

ORDINANCE NO. 2009- 377

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
PORTOLA VALLEY AMENDING SECTION 15.04.010  
[DEFINITIONS] AND SECTION 15.04.020 [AMENDMENTS TO THE  
BUILDING CODE] OF CHAPTER 15.04 [BUILDING CODE] OF  
TITLE 15 [BUILDINGS AND CONSTRUCTION] OF THE PORTOLA  
VALLEY MUNICIPAL CODE

**WHEREAS**, because of the Town of Portola Valley's unique local climatic, geologic and topographic conditions, it desires to make some amendments and additions to the California Building Code in order to provide a reasonable degree of property security and fire and life safety in the community.

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

1. **Amendments to the Code.** Section 15.04.010 [Definitions] of Chapter 15.04 [Building Codes] of Title 15 [Buildings and Construction] of the Town of Portola Valley Municipal Code is hereby amended to add subsections C and D as follows:

**15.04.010 Definitions**

C. *A new building* shall be defined as: A new structure or a substantial addition/remodel to an existing structure where the remodel combined with any additions to the structure affects 50% or more of the exterior wall plane surface or affects 50% or more of the floor area.

1. 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 definition.
2. 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 definition.

This definition does not apply to the replacement of roof coverings.

D. *Ignition-resistant material* is any product which, when tested in accordance with ASTM E 84 for a period of 30 minutes, shall have a flame

spread of not over 25 and show no evidence of progressive combustion. In addition, the flame front shall not progress more than 10½ feet beyond the centerline of the burner at any time during the test.

Materials shall pass the accelerated weathering test and be identified as exterior type, in accordance with ASTM D 2898 and ASTM D3201. All material shall bear identification showing the fire performance rating thereof. That identification shall be issued by ICC-ES or a testing facility recognized by the State Fire Marshall having a service for inspection of materials at the factory.

Fire-Retardant-Treated Wood or noncombustible materials as defined in Section 202 of the California Building Code shall satisfy the intent of this section.

The town may use other definitions of ignition-resistant material that reflect wildfire exposure to building materials and their performance in resisting ignition.

**2. Amendments to the Code.** Section 15.04.020 [Amendments to the Building Code] of Chapter 15.04 [Building Codes] of Title 15 [Buildings and Construction] of the Town of Portola Valley Municipal Code is hereby amended, in part, to read as follows:

**15.04.020 Amendments to the Building Code**

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 903.3.1.1.1 of the 2007 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. Structures not exceeding 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.

4. Notwithstanding Section 903 no existing residential building or structure shall be required to conform to the requirements of this Section, unless the additions, alterations or repairs to the existing building or structure within any 12 month period exceed 50% or more of the exterior wall plane surface, or affects 50% or more of the floor area.

**3. Amendments to the Code.** Section 15.04.020 [Amendments to the Building Code] of Chapter 15.04 [Building Codes] of Title 15 [Buildings and Construction] of the Town of Portola Valley Municipal Code is hereby amended to add subsection E as follows:

E. Uniform Building Code Chapter 7A of the 2007 California Building Code is amended to read:

1. All new buildings shall comply with the Materials and Construction Methods for Exterior Wildfire Exposure as specified in Chapter 7A of the 2007 California Building Code; however, compliance with the vegetation clearance requirements found in 701.A.3.2.4 is not required.

*Exceptions:*

- a) 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.
- b) An ornamental landscape structure (e.g. trellis, gazebo) with a projected roof area that does not exceed 120 square feet and that is not attached to a non-exempt structure.
- c) An animal shade structure with a projected roof area that does not exceed 120 square feet.
- d) 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 2007 California Building Code as follows:

a. Exterior walls. Exterior walls shall be approved noncombustible or ignition-resistant material, heavy timber, or log wall construction or shall provide protection from the intrusion of flames and embers in accordance with standard SFM 12-7A-1.

*Exception:*

Nonstructural repairs involving less than 15% 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 wall glazing and window walls. 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. Decking. Decking, surfaces, stair treads, risers, and landings of decks, porches, and balconies where any portion of such surface is within 10 feet of the primary structure shall comply with one of the following methods:

- i. Shall be constructed of ignition-resistant materials and pass the performance requirements of SFM 12-7A-4, Parts A and B.
- ii. Shall be constructed with heavy timber, exterior fire-retardant-treated wood or approved noncombustible materials.
- iii. Shall pass the performance requirements of SFM 12-7A-4, part A, 12-7A-4.7.5.1 only with a net peak heat release rate of 25kW/sq-ft for a 40 minute observation period and:
  - (1) Decking surface material shall pass the accelerated weathering test and be identified as exterior type, in accordance with ASTM D 2898 and ASTM D 3201 and;
  - (2) The exterior wall covering to which the deck is attached and within 10 feet of the deck shall be constructed of approved noncombustible or ignition resistant material.

*Exception:*

Walls are not required to comply with this subsection if the decking surface material conforms to ASTM E-84 Class B flame spread.

The use of paints, coatings, stains, or other surface treatments are not an approved method of protection as required by Chapter 7A.

The provisions of this ordinance may be modified for site-specific conditions in accordance with Appendix Chapter 1, Section 104.10. For purposes of granting modifications, a fire protection plan shall be submitted in accordance with the California Fire Code, Chapter 47.

Types of Construction: Section 602, Exterior Walls: Section 1403, Wood: Section 2303, Glazing: Section 2406, and Existing Structures: Section 3403 & 3405, of the California Building Code is hereby amended with the addition of the following language:

Exterior walls shall be approved noncombustible or ignition-resistant material, heavy timber, or log wall construction or shall provide protection from the intrusion of flames and embers in accordance with standard SFM 12-7A-1.

Decking, Floors and Under-floor Protection: Shall be as prescribed by Section 704A.4.

Roofing: Roofs shall comply with the requirements of Chapter 15, and Chapter 7A of the California Building Code, and Municipal Code 2008-373.

Attic Ventilation: When required by Section 1203 of the California Building Code, ventilation shall be as prescribed by Section 704A.2.

Exterior Walls and Wall Openings: Walls and openings (vents, glazing, doors) shall be as prescribed by Section 704A.3.

**4. Environmental Review.** Pursuant to CEQA Guideline Section 15061(b)(3), this Ordinance is exempt from the provisions of the California Environmental Quality Act, 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 thirty (30) days after the date of its adoption and shall be posted within the Town of Portola Valley in three (3) public places.

INTRODUCED: May 13, 2009

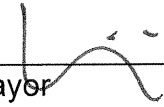
PASSED: May 27, 2009

AYES: Councilmember Derwin, Councilmember Driscoll  
Councilmember Merk

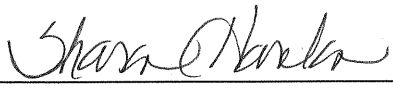
NOES: None

ABSTENTIONS: None

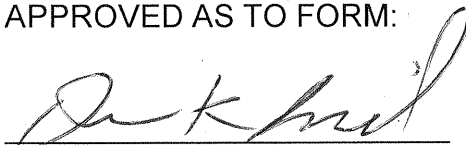
ABSENT: Mayor Wengert, Vice Mayor Toben

By:   
Mayor

ATTEST:

  
Town Clerk

APPROVED AS TO FORM:

~~By~~   
Town Attorney  
Acting