

ORDINANCE NO. 2016-413

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY AMENDING 15.04.20 [AMENDMENTS TO THE BUILDING CODE], AND 15.04.030 [ADMINISTRATION OF THE BUILDING CODE] OF CHAPTER 15.04 [BUILDING CODE] OF TITLE 15 [BUILDINGS AND CONSTRUCTION] OF THE PORTOLA VALLEY MUNICIPAL CODE TO ADOPT AN UPDATED BUILDING CODE OF THE PORTOLA VALLEY MUNICIPAL CODE

WHEREAS, the Town of Portola Valley (“Town”) wishes to adopt a building code in accordance with law and to use the most updated regulations in the process of development in the Town; and

WHEREAS, because of the Town’s unique local climatic. Geologic and topographic conditions, as detailed in Attachment 1, the Town desires to make some amendments and additions to the California Building Code.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. AMENDMENT OF CODE. Section 15.04.010 [Definitions] of Title 15 [Buildings and Construction] of the Town of Portola Valley Municipal Code are hereby amended to read as follows:

15.04.010 Building Code. The Town’s building code is comprised of the following uniform codes:

A. 2016 California Building Code (Part 2 of Title 24) Based on the 2015 International Building Code (IBC) published by the International Code Council, with *modifications*; and

B. 2016 California Residential Code (Part 2.5 of Title 24) and Appendices: E: Manufactured Housing Used as Dwelling (excluding sections AE101 through AE307). Appendix H: Patio Covers. Appendix K: Sound Transmission. Appendix V: Swimming Pools, Spas and Hot Tubs. Based on the 2015 International Residential Code (IRC) published by the International Code Council, with *modifications*; and

C. 2016 California Electrical Code (Part 3 of Title 24) Based on the 2014 National Electrical Code (NEC) published by the National Fire Protection Association; and

D. 2016 California Mechanical Code (Part 4 of Title 24) Based on the 2015 Uniform Mechanical Code (UMC) published by the International Association of Plumbing and Mechanical Officials (IAPMO) and Appendices:

- Appendix B: Procedure to be Followed to Place Gas Equipment in Operation
- Appendix C: Installation and Testing of Oil Fuel-Fired Equipment
- Appendix F: Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design
- Appendix G: Example Calculations of Outdoor Air Rate; and

E. 2016 California Plumbing Code (Part 5 of Title 24) Based on the 2015 Uniform Plumbing Code (UPC) published by the International Association of Plumbing and Mechanical Officials (IAPMO) and Appendices:

- Appendix A: Recommended Rules of Sizing the Water Supply System
- Appendix B: Explanatory Notes on Combination Waste and Vent Systems
- Appendix C: Alternate Plumbing Systems
- Appendix D: Sizing Storm Water Drainage Systems
- Appendix G: Sizing of Venting Systems
- Appendix I: Installation Standards
- Appendix J: Combination of Indoor and Outdoor Combustion and Ventilation Opening Design
- Appendix K: Potable Rainwater Catchment Systems; and

F. 2016 California Energy Code (Part 6 of Title 24) Previously adopted; and

G. 2016 California Historical Building Code (Part 8 of Title 24 Building Standards) previously adopted; and

H. 2016 California Fire Code (Part 9 of Title 24) Based on the 2015 International Fire Code published by the International Code Council; and

I. 2016 California Existing Building Code (Part 10 of Title 24) (Provisions previously contained in Chapter 34 of the CBC)

- Appendix Chapter A, Guidelines for the Seismic Retrofit of Existing Buildings

J. 2016 California Referenced Standards Code (Part 12 of Title 24) Adopted by the Building Standards Commission.

2. AMENDMENT OF CODE. Section 15.04.020 [Amendments to the Building Code] of Chapter 15.04 [Building Code] of Title 15 [Buildings and Construction] of the Town of Portola Valley Municipal Code are hereby amended to read as follows:

15.04.20 Amendments to the Building Code. The following changes and/or modifications to the Building Code are found to be necessary to mitigate the described impacts which are caused by local climatic, geologic and topographic conditions:

- A. Chapter 7A of the California Building Code and Section R327 of the California Residential Code is amended to read:
1. All new buildings shall comply with the Materials and Construction Methods for Exterior Wildfire Exposure. No existing residential building or structure shall be required to conform in its entirety to the requirements of this Section, unless the additions, alterations or repairs to the existing building or structure within any twelve month period affects fifty percent or more of the exterior wall plane surface, or affects fifty percent or more of the floor area.
 - a. Where no studs remain or, if some studs remain, the wall except for the studs has been stripped bare such that one can see through the wall, the wall affected by such changes shall be included in computing the amount of affected exterior wall plane surface for the purpose of applying this section.
 - b. Where any structural changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and covering, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing affected floor areas for purposes of applying this section.
 - c. Exceptions:
 - i. A one-story detached accessory building used as a tool or storage shed, playhouse, or similar use provided the floor area does not exceed 120 square feet.
 - ii. An ornamental landscape structure (e.g. trellis, gazebo) with a projected roof area that does not exceed 120 square feet and that is not within fifty feet from a non-exempt structure.
 - iii. An animal shade structure with a projected roof area that does not exceed 120 square feet.
 - iv. An agricultural building, that is defined as a non-residential structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticulture products. "Agricultural building" shall include green houses.
 2. Any addition, alteration, or repair to any building regardless of cause, size, or location, unless otherwise exempt, shall comply with the requirements as specified in Chapter 7A of the 2013 California Building Code or Section R327 of the California Residential Code as follows:
 - a. Exterior walls. Exterior walls shall be approved noncombustible or ignition-resistant material, heavy timber (HT) as defined by California Building Code, Section 602, or log wall construction or shall provide protection from the intrusion of flames and embers in accordance with standard SFM 12-7A-1.
 - i. Exception: Nonstructural repairs involving less than ten percent of the exterior wall surface to an existing building or structure within any one-year

period are permitted to be made of the same materials of which the building or structure is constructed.

- b. Exterior windows and exterior glazed door assembly requirements. Exterior window, window walls, glazed doors, and glazed openings within exterior doors shall be insulating-glass units with a minimum of one tempered pane on the exterior side, or glass block units, or have a fire-resistance rating of not less than 20 minutes, when tested according to NFPA 257, or in accordance with Section 715, or conform to the performance requirements of SFM 12-7A-2.
 - c. Underside of Appendages (exterior decks). The underside of decks shall be enclosed to grade or the underside of the exposed under-floor shall be protected in accordance with the requirements of this chapter.
3. Compliance with the vegetation clearance requirements found in 701.A.5 and R327.1.5 of the California Residential Code is not required.
- B. California Building Code Section 903, Automatic Sprinkler Systems - Minimum Requirements, is amended to read:
1. The following requirements shall apply to all new buildings or structures requiring a building permit issued by the Town.
 - a. Except as otherwise provided by this section, or as provided under 903.3.1.1 of the 2013 Edition of the California Building Code, automatic fire sprinkler systems shall be installed and maintained in every new building or structure of any type, use, occupancy or size, which requires a building permit issued by the Town.
 - b. The term "automatic fire sprinkler system" as used in this section means an integrated system of underground and overhead piping, including a water supply such as a gravity tank, fire pump, reservoir, pressure tank, or connection by underground piping to a fire main, which complies in all respects with the requirements for such systems contained in standards issued by the National Fire Protection Association based upon occupancy classification.
 2. The following structures are exempt from the requirements of this section:
 - a. Agricultural Buildings. For the purposes of this section, an "agricultural building" is defined as a non-residential structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. "Agricultural building" shall include green houses.
 - b. Non-residential structures less than 1,000 square feet in floor area.
 3. The requirements of this section are intended to represent minimum standards for new construction. Nothing in this section shall prevent the fire authority from adopting and enforcing any regulations, which impose more stringent requirements. Further, any requirements of the California Building Code, the California Fire Code or the State Building Standards Code, which is

more restrictive, specifies higher standards or mandates specific locations within a structure for automatic sprinkler systems shall be applicable.

C. California Residential Code Section R313, Automatic Sprinkler Systems, is amended to read:

1. No existing residential building or structure shall be required to conform to the requirements of this section, unless the existing dwelling is already equipped with an automatic sprinkler system or the additions, alterations or repairs to the existing building or structure within any twelve month period affects fifty percent or more of the exterior wall plane surface, or affects fifty percent or more of the floor area.

a. Where no studs remain or, if some studs remain, the wall except for the studs has been stripped bare such that one can see through the wall, the wall affected by such changes shall be included in computing the amount of affected exterior wall plane surface for the purpose of applying this section.

b. Where any structural changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and covering, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing affected floor areas for purposes of applying this section.

D. California Building Code Section 1505, Minimum Roofing Standards for Fire Resistance, is amended to read:

1. The following requirements shall apply to all buildings or structures, which require a building permit issued by the Town.

a. The roof covering of every building or structure, and all materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "A" or higher. Where required by the California Building Code, or other provision of law, roof coverings must meet a higher fire rating.

b. This section shall not apply to buildings or structures that are less than 120 square feet in size that do not require a permit.

c. Not more than twenty-five percent of the roof covering of any building or structure shall be replaced in any twelve-month period unless the new roof covering is made to conform to the requirements for new buildings or structures.

2. The requirements of this section are minimum standards. Where the California Building Code, the California Fire Code, or the State Building Standards Code contain higher standards or additional or more stringent requirements than required by this section, those additional or more stringent requirements shall apply. Further, nothing in this section shall prevent the presiding fire authority from adopting and enforcing regulations imposing more stringent requirements.

E. California Plumbing Code Section 1211.7, Earthquake-Actuated Gas Shutoff Valves, is adopted.

Chapter 7A of the California Building Code and Section R327 of the California Residential Code is amended to read:

3. AMENDMENT OF CODE. Section 15.04.030 [Additions to the Building Code] of Chapter 15.04 [Building Code] of Title 15 [Buildings and Construction] of the Town of Portola Valley Municipal Code are hereby amended to read as follows:

15.04.030 Administration of the Building Code. The following are modifications to the California Building Code to facilitate its administration. California Building Code Chapter 1, Scope and Administration, Divisions I and II are amended to read as follows:

- A. The *Department of Building Safety* in Section 103 shall mean the “Building Department”.
- B. Section 105.1.1 *Annual permit* is deleted
- C. Section 105.2 *Work exempt from permit*, a permit shall not be required for the following:
 - 1. One-story detached accessory building used as a tool or storage shed, playhouse, and similar use provided the floor area does not exceed 120 square feet.
 - 2. Movable cases, counters and partitions not over five feet nine inches high.
 - 3. Retaining walls that are not over four feet 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 III-A Liquids
 - 4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1
 - 5. Platforms and walks, not more than 30 inches above grade and not over any basement or story below.
 - 6. Painting, papering and similar finish work.
 - 7. Window awnings; supported by an exterior wall for Group R, Division 3 (Single Family Residence), and Group U (Private Garage) Occupancies when projecting not more than 54 inches.
 - 8. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade, and if the capacity does not exceed 5,000 gallons.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the building code or any laws or ordinances of the Town, (e.g. Planning/Zoning).

D. Section 109.6 *Refunds* is amended as follows:

1. The Building Official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected.
2. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.
4. The Building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of the fee payment

E. Section 111.2 *Certificate issued* is amended: After the Building Official inspects the building or structure and finds no violations of the provisions of the code or other laws that are enforced by the building department, the building department shall issue a certificate of occupancy that contains the following:

1. The building permit number
2. The address of the structure
3. The name of the owner
4. The name of the contractor
5. A description of the structure for which the certificate was issued
6. The type of construction as defined in Chapter 6
7. The name of the Planning Director and the Building Official
8. Any special stipulations and conditions of the building permit

F. Section 113 *Board of Appeals* shall mean Town Council.

G. Section 114 *Violations* and California Residential Code Chapter 1, Division II, Section R108.6 *Work commencing before permit issuance* are amended to add:

Any person who commences any work for which a permit is required, such as, but not limited to: grading, demolition, or on a building, structure, electrical, gas, mechanical, fire protection or plumbing system before

obtaining the necessary permits shall be subject to a fee established by fee resolution that shall be in addition to the required permit fees. Double Building Permit Fees will apply at a minimum of \$500.00 plus \$500.00 fine may be added for each violation (type of construction) where a building permit should have been issued

4. ENVIRONMENTAL REVIEW. Pursuant to the Guideline Section 15061(b)(3) of the California Environmental Quality Act (CEQA), as it does not have a potential for causing a significant effect on the environment.

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

6. EFFECTIVE DATE; POSTING. This Ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCED: October 26, 2016

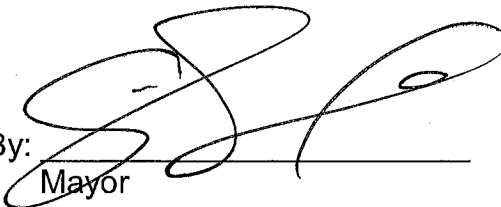
PASSED: December 14, 2016

AYES: Councilmembers Aalfs, Wengert and Derwin, Vice Mayor Richards and Mayor Hughes

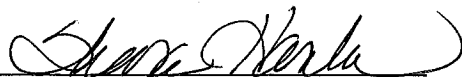
NOES: None

ABSTENTIONS: None

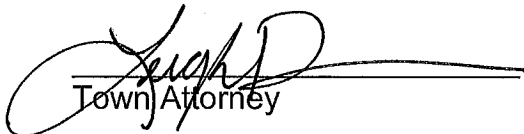
ABSENT: None

By: 
Mayor

ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney