 24, Part 6 for Lighting Only	Mandatory CalGreen Requirements: Section 5.303 (Indoor Water Use) Section 5.504 (Pollutant Control)

1. On-site generation of renewable energy in an amount equivalent to the required reductions may be used as an alternate means to meet the local energy requirement. Energy production shall be determined through use of the CECPV Calculator provided by the California Energy Commission.
2. For high-rise residential buildings (over three stories in height) and hotels, plug and lighting energies can be deducted from both the standard and proposed building when conducting the Title 24, Part 6 energy calculations.
3. Residential additions that include interior alterations may use the total area (in square feet) of improvements in the Title 24 energy calculations and may account for energy efficiency upgrades that already exist in the structure, assuming the upgrades comply with the 2008 Building Energy Efficiency Standards.
4. New shell construction with minimally installed systems are required to attain the following energy requirements above Title 24, Part 6: Cold Shell (no HVAC and no lighting)—5% or Warm Shell (includes HVAC and no lighting)—7%.

Verification

The proposed MVGBC does not require formal certification from a third-party organization. Instead, projects will be required to be designed and constructed to "meet the intent" of a third-party rating system. This approach aims to achieve environmental benefits while minimizing the administrative costs, enforcement issues and project review times associated with formal certification. This approach is consistent with most cities' green building ordinance policies and is one of the verification methods specified in the Phase II recommendations.

The MVGBC can be enforced and administered within our current process. For residential additions and nonresidential tenant improvements, the applicant can demonstrate compliance by incorporating the requirements into the building permit submittal documentation. For new construction projects, this process will require a green building professional with an industry license submitting the green building checklist, project construction documentation and specifications demonstrating compliance, and a letter describing that the project has been designed to meet requirements of the ordinance. Trained staff members will review the documentation for compliance. The City currently utilizes plan check consulting services with personnel already trained in LEED® and GPR.

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Incentives

Incentives are not included within the proposed MVGBC. In most instances, incentives such as expedited processing or cost adjustments would not result in meaningful incentives for a developer. However, the General Plan update process has identified draft policy language that incentivizes highly sustainable development. To implement this, a proposed General Plan action item could be used to develop a range of highly sustainable performance measures for the North Bayshore and East Whisman change areas. These measures could be required for new development projects that propose to exceed a certain "base" floor area ratio.

Costs to Private Development: Cost-Effectiveness Study and Incremental Cost Analysis

Staff worked with Global Green USA, a green building consultant, and Gary Farber & Associates, an energy consultant, to conduct a Cost-Effectiveness Analysis to analyze the additional costs associated with improved energy performance for prototypical building types (see Attachment 6—Cost-Effectiveness Analysis). The prototypical building types are based on analysis of existing building types and anticipated future development types within the City. The Cost-Effectiveness Analysis demonstrates that all of the prototypical buildings analyzed in the study have a payback period of less than 15 years and a positive return on investment over a 15-year period, except for small retail and medium-size office buildings, which have a 16.7- and 17.7-year payback period, respectively. In California, the CEC identifies an acceptable payback period as 30 years or less. In February 2011, staff submitted the draft MVGBC to the CEC and received informal feedback that the energy requirements and Cost-Effectiveness Analysis meet their criteria.

Global Green USA also prepared a Green Building Incremental Measure and Cost Analysis to better understand the types of improvements and corresponding costs that would be necessary for projects to meet the proposed MVGBC (see Attachment 7—Green Building Incremental Measure and Cost Analysis). The projects reviewed include 220 View Street, a 22-unit condominium development; and 331 Fairchild Drive, an 87,000-square foot commercial office development. These projects were chosen because they are representative projects designed without the use of green building rating systems, and their building permit plans were available for review. The analysis shows that these projects could have been designed and constructed to meet the proposed MVGBC with a 1 percent construction cost increase. Importantly, some of the improvements that were calculated for the projects to meet the MVGBC are either already City policy, part of the State-mandated CalGreen Code or common trends found in new development in Mountain View.

STATEMENT OF FINDINGS

CalGreen Code Section 101.7.1 provides that for a city to make necessary changes to the CalGreen Code, it must make findings for each amendment, addition or deletion based upon climactic, topographical or geological conditions, including local environmental conditions as

AGENDA: March 22, 2011
PAGE: 8

established by the city. Staff recommends that the City find that the amendments to CalGreen are necessary due the following local environmental conditions:

1. **Climate Change:** The City finds that climate change is a global and local environmental condition. On November 3, 2009, in response to climate change, the City Council approved community-wide Greenhouse Gas Reduction Targets which align with the provisions of California Assembly Bill 32 (Global Warming Solutions Act). The development of the MVGBC is identified in the Mountain View Environmental Sustainability Action Plan (ESAP) as an action to reduce greenhouse gases. The proposed MVGBC amendments include provisions that administer and improve energy efficiency, preserve natural resources, encourage the use of sustainable materials, manage waste and reduce other direct and indirect causes of climate change.
2. **Limited Water Supply:** The City finds that limited water supply is a local environmental condition. On October 31, 2008, the San Francisco Public Utilities Commission (SFPUC) made a unilateral decision to limit the water supply available from the San Francisco Regional Water System to the City of San Francisco and to the Bay Area Water Supply and Conservation Agency (BAWSCA) member agencies until at least 2018. The proposed MVGBC amendments include provisions that administer and improve outdoor and indoor water reduction.
3. **Existing City Policy Addressing Local Environmental Conditions:** The City finds that, as a result of local environmental conditions, other existing City policies have been incorporated into CalGreen by reference, such as storm water management and waste management.

ENVIRONMENTAL REVIEW

This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(1) as the project is statutorily exempt from CEQA under Section 15308, as it is an action by a regulatory agency for the protection of the environment and as it assures the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment.

CONCLUSION

The proposed MVGBC was formed with key input from the Technical Advisory Group and meets the overall goal of the Phase II recommendations for maintaining regional consistency of green building standards across local jurisdictions within Santa Clara County. Staff believes that the MVGBC is enforceable, environmentally effective and not overly burdensome to the development community.

AGENDA: March 22, 2011

PAGE: 9

NEXT STEPS

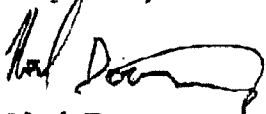
If approved by the City Council, the next steps in this process include submitting a formal application to the CEC with the cost-effectiveness study and filing findings with the BSC for the proposed amendments. The improved energy requirements and Cost-Effectiveness Analysis must be approved by the CEC prior to the amendments becoming effective, and the approval process takes 45 to 90 days. Once the CEC approves the application, staff will return to the City Council for a second reading. Staff estimates the second reading will occur in June 2011 with a 30-day effective date following the second reading. No approval is necessary from the BSC.

OPTIONS

1. Modify any section or language within the proposed MVGBC ordinance.
2. Do not approve the proposed MVGBC ordinance and findings to the BSC.

PUBLIC NOTICING—Agenda posting.

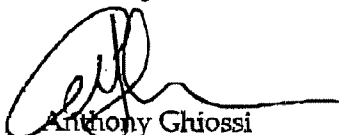
Prepared by:



Noah Downing
Assistant Planner



Lindsay Hagan
Planning Intern

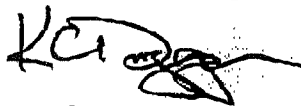


Anthony Ghioffi
Chief Building Official

Approved by:



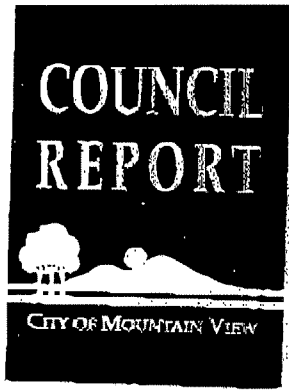
Randa Ruda
Community Development Director



Kevin C. Duggan
City Manager

ND-LH-AG/5/CAM/896-03-22-11M-E^

- Attachments:
1. Phase II Recommendations
 2. City Council Study Session Staff Report—September 14, 2010
 3. Study Session Minutes—September 14, 2010
 4. Letter from SVLG
 5. Ordinance—MVGBC Amendments
 6. Cost-Effectiveness Analysis
 7. Green Building Incremental Measure and Cost Analysis



AGENDA: June 28, 2011

4.2

CATEGORY: Consent

DEPT.: Community Development

TITLE: Mountain View Green Building Code (Second Reading)

RECOMMENDATION

Adopt AN ORDINANCE AMENDING CHAPTER 8, ARTICLE I, DIVISION III OF THE MOUNTAIN VIEW CITY CODE RELATING TO THE ADOPTION OF THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE TO INCLUDE LOCAL GREEN BUILDING REQUIREMENTS. (First Reading: 5-2; Inks, Means no)

FISCAL IMPACT

The fiscal impact to the City from this ordinance will be minimal. Funding for staff training has already been budgeted for this year and any additional training can be accomplished from the Community Development Department's existing training budget.

BACKGROUND AND ANALYSIS

On March 22, 2011, the City Council approved an ordinance amending sections of the 2010 California Green Building Standards Code to include additional green building requirements for private development. This is the second reading of the ordinance. If approved, the ordinance will be effective on August 1, 2011.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Noah Downing

Noah Downing
Assistant Planner

Approved by:
Randal Tsuda

Randal Tsuda
Community Development Director

Anthony Ghossi

Anthony Ghossi
Chief Building Official

Melissa Stevenson Dile

Melissa Stevenson Dile
Interim City Manager

ND-AG/4/CAM/896-06-28-11M-E^

Attachment: 1. Ordinance

BUILDING STANDARDS COMMISSION

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



August 2, 2011

Anthony Ghiossi, Chief Building Official
Community Development Department
City of Mountain View
500 Castro St., P.O. Box 7540
Mountain View, CA 94039-7540

Dear Mr. Ghiossi:

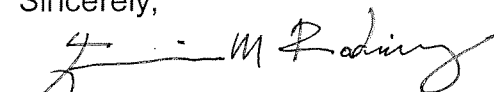
This letter is to acknowledge receipt on July 29, 2011 of the City of Mountain View submittal pertaining to Ordinance No. 8.11 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the 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,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF MOUNTAIN VIEW

Community Development Department • Building Inspection Division

500 Castro Street • Post Office Box 7540 • Mountain View, California 94039-7540 • 650-903-6313 • FAX 650-962-8501

July 26, 2011

Mr. Dave Walls
Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California, 95833

CITY OF MOUNTAIN VIEW, 2010 CALIFORNIA GREEN BUILDING STANDARD CODE ADOPTION AND LOCAL AMENDMENTS

Dear Mr. Walls:

The attached ordinance outlines the amendments that the City of Mountain View has made to the California Building Standards Code, Title 24, Part 11 -2010 California Green Building Standards code. On June 28, 2011, the Mountain View City Council approved the amendments to Chapter 8, Article I, Division III of the City Code that reflects the local environmental conditions that exist in the City of Mountain View.

A copy of the City Code Chapter 8 Article I, Division III ordinance amendments as adopted on June 28, 2011 is enclosed for your reference. The enclosed ordinance has been signed by the Mayor and noticed by the City Clerk to verify the adoption date. Also enclosed, is the California Energy Commission approval of the City of Mountain View amendments to the 2010 Green Building Standards Code as required by Public Resources Code

Should you have any questions regarding the City of Mountain View's adoption process and/or the amendments, please contact the Building Inspection Division at (650) 903-6313.

Sincerely,


Anthony Ghiossi
Chief Building Official

Enclosures

Cc; file, CA, ZA, CDD

2011 JUL 29 PM 12:03
CALIFORNIA BUILDING
STANDARDS COMMISSION



June 29, 2011

Mr. Anthony Ghiossi, Chief Building Official
Community Development, Planning Division
City of Mountain View
P.O. Box 7540
Mountain View, Ca. 94039-7540

Dear Mr. Ghiossi:

The California Energy Commission congratulates the City of Mountain View on the approval of the local ordinance requiring energy efficiency more stringent than the *2008 Building Energy Efficiency Standards* (Title 24, Part 6). Under Title 24, Part 1 Section 10-106, local governments are allowed to apply to the Energy Commission for approval of proposed standards that will save more energy than the current statewide standards. The City of Mountain View has complied with all requirements under Section 10-106 and has shown exemplary commitment to energy efficiency through the adoption of these standards. At the Business Meeting on June 29, 2011, the City of Mountain View local ordinance was approved before the full Energy Commission.

The City of Mountain View ordinance is a significant contribution in the continuing efforts of local governments to reduce overall energy use, curb the use of energy during peak periods, and improve the environment by lowering greenhouse gas emissions, water use and improving other environmental impacts. These issues impact all Californians and we are pleased that your efforts are in the forefront. The Energy Commission commends the City of Mountain View for seeking to achieve energy savings exceeding those of the *2008 Building Energy Efficiency Standards* of the California Building Code.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Loyer", written over a horizontal line.

Joseph M. Loyer
California Energy Commission

Resolution

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

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

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

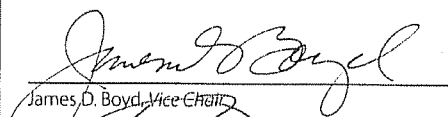
Whereas, the City of Mountain View has made a written commitment to actively enforce compliance both with the locally adopted energy standards and the 2008 California Building Energy Efficiency Standards; and

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

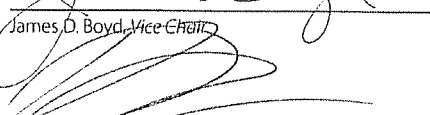
Therefore, Be It Resolved, that the California Energy Commission approves the

City of Mountain View

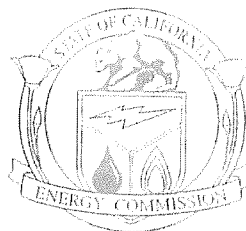
locally adopted energy standards and that these local standards may be enforced by the City of Mountain View.


James D. Boyd, Vice-Chair


Robert B. Weisenmiller, Chair


Karen Douglas, Commissioner


Carla J. Peterman, Commissioner



June 29, 2011

Dated: 7/21/2011 Patty Quenes
Deputy City Clerk

ORDINANCE NO. 8.11

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE I, DIVISION III,
OF THE MOUNTAIN VIEW CITY CODE RELATING TO THE
ADOPTION OF THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE TO
INCLUDE LOCAL GREEN BUILDING REQUIREMENTS

WHEREAS, on March 24, 2009, the Council approved the Environmental Sustainability Action Plan, a document that identifies strategic short-term goals to achieve environmental sustainability in Mountain View, one of which was the development of a green building ordinance for private development; and

WHEREAS, on November 3, 2009, the Council approved community-wide Greenhouse Gas Reduction Targets which align the City with the provisions of California Assembly Bill 32 (Global Warming Solutions Act). The City is currently developing a Greenhouse Gas Reduction program for new development that focuses on energy-use reduction to which the implementation of the Mountain View Green Building Code helps achieve; and

WHEREAS, the San Francisco Public Utilities Commission has limited the water supply available to the Bay Area Water Supply and Conservation Agency (BAWSCA) member agencies until at least 2018 to preserve the limited resource. The Mountain View Green Building Code is a strategic step in achieving water use reduction to meet the reduced supply; and

WHEREAS, green building design, construction, restoration, operation and maintenance can have a significant positive effect on energy, water and resource conservation, waste management and pollution generation, and on the health and productivity of building occupants over the life of the building and/or site; and

WHEREAS, the California Green Building Standards Code Section 101.7 provides that a local government may establish more stringent building standards if they are reasonably necessary due to local climatic, geological, topographical or environmental conditions; and

WHEREAS, the Public Resource Code Section 25402.1(h)(2) states that a local enforcement agency may adopt more restrictive energy standards when they are cost-effective and approved by the California Energy Commission; and

WHEREAS, the City of Mountain View has local conditions which allow amendments to the California Green Building Standards Code to add local green building and energy requirements to achieve local and regional goals and initiatives; and

WHEREAS, the City of Mountain View has made amendments and adopted the California Building Codes as Chapter 8, Articles I, Division III, to address environmental conditions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Articles I, Division III of Chapter 8 of the Mountain View City Code is hereby amended to read as follows:

**"ARTICLE I.
BUILDING CODE.**

DIVISION III. GREEN BUILDING CODE.

SEC. 8.20.1. California Green Building Standards Code—Adopted.

The California Green Building Standards Code, 2010 edition, which regulates the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction for all new construction. One (1) copy of the California Building Code, including the Mountain View amendments, is on file and open to public inspection in the building inspection office.

SEC. 8.20.2. Subsection 101.1 —Amended—Title.

Subsection 101.1 of the 2010 California Green Building Standards Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Mountain View Green Building Code and may be cited as such and will be referred to herein as "this code." The Mountain View Green Building Code is an amendment to Part 11 of 12 parts of the official compilation and publication of the adoption, amendment and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code.

SEC. 8.20.3. Subsection 101.3—Amended.

Subsection 101.3 of the 2010 California Green Building Standards Code is amended to read as follows:

101.3 Scope. The provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every privately owned, newly constructed building, addition or tenant improvement as regulated in this code throughout the City of Mountain View.

It is not the intent that this code substitute or be identified as meeting the certification requirements of any private, third-party green building program.

SEC. 8.20.4. Subsection 101.3.2—Added.

Subsection 101.3.2 is added to the 2010 California Green Building Standards Code to read as follows:

101.3.2 Exempted projects. Projects that are exempted from complying with the Mountain View Green Building Code are:

1. Accessory structures;
2. Registered or eligible to be registered local, state or federal historic structures;
3. Natural disaster repairs;

4. Temporary structures;
5. Improvements that include residential interior alterations (i.e., remodels) only;
6. Residential additions less than 1,000 square feet; and
7. Nonresidential tenant improvements less than 15,000 square feet with a construction valuation less than \$100,000.

SEC. 8.20.5. Subsection 101.9.1—Added.

Subsection 101.9.1 is added to the 2010 California Green Building Standards Code to read as follows:

101.9.1 Adoption of Mountain View Amendments. Mountain View amendments to the 2010 California Green Building Standards Code shall be effective 30 days after adoption by the city council.

SEC. 8.20.6. Subsection 101.10—Amended.

Subsection 101.10 of the 2010 California Green Building Standards Code is amended to read as follows:

101.10 Mandatory requirements. This code contains the minimum mandatory green building measures and energy requirements as required by the City of Mountain View. All new structures in the City of Mountain View must comply with the mandatory measures of the 2010 California Green Building Standards Code as adopted by the state in addition to local amendments included in this code. This includes all residential new construction projects regardless of height or number of stories. Additionally, applicants must demonstrate that the area of improvement or new construction has an energy efficiency that is, at minimum, a specified percentage above the 2008 Building Energy Efficiency Standards in Title 24, Part 6.

SEC. 8.20.7. Subsection 101.10.1—Added.

Subsection 101.10.1 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1 Project types. Table 101.10 Mandatory Green Building Requirements, details the project types that are required to comply with this code.

SEC. 8.20.8. Subsection 101.10.1.1—Added.

Subsection 101.10.1.1 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.1 Residential projects. All residential projects (single-family and multi-family) regulated by this code must comply with Mountain View's energy and green building requirements as listed below.

SEC. 8.20.9. Subsection 101.10.1.1.1—Added.

Subsection 101.10.1.1.1 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.1.1 Residential additions. All residential additions with conditioned space greater than or equal to 1,000 square feet (gross) must comply with the applicable

section of the code listed below if the addition (including interior improvements within the existing structure) includes any of the following:

- A. Additions or alterations to plumbing fixtures must comply with Section 4.303 (Indoor Water Use);
- B. Replacement or installation of new interior finish materials (i.e., flooring, carpeting, paint, etc.) must comply with Section 4.504 (Pollutant Control); and
- C. New square footage to the existing structure must demonstrate energy compliance at least 10 percent above Title 24, Part 6.

Additionally, projects that include additions and interior alterations may use the total area (in square feet) of improvements in the Title 24, Part 6 energy calculations and may account for energy-efficiency upgrades that already exist in the structure, assuming the upgrades comply with the 2008 Building Energy Efficiency Standards.

SEC. 8.20.10. Subsection 101.10.1.1.2—Added.

Subsection 101.10.1.1.2 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.1.2 Residential new construction—Less than five (5) units. All residential new construction less than five (5) units must comply with the following:

- A. The mandatory measures of the California Green Building Standards Code and any Mountain View amendments; and
- B. Must demonstrate energy compliance at least 15 percent above Title 24, Part 6.

SEC. 8.20.11. Subsection 101.10.1.1.3—Added.

Subsection 101.10.1.1.3 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.1.3 Residential new construction—Five (5) units or more. All residential new construction with five (5) units or more must comply with the following:

- A. The mandatory measures of the California Green Building Standards Code and any Mountain View amendments;
- B. Meet the intent of seventy (70) GreenPoint Rated points; and
- C. Must demonstrate the appropriate energy compliance above Title 24, Part 6 based on the following project characteristics:
 - 1. Low-rise residential building (up to three stories in height)—15 percent above Title 24, Part 6; or
 - 2. High-rise residential building (over three stories in height)—15 percent above Title 24, Part 6. Plug and lighting energies may be deducted from both the standard and proposed building models when conducting the energy calculations.

SEC. 8.20.12. Subsection 101.10.1.2—Added.

Subsection 101.10.1.2 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.2 Nonresidential projects. All nonresidential projects regulated by this code must comply with Mountain View's energy and green building requirements as listed below.

SEC. 8.20.13. Subsection 101.10.1.2.1—Added.

Subsection 101.10.1.2.1 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.2.1 Nonresidential tenant improvements. All nonresidential tenant improvements 15,000 square feet (gross) or greater with a \$100,000 construction valuation must comply with the applicable section of the code listed below if the improvements include any of the following:

A. Alterations to plumbing fixtures must comply with Section 5.303 (Indoor Water Use);

B. Replacement or installation of new interior finish materials (i.e., flooring, carpeting, paint, etc.) must comply with Section 5.504 (Pollutant Control); and

C. Any lighting improvements that require a Title 24, Part 6 energy calculation must demonstrate energy compliance at least 10 percent above Title 24, Part 6 for lighting only.

SEC. 8.20.14. Subsection 101.10.1.2.2—Added.

Subsection 101.10.1.2.2 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.2.2 Nonresidential new construction—Less than 5,000 square feet. All nonresidential new construction less than 5,000 square feet (gross) must comply with the following:

A. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments; and

B. Must demonstrate energy compliance 10 percent above Title 24, Part 6.

SEC. 8.20.15. Subsection 101.10.1.2.3—Added.

Subsection 101.10.1.2.3 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.2.3 Nonresidential new construction—5,000 through 25,000 square feet. All nonresidential new construction of 5,000 through 25,000 square feet (gross) must comply with the following:

A. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments;

B. Meet the intent of LEED® certified; and

C. Must demonstrate energy compliance 10 percent above Title 24, Part 6.

SEC. 8.20.16. Subsection 101.10.1.2.4—Added.

Subsection 101.10.1.2.4 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.2.4 Nonresidential new construction—Greater than 25,000 square feet. All nonresidential new construction greater than 25,000 square feet (gross) must comply with the following:

- A. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments;
- B. Meet the intent of LEED® Silver certified; and
- C. Must demonstrate energy compliance 10 percent above Title 24, Part 6.

SEC. 8.20.17. Subsection 101.10.1.3—Added.

Subsection 101.10.1.3 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.1.3 Mixed-use projects. All new mixed-use construction projects must comply with Mountain View's energy and green building requirements and meet the requirements applicable to each primary occupancy component. See Table 101.10 for mixed-use project types that apply.

SEC. 8.20.18. Table 101.10—Added.

Table 101.10 is added to the 2010 California Green Building Standards Code to read as follows:

Table 101.10 Mandatory Green Building Requirements

Project Type	Energy Requirement ¹	Green Building Standard and Requirement
RESIDENTIAL PROJECTS (SINGLE-FAMILY, MULTI-FAMILY)		
New Construction		
New Residential < 5 units	15% above Title 24, Part 6	Mandatory CalGreen Requirements
New Residential ≥ 5 units	15% above Title 24, Part 6 ²	Meet the intent of 70 GreenPoint Rated points <u>and</u> Mandatory CalGreen Requirements
Additions³ (applies to conditioned space only)		
Additions ≥1,000 square feet	10% above Title 24, Part 6	Mandatory CalGreen Requirements: Sec. 4.303 (Indoor Water Use) Sec. 4.504 (Pollutant Control)
MIXED-USE PROJECTS		
New Construction		
New Residential < 5 units <u>and</u> New Nonresidential Use < 25,000 square feet	15% above Title 24, Part 6 for Residential; 10% above Title 24, Part 6 for Nonresidential	Residential and Nonresidential criteria as applicable to each component of the project.
New Residential ≥ 5 units <u>and</u> New Nonresidential Use ≥25,000 square feet	15% above Title 24, Part 6 for Residential; 10% above Title 24, Part 6 for Nonresidential	
NONRESIDENTIAL PROJECTS (INCLUDE HOTEL²)		
New Construction⁴		
New Nonresidential Buildings < 5,000 square feet	10% above Title 24, Part 6	Mandatory CalGreen Requirements
New Nonresidential Buildings 5,000 to 25,000 square feet	10% above Title 24, Part 6	Meet the intent of LEED [®] Certified <u>and</u> Mandatory CalGreen Requirements
New Nonresidential Buildings > 25,000 square feet	10% above Title 24, Part 6	Meet the intent of LEED [®] Silver <u>and</u> Mandatory CalGreen Requirements
Tenant Improvements		
Tenant Improve- ments ≥ 15,000 square feet with a \$100,000 construction valuation where the scope of work includes any of the following: (1) requires a Title 24 energy calculation; (2) the replacement or addition of any plumbing fixtures and/or interior finish materials (i.e., carpeting, paint, etc.).	10% above Title 24, Part 6 for Lighting Only	Mandatory CalGreen Requirements: Section 5.303 (Indoor Water Use) Section 5.504 (Pollutant Control)

1. On-site generation of renewable energy in an amount equivalent to the required reductions may be used as an alternate means to meet the local energy requirement. Energy production shall be determined through use of the CECPV Calculator provided by the California Energy Commission.
2. For high-rise residential buildings (over three stories in height) and hotels, plug and lighting energies can be deducted from both the standard and proposed building when conducting the Title 24, Part 6 energy calculations.
3. Residential additions that include interior alterations may use the total area (in square feet) of improvements in the Title 24 energy calculations and may account for energy-efficiency upgrades that already exist in the structure, assuming the upgrades comply with the 2008 Building Energy Efficiency Standards.
4. New shell construction with minimally installed systems are required to attain the following energy requirements above Title 24, Part 6: Cold Shell (no HVAC and no lighting)—5% or Warm Shell (includes HVAC and no lighting)—7%.

SEC. 8.20.19. Subsection 101.10.2—Added.

Subsection 101.10.2 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.2 Alternate green building standards. If an applicant proposes to use an alternate green building standard not included in this code, they must demonstrate that the alternate standard is, at minimum, equivalent to the referenced standard in terms of criteria, scope and certification process. The chief building official must approve the alternate standard prior to issuing a building permit.

SEC. 8.20.20. Subsection 101.10.3—Added.

Subsection 101.10.3 is added to the 2010 California Green Building Standards Code to read as follows:

101.10.3 Certification. The city does not require projects to be certified by a third party green building organization unless certification is a condition of approval for a zoning permit. Applicants must demonstrate the project meets the intent of the required standard through documentation and verification consistent with the criteria and documentation process of the respective green building rating system. This includes meeting all mandatory prerequisites and minimum point totals of each category, if required by the rating system.

SEC. 8.20.21. Subsection 101.11—Amended.

Subsection 101.11 of the 2010 California Green Building Standards Code is amended to read as follows:

101.11 Effective use of this code. The following steps shall be used to establish which provisions of this code are applicable to a specific occupancy:

1. Establish the type of occupancy.
2. Verify which state agency has authority for the established occupancy by reviewing the authorities list in Sections 103 through 106.
3. Once the appropriate agency has been identified, find the chapter which covers the established occupancy.
4. The Matrix Adoption Tables at the beginning of Chapters 4 and 5 identify the mandatory green building measures necessary to meet the minimum requirements of this code for the established occupancy. Occupancies regulated by this code must also comply with the green building requirements included in Chapter 1.
5. Voluntary tier measures are contained in Appendix Chapters A4 and A5. A checklist containing each green building measure, both required and voluntary, is provided at the end of each appendix chapter. Each measure listed in the application checklist has a section number which correlates to a section where more information about the specific measure is available.
6. The application checklist identifies which measures are required by this code and allows users to check off which voluntary items have been selected to meet voluntary tier levels if desired or mandated by a city, county, or city and county.

SEC. 8.20.22. Subsection 102.1—Amended.

Subsection 102.1 of the 2010 California Green Building Standards Code is amended to read as follows:

102.1 Submittal documents. Construction documents and other data shall be submitted in one or more sets with each application for a permit. Where special conditions exist, the City is authorized to require additional construction documents to be prepared by the applicant or a licensed design professional, depending on the size of the project (see Section 102.4 for details), and may be submitted separately.

When submitting for building permits for a project regulated by this code, the applicant shall submit the following materials:

1. The appropriate completed green building checklist;
2. Project construction documentation (plans and specifications) that verifies incorporation of the design and construction-related credits;
3. A letter of acknowledgement from the applicant, licensed professional or qualified green building professional indicating that the project has been designed to achieve the sustainability standards defined in this code and in accordance with the approved green building checklist. The letter shall indicate the number of points the project has been designed to achieve. The letter shall also commit to compliance with Mountain View's energy requirements;
4. Any additional documentation such as maps, calculations or product information that would be required by U.S. Green Building Council's Green Building Certification Institute for LEED® certification or by Build It Green for GreenPoint Rated certification; and
5. Any additional information believed to be relevant by the city in determining that a good-faith effort has been made to comply with this code.

Exception: The enforcing agency is authorized to waive the submission of construction documents and other data not required to be prepared by a licensed design professional.

SEC. 8.20.23. Subsection 102.2—Amended.

Subsection 102.2 of the 2010 California Green Building Standards Code is amended to read as follows:

102.2 Information on construction documents. Construction documents shall be of sufficient clarity to indicate the location, nature and scope of the proposed green building feature and show that it will conform to the provisions of this code, the California Building Standards Code and other relevant laws, ordinances, rules and regulations as determined by the City.

SEC. 8.20.24. Subsection 102.3—Amended.

Subsection 102.3 of the 2010 California Green Building Standards Code is amended to read as follows:

102.3 Hardship or infeasibility exemption. If an applicant believes circumstances exist that make it a hardship or infeasible to meet the requirements of this code, the applicant may request an exemption. The applicant must still comply with the mandatory measures of the California Green Building Code and can only receive an exemption from the Mountain View amendments to the code. In applying for an

exemption, the burden is on the applicant to show hardship or infeasibility. An exemption will only be granted in unusual circumstances where, due to exceptional characteristics of the structure or property involved, a literal enforcement of this code will result in practical difficulties or unnecessary hardships, provided that no such exception will be contrary to the intent of this code.

SEC. 8.20.25. Subsection 102.3.1—Added.

Subsection 102.3.1 is added to the 2010 California Green Building Standards Code to read as follows:

102.3.1 Proof of hardship or infeasibility. The applicant shall submit a letter indicating the maximum threshold of compliance that is feasible for the project and the circumstances that create a hardship or make it infeasible to comply fully with this code.

SEC. 8.20.26. Subsection 102.3.2—Added.

Subsection 102.3.2 is added to the 2010 California Green Building Standards Code to read as follows:

102.3.2 Approval or denial of exemption. The chief building official will determine if it is infeasible for the project to comply fully with this code and approve an alternative requirement. This alternative requirement can be, but is not limited to, reducing the energy efficiency requirement or the amount of green building measures required. For all approved exemptions, the project must continue to comply with the minimum requirements of the 2008 Building Energy Efficiency Standards (Title 24, Part 6) and the mandatory measures of the 2010 California Green Building Standards Code. The applicant will be notified of the final decision by the chief building official.

SEC. 8.20.27. Subsection 102.4—Added.

Subsection 102.4 is added to the 2010 California Green Building Standards Code to read as follows:

102.4 Verification. Documentation of conformance for applicable green building measures shall be provided to the city. Alternate methods of documentation shall be acceptable when the city finds that the proposed alternate documentation is satisfactory to demonstrate substantial conformance with the intent of the proposed green building measure.

SEC. 8.20.28. Subsection 102.4.1—Added.

Subsection 102.4.1 is added to the 2010 California Green Building Standards Code to read as follows:

102.4.1 Self-verification. The burden of proving compliance with this code is on the applicant. The verification professional must provide evidence of adequate green building compliance or documentation to the building division to satisfy the requirements of this code.

SEC. 8.20.29. Subsection 102.4.1.1—Added.

Subsection 102.4.1.1 is added to the 2010 California Green Building Standards Code to read as follows:

102.4.1.1 Verification professional. The applicant or industry professional filing on behalf of the applicant must be the individual who verifies the project complies with the requirements of this code.

1. For residential additions and nonresidential tenant improvements regulated by this code, this individual can be a licensed industry professional, an authorized tenant or the property owner.

2. For all nonresidential and residential new construction projects regulated by this code, this individual must be a qualified green building professional with an industry license, such as an architect or contractor, or a professional with similar qualifications acceptable to the chief building official.

SEC. 8.20.30. Subsection 102.4.2—Added.

Subsection 102.4.2 is added to the 2010 California Green Building Standards Code to read as follows:

102.4.2 Noncompliance. If, as a result of any inspection, the City determines that the project does not or is unlikely to comply with the approved plans or green building program, a stop work order shall be issued if the inspector determines that continuation of construction activities will lessen the project's ability to meet the required compliance threshold. The stop work order shall remain in effect until the chief building official determines the project will be brought into compliance with the approved plans and/or verification documents.

SEC. 8.20.31. Section 202—Amended.

Section 202 of the 2010 California Green Building Standards Code is amended to add the following definitions:

ADDITION. New construction square footage added to an existing structure.

ALTERNATE GREEN BUILDING STANDARD. A private, third-party green building rating system not explicitly referenced in this code that achieves green building goals through a comprehensive checklist of requirements. To use an alternate standard, the applicant must prove it is at least equivalent to the referenced green building standard.

APPLICANT. Any entity or any subsequent owner of the site that applies to the city for the applicable permits to undertake any project types regulated by this code.

AREA OF IMPROVEMENT. The area (in square feet) where interior building improvements are proposed. Such improvements can include, but are not limited to, painting, installing carpet or flooring, replacing or upgrading mechanical, electrical or plumbing systems.

CITY. City means the City of Mountain View.

ENFORCING AGENCY. The community development department in the City of Mountain View as specified by this code.

GREEN POINT RATED (GPR). Refers to a residential green building rating system developed by Build It Green. Projects can use any of the adopted GPR checklists that most appropriately apply to the project type proposed.

GREEN BUILDING CERTIFICATION INSTITUTE (GBCI™). Oversees and administers the building certifications and professional designations for the U.S. Green Building Council's LEED® Green Building Rating Systems™.

LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED®). Refers to a green building rating system developed by U.S. Green Building Council for residential and nonresidential projects. Projects can use any of the adopted LEED® checklists that most appropriately apply to the project type proposed.

MEET THE INTENT. To demonstrate compliance with the green building requirements of LEED® or GPR without formally submitting documentation to U.S. Green Building Council's Green Building Certification Institute or Build It Green for verification and certification. The applicant must follow the approaches and procedures in the guidebook or reference guides for respective rating systems and submit the required documentation and verification materials as outlined in Section 102 of this code to the community development department. This includes meeting all mandatory prerequisites and minimum point totals of each category, if required per the rating system.

MIXED-USE. The construction of a building or buildings that include both commercial and residential uses.

NONRESIDENTIAL BUILDING. Any building constructed or occupied for a use other than residential, which may include, but is not limited to, commercial or hotel uses.

PROJECT. Any proposed development that is regulated by this code.

QUALIFIED GREEN BUILDING PROFESSIONAL. A licensed professional, such as an architect or contractor, trained through the Green Building Certification Institute as a LEED AP® or through Build It Green as a certified green building professional, or similar qualifications if acceptable to the chief building official.

SELF-VERIFICATION. Verification by the applicant or a qualified green building professional that the project has met the standards as indicated for the project type set forth in this code.

SQUARE FEET (GROSS). The gross square footage of a structure includes all floor area enclosed within the walls of the structure (measured from the outside perimeter of the wall).

TENANT IMPROVEMENTS. Any owner or authorized agent who intends to enlarge, alter or change the occupancy of a building or structure, or to erect, enlarge, alter or convert any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the California Building Code, or to cause any such work to be done, shall obtain the required permit and must comply with the requirements included in this code.

ZONING PERMIT. Any discretionary permit approval from the planning division that includes conditions of approval.

SEC. 8.20.32. Subsection 303.1.1.—Amended.

Subsection 303.1.1 of the 2010 California Green Building Standards Code is amended to read as follows:

303.1.1 Tenant improvements. The provisions of this code shall apply to the applicable tenant or occupant improvements to a project.

SEC. 8.20.33. Subsection 4.106.2—Amended.

Subsection 4.106.2 of the 2010 California Green Building Standards Code is amended to read as follows:

4.106.2 Storm water drainage and retention during construction. Projects which disturb less than one acre of soil and are not part of a larger common plan of development which in total disturbs one acre or more, shall manage storm water drainage during construction. In order to manage storm water drainage during construction, one or more of the following measures shall be implemented to prevent flooding of adjacent property, prevent erosion and retain soil runoff on the site.

1. Retention basins of sufficient size shall be utilized to retain storm water on the site.
2. Where storm water is conveyed to a public drainage system, collection point, gutter or similar disposal method, water shall be filtered by use of a barrier system, wattle or other method approved by the enforcing agency.
3. Storm water pollutant control measures must be installed at construction sites year round, in compliance with Section 35.32.10.1(T) of the Mountain View city code. The storm water pollutant control measures listed in the ordinance include erosion control, run-on and runoff control, sediment control, active treatment (as appropriate), good site management and nonstorm water management through all phases of construction until the site is fully stabilized by landscaping or the installation of permanent erosion control measures.

SEC. 8.20.34. Subsection 4.304.1—Amended.

Subsection 4.304.1 of the 2010 California Green Building Standards Code is amended to read as follows:

4.304.1 Compliance with local water-efficient landscape ordinance. Projects with landscape areas of 1,000 square feet or greater must comply with the City of Mountain View's Water Conservation in Landscaping Regulations, pursuant to Chapter 36, Article XII-A, Division A36.32 of the City Code. Projects with landscape areas of less than 1,000 square feet must comply with the requirements of Section 4.304.2 of this code.

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.
2. Weather- and soil moisture-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s).

Note: More information regarding irrigation controller function and specifications is available from the irrigation association.

SEC. 8.20.35. Subsection 4.408.1—Amended.

Subsection 4.408.1 of the 2010 California Green Building Standards Code is amended to read as follows:

4.408.1 Compliance with local construction and demolition debris diversion program. Projects adding or constructing 5,000 square feet or more of new floor area must comply with the City of Mountain View's Construction and Demolition Debris Ordinance, pursuant to Chapter 16, Article III of the city code. Projects adding or constructing 5,000 square feet or less of new floor area, if subject to this code, must comply with the requirements of Section 4.408 of this code.

SEC. 8.20.36. Subsection 4.408.1.1—Added.

Subsection 4.408.1.1 is added to the 2010 California Green Building Standards Code to read as follows:

4.408.1.1 Construction waste reduction of at least 50 percent. Recycle and/or salvage for reuse a minimum of 50 percent of the nonhazardous construction and demolition debris, or meet a local construction and demolition waste management ordinance, whichever is more stringent.

Exceptions:

1. Excavated soil and land-clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the jobsite.

SEC. 8.20.37. Subsection 4.408.3—Added.

Subsection 4.408.3 is added to the 2010 California Green Building Standards Code to read as follows:

4.408.3 Excavated soil and land clearing debris. One hundred percent (100%) of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on-site until the storage site is developed.

SEC. 8.20.38. Subsection 4.410.2—Added.

Subsection 4.410.2 is added to the 2010 California Green Building Standards Code to read as follows:

4.410.2 Recycling by occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals.

SEC. 8.20.39. Subsection 4.410.2.1—Added.

Subsection 4.410.2.1 is added to the 2010 California Green Building Standards Code to read as follows:

4.410.2.1 Sample ordinance. Space allocation for recycling areas shall comply with Chapter 18, Part 3, Division 30 of the public resources code. Chapter 18 is known as the California Solid Waste Reuse and Recycling Access Act of 1991 (Act).

SEC. 8.20.40. Subsection 4.503.1—Amended.

Subsection 4.503.1 of the 2010 California Green Building Standards Code is amended to read as follows:

4.503.1 General. Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed wood stove or pellet stove shall comply with U.S. EPA Phase II emission limits where applicable. Wood stoves, pellet stoves and fireplaces shall also comply with applicable local ordinances. Mountain View city code Chapter 8, Article 1, Division IV shall be referenced for wood-burning appliances.

SEC. 8.20.41. Subsection 4.504.2.4—Amended.

Subsection 4.504.2.4 of the 2010 California Green Building Standards Code is amended to read as follows:

4.504.2.4 Verification. Verification of compliance with this section shall be provided at the request of the City of Mountain View. Documentation may include, but is not limited to, the following:

1. Manufacturer's product specification.
2. Field verification of on-site product containers.

SEC. 8.20.42. Subsection 5.106.1—Amended.

Subsection 5.106.1 of the 2010 California Green Building Standards Code is amended to read as follows:

5.106.1 Storm water sediment and erosion control plan. For newly constructed projects of less than one acre, develop and implement a storm water sediment and erosion control plan that has been designed specific to its site. The storm water sediment and erosion control plan shall be developed to provide equivalent protection to projects regulated by the state storm water NPDES construction permit (greater than one acre of disturbed land), and Section 35.32.10.1(T) of the Mountain View city code. The storm water pollutant control measures that shall be included in the plan include erosion control, run-on and runoff control, sediment control, advanced treatment (as appropriate), good site management and nonstorm water management through all phases of construction until it is fully stabilized by landscaping or the installation of permanent erosion control measures.

Note: No state permit is required, but construction best management practices (BMPs) as approved by the City of Mountain View shall be followed. BMPs include, but are not limited to, the following:

1. Erosion and sediment control BMPs:
 - a. Scheduling construction activity.
 - b. Preservation of natural features, vegetation and soil.
 - c. Drainage swales or lined ditches to control storm water flow.
 - d. Mulching or hydroseeding to stabilize soils.
 - e. Erosion control covers to protect slopes.
 - f. Protection of storm drain inlets (gravel bags or catch basin inserts).

- g. Perimeter sediment control (perimeter silt fence, fiber rolls).
 - h. Sediment trap or sediment basin to retain sediment on-site.
 - i. Stabilized construction exits.
 - j. Wind erosion control.
2. Housekeeping BMPs:
- a. Material handling and waste management.
 - b. Building materials stockpile management.
 - c. Management of washout areas (concrete, paints, stucco, etc.).
 - d. Control of vehicle/equipment fueling to contractor's staging area.
 - e. Vehicle and equipment cleaning performed off-site.
 - f. Spill prevention and control.

SEC. 8.20.43. Subsection 5.302.1—Amended.

Subsection 5.302.1 of the 2010 California Green Building Standards Code is amended to add the following definition:

NEW WATER SERVICE. A site that has not been connected to the City's water distribution system as determined by the public works department.

SEC. 8.20.44. Subsection 5.304.1—Amended.

Subsection 5.304.1 of the 2010 California Green Building Standards Code is amended to read as follows:

5.304.1 Compliance with Local Water-Efficient Landscape Ordinance. Projects with landscape areas of 1,000 square feet or greater must comply with the City's Water Conservation in Landscaping Regulations, pursuant to Chapter 36, Article XII-A, Division A36.32 of the city code. Projects with landscape areas of less than 1,000 square feet must comply with the requirements of Section 5.304.

SEC. 8.20.45. Subsection 5.304.2—Amended.

Subsection 5.304.2 of the 2010 California Green Building Standards Code is amended to read as follows:

5.304.2 Water budget. A water budget shall be developed for landscape irrigation use that conforms to the Local Water-Efficient Landscape Ordinance or to the California Department of Water Resources Model Water-Efficient Landscape Ordinance where no local ordinance is applicable.

Note: Prescriptive measures to assist in compliance with the water budget are listed in Sections 492.5 through 492.8, 492.10 and 492.11 of the ordinance, which may be found at: <http://www.owue.water.ca.gov/landscape/ord/ord.cfm>.

SEC. 8.20.46. Subsection 5.304.3—Amended.

Subsection 5.304.3 of the 2010 California Green Building Standards Code is amended to read as follows:

5.304.3 Outdoor potable water use. For new water service for landscaped areas between 1,000 square feet and 5,000 square feet (the level at which Water Code §535 applies), separate meters or submeters shall be installed for indoor and outdoor potable water use.

SEC. 8.20.47. Subsection 5.304.4—Amended.

Subsection 5.304.4 of the 2010 California Green Building Standards Code is amended to read as follows:

5.304.4 Irrigation design. In new nonresidential construction with between 1,000 and 2,500 square feet of landscaped area (the level at which the MLO applies), install irrigation controllers and sensors which include the following criteria, and meet manufacturer's recommendations.

SEC. 8.20.48. Subsection 5.304.4.1—Amended.

Subsection 5.304.4.1 of the 2010 California Green Building Standards Code is amended to read as follows:

5.304.4.1 Irrigation controllers. Automatic irrigation system controllers installed at the time of final inspection shall comply with the following:

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.
2. Weather- and soil moisture-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.

Note: More information regarding irrigation controller function and specifications is available from the Irrigation Association.

SEC. 8.20.49. Subsection 5.408.1—Amended.

Subsection 5.408.1 of the 2010 California Green Building Standards Code is amended to read as follows:

5.408.1 Compliance with local construction and demolition debris diversion program. Projects adding, constructing or renovating 5,000 square feet or more of floor area must comply with the City of Mountain View's Construction and Demolition Debris Diversion Ordinance, pursuant to Chapter 16, Article III of the city code. Projects adding or constructing 5,000 square feet or less of floor area, if subject to this code, must comply with the requirements of Section 5.408 of this code.

SEC. 8.20.50.

Subsection 5.408.1.1—Added.

Subsection 5.408.1.1 is added to the 2010 California Green Building Standards Code to read as follows:

5.408.1.1 Construction waste diversion. Establish a construction waste management plan for the diverted materials, or meet local construction and demolition waste management ordinance, whichever is more stringent.

SEC. 8.20.51. Subsection 5.503.1—Amended.

Subsection 5.503.1 of the 2010 California Green Building Standards Code is amended to read as follows:

5.503.1 General. Install only a direct-vent sealed-combustion gas or sealed wood-burning fireplace, or a sealed wood stove or pellet stove, and refer to residential requirements in the California Energy Code, Title 24, Part 6, Subchapter 7, Section 150. Wood stoves, pellet stoves and fireplaces shall comply with applicable local ordinances. Mountain View city code Chapter 8, Article 1, Division IV shall be referenced for wood burning appliances.

SEC. 8.20.52. Subsection 5.504.4.3.2—Amended.

Subsection 5.504.4.3.2 of the 2010 California Green Building Standards Code is amended to read as follows:

5.504.4.3.2 Verification. Verification of compliance with this section shall be provided at the request of the City of Mountain View. Documentation may include, but is not limited to, the following:

1. Manufacturer's product specification.
2. Field verification of on-site product containers."

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 22nd day of March, 2011, and thereafter adopted at the Regular Meeting of said Council, duly held on the 28th day of June, 2011, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Bryant, Macias, Vice Mayor Kasperzak and Mayor Siegel

NOES: Councilmembers Inks and Means

ABSENT: None


NOT VOTING: None

ATTEST:

APPROVED:

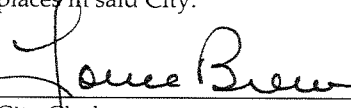


LORRIE BREWER, MMC
CITY CLERK



JAC SIEGEL
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 28th day of June, 2011, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 24th day of June, 2011, and posted in three prominent places in said City.



City Clerk
City of Mountain View

AG/7/ORD
807-03-22-11o-E^



AGENDA: March 22, 2011

5.1

CATEGORY: Public Hearing

DEPT.: Community Development

TITLE: Mountain View Green Building Code

RECOMMENDATION

1. Make the required findings for amendments to the California Green Building Code.
2. Introduce AN ORDINANCE AMENDING CHAPTER 8, ARTICLE I, DIVISION III, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE TO INCLUDE LOCAL GREEN BUILDING REQUIREMENTS (Attachment 5 to the staff report) to be read in title only, further reading waived.

FISCAL IMPACT

The fiscal impact to the City from this ordinance will be minimal. Funding for staff training has already been budgeted for this year and any additional training can be accomplished from the Community Development Department's existing training budget.

INTRODUCTION

The proposed Mountain View Green Building Code (MVGBC) amends the State-mandated California Green Building Code (CalGreen) to include local green building standards and requirements for private development. The proposed MVGBC applies green building requirements per building type and threshold to new construction, residential additions and commercial/industrial tenant improvements and includes energy efficiency standards that exceed the 2008 Building Energy Efficiency Standards.

The process for amending CalGreen includes: (1) approval by the City Council; (2) submitting a cost-effectiveness study to the California Energy Commission (CEC) demonstrating that the proposed energy requirements are cost-effective; and (3) filing the amendments with the California Building Standards Commission (BSC). Approval from the CEC takes approximately three months and must be obtained before the amendments become effective. No approval is necessary from the BSC.

This report summarizes how the MVGBC has been developed, describes its major elements and discusses how the ordinance affects the associated costs and returns on investment for private development.

Post-it® Fax Note	7671	Date	8/11/11	# of pages	10
To	KEVIN	From	Anthony		
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Phone #	916 263-5889	Phone #	650 903-6313		
Fax #	916-263-0959	Fax #	300 Page # 7		

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BACKGROUND

City Council Study Session—September 14, 2010

The purpose of the Study Session was to provide an update on the MVGBC process and receive feedback on the overall proposed approach. At this meeting, staff presented an overview of green building concepts and a framework for the MVGBC. This framework was based on the Santa Clara County Cities Association Green Building Collaborative's Phase II Recommendation (see Attachment 1—Phase II Recommendations), which is a reference guide for applying third-party green building standards to various building types and is intended to provide consistency of private green building standards within the County. Staff also developed the framework from input from the MVGBC's Technical Advisory Group and from internal staff criteria. The Study Session staff report summarizes the proposed MVGBC development process and staff's recommended approach to the requirements, verification process and incentives (see Attachment 2—City Council Study Session Staff Report, September 14, 2010).

At this meeting, Councilmembers asked for additional information on the following topics (see Attachment 3—Study Session Minutes, September 14, 2010); staff responses are included in italics:

- **Existing Apartments:** How can the MVGBC encourage owners of existing apartment buildings to make green building improvements?

Staff and the TAG members think that outreach targeting multiple-family property owners with information on rebate programs for water and energy reduction and the use of green building products would be beneficial. However, additional requirements targeting existing apartments would not be effective. Typically, apartment building improvements involve minor upgrades to maintain the building; i.e., water heater and furnace replacements, reroofing, general maintenance and other minor repairs as needed. The Building Division currently enforces the State Building Code's minimum mandatory energy efficiency requirements when apartment units are remodeled or equipment is replaced. Typically, any landscaping modifications are captured by the Water Conservation in Landscaping Ordinance. Additional green building requirements focused on interior improvements such as finishes and low-water-use fixtures would likely deter property owners from the permit process and create enforcement issues. Therefore, staff does not recommend additional green building requirements for apartment buildings.

- **Residential Remodels:** Are there any improvements that can be required for residential remodels?

The Building Division enforces State-mandated minimum energy efficiency standards when homes are remodeled or equipment replaced. By complying with current codes, the energy

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efficiency of the existing house increases incrementally over time. Staff is concerned that adding green building or energy efficiency requirements for minor projects that are above and beyond the minimum State code might cause owners to avoid the permitting process due to added costs. Local building departments around the State are struggling with the lack of permits being obtained for equipment replacements like water heaters, furnaces and air conditioners. Staff worked with consultants to determine a threshold where energy improvements are reasonable, technically feasible and do not expand the proposed scope of work.

- **Costs:** Can staff provide additional cost information for green building improvements for private development?

Cost information has been provided under the Costs to Private Development Section of this report.

- **Training:** Will staff receive green building-related training?

Green building-related training for staff will be provided with \$5,000 from the Fiscal Year 2009-10 budget earmarked for training. Staff is still developing the scope for this training, but it will likely include both introductory and advanced green building concepts relevant to Planning, Building and Public Works staff. Continual staff training can be accomplished internally and within the Community Development Department's existing training budget.

Development of the MVGBC: Public Outreach and Comments

After the Council Study Session, staff drafted the proposed MVGBC and performed additional outreach.

On November 5, 2010, two outreach meetings were held for contractors specializing in smaller building projects such as residential remodels. The purpose of these meetings was to receive input on how the proposed MVGBC might impact their business and their ability to comply with the requirements. The 11 attendees did not have major comments or issues with the proposed MVGBC.

On December 8, 2010, staff met with MVGBC Technical Advisory Group (TAG) members to discuss the draft ordinance. A main discussion topic was staff's proposed "meet the intent" of a rating system approach to verification. Some members questioned why formal third-party certification was not being required and felt that the formal certification process ensures consistent review and reliability that the standards are achieved. They noted that "meeting the intent" is not a meaningful documentation of performance. Other members commented that the recommended approach of "meeting the intent" of the rating system is a good first step to improved green building standards.

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Other outreach efforts included staff discussions on the proposed MVGBC standards with applicants currently in the City's development review process; posting information on the City's web site and in the Community Development Department; and publishing an announcement in *The View* newsletter.

The Silicon Valley Leadership Group (SVLG) reviewed the proposed MVGBC and has submitted a letter of support (see Attachment 4—Letter from SVLG). The SVLG helped form the Santa Clara County Cities Association's Green Building Collaborative, which has provided direction for cities to consider as they develop their own green building ordinances.

ANALYSIS

MVGBC: Green Building Requirements

The proposed MVGBC amends the State's CalGreen Code to administer local green building standards and requirements for new construction, residential additions and commercial/ industrial tenant improvements for private development. The amendments also clarify existing mandatory CalGreen requirements to be consistent with existing City regulations (see Attachment 5—Ordinance—MVGBC Amendments).

The proposed MVGBC references third-party rating systems LEED[®] (Leadership in Energy and Environmental Design) and GPR (GreenPoint Rated), and requires affected projects to attain a specific amount of points based on an itemized checklist of green building measures from the respective rating system. As discussed at the Study Session, these rating systems were selected because they are commonly used, marketable and many developers already have staff trained in these systems. The project thresholds and point requirements recommended by staff are based on our current development review process, current and foreseeable project types, TAG input and the Phase II recommendations.

Additionally, projects regulated by the proposed MVGBC will be required to exceed the 2008 Building Energy Efficiency Standards and comply with the mandatory requirements of the State's 2010 CalGreen Code. These requirements correspond with points in the LEED[®] and GPR systems and work towards meeting the respective minimum point totals. The proposed energy requirements are based on construction feasibility and cost-effectiveness as identified by our consultants and on third-party incentive or rebate programs that require specific energy efficiency above the 2008 Standard.

The proposed MVGBC also includes a list of prescriptive requirements for residential additions and nonresidential tenant improvements that focus on energy reduction, water reduction and the use of low VOC products. Staff has proposed to focus on these requirements for additions and tenant improvements because they do not expand the

¹ LEED is a trademark owned by the U.S. Green Building Council.

AGENDA: March 22, 2011

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proposed scope of work, are cost-effective or cost-neutral, reduce the use of resources, or improve indoor air quality.

The proposed MVGBC applies energy and green building requirements per building type and threshold, as shown in the table below:

PROPOSED MANDATORY GREEN BUILDING REQUIREMENTS

Project Type	Energy Requirement ¹	Green Building Standard and Requirement
RESIDENTIAL PROJECTS (SINGLE-FAMILY, MULTI-FAMILY)		
New Construction		
New Residential < 5 units	15% above Title 24, Part 6	Mandatory CalGreen Requirements
New Residential ≥ 5 units	15% above Title 24, Part 6 ²	Meet the intent of 70 GreenPoint Rated points and Mandatory CalGreen Requirements
Additions³ (applies to conditioned space only)		
Additions ≥1,000 square feet	10% above Title 24, Part 6	Mandatory CalGreen Requirements: Sec. 4.303 (Indoor Water Use) Sec. 4.504 (Pollutant Control)
MIXED-USE PROJECTS		
New Construction		
New Residential < 5 units and New Nonresidential Use < 25,000 square feet	15% above Title 24, Part 6 for Residential; 10% above Title 24, Part 6 for Nonresidential	Residential and Nonresidential criteria as applicable to each component of the project.
New Residential ≥ 5 units and New Nonresidential Use ≥25,000 square feet	15% above Title 24, Part 6 for Residential; 10% above Title 24, Part 6 for Nonresidential	
NONRESIDENTIAL PROJECTS (INCLUDE HOTEL)		
New Construction⁴		
New Nonresidential Buildings < 5,000 square feet	10% above Title 24, Part 6	Mandatory CalGreen Requirements
New Nonresidential Buildings 5,000 to 25,000 square feet	10% above Title 24, Part 6	Meet the intent of LEED [®] Certified and Mandatory CalGreen Requirements
New Nonresidential Buildings > 25,000 square feet	10% above Title 24, Part 6	Meet the intent of LEED [®] Silver and Mandatory CalGreen Requirements

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Tenant Improvements		
Tenant Improvements \geq 15,000 square feet with a \$100,000 construction valuation where the scope of work includes any of the following: (1) requires a Title 24 energy calculation; (2) the replacement or addition of any plumbing fixtures and/or interior finish materials (i.e., carpeting, paint, etc.).	10% above Title 24, Part 6 for Lighting Only	Mandatory CalGreen Requirements: Section 5.303 (Indoor Water Use) Section 5.504 (Pollutant Control)

1. On-site generation of renewable energy in an amount equivalent to the required reductions may be used as an alternate means to meet the local energy requirement. Energy production shall be determined through use of the CEPV Calculator provided by the California Energy Commission.
2. For high-rise residential buildings (over three stories in height) and hotels, plug and lighting energies can be deducted from both the standard and proposed building when conducting the Title 24, Part 6 energy calculations.
3. Residential additions that include interior alterations may use the total area (in square feet) of improvements in the Title 24 energy calculations and may account for energy efficiency upgrades that already exist in the structure, assuming the upgrades comply with the 2008 Building Energy Efficiency Standards.
4. New shell construction with minimally installed systems are required to attain the following energy requirements above Title 24, Part 6: Cold Shell (no HVAC and no lighting)—5% or Warm Shell (includes HVAC and no lighting)—7%.

Verification

The proposed MVGBC does not require formal certification from a third-party organization. Instead, projects will be required to be designed and constructed to "meet the intent" of a third-party rating system. This approach aims to achieve environmental benefits while minimizing the administrative costs, enforcement issues and project review times associated with formal certification. This approach is consistent with most cities' green building ordinance policies and is one of the verification methods specified in the Phase II recommendations.

The MVGBC can be enforced and administered within our current process. For residential additions and nonresidential tenant improvements, the applicant can demonstrate compliance by incorporating the requirements into the building permit submittal documentation. For new construction projects, this process will require a green building professional with an industry license submitting the green building checklist, project construction documentation and specifications demonstrating compliance, and a letter describing that the project has been designed to meet requirements of the ordinance. Trained staff members will review the documentation for compliance. The City currently utilizes plan check consulting services with personnel already trained in LEED® and GPR.

AGENDA: March 22, 2011

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Incentives

Incentives are not included within the proposed MVGBC. In most instances, incentives such as expedited processing or cost adjustments would not result in meaningful incentives for a developer. However, the General Plan update process has identified draft policy language that incentivizes highly sustainable development. To implement this, a proposed General Plan action item could be used to develop a range of highly sustainable performance measures for the North Bayshore and East Whisman change areas. These measures could be required for new development projects that propose to exceed a certain "base" floor area ratio.

Costs to Private Development: Cost-Effectiveness Study and Incremental Cost Analysis

Staff worked with Global Green USA, a green building consultant, and Gary Farber & Associates, an energy consultant, to conduct a Cost-Effectiveness Analysis to analyze the additional costs associated with improved energy performance for prototypical building types (see Attachment 6—Cost-Effectiveness Analysis). The prototypical building types are based on analysis of existing building types and anticipated future development types within the City. The Cost-Effectiveness Analysis demonstrates that all of the prototypical buildings analyzed in the study have a payback period of less than 15 years and a positive return on investment over a 15-year period, except for small retail and medium-size office buildings, which have a 16.7- and 17.7-year payback period, respectively. In California, the CEC identifies an acceptable payback period as 30 years or less. In February 2011, staff submitted the draft MVGBC to the CEC and received informal feedback that the energy requirements and Cost-Effectiveness Analysis meet their criteria.

Global Green USA also prepared a Green Building Incremental Measure and Cost Analysis to better understand the types of improvements and corresponding costs that would be necessary for projects to meet the proposed MVGBC (see Attachment 7—Green Building Incremental Measure and Cost Analysis). The projects reviewed include 220 View Street, a 22-unit condominium development; and 331 Fairchild Drive, an 87,000 square foot commercial office development. These projects were chosen because they are representative projects designed without the use of green building rating systems, and their building permit plans were available for review. The analysis shows that these projects could have been designed and constructed to meet the proposed MVGBC with a 1 percent construction cost increase. Importantly, some of the improvements that were calculated for the projects to meet the MVGBC are either already City policy, part of the State-mandated CalGreen Code or common trends found in new development in Mountain View.

STATEMENT OF FINDINGS

CalGreen Code Section 101.7.1 provides that for a city to make necessary changes to the CalGreen Code, it must make findings for each amendment, addition or deletion based upon climactic, topographical or geological conditions, including local environmental conditions as

AGENDA: March 22, 2011
PAGE: 8

established by the city. Staff recommends that the City find that the amendments to CalGreen are necessary due the following local environmental conditions:

1. **Climate Change:** The City finds that climate change is a global and local environmental condition. On November 3, 2009, in response to climate change, the City Council approved community-wide Greenhouse Gas Reduction Targets which align with the provisions of California Assembly Bill 32 (Global Warming Solutions Act). The development of the MVGBC is identified in the Mountain View Environmental Sustainability Action Plan (ESAP) as an action to reduce greenhouse gases. The proposed MVGBC amendments include provisions that administer and improve energy efficiency, preserve natural resources, encourage the use of sustainable materials, manage waste and reduce other direct and indirect causes of climate change.
2. **Limited Water Supply:** The City finds that limited water supply is a local environmental condition. On October 31, 2008, the San Francisco Public Utilities Commission (SFPUC) made a unilateral decision to limit the water supply available from the San Francisco Regional Water System to the City of San Francisco and to the Bay Area Water Supply and Conservation Agency (BAWSCA) member agencies until at least 2018. The proposed MVGBC amendments include provisions that administer and improve outdoor and indoor water reduction.
3. **Existing City Policy Addressing Local Environmental Conditions:** The City finds that, as a result of local environmental conditions, other existing City policies have been incorporated into CalGreen by reference, such as storm water management and waste management.

ENVIRONMENTAL REVIEW

This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(1) as the project is statutorily exempt from CEQA under Section 15308, as it is an action by a regulatory agency for the protection of the environment and as it assures the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment.

CONCLUSION

The proposed MVGBC was formed with key input from the Technical Advisory Group and meets the overall goal of the Phase II recommendations for maintaining regional consistency of green building standards across local jurisdictions within Santa Clara County. Staff believes that the MVGBC is enforceable, environmentally effective and not overly burdensome to the development community.

AGENDA: March 22, 2011

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NEXT STEPS

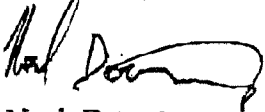
If approved by the City Council, the next steps in this process include submitting a formal application to the CEC with the cost-effectiveness study and filing findings with the BSC for the proposed amendments. The improved energy requirements and Cost-Effectiveness Analysis must be approved by the CEC prior to the amendments becoming effective, and the approval process takes 45 to 90 days. Once the CEC approves the application, staff will return to the City Council for a second reading. Staff estimates the second reading will occur in June 2011 with a 30-day effective date following the second reading. No approval is necessary from the BSC.

OPTIONS

1. Modify any section or language within the proposed MVGBC ordinance.
2. Do not approve the proposed MVGBC ordinance and findings to the BSC.

PUBLIC NOTICING—Agenda posting.

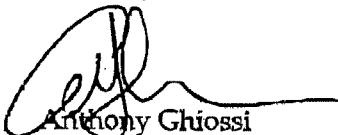
Prepared by:



Noah Downing
Assistant Planner

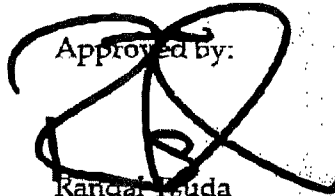


Lindsay Hagan
Planning Intern

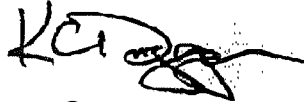


Anthony Ghioffi
Chief Building Official

Approved by:



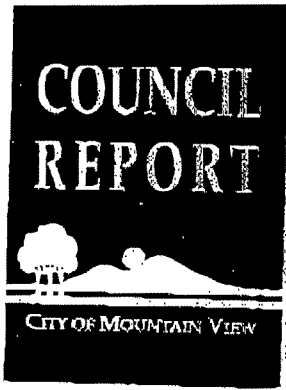
Randal Teuda
Community Development Director



Kevin C. Duggan
City Manager

ND-LH-AG/5/CAM/896-03-22-11M-E^

- Attachments:
1. Phase II Recommendations
 2. City Council Study Session Staff Report—September 14, 2010
 3. Study Session Minutes—September 14, 2010
 4. Letter from SVLG
 5. Ordinance—MVGBC Amendments
 6. Cost-Effectiveness Analysis
 7. Green Building Incremental Measure and Cost Analysis



AGENDA: June 28, 2011

CATEGORY: Consent

DEPT.: Community Development

TITLE: Mountain View Green Building Code (Second Reading)

4.2

RECOMMENDATION

Adopt AN ORDINANCE AMENDING CHAPTER 8, ARTICLE I, DIVISION III OF THE MOUNTAIN VIEW CITY CODE RELATING TO THE ADOPTION OF THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE TO INCLUDE LOCAL GREEN BUILDING REQUIREMENTS. (First Reading: 5-2; Inks, Means no)

FISCAL IMPACT

The fiscal impact to the City from this ordinance will be minimal. Funding for staff training has already been budgeted for this year and any additional training can be accomplished from the Community Development Department's existing training budget.

BACKGROUND AND ANALYSIS

On March 22, 2011, the City Council approved an ordinance amending sections of the 2010 California Green Building Standards Code to include additional green building requirements for private development. This is the second reading of the ordinance. If approved, the ordinance will be effective on August 1, 2011.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Noah Downing
Assistant Planner

Approved by:

Randal Tsuda
Community Development Director

Anthony Ghossi
Chief Building Official

Melissa Stevenson Dile
Interim City Manager

ND-AG/4/CAM/896-06-28-11M-E^

Attachment: 1. Ordinance

BUILDING STANDARDS COMMISSION

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



February 15, 2011

Anthony Ghiossi, Chief Building Official
Community Development Dept., Building Inspection Division
City of Mountain View
500 Castro Street – P.O. Box 7540
Mountain View, CA 94309-7540

Dear Mr. Ghiossi:

This letter is to acknowledge receipt on December 14, 2010 of the City of Mountain View submittal pertaining to Ordinance Nos. 13.10 and 14.10 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 that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF MOUNTAIN VIEW

Community Development Department • Building Inspection Division
500 Castro Street • Post Office Box 7540 • Mountain View, California 94039-7540 • 650-903-6313 • FAX 650-962-8501

December 8, 2010

MR DAVE WALLS—EXECUTIVE DIRECTOR
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DRIVE #130
SACRAMENTO CA 95833

CITY OF MOUNTAIN VIEW, 2010 CALIFORNIA BUILDING CODE ADOPTION AND
LOCAL AMENDMENTS

Dear Mr. Walls:

The enclosed document outlines the amendments that the City of Mountain View has made to the 2010 California Model Codes as part of the 2009 triennial code adoption process. On October 26, 2010, the Mountain View City Council approved the amendments to Chapter 8, Articles I, II, III, IV, V, VI and XI and Chapter 14, Articles I and II of the City Code that reflect the local conditions that exist in the City of Mountain View. The amendments to the California Building Standards Code, Title 24, as referenced in Parts 2, 2.5, 3, 4, 5 and 9 are to the 2010 California Building, Residential, Fire, Plumbing, Mechanical and Electrical codes.

A copy of the City Code Chapter 8 and 14 ordinance amendments as adopted on October 26, 2010 are enclosed. The enclosed ordinance has been signed by the Mayor and noticed by the City Clerk to verify the adoption date.

Should you have any questions regarding the City of Mountain View's adoption process and/or the amendments, please contact the Building Inspection Division at (650) 903-6313 or the Fire Marshal at (650) 903-6378.

Sincerely,



Anthony Ghiossi
Chief Building Official

AG/6/CDD
807-12-08-10L-E^

Enclosures

cc: FM, CA, ZA, CDD, File

2010 DEC 10 P 1:54
CALIFORNIA BUILDING STANDARDS COMMISSION



Certified to be a True Copy of the Original

AGENDA: October 12, 2010

Dated: 11/17/2010 Patricia Dumas
Deputy City Clerk

CATEGORY: Public Hearing

DEPT.: Fire/Community Development

TITLE: Amend Chapters 8, 14 and 24 of the City Code and Adopt the 2010 California Codes, Incorporating by Reference Other International and Uniform Codes

RECOMMENDATION

1. Introduce AN ORDINANCE AMENDING CHAPTER 8, ARTICLES I, II, III, IV, V, VI and XI OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2010 CALIFORNIA BUILDING CODE, INCORPORATING BY REFERENCE OTHER INTERNATIONAL AND UNIFORM CODES (Attachment 3 to the staff report), to be read in title only, further reading waived, and set second reading for October 26, 2010.
2. Introduce AN ORDINANCE AMENDING CHAPTER 14, ARTICLES I AND II OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2010 CALIFORNIA FIRE CODE, INCORPORATING BY REFERENCE THE 2009 INTERNATIONAL FIRE CODE (Attachment 4 to the staff report), to be read in title only, further reading waived, and set second reading for October 26, 2010.
3. Introduce AN ORDINANCE AMENDING ARTICLES I AND II OF CHAPTER 24 OF THE MOUNTAIN VIEW CITY CODE, RELATING TO HAZARDOUS MATERIALS (Attachment 5 to the staff report), to be read in title only, further reading waived, and set second reading for October 26, 2010.

FISCAL IMPACT

The degree of fiscal impact to the City is expected to be minimal. Expenditures include \$11,000 for 2010 codes and associated staff training. The money is provided for in the Fiscal Year 2010-11 Building and Fire Department budgets. Staff will be discussing impacts to the community within the body of the report.

BACKGROUND

On July 4, 2010, the State of California published newly adopted State Building Codes that will become effective on January 1, 2011. Local jurisdictions are required to adopt any amendments pertinent to their jurisdiction on or before December 31, 2010 if they want to locally modify or amend the State Codes. The adoption of new codes is a triennial event, and the previous State Code adoption was in 2007. Staff is proposing to adopt the published 2010 California Codes, consisting of the 2010 California Building, Fire, Residential, Plumbing, Mechanical and Electrical Codes (State Codes). For more than 20 years, the City of Mountain

APPROVED BY THE MOUNTAIN VIEW
CITY COUNCIL ON 10/12/10

View Building Inspection Division and Fire Department have traditionally amended the State Codes in order to provide regional control and enforcement for specific areas of concern. In recent years, Bay Area building and fire departments have collaborated and dramatically reduced local amendments in order to provide more uniform enforcement of the codes. Staff is proposing amendments that are regionally consistent.

ANALYSIS

Regional Consistency

Each triennial code cycle, building and fire staffs from cities in the region meet in an effort to develop a consistent set of local code amendments. For example, the Santa Clara County Fire Marshals Association develops consensus-based Fire Code amendments for improved consistency, application and uniformity of enforcement throughout Santa Clara County. The Santa Clara County Fire Chiefs Association endorsed the consensus Fire Code amendments, and the majority of the cities within Santa Clara County have committed to adopting the approved, or similar, amendments. Likewise, the Tri-Chapter Uniform Code Committee, a regional organization of building officials, created a set of regional amendments to the California Building and Residential Codes. The Tri-Chapter Uniform Code Committee has developed five (5) structural amendments that are recommended to be adopted locally. The five recommended amendments are noted in Attachment 2.

Residential Code

A key component of the 2010 State Code adoption is the introduction of the California Residential Code (CRC). For the first time, California has adopted a portion of the International Residential Code, which provides an entirely new means for California to organize its residential code provisions. One major component of the CRC contains provisions for automatic fire sprinklers in all new residential construction. The CRC serves as the "Minimum Building Standard," and a local enforcing agency may not be less restrictive than the minimum code. Therefore, all newly constructed one- and two-family dwellings and townhouses submitted for building permit after January 1, 2011 will be required to install residential fire sprinklers. The CRC does not require residential fire sprinklers to be retrofitted in existing one- and two-family dwellings and townhouses.

Staff determined that without amendments, the proposed CRC would be "less restrictive" than current City Code requirements. Retrofit requirements have traditionally been enforced within the City due to its overriding commitment to develop and maintain a structurally sound and fire-safe community. Staff is proposing to remain consistent with other surrounding jurisdictions and amend the CRC to maintain a retrofit fire sprinkler requirement for major additions in Mountain View.

Fire Sprinkler Amendments

Staff analyzed the existing Mountain View City Code automatic fire sprinkler requirements prior to developing the proposed 2010 amendments in order to provide requirements that are equitable, reasonable and easy to understand and implement.

Based on the regional efforts described above, staff is proposing amendments that require automatic fire sprinklers for all new commercial buildings over 1,000 square feet of building area and for all existing nonsprinklered buildings to install automatic fire sprinkler systems when additions are equal to or greater than 100 percent of the existing square footage, or when additions increase the total building area to over 4,100 square feet. The proposed amendments will maintain an equivalent level of protection afforded by our current ordinances and establish a "middle of the road" set of amendments that fall between the most restrictive and least restrictive when compared to surrounding agencies within the County. The following chart summarizes the existing and proposed fire sprinkler code requirements:

FIRE SPRINKLER CODE COMPARISON

NEW BUILDINGS	<u>Existing Mountain View Code</u>	<u>New California Code</u>	<u>Mountain View Proposed Amendments</u>
Residential	Over 3,600 square feet	All new homes	N/A
Commercial	Over 3,600 square feet	Varies per occupancy	Over 1,000 square feet
ADDITIONS	<u>Existing Mountain View Code</u>	<u>New California Code</u>	<u>Mountain View Proposed Amendments</u>
Residential	Over 3,600 square feet	Not required	<ul style="list-style-type: none"> • Double size of building area • Above 4,100 square feet
Commercial	Over 3,600 square feet	Varies	<ul style="list-style-type: none"> • Double size of building area • Above 4,100 square feet

The cost of installing residential fire sprinklers varies greatly; however, a 2008 study by the National Fire Protection Association identified the national average cost to the homebuilder for installing residential fire sprinklers is \$1.61 per square foot of the total area sprinklered.

Staff's research of regional costs identified an average installation cost of \$2.50 to \$3.50 per square foot; or the equivalent to installing midgrade carpeting or flooring.

Attachment 1 provides a historical perspective regarding the evolution of automatic fire sprinkler requirements in Mountain View as well as a more detailed synopsis of the automatic fire sprinkler regulations being proposed by staff.

Other Mountain View Amendments

Staff is proposing other amendments to the 2010 California Building and Fire Codes to reflect Mountain View local conditions in order to maintain the current standard of fire and life safety provided to the community. Most of the Fire Code amendments are carryover amendments from the 2007 Code adoption and are proposed for the 2010 code adoption. Additionally, the California Building and Residential Codes are amended to reflect increased structural and fire/life safety requirements traditionally enforced in the Bay Area to help mitigate the effects of seismic events anticipated for this zone. Other minor modifications and amendments to the 2010 California Codes are proposed in Chapters 8 and 14. The new and carryover amendments are briefly described in Attachment 2.

A staff review of Articles I and II of Chapter 24, "Hazardous Materials," provided the opportunity to clean up existing language and review the document for consistency and coordination of requirements between County agencies and for the regulated community. The amendments are editorial in nature and included in Attachment 2 of this report.

As a part of the code adoption process, staff is proposing to reorganize Articles I, II, III, IV, V, VI and XI of Chapter 8 and Articles I and II of Chapter 14 in an effort to clean up outdated code amendments and provide clarity and consistency to existing amendments.

Staff is also proposing to adopt the 2009 International Property Maintenance Code (IMPC) to replace the previously adopted and outdated Uniform Housing Code and Abatement of Dangerous Building Code. The IMPC has quickly become the document of choice for many jurisdictions throughout the State due to the fact that it is a current resource that is updated every three years. Additionally, staff is proposing to relocate for clarity, and without alteration, two existing Mountain View City Code sections, Wood-Burning Appliances and Construction Noise.

The above amendments are minor in nature and have minimal impact to the development review process and construction costs.

Statement of Findings

The following statement of findings fulfills the requirement for making local amendments to building standards: "The City of Mountain View experiences low humidity and warm

temperatures during the summer months, creating conditions which are particularly conducive to the ignition and spread of grass, brush and structure fires. Additionally, the City of Mountain View is geographically located in the most severe seismic zone, Seismic Zone 4, and situated near active earthquake faults capable of producing substantial seismic activity. Since the City of Mountain View is divided by major freeways and other transportation corridors, the occurrence of a major earthquake would significantly impact the ability of Fire Department personnel to respond to emergencies should one or more overpasses be substantially damaged or collapse. Additionally, fire suppression capabilities could be severely limited should the water system be extensively damaged during a seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials and other safeguards in an effort to minimize the risks to citizens, property and fire suppression personnel."

Other minor Building, Fire, Plumbing, Mechanical and Electrical Code amendments are proposed to address administrative enforcement of the codes and provide additional clarity of State and local regulations with no anticipated cost impacts to development.

Outreach

On October 6, 2010, staff held a public meeting for developers, architects, contractors and the public to discuss Mountain View's proposed fire sprinkler amendments. Staff mailed invitations to the meeting along with the proposed amendments to over 200 people. In addition, the meeting notice was posted at the Building Counter and on the Building Division web site. No one from the public attended the meeting, nor has staff received any written comments as of the date of this report.

CONCLUSION

To comply with the State Codes, the City shall amend and adopt the State Codes on or before December 31, 2010. This ordinance provides for the modifications and amendments to the State Codes that reflect local conditions in order to meet the adoption deadline established by the State.

The proposed amendments to Mountain View City Code Chapters 8, 14 and 24 will:

1. Assure that consistency in enforcement of Fire Code and Hazardous Materials requirements is maintained between cities within Santa Clara County.
2. Reflect local conditions and maintain the current standard of fire and life safety provided to the community.
3. The proposed adoption package includes amendments necessary to reasonably maintain a substantially equivalent level of fire and life safety within the community.

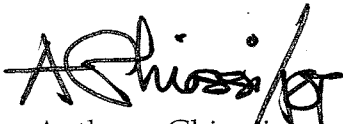
ALTERNATIVES

1. Do not modify Chapters 8, 14 and 24 of the City Code or amend the 2010 State Codes and be preempted by State-adopted codes on January 1, 2011. Preemption by the State would eliminate the cities' ability to enforce the proposed amendments affecting the seismic standards and automatic fire sprinklers for existing buildings upon major renovations.
2. Adopt the State Codes with amendments as proposed with the exception of any fire sprinkler amendments. This would be less restrictive than our current code and inconsistent with neighboring jurisdictions.

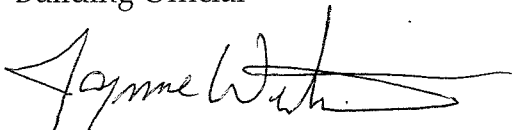
PUBLIC NOTICING

Agenda posting in local newspaper and direct mail to selected businesses, architects, contractors and developers.

Prepared by:

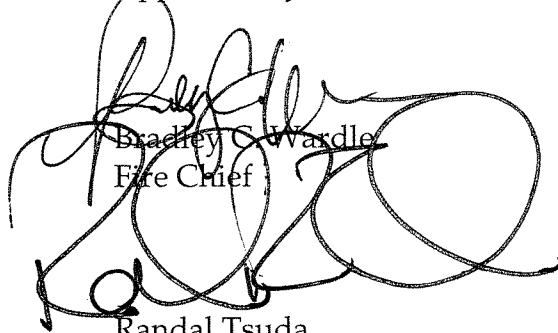


Anthony Ghiossi
Building Official



Jaymae Wentker
Fire Marshal

Approved by:



Bradley C. Wardle
Fire Chief

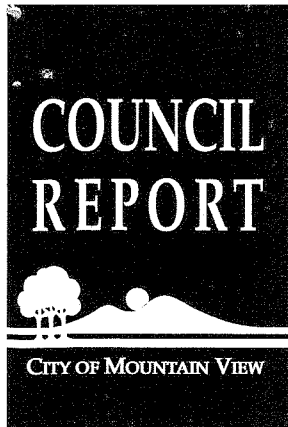
Randal Tsuda
Community Development Director



Kevin C. Duggan
City Manager

AG-JW/2/CAM/197-10-12-10M-E^

- Attachments:
1. Automatic Fire Sprinkler Regulations
 2. Amendments and Revisions to Chapters 8, 14 and 24 of the Mountain View City Code
 3. Draft Ordinance, Chapter 8
 4. Draft Ordinance, Chapter 14
 5. Draft Ordinance, Chapter 24



AGENDA: October 26, 2010

CATEGORY: Consent

DEPT.: Fire/Community Development

TITLE: Amendments—Chapters 8, 14 and 24 of City Code; Adopting 2010 California Building, Fire, Other International/Uniform Codes (Second Reading)

RECOMMENDATION

1. Adopt AN ORDINANCE AMENDING CHAPTER 8, ARTICLES I, II, III, IV, V, VI AND XI OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2010 CALIFORNIA BUILDING CODE AND OTHER INTERNATIONAL AND UNIFORM CODES (Attachment 1 to the staff report) (First reading: 6-1; Inks no)
2. Adopt AN ORDINANCE AMENDING CHAPTER 14 OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2010 CALIFORNIA FIRE CODE AND THE 2009 INTERNATIONAL FIRE CODE (Attachment 2 to the staff report) (First reading: 6-1; Inks no)
3. Adopt AN ORDINANCE AMENDING ARTICLES I AND II OF CHAPTER 24 OF THE MOUNTAIN VIEW CITY CODE, RELATING TO HAZARDOUS MATERIALS (Attachment 3 to the staff report) (First reading: 6-1; Inks no)

FISCAL IMPACT

The degree of fiscal impact to the City is expected to be minimal. Expenditures include \$11,000 for 2010 codes and associated staff training. The money is provided for in the Fiscal Year 2010-11 Building and Fire Department budgets.

BACKGROUND AND ANALYSIS

On October 12, 2010, the City Council held the first reading of the revisions and amendments to the City Code; Chapter 8, Articles I, II, III, IV, V, VI and XI; Chapter 14, Articles I and II; and Chapter 24, Articles I and II. These revisions reflect the 2010 Triennial State Model Code adoption cycle and amendments tailored for local conditions. Staff recommends approval of second reading.

APPROVED BY THE MOUNTAIN VIEW
CITY COUNCIL ON 10/26/10

Certified to be a True Copy of the Original

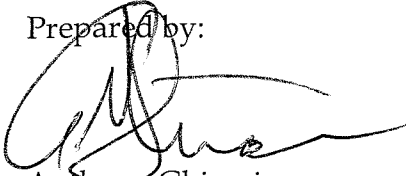
Dated: 11/17/2010 Patty Quares
Deputy City Clerk

AGENDA: October 26, 2010

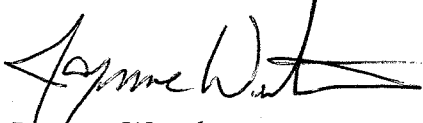
PAGE: 2

PUBLIC NOTICING—Agenda posting.

Prepared by:



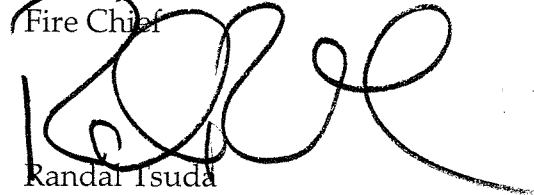
Anthony Ghiossi
Chief Building Official



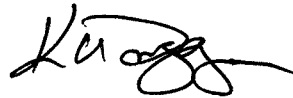
Jaymae Wentker
Fire Marshal

Approved by:

Bradley C. Wardle
Fire Chief



Randal Tsuda
Community Development Director



Kevin C. Duggan
City Manager

AG-JW/2/CAM
807-10-26-10M-E^

- Attachments: 1. Ordinance, Chapter 8
2. Ordinance, Chapter 14
3. Ordinance, Chapter 24

Dated: 12/2/2010 [Signature]
Deputy City Clerk

ORDINANCE NO. 13.10

AN ORDINANCE AMENDING CHAPTER 8, ARTICLES I, II, III, IV, V, VI AND XI OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2010 CALIFORNIA BUILDING CODE AND OTHER INTERNATIONAL AND UNIFORM CODES

WHEREAS, a local entity such as the City of Mountain View must adopt the California Building Standard Code prior to January 1, 2011 if the local agency desires to maintain local control and allow for amendments to the California Codes or other international and uniform codes in order to accommodate local requirements for local conditions; and

WHEREAS, the City of Mountain View has local conditions which require amendments to the California Building Standard Code and other international and uniform codes; and

WHEREAS, the City of Mountain View has adopted and amended Chapter 1, Division II of the California Building Code to address administrative provisions; and

WHEREAS, the City of Mountain View has made amendments and adopted the California Building Codes as Chapter 8, Articles I, II, III and IV, to address climatic, topographic and geological conditions; and

WHEREAS, the City of Mountain View, in adopting these codes, will be consistent with the State of California and other local municipalities;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Articles I, II, III, IV, V, VI and XI of Chapter 8 of the Mountain View City Code are hereby deleted in their entirety.

Section 2. Division I of Article I is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE I.
BUILDING CODE.**

DIVISION I. CALIFORNIA BUILDING CODE.

SEC. 8.10.1. California Building Code—Adopted.

The California Building Code, 2010 edition, incorporates, by adoption, the 2009 edition of the International Building Code of the International Code Council with California amendments. The 2009 International Building Code, promulgated by the International Code Council, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and other structures is adopted, including the following appendices: Appendix I and Appendix J by this reference is made a part of this city code with the same force and effect as though set out herein in full. Chapter 1, Division II, Scope and Administration, is adopted as the City of Mountain View administrative provisions. One (1) copy of the California Building Code is on file and open to public inspection in the building inspection office."

SEC. 8.10.2. Subsection 101.4 amended—Referenced codes.

Subsection 101.4, Chapter 1, Division I of the 2010 California Building Code is amended to read:

104.4. Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1. Gas. The provisions of the 2010 California Plumbing Code and 2010 Mechanical Code shall apply to the installation of gas piping.

101.4.2. Mechanical. The provisions of the 2010 California Mechanical Code shall apply to installation, alterations, repairs and replacement of mechanical systems.

101.4.3. Plumbing. The provisions of the 2010 California Plumbing Code shall apply to installation, alterations, repairs and replacement of plumbing systems.

101.4.4. Property Maintenance. The provisions of the California Building Code, California Residential Code, California Mechanical Code, California Electrical Code, California Plumbing Code, California Fire Code, 2009 International Code for Property Maintenance shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants and occupancy of existing premises and structures.

101.4.5. Fire Prevention. The provisions of the 2010 California Fire Code and the 2009 International Fire Code by reference shall apply to matters affecting or relating to fire hazards.

101.4.6. Energy. The provisions of the 2010 California Energy Code, Title 24, Part 6, shall apply to all matters governing the design and construction of buildings for energy efficiencies.

SEC. 8.10.3. Subsection 103.1 amended—Division of building inspection established.

Subsection 103.1 of the California Building Code is amended to read as follows:

103.1. Division of building inspection established. There is hereby established in the City of Mountain View a division of building inspection which shall be under the supervision of the building official who shall be accountable to the community development director of the city.

SEC. 8.10.4. Subsection 104.1 amended—Powers and duties of the building official.

Subsection 104.1 of the California Building Code is amended to read as follows:

104.1. Powers and Duties of the Building Official.

(a) The building official shall be referenced for the purposes of Section 104—Powers and Duties of the Building Official.

(b) The building official is hereby authorized and empowered to enforce all the provisions of this code. For such purposes, he/she shall have the powers of a law enforcement officer.

(c) The building official shall enforce a fee schedule set forth by city council resolution, as amended from time to time.

SEC. 8.10.5. Subsection 105.1.1 deleted—Annual permit.

SEC. 8.10.6. Subsection 105.1.2 deleted—Annual permit records.

SEC. 8.10.7. Subsection 105.2 amended—Work exempt from permit.

Subsection 105.2 of the California Building Code is hereby amended to read as follows:

105.2. Building.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over 6 feet (1,829 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1,219 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.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks, residential decks and driveways no more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route or required exit.
7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work that is not an element of an accessible route or furnishing.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (1,895 L) 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 single detached one- and two- family dwellings and not considered a public playground.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.
14. Window replacements in the same opening, when window opening is not modified and there is no framing construction required.

SEC. 8.10.8. Subsection 105.3.2 amended—Time limitation of application.

Subsection 105.3.2 of the California Building Code is amended to read as follows:

105.3.2. An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one (1) or more extension of time for additional periods not exceeding one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated.

SEC. 8.10.9. Subsection 105.5 amended—Expiration.

Subsection 105.5 of the California Building Code is amended to read as follows:

105.5. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days from the last inspection. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one (1) year from the issuance date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one (1) year from the last inspection. The building official has the authority to waive or reduce said fees if deemed appropriate and maintaining cost recovery. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend at no charge the time for action by the permittee for a period not exceeding one hundred eighty (180) days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

SEC. 8.10.10. Subsection 105.8 added—Required approval of community development director.

Subsection 105.8 is added to the California Building Code, to read as follows:

105.8. Required approval of community development director. As to any application for a building permit regarding any proposed or existing building or structure situated, or to be situated, on any lot, which lot is subject to a previously granted variance, site plan and architectural approval, conditional use permit, planned community permit or any other type of entitlement set forth in Chapter 36 of the Mountain View City Code, the building official shall not be required to issue any such building permit unless the community development director, or the director's authorized representative, has informed the building official that the conditions of approval of such variance, site plan and architectural approval, conditional use permit, planned community permit or other land use entitlement have been fulfilled, or that sufficient guarantees have or will be posted with the director to ensure that all such conditions of approval will be fulfilled.

SEC. 8.10.11. Subsection 109.2 amended—Schedule of permit fees.

Subsection 109.2 of the California Building Code is amended to read as follows:

109.2. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the master fee schedule as adopted by city council.

SEC. 8.10.12. Subsection 109.3 amended—Building permit valuations.

Subsection 109.3 of the California Building Code is amended to read as follows:

109.3. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the valuation shall be adjusted using the current building valuation data table adopted by city council. Final minimum building permit valuation shall be set by the building official.

SEC. 8.10.13. Subsection 109.5 amended—Related fees.

Subsection 109.5 of the California Building Code is amended to read as follows:

109.5. The payment of the fee for the construction, alteration, removal of demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law and the City of Mountain View.

SEC. 8.10.14. Section 111.2 amended—Certificate issued.

Subsection 111.2 of the California Building Code is amended to read as follows:

111.2. After the building official inspects the building or structure and finds no violations of the provisions of this code, City of Mountain View conditions and ordinances, or other laws that are enforced by the building inspection division, the building official shall issue a certificate of occupancy. The project job card issued by the City of Mountain View shall serve as the certificate of occupancy when properly signed.

SEC. 8.10.15. Subsection 112.1—Amended—Connection of utility service.

Subsection 112.1 of the California Building Code is amended to read as follows:

112.1. It shall be unlawful for any person, firm or corporation to make a connection from a source of electrical energy or fuel gas to any electric wiring system, gas piping system, device, appliance or equipment for the installation of which a permit is required, unless such wiring system, gas piping system, devices, appliance or equipment has first been inspected and found to comply with all applicable codes and ordinances of the city.

SEC. 8.10.16. Subsection 112.3 amended—Authority to disconnect service utilities.

Subsection 112.3 of the California Building Code is amended to read as follows:

112.3. The building official is authorized to disconnect, or order disconnection of, electrical or gas service to any system, device, appliance or equipment found to be in violation of this code or under any of the following conditions:

1. Failure of the owner or his agent to secure or to fully comply with the conditions of the required permits.
2. Work found to be hazardous to life and property due to improper installation or maintenance or lack thereof of devices, appliances or equipment.
3. Work performed with or without a permit which has been connected to a source of supply without approval of the building official.
4. Electrical or gas services to buildings vacant for a period exceeding sixty (60) days.

SEC. 8.10.17. Subsection 113.1 amended—Board of appeals.

Subsection 113.1 of the California Building Code is amended to read as follows:

113.1. General procedure for appeals. Any applicant for a building permit who is in disagreement with the building official's interpretation of any provision of this code, or any applicant for a building permit who has been refused issuance of such permit, may appeal the building official's interpretation or refusal to issue said permit to the city council of the city. All such appeals shall be filed within ten (10) working days after the date the building official renders an interpretation of any provision of this code or refuses to issue said permit. All appeals shall be in writing, shall be filed with the city clerk, shall state the ground or grounds of appeal and shall be accompanied by a nonrefundable fee of two hundred fifty dollars (\$250). Within sixty (60) calendar days after an appeal is filed, the appeal shall be heard by the city council. The city clerk shall give at least five (5) days prior written notice to the applicant of the date, time and place for the hearing on said appeal. The city council shall not be required to give public notice of said hearing. The applicant shall be entitled to present any oral and/or written evidence at said hearing. Any hearing held pursuant to this section may be continued from time to time by the city council. Within twenty-one (21) days after the hearing is closed, the council shall announce its decision. All decisions of the city council on any appeal shall be final. Any action to challenge, annul or contest the validity of any decision of the city council on any such appeal shall be filed no later than sixty (60) calendar days after the date the city council has adopted a resolution formalizing its decision on the appeal.

SEC. 8.10.18. Subsection 114.1 amended—Unlawful acts.

Subsection 114.1 of the California Building Code is amended to read as follows:

114.1. Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation

of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable as set forth in the city charter.

SEC. 8.10.19. Subsection 420.4.2.1 added—Carbon monoxide detector—Earliest applicable time period.

Subsection 420.4.2.1 is added to the California Building Code, to read as follows:

420.4.2.1. Carbon monoxide detectors—Earliest applicable time period.

Carbon monoxide detectors shall be installed per California Health and Safety Code Section 17926.

An owner of a dwelling unit intended for human occupancy shall install a carbon monoxide device, approved and listed by the State Fire Marshal, pursuant to Section 13263, in each existing dwelling unit having a fossil fuel-burning heater or appliance, fireplace or an attached garage within the earliest applicable time period as follows:

1. For all existing single-family dwelling units intended for human occupancy on or before July 1, 2011.
2. For all other existing dwelling units intended for human occupancy on or before January 1, 2013.

SEC. 8.10.20. Section [F] 501.2 amended—Address identification.

"Section [F] 501.2 of the California Building Code is amended to read as follows:

[F] 501.2. New and existing buildings shall have approved address number, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetic letters. Number shall be a minimum of 6 inches (152.4 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

Exception: For R-3 occupancies, numbers shall be a minimum 4 inches high with minimum stroke width of 0.5 inch.

SEC. 8.10.21. Subsection 706.1.1 amended—Party walls.

Subsection 706.1.1 of the California Building Code is amended to read as follows:

706.1.1. Any wall located on a lot line between adjacent buildings which is used or adopted for joint service between the two buildings shall be constructed as a fire wall in accordance with Section 705. Party walls shall create separate buildings. In occupancy group R-3, the construction separation at the lot line shall be with two separate one-hour-rated fire walls complying with Section 705.

SEC. 8.10.22. Subsection 903.2 amended—Where required.

Subsection 903.2 of the California Building Code is amended to read as follows:

903.2. Where required. Approved automatic sprinkler systems in new buildings and structures, and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per

the requirements set forth in Sections 903.2.1 through 903.2.18 and as follows, whichever is the more restrictive:

1. Automatic sprinkler systems shall be installed throughout all new buildings and structures.

Exception: Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that do not exceed 1,000 square feet of building area.

2. In determining whether an automatic fire sprinkler system is required, the following criteria shall be used:

(a) Determine the building area as defined by the California Building Code.

Exception: Eave projections 24 inches or less shall not be counted.

(b) Multiply the building area as determined herein by the number of stories. A full basement shall be counted as a story and the floor area of mezzanine(s) shall be added to the building area of the story in which they are located.

(c) For the purposes of determining whether automatic fire sprinklers are required in a building, the installation fire walls will not be considered to create separate buildings.

3. Any change in the character of occupancy or in the use of any building with a building area at or over 3,600 square feet which, in the opinion of the fire chief or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹, or increased fire risk², shall require the installation of an approved automatic fire sprinkler system.

Definition only—Not limited to:

¹ Life Safety—Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting system due to increased occupant loads, large schools/day-care facilities, large residential care facilities with nonambulatory clients.

² Fire Risks—High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flame).

4. For existing nonsprinklered buildings, an approved automatic fire sprinkler system shall be required when additions meet one of the following criteria:

a. Additions equal to or greater than 100 percent of the existing square footage.

b. Additions that increase the total building area to over 4,100 square feet.

SEC. 8.10.23. Subsection 903.3.1 amended—Standards.

Subsection 903.3.1 of the California Building Code is amended to read as follows:

903.3.1. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, unless otherwise permitted by 903.3.1.2 and 903.3.1.3. Sprinkler systems shall also be designed and installed in accordance with the City of Mountain

View "Commercial Automatic Fire Sprinklers Requirements" and "Residential Automatic Fire Sprinklers Requirements."

SEC. 8.10.24. Subsection 905.3 amended—Standpipe systems.

Subsection 905.3 of the California Building Code is amended to read as follows:

905.3. Required installations. Standpipe systems shall be installed where required by Subsections 905.3.1 through 905.3.10.1 and in the locations indicated in Subsections 905.4, 905.5 and 905.6. Standpipe systems are required to be combined with automatic sprinkler systems.

EXCEPTION:

In sprinklered buildings where the floor level of the highest story is located 30 feet or less above the lowest level of the fire department vehicular access, 1-1/2 inch national standard hose valve connections, complying with NFPA standards, shall be provided for fire department use. They shall be located so that all portions of the building are within 150 feet travel distance of a connection. Standpipe systems are not required in Group R-3 occupancies.

SEC. 8.10.25. Section 905.3.1 amended—Standpipe systems.

Subsection 905.3.1 of the California Building Code is amended to read as follows:

905.3.1. Building height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9,144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9,144 mm) below the highest level of fire department vehicle access.

EXCEPTIONS:

1. In determining the lowest level of fire department vehicle access, it shall not be required to consider:

1.1. Recessed loading docks for four (4) vehicles or less, and

1.2. Conditions where topography makes access from the fire department vehicle access from the fire department vehicle to the building impractical or impossible.

2. In sprinklered buildings where the floor level of the highest story is located 30 feet or less above the lowest level of the fire department vehicular access, 1-1/2 inch national standard hose valve connections, complying with NFPA standards, shall be provided for fire department use. They shall be located so that all portions of the building are within 150 feet travel distance of a connection.

SEC. 8.10.26. Subsection 905.3.2 amended—Standpipe systems.

Subsection 905.3.2 of the California Building Code is amended to read as follows:

905.3.2. Group A. Class II (without hose) automatic wet standpipes shall be provided in nonsprinklered Group A buildings having an occupant load exceeding 1,000 persons.

EXCEPTION:

Open-air-seating spaces without enclosed spaces.

SEC. 8.10.27. Subsection 905.3.3 amended—Standpipe systems.

Subsection 905.3.3 of the California Building Code is amended to read as follows:

905.3.3. Covered mall buildings. A covered mall building shall be equipped throughout with a standpipe system where required by Section 905.3.1. Covered mall buildings not required to be equipped with a standpipe system by Section 905.3.1 shall be equipped with Class II hose connections (without hose) connected to a system sized to deliver water at 250 gallons per minute (946.4 L/min) at the most hydraulically remote outlet. Hose connections shall be provided at each of the following locations:

1. Within the mall at the entrance to each exit passageway or corridor.
2. At each floor-level landing within enclosed stairways opening directly on the mall.
3. At exterior public entrances to the mall.

SEC. 8.10.28. Subsection 905.3.5 amended—Standpipe systems.

Subsection 905.3.5 of the California Building Code is amended to read as follows:

905.3.5. Underground Buildings. Underground buildings and parking garages shall be equipped throughout with a Class III automatic wet standpipe system.

SEC. 8.10.29. Subsection [F] 907.2.11.6 added—Smoke Detectors—Existing R occupancies.

Subsection [F] 907.2.11.6 is added to the California Building Code, to read as follows:

[F] 907.2.11.6. Smoke Detectors—Existing R occupancies. Modifications to exiting R occupancies shall conform to Health and Safety Code Section 13113.7 and also see Chapter 46 of the 2010 California Fire Code.

Exception: Repairs to the exterior surfaces of a Group R Occupancy are exempt for the requirements of this section.

SEC. 8.10.30. Subsection [F] 907.6 amended—Installation.

Section [F] 907.6 of the California Building Code is amended to read as follows;

[F] 907.6—Installation. A fire alarm system shall be installed in accordance with 907.6.1 through 907.6.5.2, NFPA 72 and the City of Mountain View "Fire Alarm and Sprinkler Monitoring System Requirements."

SEC. 8.10.31. Subsection 1613.8 added—ASCE 7, Section 12.8.7.

Subsection 1613.8 is added to the California Building Code as follows:

1613.8. ASCE 7, Section 12.8.7. Modify ASCE 7, Section 12.8.7 by amending Equation 12.8-16 as follows:

$$\Theta = \frac{P_x \Delta I}{V_x h_{sx} C_d}$$

SEC. 8.10.32. Subsection 1704.4, Exception No. 1 amended—Concrete construction.

Subsection 1704.4, Exception No. 1 of the California Building Code is amended to read as follows:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).

SEC. 8.10.33. Subsection 1908.1.8 amended—ACI 318, Section 22.10.

Subsection 1908.1.8 of the California Building Code is amended to read as follows:

1908.1.8. ACI 318, Section 22.10.

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 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 dwellings 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 footing supporting walls are permitted, provided the footings have at least two (2) 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 (1) 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 (2) continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times that gross cross-sectional area of the footing.

SEC. 8.10.34. Subsection 2306.7 deleted, Shear walls sheathed with other materials.

Subsection 2306.7 is deleted from the California Building Code, Shear walls sheathed with other materials.

SEC. 8.10.35. Subsection 2308.9.3 amended—Conventional construction provisions—Bracing.

Section 2308.9.3 of the California Building Code is amended to read as follows:

2308.9.3. Bracing. Braced wall lines shall consist of braced wall panels that meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1), and are in line or offset from each other by not more than 4 feet (1,219 mm). Braced wall panels shall start not more than 12-1/2 feet (3,810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Deleted.
2. Deleted.
3. Wood structural panel sheathing with a thickness not less than 5/16 inch (7.9 mm) for 16-inch (406 mm) stud spacing and not less than 3/8 inch (9.5 mm) for 24-inch (610 mm) stud spacing in accordance with Tables 23-II-A-1 and 23-IV-D-1.
4. Fiberboard sheathing 4-foot by 8-foot (1,219 mm by 2,438 mm) panels not less than 1/2 inch (13 mm) thick applied vertically on studs spaced not over 16 inches (406 mm) on center when installed in accordance with Section 2315.6 and Table 23-II-J.
- 5 Deleted.
6. Portland cement plaster on studs 16 inches (406 mm) on center installed in accordance with Table 25-I. These standards can only be used in one-story structures of R3 and U1 occupancies.
- 7 Deleted.
8. Hardboard panel siding where installed in accordance with Section 2303.1.6 and Table 2308.9.3(5).

For cripple wall bracing, see Section 2308.9.4.1. For Methods 3, 4, 6 and 8, each panel must be at least 48 inches (1,219 mm) in length, covering three (3) stud spaces where studs are spaced 16 inches (406 mm) apart and covering two (2) stud spaces where studs are spaced 24 inches (610 mm) apart.

SEC. 8.10.36. Section 2505 deleted—Shear wall construction.

Section 2505 is deleted from the California Building Code, entitled Shear Wall Construction.

SEC. 8.10.37. Subsection 3310.1 amended—Means of egress.

Subsection 3310.1 of the California Building Code is amended to read as follows:

3310.1. Stairways Required. Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

EXCEPTION:

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

SEC. 8.10.38. Subsection 3310.1.1 added—Required means of egress.

Subsection 3310.1.1 is added to the California Building Code, to read as follows:

Section 3310.1.1. Required Means of Egress. All new buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the prefire plan. See Section 1408.2 of the California Fire Code."

Section 3. Division II, Article I is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

DIVISION II. CALIFORNIA RESIDENTIAL CODE.

SEC. 8.15.1. California Residential Code adopted—Short title.

The California Residential Code, 2010 edition, incorporates, by adoption, the 2009 edition of the International Residential Code of the International Code Council with California amendments. The 2009 International Residential Code, promulgated by the International Code Council, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and other structures is adopted, including the following appendices: Appendix Chapter H by this reference is made a part of this city code with the same force and effect as though set out herein in full. One (1) copy of the 2010 California Residential Code is on file and open to public inspection in the building inspection office.

SEC. 8.15.2. Chapter 1 deleted—Scope and administration.

Chapter 1, Division I and Division II, is deleted from the California Residential Code.

SEC. 8.15.3. Table R301.2(1) amended—Climatic and geographic design criteria.

Table R301.2(1) of the 2010 California Residential Code is amended to read as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN			SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^b	FLOOD HAZARDS ^c	AIR FREEZING INDEX ^d	MEAN ANNUAL TEMP ^f
	Speed ^d (mph)	Topographic Effects ^a	SEISMIC DESIGN CATEGORY ^e	Weathering ^g	Frost Line Depth ^b	Termite ^e					
0	85	NO	D ₂	Negligible	0			NO		0	55

SEC. 8.15.4. Subsection R313.1 added—Townhouse automatic sprinkler systems.

Subsection R313.1 of the California Residential Code is added, to read as follows:

R313.1. Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler systems shall be installed in new townhouses.

Exception No. 1: For existing nonsprinklered townhouses, an approved automatic residential fire sprinkler system shall be required when additions meet one of the following criteria:

- a. Additions equal to or greater than 100 percent of the existing square footage.
- b. Additions that increase the total building area to over 4,100 square feet.

Exception No. 2: An automatic residential fire sprinkler system shall not be required for alterations made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

SEC. 8.15.5. Subsection R313.2 added—One- and two-family dwellings automatic sprinkler systems.

Subsection R313.2 of the California Residential Code is added, to read as follows:

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

Exception No. 1: For existing nonsprinklered one- and two-family dwellings, an approved automatic residential fire sprinkler system shall be required when additions meet one of the following criteria:

- a. Additions equal to or greater than 100 percent of the existing square footage.
- b. Additions that increase the total building area to over 4,100 square feet.

Exception No. 2: An automatic residential fire sprinkler system shall not be required for alterations made to existing one- and two-family dwellings that do not have an automatic residential fire sprinkler system installed.

SEC. 8.15.6. Subsection R315.2.1 added—Carbon monoxide detector—Earliest applicable time period.

Subsection R315.2.1 is added to the California Residential Code, to read as follows:

R315.2.1. Carbon Monoxide Detector—Earliest applicable time period.

Carbon monoxide detectors shall be installed per California Health and Safety Code Section 17926.

An owner of a dwelling unit intended for human occupancy shall install a carbon monoxide device, approved and listed by the State Fire Marshal, pursuant to Section 13263, in each existing dwelling unit having a fossil fuel-burning heater or appliance, fireplace or an attached garage, within the earliest applicable time period as follows:

1. For all existing single-family dwelling units intended for human occupancy on or before July 1, 2011.
2. For all other existing dwelling units intended for human occupancy on or before January 1, 2013.

SEC. 8.15.7. Subsection R329.1 added—Private swimming pools.

Subsection R329.1 is added to the California Residential Code, to read as follows:

R329.1. General. Private swimming pools shall comply with Section 3109.4.4 of the 2010 California Building Code.

SEC. 8.15.8. Subsection R403.1.3 amended—Seismic reinforcing.

Subsection R403.1.3, Seismic Reinforcing, is amended to read as follows:

R403.1.3. Seismic reinforcing.

Concrete footings located in Seismic Design Categories D_0 , D_1 and D_2 , as established in Table R301.2(1), shall have minimum reinforcement of at least two (2) 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 (1) No. 4 bar shall be installed at not more than 4 feet (1,219 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 (1) No. 4 bar shall be installed at not more than 4 feet (1,219 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.

SEC. 8.15.9. Subsection R602.10.2.1.1 added—Limits on Methods GB and PCP.

Subsection R602.10.2.1.1 is added to the California Residential Code, to read as follows:

R602.10.2.1.1. Limits on Methods GB and PCP. In Seismic Design Categories D_0 , D_1 and D_2 , 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 the studs from other types of braced wall panel sheathing. In Seismic Design Categories D_0 , D_1 and D_2 , the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

SEC. 8.15.10. Table R602.10.1.2(2) amended—Bracing requirements based on seismic design category.

Table R602.10.2.1 of the California Residential Code is amended to read as follows:

Add footnote "d" notation to Table heading as follows:

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

Add footnote "d" wording to the end of Table R602.10.1.2(2), to read as follows:

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

Section 4. Division III, Article I is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

"DIVISION III. CALIFORNIA GREEN BUILDING CODE. (RESERVED)"

Section 5. Division IV, Article I is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

"DIVISION IV. WOOD-BURNING APPLIANCES.

SEC. 8.25.1. Definitions.

For the purpose of this section, the following words, phrases and definitions shall have the meaning set forth herein:

a. "Bay Area Air Quality Management District" or BAAQMD means the air quality agency for the San Francisco Bay Area established pursuant to California Health and Safety Code Section 40200.

b. "EPA" means United States Environmental Protection Agency.

c. "EPA-certified wood heater" means any wood heater that meets the standards in Title 40, Part 60, Subpart AAA, Code of Federal Regulations or such successor regulation in effect at the time of installation and is certified and labeled pursuant to those regulations.

d. "Fireplace" means any permanently installed masonry or factory-built wood-burning appliance, except a pellet-fueled wood heater, designed to be used with an air-to-fuel ratio greater than or equal to thirty-five (35) to one (1).

e. "Gas fireplace" means any device designed to burn natural gas in a manner that simulates the appearance of a wood-burning fireplace.

f. "Pellet-fueled wood heater" means any wood-burning appliance that operates exclusively on wood pellets.

g. "Solid fuel" means wood or any other nongaseous or nonliquid fuel.

h. "Wood-burning appliance" means fireplace, wood heater or pellet-fired wood heater or any similar device burning any solid fuel used for aesthetic or space-heating purposes.

SEC. 8.25.2. Residential installations.

All wood-burning appliances installed in new residential units or wood-burning appliances being added to or replacing wood-burning appliances in existing residential units after April 1, 2002 shall comply with the provisions of this section.

SEC. 8.25.3. Commercial installations.

All wood-burning appliances installed in new commercial buildings or wood-burning appliances being added to or replacing wood-burning appliance in existing commercial buildings after April 1, 2002 shall comply with this section. Commercial buildings shall include, but not be limited to, live-work units, offices, hotels, motels and restaurants.

SEC. 8.25.4. Compliance requirements.

A wood-burning appliance shall comply with this section if:

a. The wood-burning appliance is reconstructed;

b. There are any additions, alterations or repairs to the wood-burning appliance exceeding two thousand dollars (\$2,000);

c. The building official shall have the final authority to determine whether an addition, repair or alteration must comply with this section.

SEC. 8.25.5. Gas fireplaces.

Gas fireplaces shall be exempt from this section. However, the conversion of a gas fireplace to burn wood shall constitute the installation of a wood-burning appliance and shall be subject to the requirements of Sec. 8.19.2 and 8.19.3.

SEC. 8.25.6. Exemptions.

a. No person shall install a wood-burning appliance unless it is one of the following:

1. A pellet-fueled wood heater; or
2. An EPA-certified wood heater; or
3. A fireplace or emission reduction device certified by the EPA or a fireplace or emission reduction device certified by an EPA-accredited laboratory as being compliant with the Northern Sonoma County Air Pollution Control District standards for fireplaces, using that district's testing protocol for fireplaces.

b. The following additions, alterations and repairs shall be exempt from complying with this section:

1. Minor repairs such as damper repairs, firebox repairs, seismic bracing and/or flue liner replacement.
2. All repairs to a masonry fireplace that do not include repair or replacement of the fireplace footing.
3. Wood-burning appliances installed in restaurants and commercial kitchens for cooking purposes.

SEC. 8.25.7. Certification.

Any person who plans to install a wood-burning appliance must submit documentation to the building official with the building permit application demonstrating that the appliance is a pellet-fueled wood heater, EPA-certified wood heater or certified by an EPA-accredited laboratory as meeting the Northern Sonoma County Air Pollution Control District standards for fireplaces."

Section 6. Sections 8.33 through 8.40 of Article II of Chapter 8 of the Mountain View City Code is hereby deleted in its entirety.

Section 7. Article II is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE II.
PLUMBING CODE.**

SEC. 8.30.1. 2010 California Plumbing Code adopted.

The California Plumbing Code, 2010 edition, first printing, including Appendices A, D, G and I, based on the 2009 Uniform Plumbing Code, promulgated by the International Association of Plumbing and Mechanical Officials Association,

5001 East Philadelphia Street, Ontario, California, 91761-2816, which regulates the erection, installation, alteration, repair, relocation, removal, replacement, conversion, use and maintenance of plumbing, gas, drainage systems and other similar work in order to provide minimum requirements and standards for the protection of the public health, safety and welfare; is adopted and by this reference made a part of this municipal code with the same force and effect as though set out herein in full. One (1) copy of the California Plumbing Code is on file for public inspection in the building inspection office.

SEC. 8.30.2. Subsection 101.1 amended, Administration.

Subsection 101.1 of the California Plumbing Code is amended to read as follows:

101.1. Title. This document shall be known as the "California Plumbing Code" and may be cited as such and will be refer to herein as "this code." Administrative provisions of the California Plumbing Code are referenced to the California Building Code, Chapter 1, Division II for provisions.

SEC. 8.30.3. Subsection 103.9 added—Procedure for appeals.

Subsection 103.9 of the California Plumbing Code is added, to read as follows:

103.9. Procedure for appeals. The provisions of Section 8.10.16 of this code is hereby incorporated by reference as if fully set forth herein. When Section 8.10.16 is used in reference to a plumbing code appeal, the term "Plumbing Permit" shall replace the term "Building Permit" in said section.

SEC. 8.30.4. Chapter 15 deleted—Fire Stop Protection.

Chapter 15 of the California Plumbing Code is deleted in its entirety. All references and standards of Chapter 15 shall be replaced by Chapter 7 of the 2010 California Building Code."

Section 8. Sections 8.50 through 8.51 of Article III of Chapter 8 of the Mountain View City Code is hereby deleted in its entirety.

Section 9. Article III is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE III.
MECHANICAL CODE.**

SEC. 8.40.1. California Mechanical Code—Adopted.

The California Mechanical Code, 2010 edition, first printing, including all Appendices, based on the 2009 Uniform Mechanical Code, promulgated by the International Association of Plumbing and Mechanical Officials, 5001 East Philadelphia Street, Ontario, California, 91761-2816, including all appendices, which regulates and provides complete requirements for the installation and maintenance of heating, ventilating, comfort cooling and refrigeration systems, is adopted and by reference and made a part of this municipal code with the same force and effect as though set out herein in full. One (1) copy of the 2010 California Mechanical Code is on file and open to public inspection in the building inspection office.

SEC. 8.40.2. Chapter 1, Division II amended—Administration.

Subsection 101.1 of the California Mechanical Code is amended to read as follows:

101.1. Title. This document shall be known as the "California Mechanical Code" and may be cited as such and will be referred to herein as "this code." Administrative provisions of the California Mechanical Code are referenced to the California Building Code, Chapter 1, and Division II for provisions.

SEC. 8.40.3. Subsection 110.1 amended—General.

Subsection 110.1 of the California Mechanical Code is amended to read as follows:

110.1. Procedure for appeals. The provisions of Section 8.10.16 of this code is hereby incorporated by reference as if fully set forth herein. When Section 8.10.16 is used in reference to a Mechanical Code appeal, the term "Mechanical Permit" shall replace the term "Building Permit" in said section."

Section 10. Sections 8.70 through 8.89 of Article IV of Chapter 8 of the Mountain View City Code is hereby deleted in its entirety.

Section 11. Article IV is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE IV.
ELECTRICAL CODE.**

SEC. 8.50.1. 2010 California Electrical Code—Adopted—Short title.

The California Electrical Code, 2010 edition, based on the 2008 National Electrical Code, promulgated by the National Fire Protection Association (NFPA), One Batterymarch Park (P.O. Box 9146), Quincy, Massachusetts, 02269-9959, which establishes minimum standards to protect the health, safety and general welfare of the occupant and the public against hazards that may arise from the use of electricity by governing the design, construction, reconstruction, installation, quality of materials, location, operation and maintenance or use of electrical equipment, wiring and systems, is adopted and by reference made a part of this municipal code with the same force and effect as though set out herein in full. One (1) copy of the 2010 California Electrical Code is on file and open to public inspection in the building inspection office."

SEC. 8.50.2. Subsection 89.101.1 amended—Title.

Subsection 89.101.1 of the California Electrical Code is amended to read as follows:

89.101.1 Title. This document shall be known as the "California Electrical Code" and may be cited as such and will be referred to herein as "this code." Administrative provisions of the California Electrical Code are referenced to the California Building Code, Chapter 1, and Division II for provisions.

SEC. 8.50.3. Section 89.108.8 amended—Appeals Board.

Subsection 89.108.8 of the California Electrical Code is amended to read as follows:

89.108.8.1. Procedure for appeals. The provisions of Section 8.10.16 of this code is hereby incorporated by reference as if fully set forth herein. When Section 8.10.16 is used in reference to a Electrical Code appeal, the term "Electrical Permit" shall replace the term "Building Permit" in said section."

Section 12. Sections 8.90 through 8.99 of Article V of Chapter 8 of the Mountain View City code is hereby deleted in its entirety.

Section 13. Article V is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE V.
2009 INTERNATIONAL PROPERTY MAINTENANCE CODE.**

SEC. 8.60.1. 2009 International Property Maintenance Code.

The International Property Maintenance Code, 2009 edition, promulgated by the International Code Council, which provides minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings, is adopted and by reference made a part of this code with the same force and effect as though set out in full in this chapter. One (1) copy of the International Property Maintenance Code is on file and open to public inspection in the building inspection office."

SEC. 8.60.2. Subsection 101.1 amended—Title.

Subsection 101.1 of the International Property Maintenance Code is amended to read as follows:

101.1 Title. This document shall be known as the "International Property Maintenance Code of the City of Mountain View" and may be cited as such and will be referred to herein as "this code." Administrative provisions of the International Property Maintenance Code are referenced to the California Building Code, Chapter 1, and Division II for provisions.

SEC. 8.60.3. Section 103 amended—Department of Property Maintenance Inspection.

Section 103 of the International Property Maintenance Code is amended to read as follows:

103. Property Maintenance.

103.1 General. The building inspection division of the community development department is hereby responsible for the enforcement of this code and the building official shall be the executive official in charge. Code official shall mean building official as referenced herein.

SEC. 8.60.4. Section 111 amended—Means of Appeal.

Section 111 of the International Property Maintenance Code is amended to read as follows:

111. Procedure for appeals. Any owner or owner representative who is in disagreement with the building official's interpretation of any provision of this code may appeal the building official's interpretation to the city council of the city. All such appeals shall be filed within ten (10) working days after the date the building official renders an interpretation of any provision of this code. All appeals shall be in writing, shall be filed with the city clerk, shall state the ground or grounds of appeal and shall be accompanied by a nonrefundable fee of two hundred fifty dollars (\$250). Within sixty (60) calendar days after an appeal is filed, the appeal shall be heard by the city council. The city clerk shall give at least five (5) days prior written notice to the applicant of the date, time and place for the hearing on said appeal. The city council shall not be required to give public notice of said hearing. The applicant shall be entitled to present

any oral and/or written evidence at said hearing. Any hearing held pursuant to this section may be continued from time to time by the city council. Within twenty-one (21) days after the hearing is closed, the council shall announce its decision. All decisions of the city council on any appeal shall be final. Any action to challenge, annul or contest the validity of any decision of the city council on any such appeal shall be filed no later than sixty (60) calendar days after the date the city council has adopted a resolution formalizing its decision on the appeal.

SEC. 8.60.5. Subsection 201.3 amended—Terms defined in other codes.

Subsection 201.3 of the International Property Maintenance Code is amended to read as follows:

201.3. Terms defined in other codes. Where terms are not defined in this code and are defined in the California Building, Fire, Plumbing, Mechanical and Electrical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes. Where this code refers to "International" Building, Fire, Plumbing, Mechanical or other International Codes, the term international shall be replaced with the word "California."

SEC. 8.60.6. Subsection 302.8 deleted—Motor vehicles.

Section 14. Sections 8.100 through 8.112 of Article VI of Chapter 8 of the Mountain View City Code is hereby deleted in its entirety.

Section 15. Article VI is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE VI.
CONSTRUCTION NOISE.**

SEC. 8.70.1. Construction noise.

a. **Hours of construction.** No construction activity shall commence prior to 7:00 a.m. nor continue later than 6:00 p.m., Monday through Friday, nor shall any work be permitted on Saturday or Sunday or holidays unless prior written approval is granted by the building official. The term "construction activity" shall include any physical activity on the construction site or in the staging area, including the delivery of materials. In approving modified hours, the building official may specifically designate and/or limit the activities permitted during the modified hours.

b. **Modification.** At any time before commencement of or during construction activity, the building official may modify the permitted hours of construction upon twenty-four (24) hours written notice to the contractor, applicant, developer or owner. The building official can reduce the hours of construction activity below the 7:00 a.m. to 6:00 p.m. time frame or increase the allowable hours.

c. **Sign required.** If the hours of construction activity are modified, then the general contractor, applicant, developer or owner shall erect a sign at a prominent location on the construction site to advise subcontractors and material suppliers of the working hours. The contractor, owner or applicant shall immediately produce upon request any written order or permit from the building official pursuant to this section upon the request of any member of the public, the police or city staff.

d. **Violation.** Violation of the allowed hours of construction activity, the building official's order, required signage or this section shall be a violation of this code."

Section 16. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption, but no sooner than January 1, 2011.

Section 17. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 18. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 12th day of October, 2010, and thereafter adopted at the Regular Meeting of said Council, duly held on the 26th day of October, 2010, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Kasperzak, Macias, Means,
Vice Mayor Siegel and Mayor Bryant

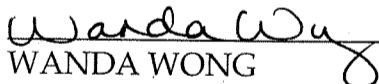
NOES: Councilmember Inks

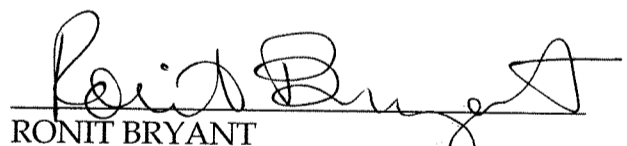
ABSENT: None

NOT VOTING: None

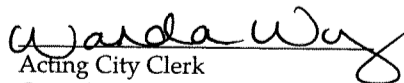
ATTEST:

APPROVED:


WANDA WONG
ACTING CITY CLERK


RONIT BRYANT
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 26th day of October, 2010, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 22nd day of October, 2010, and posted in three prominent places in said City.


Acting City Clerk
City of Mountain View

AG/2/ORD
807-10-12-10o-E^

Dated: 12/12/2010 [Signature]
Deputy City Clerk

ORDINANCE NO. 14.10

AN ORDINANCE AMENDING CHAPTER 14 OF THE
MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION
OF THE 2010 CALIFORNIA FIRE CODE AND THE
2009 INTERNATIONAL FIRE CODE

WHEREAS, a local entity such as the City of Mountain View must adopt the California Fire Code prior to January 1, 2011 if the local agency desires to maintain local control and allow for amendments to the California Fire Code in order to accommodate local requirements for local conditions; and

WHEREAS, the City of Mountain View has local conditions which require amendments to the California Fire Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Article I of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 2. Article I is hereby added to Chapter 14 of the Mountain View City Code, to read as follows:

"SEC. 14.10.1. Adoption of California Fire Code and the International Fire Code.

The City hereby adopts for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Fire Code, including Appendix Chapter 4, Appendix B, BB, F, J of the California Fire Code standards published by the International Code Council, being particularly the 2010 Edition thereof and the whole thereof, save and except such portions as are hereinafter changed, deleted modified or amended for nonstate-regulated occupancies as defined in California Fire Code Sections 1.1.3.1 and 1.1.3.2. The city hereby also adopts certain provisions of the International Fire Code as referenced herein. A copy of said code has been and is now filed in the office of the fire marshal of the City of Mountain View, and the same, as amended herein, is hereby adopted by reference and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the City of Mountain View.

SEC. 14.10.2. Definitions.

a. Wherever the word "municipality" is used in the California Fire Code, it shall mean the city.

b. Wherever the term "corporation counsel" is used in the California Fire Code, it shall mean the city attorney.

c. Fire and environmental protection division includes those employees of the fire department who have the duty of enforcing this code in accordance with and pursuant to California Penal Code Sections 836.5 and 853.6, to arrest persons for violations of such ordinances or statutes and issue notice to appear citations as provided by law. Within the Mountain View city limits, this term shall refer to the fire prevention personnel, hazardous materials personnel, fire marshal and other fire department personnel so designated by the fire chief.

SEC. 14.10.3. Section 101.6 added, Administration, General.

Section 101.6 is added to the California Fire Code, to read as follows:

101.6. Fire Protection. The adoption of this code is a reflection of levels of protection of "built-in" fire protection equipment which shall be required in order to provide an adequate level of fire protection to the community at a reasonable cost. Anyone constructing or using properties or processes or engaging in other activities which constitute a potentially higher demand on fire department staffing requirements than are planned for may be required to install automatic fire extinguishing systems, fire protection equipment or such other safeguards that will make it possible to provide an adequate fire protection service with the city's normal fire department capability.

SEC. 14.10.4. Section 102.10 amended, Applicability.

Section 102.10 of the California Fire Code is amended to read as follows:

102.10. Conflicting Provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where there is a conflict between requirements in this code and requirements in other local, state or federal laws, regulations or ordinances, the more restrictive shall be applicable.

SEC. 14.10.5. Table 105.6.8 deleted, Permits.

Table 105.6.8 of the California Fire Code is deleted.

SEC. 14.10.6. Table 105.6.10 deleted, Permits.

Table 105.6.10 of the California Fire Code is deleted.

SEC. 14.10.7. Table 105.6.20 deleted, Permits.

Table 105.6.20 of the California Fire Code is deleted.

SEC. 14.10.8. Section 105.6.10 amended, Permits.

Section 105.6.10 of the California Fire Code is amended to read as follows:

105.6.10. Cryogenic Fluids. An operational permit is required to store, handle or use cryogenic fluids in aboveground tanks.

SEC. 14.10.9. Section 105.6.16 amended, Permits.

Section 105.6.16 of the California Fire Code is amended to read as follows:

105.6.16. Flammable and Combustible Liquids in Tanks. An operational permit is required to store, handle or use flammable or combustible liquids in any quantity in aboveground or belowground storage tanks.

SEC. 14.10.10. Section 105.6.47 amended, Permits.

Section 105.6.47 of the California Fire Code is amended to read as follows:

105.6.47. Additional permits. In addition to the permits required by Section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:

1. **Production facilities.** To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.
2. **Pyrotechnics and special effects.** To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television or commercial production.
3. **Live audiences.** To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.
4. **Haunted House.** An operational permit is required to operate a Haunted House.
5. **High-Rises.** High-rise buildings as defined in Title 19 CAC and Health and Safety Code Section 13210. An operational permit is required to operate a high-rise building.
6. **Licensed Facilities.** An operational permit is required to operate a state-licensed facility, including community care, residential care for the elderly and child day care.
7. **Temporary Membrane Structures, Tents and Canopies.** An operational permit is required to operate a tent or temporary membrane structure having an area in excess of 200 square feet, or any canopy in excess of 400 square feet.

SEC. 14.10.11. Section 105.7.14 amended, Permits.

Section 105.7.14 of the California Fire Code is amended to read as follows:

105.7.14. Temporary Membrane Structures, Tents and Canopies. A permit is required to install, erect or assemble a tent or temporary membrane structure having an area in excess of 200 square feet, or any canopy in excess of 400 square feet.

SEC. 14.10.12. Section 113.6 added, Fees.

Section 113.6 is added to the California Fire Code, to read as follows:

113.6. Local Fees.

1. The fees for the primary inspection, first reinspection and any inspection thereafter shall be established by council resolution.
2. The fees for special inspections of temporary installations/events shall be established by council resolution. These shall include, but not be limited to: fireworks displays, pyrotechnic displays, temporary membrane structures (tents, canopies); carnivals, parades, fairs, haunted houses, Christmas tree lots, pumpkin patches, etc.
3. The fees for fire permits, as described in Chapter 1, Section 105, shall be established by council resolution.

4. Late fees (130 days past due) for fire permits, as described in Chapter 1 Section 105, shall be established by council resolution.

5. Maintenance fees for fire protection or extinguishing systems shall be established by council resolution. These shall include, but not be limited to: fire alarm systems, sprinkler systems, standpipe systems, hood and duct systems, private fire hydrants, etc.

6. The fee for preventable false fire alarms shall be established by council resolution.

SEC. 14.10.13. Section 202, amended, Definitions.

Section 202 of the California Fire Code is amended to include the following definitions and shall read:

Other Health Hazard Material is a hazardous material which affects target organs of the body, including, but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage) or teratogens (effects on fetuses). Other health hazard materials additionally include carcinogens and radioactive materials. See also Section 2702.1—Health Hazard.

Sensitizer is a chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

Temporary shall mean not to exceed one (1) year.

Waste Oil is defined as those waste liquids resulting from the use of Class III-B combustible fluids such as waste motor oil, hydraulic oil, lubricating oil; brake fluids and transmission fluids.

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

SEC. 14.10.14. Section 311.5 deleted, Placards.

Section 311.5 of the California Fire Code is deleted.

SEC. 14.10.15. Section 316.6 added, Hazard to Firefighters.

Section 316.6 is added to the California Fire Code, to read as follows:

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

EXCEPTION:

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

SEC. 14.10.16. Section 401.5 amended, Emergency Planning and Preparedness, General.

Section 401.5 of the California Fire Code is amended to read as follows:

401.5. Making False Report. It shall be unlawful for any person to give, signal or transmit or for any person to cause or permit to be given, signaled or transmitted in any manner any false alarm. The fee for such false alarm shall be set by council resolution.

SEC. 14.10.17. Section 401.7 amended, Emergency Planning and Preparedness, General.

Section 401.7 of the California Fire Code is amended to read as follows:

401.7. Unplanned Evacuation. Evacuation made necessary by the unplanned evacuation of a fire alarm system or by any other emergency may be substituted for a required evacuation drill only when approved by the Fire Code Official.

SEC. 14.10.18. Section 404.2 amended, Fire Safety and Evacuation Plans.

Section 404.2 of the California Fire Code is amended to read as follows:

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

1. Group A buildings having an occupant load of 100 or more persons.
2. Group B buildings have an occupant load of 500 or more persons.
3. Group E: See Section 3.13 Title 19, CCR.
4. Group F buildings having occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.
5. Group H.
6. Group I. See Section 3.09 Title 19, CCR.
7. Group R-1. See Section 3.09 Title 19, CCR.
8. Group R-2 college and university buildings.
9. Group R-4.
10. High-rise buildings. See Section. 309, Title 19, CCR.
11. Group M buildings having an occupant load of 500 or more persons.
12. Covered malls exceeding 50,000 square feet (4,645 m²) in aggregate floor area.
13. Underground buildings.

SEC. 14.10.19. Section 404.3.1 amended, Fire Safety and Evacuation Plans.

Section 404.3.1 of the California Fire Code is amended to read as follows:

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

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

SEC. 14.10.20. Table 405.2 amended, Fire and Evacuation Drill Frequency and Participation.

Table 405.2 of the California Fire Code is amended to read as follows:

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

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B ^c	Annually	Employees
Group E	See Section 3.13 Title 19, CCR	
Group F	Annually	Employees
Group I	See Section 3.09 Title 19, CCR	
Group R-1	See Section 3.09 Title 19, CCR	
Group R-2 ^d	Two annually	All occupants
Group R-4	Quarterly on each shift	Employees ^b
High-rise Buildings ^e	See Section 3.13 Title 19, CCR	

- b. Fire and evacuation drills in residential care assisted living facilities shall include complete evacuation of the premises in accordance with Section 408.10.5. Where occupants receive habitation or rehabilitation training, fire prevention and fire safety practices shall be included as part of the training program.
- c. Group B buildings having an occupant load of 500 or more persons.
- d. Applicable to Group R-2 college and university buildings only.
- e. Applicable to high-rise office buildings only.

SEC. 14.10.21. Section 408.2.2 deleted, Announcements, Group A Occupancies.

Section 408.2.2 of the California Fire Code is deleted.

SEC. 14.10.22. Section 408.3 deleted, Group E Occupancies and R-2 College and University Buildings.

Section 408.3 of the California Fire Code is deleted in its entirety.

SEC. 14.10.23. Section 408.5 deleted, Group I-1 Occupancies.

Section 408.5 of the California Fire Code is deleted in its entirety.

SEC. 14.10.24. Section 408.6 deleted, Group I-2 Occupancies.

Section 408.6 of the California Fire Code is deleted in its entirety.

SEC. 14.10.25. Section 408.7 deleted, Group I-3 Occupancies.

Section 408.7 of the California Fire Code is deleted in its entirety.

SEC. 14.10.26. Section 408.8 deleted, Group R-1 Occupancies.

Section 408.8 of the California Fire Code is deleted in its entirety.

SEC. 14.10.27. Section 408.9 amended, Group R-2 Occupancies.

Section 408.9 of the California Fire Code is amended to read as follows:

408.9. Group R-2 Occupancies. Group R-2 occupancies shall comply with the requirements of Sections 408.9.1 through 408.9.3 and Sections 401 through 406. Group R-2 college and university buildings shall comply with the requirements of Sections 408.9.1 through 408.9.5 and Sections 401 through 406.

408.9.1. Emergency guide. A fire emergency guide shall be provided which describes the location, function and use of fire protection equipment and appliances accessible to residents, including fire alarm systems, smoke alarms and portable fire extinguishers. The guide shall also include an emergency evacuation plan for each dwelling unit.

408.9.2. Maintenance. Emergency guides shall be reviewed and approved in accordance with Section 401.2.

408.9.3. Distribution. A copy of the emergency guide shall be given to each tenant prior to initial occupancy.

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

408.9.5. Time of Day. Emergency evacuation drills shall be conducted at different hours of the day or evening, during the changing of classes, when the school is at assembly, during the recess or gymnastic periods, or during other times to avoid distinction between drills and actual fires. In Group R-2 college and university buildings, one required drill shall be held during hours after sunset or before sunrise.

SEC. 14.10.28. Section 408.11.1.2 amended, Revisions.

Section 408.11.1.2 of the California Fire Code is amended to read as follows:

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

SEC. 14.10.29. Section 503.2.1 amended, Dimensions.

Section 503.2.1 of the California Fire Code is amended to read as follows:

503.2.1. Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than twenty (20) feet (6,096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm). Unobstructed width shall mean a clear travelway, excluding parking width and designed for emergency vehicle weight. It shall not include the width of rolled curbs, sidewalks or nondrivable surfaces.

EXCEPTIONS:

1. Vertical clearances or widths shall be increased when, in the opinion of the fire chief, vertical clearances or widths are not adequate to provide fire apparatus access.

2. Where buildings or portions of buildings or facilities have floors used for human occupancy located more than 30 feet above the access road, the minimum unobstructed width shall be increased to 26 feet.

SEC. 14.10.30. Section 503.2.4 amended, Turning Radius.

Section 503.2.4 of the California Fire Code is amended to read as follows:

503.2.4. Turning Radius. The turning radius of a fire apparatus access road shall be as described in the City of Mountain View fire department's "Standard Details and Specifications for Fire Apparatus Turnaround Access."

EXCEPTION:

When the turning radius does not meet the City of Mountain View fire department's "Standard Details and Specifications for Fire Apparatus Turnaround Access," all structures located more than one hundred fifty (150) feet away from the nearest compliant turnaround and served by the fire apparatus access road shall be protected by an approved fire sprinkler system.

SEC. 14.10.31. Section 503.2.5 amended, Dead Ends.

Section 503.2.5 of the California Fire Code is amended to read as follows:

503.2.5. Dead Ends. Dead-end fire apparatus access roads in excess of one hundred fifty (150) feet (45,720 mm) in length shall be provided with approved provisions for the turning around, of fire apparatus. Approved provisions shall mean turnarounds as described in the City of Mountain View fire department's "Standard Details and Specifications for Fire Apparatus Turnaround Access."

EXCEPTION:

When turnaround provisions do not comply with Section 503.2.4, as amended, on fire apparatus access roads exceeding one hundred fifty (150) feet, all structures located more than one hundred fifty (150) feet away from the nearest compliant turnaround and served by the fire apparatus access road shall be protected by an approved automatic fire sprinkler system.

SEC. 14.10.32. Section 503.7 added, Traffic Calming Devices.

Section 503.7 is added to the California Fire Code, to read as follows:

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

SEC. 14.10.33. Section 504.4 added, Access to Building Openings and Roofs.

Section 504.4 is added to the California Fire Code, to read as follows:

504.4. Access Control Devices. When access control devices, including bars, grates, gates, electric or magnetic locks or similar devices are installed on the interior or exterior of a building, which would inhibit rapid fire department emergency access to the building, such devices shall be approved by the fire chief or his/her designee. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department.

Access control devices shall also comply with Chapter 10 Egress.

SEC. 14.10.34. Section 505.1 amended, Premises Identification.

Section 505.1 of the California Fire Code is amended to read as follows:

505.1. Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background.. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 6 inches (152.4 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

Exception: For R-3 occupancies, address numbers shall be a minimum of 4 inches high with a minimum strike width of 0.5 inch.

SEC. 14.10.35. Section 509.3 added, Fire Protection Equipment Identification and Access.

Section 509.3 is added to the California Fire Code, to read as follows:

509.3. Fire-protection equipment and fire hydrants. Fire-protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions. Fire Department Connections (FDCs) and control valves shall also be identified by their function and occupancy(ies)/address(es) they serve.

When required by the fire chief, hydrant locations shall be identified by installation of reflective markers.

SEC. 14.10.36. Section 510.1 amended, Emergency Responder Radio Coverage.

Section 510.1 of the California Fire Code is amended to read as follows:

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

Section 510.1.1 is added to the California Fire Code, to read as follows:

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

SEC. 14.10.37. Section 605.11 added, Immersion Heaters.

Section 605.11 is added to the California Fire Code, to read as follows:

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

SEC. 14.10.38. Section 608.6.4 added, Failure of Ventilation System.

Section 608.6.4 is added to the California Fire Code, to read as follows:

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

SEC. 14.10.39. Section 806.1.1 amended, Display Inside Buildings.

Section 806.1.1 of the California Fire Code is amended to read as follows:

806.1.1. Display Inside Buildings. The display of Christmas trees and other decorative vegetation in new and existing buildings shall be in accordance with the California Code of Regulations, Title 19, Division 1, Section 308 and Sections 806.1 through 806.5.

SEC. 14.10.40. Section 901.6.3 added, Existing Systems.

Section 901.6.3 is added to the California Fire Code, to read as follows:

901.6.3. Existing Systems. Fire alarm and detection systems installed prior to the adoption of this code shall be maintained per NFPA 72.

Inoperable or unserviceable fire alarm and detection systems in multi-family (R-2) occupancies required under a previous ordinance shall be removed, and a fire alarm system complying with CFC Section 4603.6.6 shall be installed. If a fire alarm system is not otherwise required by Section 4603.6.6, AC-wired single- or multiple-

station smoke alarms with battery backup shall be provided in each dwelling unit. Detectors shall be located in all areas giving access to rooms used for sleeping purposes and shall be interconnected. Dwelling units with sleeping rooms located above or below the first floor shall have a smoke detector at the top of the stairs and on each stair landing. Battery-operated smoke alarms shall be installed in each room used for sleeping purposes.

Section 901.6.3.1 is added to the California Fire Code, to read as follows:

901.6.3.1. Enforcement. No multi-family (R-2) occupancies with interior exit corridors built prior to 1983 shall be occupied without a thermal detection system or equivalent.

SEC. 14.10.41. Section 903.2 amended, Automatic Sprinkler Systems, Where Required.

Section 903.2 of the California Fire Code is amended to read as follows:

903.2. Where Required. Approved automatic sprinkler systems in new buildings and structures, and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.18 and as follows, whichever is the more restrictive:

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

Exception: Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that do not exceed 1,000 square feet of building area.

2. In determining whether an automatic fire sprinkler system is required, the following criteria shall be used:

(a) Determine the Building Area as defined by the California Building Code.

Exception: Eave projections 24 inches or less shall not be counted.

(b) Multiply the Building Area as determined herein by the number of stories. A full basement shall be counted as a story and the floor area of mezzanine(s) shall be added to the Building Area of the story in which they are located.

(c) For the purposes of determining whether automatic fire sprinklers are required in a building, the installation fire walls will not be considered to create separate buildings.

3. Any change in the character of occupancy or in the use of any building with a Building Area at or over 3,600 square feet which, in the opinion of the fire chief or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹, or increased fire risk², shall require the installation of an approved automatic fire sprinkler system.

Definition only—Not limited to:

¹Life Safety—Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting system due to increased occupant loads, large schools/day-care facilities, large residential care facilities with nonambulatory clients.

²Fire Risks—High piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flame).

4. For existing nonsprinklered buildings, an approved automatic sprinkler system shall be required when additions meet one of the following criteria:

- a. Additions equal to or greater than 100 percent of the existing square footage.
- b. Additions that increase the total building area to over 4,100 square feet.

SEC. 14.10.42. Section 903.3.1 amended, Installation Requirements, Standards.

Section 903.3.1 of the California Fire Code is amended to read as follows:

903.3.1. Standards. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, unless otherwise permitted by 903.3.1.2 and 903.3.1.3. Sprinkler systems shall also be designed and installed in accordance with the City of Mountain View "Commercial Automatic Fire Sprinklers Requirements" and "Residential Automatic Fire Sprinklers Requirements."

SEC. 14.10.43. Section 905.3 amended, Standpipe Systems, Required Installations.

Section 905.3 of the California Fire Code is amended to read as follows:

905.3. Required installations. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.10.1 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems are required to be combined with automatic sprinkler systems.

EXCEPTION:

In sprinklered buildings where the floor level of the highest story is located 30 feet or less above the lowest level of the fire department vehicular access, 1-1/2-inch national standard hose valve connections, complying with NFPA standards, shall be provided for fire department use. They shall be located so that all portions of the building are within 150 feet travel distance of a connection. Standpipe systems are not required in Group R-3 occupancies.

SEC. 14.10.44. Section 905.3.1 amended, Building Height.

Section 905.3.1 of the California Fire Code is amended to read as follows:

905.3.1. Building Height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9,144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9,144 mm) below the highest level of fire department vehicle access.

EXCEPTIONS:

1. In determining the lowest level of fire department vehicle access, it shall not be required to consider:
 - 1.1. Recessed loading docks for four vehicles or less, and
 - 1.2. Conditions where topography makes access from the fire department vehicle access from the fire department vehicle to the building impractical or impossible.
2. In sprinklered buildings where the floor level of the highest story is located 30 feet or less above the lowest level of the fire department vehicular access, 1-1/2 inch national standard hose valve connections, complying with NFPA standards, shall be provided for fire department use. They shall be located so that all portions of the building are within 150 feet travel distance of a connection.

SEC. 14.10.45. Section 905.3.2 amended, Group A.

Section 905.3.2 of the California Fire Code is amended to read as follows:

905.3.2. Group A. Class II (without hose) automatic wet standpipes shall be provided in nonsprinklered Group A buildings having an occupant load exceeding 1,000 persons.

EXCEPTIONS:

1. Open-air-seating spaces without enclosed spaces.

SEC. 14.10.46. Section 905.3.3 amended, Covered Mall Buildings.

Section 905.3.3 of the California Fire Code is amended to read as follows:

905.3.3. Covered Mall Buildings. A covered mall building shall be equipped throughout with a standpipe system where required by Section 905.3.1. Covered mall buildings not required to be equipped with a standpipe system by Section 905.3.1 shall be equipped with Class II hose connections (without hose) connected to a system sized to deliver water at 250 gallons per minute (946.4 L/min) at the most hydraulically remote outlet. Hose connections shall be provided at each of the following locations:

1. Within the mall at the entrance to each exit passageway or corridor.
2. At each floor-level landing within enclosed stairways opening directly on the mall.
3. At exterior public entrances to the mall.

SEC. 14.10.47. Section 905.3.5 amended, Underground Buildings.

Section 905.3.5 of the California Fire Code is amended to read as follows:

905.3.5. Underground Buildings. Underground buildings and parking garages shall be equipped throughout with a Class III automatic wet standpipe system.

SEC. 14.10.48. Section 907.7 amended, Fire Alarm and Detection Systems, Installation.

Section 907.7 of the California Fire Code is amended to read as follows:

907.7. Installation. A fire alarm system shall be installed in accordance with 907.7.1 through 907.7.5.1, NFPA 72 and the City of Mountain View "Fire Alarm and Sprinkler Monitoring System Requirements.

SEC. 14.10.49. Section 1404.8 added, Precautions Against Fire, Firewalls.

Section 1404.8 is added to the California Fire Code, to read as follows:

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

SEC. 14.10.50. Section 1411.1 amended, Means of Egress, Stairways Required.

Section 1411.1 of the California Fire Code is amended, to read as follows:

1411.1. Stairways Required. Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

EXCEPTION:

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

Section 1411.1.1 is added to the California Fire Code, to read as follows:

Section 1411.1.1. Required Means of Egress. All new buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the prefire plan. See Section 1408.2 of the California Fire Code.

SEC. 14.10.51. Section 1802.1 amended, Definitions.

Section 1802.1 of the California Fire Code is amended to include the following definition and shall read:

CONTINUOUS GAS DETECTION SYSTEM. An approved gas detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed 30 minutes. In occupied areas where air is recirculated and not exhausted to a treatment system (e.g., breathing zone), the chief may require a cyclical basis at intervals not to exceed 5 minutes. The gas detection system shall be able to detect the presence of a gas at or below the permissible exposure limit in occupiable areas and at or below 1/2 IDLH (or 0.05 LC₅₀ if no established IDLH) in unoccupiable areas.

SEC. 14.10.52. Section 2306.4 amended, General Fire Protection and Life Safety Features, Automatic Sprinklers.

Section 2306.4 of the California Fire Code, is amended to read as follows:

2306.4. Automatic Sprinklers. Automatic sprinkler systems shall be provided in accordance with Sections 2307, 2308, 2309 and 903.2 as amended.

SEC. 14.10.53. Section 2703.9.1.1 added, General Requirements, Fire Extinguishing Systems.

Section 2703.9.1.1 is added to the California Fire Code, to read as follows:

2703.9.1.1. Fire Extinguishing Systems for Workstations Dispensing, Handling or Using Hazardous Materials. Combustible and noncombustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 1803.10.

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

SEC. 14.10.54. Section 3404.2.9.6.1 amended, Flammable and Combustible Liquids, Storage.

Section 3404.2.9.6.1 of the California Fire Code is amended to read as follows:

3404.2.9.6.1. Locations Where Aboveground Tanks Are Prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within any portion of the City of Mountain View, now or hereafter existing.

EXCEPTIONS:

1. Double-wall steel aboveground tanks not exceeding 660-gallon capacity used for the storage of diesel fuel (including integral diesel fuel storage tanks) to power listed generators or fire pumps. Tanks of 0- to 660-gallon capacity shall be located a minimum of ten (10) feet from any building and property line which is or can be built upon. Minimum distances may be reduced as approved by the fire code official, but not less than five (5) feet when the aboveground tank is protected by an unpierced two (2) hour fire-resistive wall extending not less than thirty (30) inches above and to the sides of the storage area.

2. Double-wall protected aboveground storage tanks storing diesel fuel that are used to power listed generators or fire pumps shall not exceed 4,000 gallons individual capacity and 16,000 gallons aggregate capacity. Tanks of 661- to 4,000-gallon capacity shall be located a minimum of ten (10) feet from any building and fifteen (15) feet from a property line which is or can be built upon. Minimum distances may be reduced as approved by the fire code official, but not less than five (5) feet when the protected aboveground tank is protected by an unpierced two (2) hour fire-resistive wall extending not less than thirty (30) inches above and to the sides of the storage area. Tanks shall be installed in accordance with NFPA 30 and Chapter 34 of the California Fire Code as amended.

SEC. 14.10.55. Section 3804.2 amended, Liquefied Petroleum Gases, Location of LP-Gas Containers.

Section 3804.2 of the California Fire Code is amended to read as follows:

3804.2. Maximum Capacity within Established Limits. Liquefied Petroleum Gas (LPG) shall not be permitted within the city limits where natural gas mains exist. Upon the installation of natural gas mains, conversion from LPG to natural gas must be made within thirty (30) days of the installation of the mains. When an area is annexed to the city and no natural gas mains exist, the use of LPG may be continued until natural gas mains are installed. If natural gas mains exist within the area of annexation, conversion from LPG to natural gas shall be made within thirty (30) days of annexation.

EXCEPTION:

Installations of LPG tanks may be permitted within the city limits if used for:
(1) emergency standby power supply; (2) filling of portable containers for retail sales; or
(3) industrial operators where natural gas would not provide a workable substitute."

Section 3. Article II of Chapter 14 of the Mountain View City Code is hereby deleted in its entirety.

Section 4. Article II is hereby added to Chapter 14 of the Mountain View City Code, to read as follows:

"SEC. 14.30. Section 3301.1 amended, Explosives and Fireworks, General.

Section 3301.1 of California Fire Code is amended to read as follows:

3301.1. Scope. For explosives requirements, see Title 19 California Code of Regulations, Division 1, Chapter 10 and Section 3301.1.1 as amended. For fireworks requirements, see Title 19 California Code of Regulations, Division 1, Chapter 6 and Sections 3301.1.1 and 3301.1.2 as amended.

EXCEPTIONS:

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

SEC. 14.31. Section 3301.2 added, Explosives and Fireworks, General.

Section 3301.2 is added to the California Fire Code, to read as follows:

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

EXCEPTIONS:

Possession, storage, handling and use of explosives for test and research purposes may be allowed with permit and approval of the fire chief or his/her designee.

SEC. 14.32. Section 3301.3 added, Explosives and Fireworks, General.

Section 3301.3 is added to the California Fire Code, to read as follows:

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

EXCEPTIONS:

1. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions when handled and used by a California State licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and with permit and approval of the fire chief and his/her designee.

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

SEC. 14.33. Section 3301.4 added, Explosives and Fireworks, General.

Section 3301.4 is added to the California Fire Code, to read as follows:

3301.4. Rocketry. The storage, handling and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and with permit and approval of the fire chief or his/her designee.

SEC 14.34. Section 3301.5 added, Explosives and Fireworks, General.

Section 3301.5 is added to the California Fire Code, to read as follows:

3301.5. Small Arms Ammunition—General. Indoor storage and display of black powder, smokeless propellants and small arms ammunition shall comply with Sections 3301.5.1 through 3301.5.3.2.3.

Section 3301.5.1 is added to the California Fire Code, to read as follows:

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

Section 3301.5.1.1 is added to the California Fire Code, to read as follows:

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

Section 3301.5.1.2 is added to the California Fire Code, to read as follows:

3301.5.1.2. Damaged Packages. Damaged containers shall not be repackaged.

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

Section 3301.5.2 is added to the California Fire Code, to read as follows:

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

Section 3301.5.2.1 is added to the California Fire Code, to read as follows:

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

Section 3301.5.2.2 is added to the California Fire Code, to read as follows:

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

Section 3301.5.2.3 is added to the California Fire Code, to read as follows:

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

Section 3301.5.3 is added to the California Fire Code, to read as follows:

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

Section 3301.5.3.1 is added to the California Fire Code, to read as follows:

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

Section 3301.5.3.1.1 is added to the California Fire Code, to read as follows:

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

Section 3301.5.3.1.2 is added to the California Fire Code, to read as follows:

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

Section 3301.5.3.1.3 is added to the California Fire Code, to read as follows:

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

Section 3301.5.3.2 is added to the California Fire Code, to read as follows:

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

Section 3301.5.3.2.1 is added to the California Fire Code, to read as follows:

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

Section 3301.5.3.2.2 is added to the California Fire Code, to read as follows:

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

Section 3301.5.3.2.3 is added to the California Fire Code, to read as follows:

3301.5.3.2.3. Small Arms Primers. Commercial stocks of small arms primers not on display shall not exceed 750,000. Storage shall be arranged such that not more than 100,000 small arms primers are stored in any one pile and piles are at least 15 feet (4,572 mm) apart."

Section 5. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 7. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 12th day of October, 2010, and thereafter adopted at the Regular Meeting of said Council, duly held on the 26th day of October, 2010, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Kasperzak, Macias, Means,
Vice Mayor Siegel and Mayor Bryant


NOES: Councilmember Inks

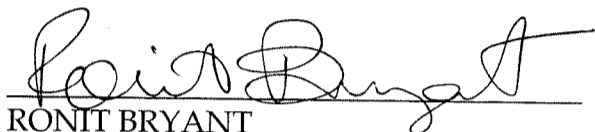
ABSENT: None

NOT VOTING: None

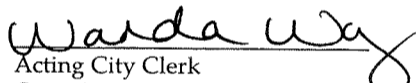
ATTEST:

APPROVED:


WANDA WONG
ACTING CITY CLERK


RONIT BRYANT
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 26th day of October, 2010, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 22nd day of October, 2010, and posted in three prominent places in said City.


Acting City Clerk
City of Mountain View

JN/2/ORD
814-09-07-10o^