

Draft
ORDINANCE NO. 613

Redlined

15.04.010 - Purpose and authority.

The purpose of this chapter is to adopt by reference the ~~2013~~2016 Edition of the California Building Standards Code, Title 24 of the California Code of Regulations. This chapter is also adopted to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of the city of Brisbane. This chapter is adopted under the authority of Government Code Section 38660 and Subsection 50022.2 and Health and Safety Code Section 18941.5.

15.04.040 - Adoption of ~~construction codes.~~Construction Codes.

A. Title 24 of the California Code of Regulations, ~~2013~~2016 Edition of the California Building Standards Code, is hereby adopted by reference and incorporated in this code, including the following parts:

~~A. 2013~~

1. 2016 California Administrative Code, Title 24, Part 1.
2. ~~B. 2013~~2016 California Building Code, Volumes 1 and 2, based on the ~~2012~~2015 International Building Code (ICC), Title 24, Part 2, including Appendix Chapters G ~~—(Flood Construction) and H — (Signs-) and I (Patio Covers).~~
3. ~~C. 2013~~2016 California Residential Code, based on the ~~2012~~2015 Edition International Residential Code (ICC), Title 24, Part 2.5, including Appendix Chapters ~~E—Manufactured Homes, G—Swimming Pools and Hot Tubs, H —(Patio Covers,)~~ and J ~~—(Existing Buildings and Structures-) and V (Swimming Pool Safety Act).~~
4. ~~D. 2013~~2016 California Electrical Code, based on the ~~2011~~2014 Edition National Electric Code as published by the National Fire Protection Association (NFPA), Title 24, Part 3.
5. ~~E. 2013~~2016 California Mechanical Code, based on the ~~2012~~2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 4.
6. ~~F. 2013~~2016 California Plumbing Code, based upon the ~~2009~~2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 5.
7. ~~G. 2013~~2016 California Energy Code, Title 24, Part 6. 3. (See also, local Energy Code provisions in Chapter 15.82.)
8. ~~H. 2013~~2016 California Historical Building Code, Title 24, Part 8.
9. ~~I. 2013~~2016 California Fire Code, Title 24, Part 9, and modifications thereof, see ~~Chapter 15.44~~ Chapter 15.44 of this title.
10. ~~J. 2013~~2016 California Green Building Standards Code, Title 24, Part 11.
11. ~~K. 2013~~2016 California Referenced Standards Code, Title 24, Part ~~12. 12.~~

B. In addition, the ~~2012~~2015 International Property Maintenance Code is hereby adopted by reference and incorporated in this code.

15.08.140 - Additions or alterations in excess of fifty percent of floor area.

A. ~~A.~~ When additions or alterations to a lawfully constructed building or structure which are made within any five (5) year period exceed fifty percent (50%) of the floor area of the pre-existing building or structure, as determined by the building official, then except as otherwise provided in subsection C of this section, the pre-existing building or structure shall be brought into conformity with such of the standards for new construction as the building official may determine to be necessary or appropriate to eliminate existing health or safety hazards, including, but not limited to, defects in structural integrity, defective or inadequate electrical installations, defective or inadequate fire sprinkler, sanitary sewer or storm drainage facilities, and substandard street access to the property.

~~B.~~

A. For the purposes of making the determinations required by subsection A of this section, the following definitions, rules of interpretation, and procedures shall be applied:

~~1.~~

1. For the purposes of this section, the "floor area" of a building or structure shall mean the sum of the gross horizontal areas of all floors of a building or structure measured from the interior face of the exterior walls, but excluding each of the following:
 - a. Any area where the floor to ceiling height is less than six (6) feet; or
 - b. Any detached garage or other detached accessory structure which does not constitute habitable space; or
 - c. Any attached carport or covered deck.
2. The "standards for new construction" shall mean: (a) the requirements of the buildings code adopted by this Title 15; and (b) the storm water management and discharge requirements established by Chapter 13.06 of this code; and (c) the standard specifications and street standards adopted by Section 12.24.010 of this code.
3. Calculation of the changes to the structure are to be determined by the building official, who may require documentation of applicants regarding effected areas and/or impose conditions of approval upon issuance of a building permit. The building official shall have the authority to determine whether combinations of additions or alterations, or combinations thereof are subject to 15.08.140.A or if they qualify under the exceptions.

C. Exceptions to Section 15.08.140.A:

1. Additions or alterations performed at different periods of time shall be considered to have been made within a five (5) years period if any building permits are issued or any work is commenced within five (5) years following the date of completion of any earlier work on the

same building or structure. The date of completion shall normally be established as the date on which final inspection approval of the earlier work is granted by the city.

~~2. a.~~

~~2. The area of any additions and or alterations not exceeding a cumulative total of four hundred (400) square feet, permitted to be made under the provisions of Section 15.08.140 of this title, shall not be subject to the provisions of this section- 15.08.140.A.~~

~~4. The "standards for new construction" shall mean: (a) the requirements of the buildings code adopted by this Title 15; and (b) the storm water management and discharge requirements established by Chapter 13.06 of this code; and (c) the standard specifications and street standards adopted by Section 12.24.010 of this code.~~

~~5. Alterations, renovations or repairs which do not essentially change the original size, configuration, and habitable floor area of the building or structure or basic uses of the rooms within the building or structure, as determined by the building official, shall not be considered as additions or alterations subject to the provisions of this section. Additionally, work~~

~~3. Work involving exterior surfaces, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck shall not be considered alterations subject to the provisions of this ordinance.~~

~~4. Alterations, renovations or repairs which do not essentially change the original size, configuration, and habitable floor area of the building or structure or basic uses of the rooms within the building or structure, shall not be considered as additions or alterations subject to the provisions of this section. Note the following:~~

~~a. This exception includes conversion of existing room(s) in an existing single-family dwelling to an accessory dwelling unit, as provided by BMC Chapter 17.43, as long as the use of those rooms remains the same ((ie: bedroom for bedroom etc.).~~

~~b. Conversion or recognition of previously undocumented rooms to be permitted as habitable may be included in the calculation of alteration of space, at the discretion of the building official.~~

~~c. This exception may not be applied where the building official has determined that the alteration or repair constitutes a "major rebuild", where 75% or more of the combined surface area of the interior walls and ceilings of the habitable rooms are to be removed to expose support members.~~

D. Where an existing building or structure is required by this section to be brought into conformity with the standards for new construction, the building official shall have authority in individual cases to grant modifications of any such requirements, if the building official is able to find and determine that:

1. Compliance with the requirement will cause practical difficulties or unreasonable hardship; and

2. The modification does not reduce any requirements for fire protection or any requirements relating to structural support and integrity; and

3. The modification does not create any new or increased hazard to the health or safety of the occupants of the existing building or structure.

D

~~E. This section is intended to establish requirements which are in addition to, and not in replacement of, any other ordinance, rule, regulation, or policy of the city which may be applicable to the proposed development project, including any of the uniform codes adopted by this title and include also any policy adopted in the Brisbane general plan.~~

E

~~F. Where the requirements of subsection Section 15.08.140.A of this section are not applicable because the additions or alterations do not exceed fifty percent (50%) of the floor area of the pre-existing building or structure, the proposed development shall nevertheless comply with the requirements of Section 17.01.060 of the zoning ordinance unless: (1) the pre-existing building or structure is located upon a lot of record, as such term is defined in Chapter 17.01 of the zoning ordinance, and (2) a public street abutting such lot of record provides the principal means of access to that lot.~~

SECTION 5: 15.08.145—Additions, alterations or repairs—Seismic safety.

~~A. This section shall apply to any addition, alteration or repair to any existing tilt-up concrete building or structure which does not otherwise result in the requirement under this chapter that the building or structure in its entirety conform with the requirements for new buildings or structures.~~

~~B. Application to Existing: in Seismic Zones Nos. 3 and 4.~~

~~1. General. Existing buildings within Seismic Zones 3-4 to which additions, alterations or repairs are made, or in which the occupancy or use for all or a portion of the building to change from that for which a permit has been issued, shall comply with this section.~~

~~2. Additions to Buildings, Vertical Extension. Additions to buildings may be extended vertically provided all new construction work involved in the vertical extension shall comply with the requirements of this code and the structure as a whole shall comply with the seismic regulations contained in Section 2314 of the Uniform Building Code, 1973 Edition.~~

~~3. Alterations or Repairs to Buildings:~~

~~a. General. In any alteration, repair, installation, or change or reconstruction of any buildings, the new work and any part of the building which becomes an integral part of, or is directly affected by, the new work shall comply with the requirements of this code.~~

~~b. Nonstructural Alterations or Repairs:~~

~~i. Extent. The extent of any existing building that is considered as being directly affected by new nonstructural alteration work, and thus to be included in the application of subsections (ii) and (iii) below, shall be determined by the provisions of Section 502 of the Uniform Building Code if applicable, and include all new work added to the building that did not previously exist in the building, and include all work which is removed, replaced, relocated and/or altered for reuse.~~

~~ii. Wall and Partition Alterations. When seventy-five (75) percent of the existing interior walls or partitions on a floor, as measured by the lineal footage of such interior wall and partition, are removed or relocated, or when new interior walls or partitions are added which exceed seventy-five (75) percent~~

~~of the total lineal footage of the combined existing and new interior walls and partitions that would then be installed on a floor, all interior walls and partitions on the floor affected by the alteration shall comply with this code.~~

~~iii. Substantial Change. Whenever a nonstructural alteration involves substantial changes to elements such as walls, partitions, ceilings, mechanical and electrical systems on seventy-five (75) percent of the areas of floors, excluding basements, the building as a whole shall comply with the seismic regulations contained in Section 2314 of the Uniform Building Code, 1973 Edition. The term "substantial change" includes the addition, removal, repair, modification and refurbishment of such elements. All such work included in alteration permits issued within two (2) years of the date of a permit application shall be included in the determination of whether the application(s) consists of substantial changes to the building.~~

~~e. Structural Alterations or Repairs. Whenever any alteration involves substantial changes to the vertical load-carrying system and/or the seismic force-resisting system in portions of the building, the building as a whole shall comply with the seismic regulations contained in Section 2314 of the Uniform Building Code, 1973 Edition.~~

~~4. Additions to Buildings, Horizontal Extensions. When the cumulative area of additions with horizontal extensions above grade exceeds thirty (30) percent of the above grade area of the original building, the entire building shall comply with the seismic regulations contained in Section 2314 of the Uniform Building Code, 1973 Edition. For any additions with horizontal extensions to buildings of unreinforced masonry wall construction, the entire building shall comply with the seismic regulations contained in Section 2314 of the Uniform Building Code, 1973 Edition.~~

~~5. Increase in Occupant Load. Whenever the cumulative areas involve an increase in occupant load from that for which the building was originally designed, and involve an increase that exceeds thirty (30) percent of the original occupant load assigned to the above grade area of the building, the building shall comply with the seismic regulations contained in Section 2314 of the Uniform Building Code, 1973 Edition. When the occupant load is increased for a Group A building with an occupant load over three hundred (300), the entire building shall comply with the seismic regulations contained in Section 2314 of the Uniform Building Code, 1973 Edition. When the occupant load is increased for a building of unreinforced masonry wall construction, the entire building shall comply with the seismic regulations contained in Section 2314 of the Uniform Building Code, 1973 Edition.~~

15.44.010 - Adoption of fire prevention code.

The fire prevention code for the city of Brisbane shall be the ~~2012~~2015 Edition of the International Fire Code and the ~~2013~~2016 Edition of the California Fire Code, including Appendices B, C, D, ~~and F, and I.~~ (hereinafter referred to as the "Fire Code"), as promulgated by the International Code Council, and the same is hereby adopted and incorporated herein by reference, subject to the modifications as contained in this ~~Chapter 15.44. Chapter 15.44.~~ Two (2) copies of the fire code have been filed for use and examination by the public, one copy being located at Brisbane City Hall and the other copy being located at the fire administration office.

15.44.040 - Section 105.7.17 added—Permit fees.

Section 105.7.17 is added to the fire code, to read as follows:

~~1205~~

105.7.1.17 Permit fees. The Fire Department shall be authorized to charge such fees and costs for services performed pursuant to the Fire Code as may be established from time to time by ordinance or resolution of the City Council.

~~15.44.080~~

15.44.080- Section 903 amended—Automatic sprinkler systems.

Section 903 of the fire code is amended in its entirety to read as follows:

903 Automatic fire extinguishing systems.

(a) Notwithstanding any other provisions of this Code or any other code or ordinance of the City of Brisbane, automatic fire sprinkler systems, approved by the Fire Marshall, shall be installed in the following buildings and structures that are classified as new construction:

—1. For all occupancies except R-3 occupancies: Any new building or structure, regardless of size, except stand alone, uninhabitable buildings, garages and sheds having a floor area of less than 400 square feet.

—2. For all R-3 occupancies: Any new single-family or duplex structure, excluding any detached accessory structure that does not constitute habitable space having a floor area of less than 400 square feet.

—(b) When additions or alterations made to an existing building fall within the requirements under Brisbane Municipal Code Section 15.08.140, an automatic fire sprinkler system shall be provided for the entire building.

—(c) Other Areas. An automatic fire sprinkler system shall be installed in all garbage compartments, rubbish and linen chutes, linen rooms, incinerator compartments, dumb waiter shafts, and storage rooms when located in all occupancies except Group R, Division 3. An accessible indicating shut off valve shall be installed.

(d) Condominium Conversions. An automatic fire sprinkler system shall be installed for all condominium conversions.

(ee) Where automatic fire sprinkler systems are required to be installed, the following additional requirements shall also be satisfied, as applicable:

—1. A minimum of three (3) copies of plans and specifications for automatic sprinkler installations, plus water supply calculations, shall be provided to the Fire Department for review and approval prior to commencement of the installation work.

—2. All required automatic sprinkler systems shall be approved by the Fire Department.

—3. All acceptance tests and such periodic tests as required by the Fire Marshall or pursuant to NFPA Pamphlets No. 13, 13D, 13R and/or Subchapter 5, Title 19, California Code of Regulations, shall be conducted and, where applicable, witnessed by a representative of the Fire Department.

—4. An approved exterior visual fire alarm device may be required for buildings that have numerous fire department connections (FDC's). Type and locations will be determined by the Fire Department. Such visual alarm devices are not to replace the exterior audible device, but to assist fire suppression personnel as to location(s) of systems which require pumping operations.

15.44.090 - Section 5608.1 amended—Fireworks display.

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Section 5608.1 of the fire code is amended by adding the following paragraph to the end of the first paragraph:

The possession, storage, sale, use or discharge of fireworks including California State Fire Marshal approved "safe and sane" fireworks is prohibited within the City of Brisbane.

15.44.175 - Section 914.3.8 added—Firefighter breathing air replenishment system.

Section 914 of the fire code is amended by adding the following paragraph:

Section 914.3.8 Firefighter breathing air replenishment system. All Group B and Group R occupancies, each having floors used for human occupancy located more than seventy-five feet (75') above the lowest level of fire department vehicular access, shall be equipped with an approved rescue air replenishment system as per Appendix L. Such a system shall provide an adequate pressurized fresh air supply through a permanent piping system for the replenishment of portable life sustaining air equipment carried by fire department, rescue, and other personnel in the performance of their duties. Location and specifications or access stations to, and the installation of, such air replenishment systems shall be in accordance with the requirements of the fire chief.

15.44.185 - Section 903.1.1 added—Sprinkler protection of car stackers

Section 903.1.1 is added to read

Sections 903.3.1.1 Purpose: To establish requirements for sprinkler protection of car stackers not specifically addressed in NFPA 13.

Parking garage areas containing car stackers shall be protected by an automatic wet-pipe sprinkler system designed to Extra Hazard Group 1. In addition, non-extended coverage standard sidewall sprinklers listed for Ordinary Hazard shall be provided under each parking level, including the bottom level if the stacker is provided with a pit. Each sidewall sprinkler shall cover an area of 80 sq. ft. or less.

The area of application may be reduced from the required 2500 sq. ft. to as low as 1500 sq. ft. if:

1. 1-hour fire rated walls are provided to separate the car stacker areas from the standard parking stalls.
2. The car stacker areas are divided up into 1500 sq. ft. areas via 1-hour fire rated walls, and
3. One-hour fire rated walls are provided to separate the car stacker areas from any other areas in the garage.

One-hour fire rated walls are not required in the driveway areas. For the hydraulic calculation, flow from all sprinklers, upright or pendent sprinklers at ceiling and all sidewall sprinklers at all levels, located in the area of application shall be included in the calculation.

15.44.190 - Access to Exterior Door

Section D102.2 is added to read as follows:

Section D102.2 - Fire department access shall extend to within 50 feet (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

15.44.195 - Large Building Access

Sec. 4-3.123 – Amendment Appendix D Section D102

Section D102.3 is added to read as follows:

Large Buildings - Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft. (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

15.44.200 – Access Road Clearance

Sec. 4-3.124 – Amendment Appendix D Section D102

15.44.205 - Section D102.4 is added to read as follows:

Fire department access roads shall have an unobstructed vertical clearance of not less than 13 ft. 6 in. (4.1 m.).

15.44.210– Amendment Appendix D Section D102 (Access Road Exceptions)

An Exception is added to Appendix D is added to read as follows:

Exception: When a fire department access road cannot be installed due to location on the property, topography, waterways, nonnegotiable grades, or other similar conditions the AIJ shall be authorized to require fire protection features in addition to those already required.

15.44.220 – Amendment Appendix D Section D101 (Definition -Fire Apparatus Access Road)

Section D101.2 is added to read as follows:

D101.2 – Definition - Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to at facility, building or portion thereof. This is a general term inclusive of all other terms such as but not limited to fire lane, public street, private street, parking lot lane, access road way and drive way.

15.44.225 - Appendix D section D103.7 added—Marking.

Section D103.7 of the fire code is added to read:

D103.7 – Marking. Where fire lanes on private property have been designated by the Fire Marshall, curbs shall be painted red on the side or sides of the street or access route where parking is prohibited and no parking signs or other appropriate notice prohibiting obstructions, as approved by the Fire Marshall, shall be provided and maintained by the owner.

SECTION 18: Chapter 15.72, “Indoor Water Conservation Regulations” contained within Title 15 Buildings and Construction of the Municipal Code is repealed in its entirety.

○—BMC

This chapter shall be known as the “City of Brisbane Indoor Water Use Efficiency Ordinance.”

15.72.020—Coordination with the state codes.

○—
This code does not replace the most recent edition of the California Plumbing Code adopted by the city, including the appendices printed therein and any supplements subsequently issued thereto, or other applicable California codes, including the California Green Building Standards Code, herein collectively called the “plumbing code.” To the extent the provisions of this chapter conflict with any current or subsequently adopted provisions in the plumbing code, then the most stringent provisions shall supersede and control with regard to the indoor fixture requirements.

15.72.030—Applicability.

~~A. The provisions of this chapter shall apply to the following projects:~~

- ~~1. All new construction, regardless of building classification, requiring a building permit, plan check or design review, or requiring new or expanded water service.~~
- ~~2. All kitchen and bathroom remodels requiring a building permit, plan check, design review, new or expanded water service, except that the provisions of this chapter will only apply to the fixtures normally included in the kitchen or bathroom, as the case may be, to be remodeled; and~~
- ~~3. Any remodel deemed by the building official to have a value in excess of fifty percent (50%) of the value of the pre-existing structure, or involving an area in excess of fifty percent (50%) of the area of the pre-existing building, per Section 15.08.140 of this title.~~

~~B. The provisions of this chapter shall not apply to any of the following:~~

- ~~1. Existing buildings not seeking a building permit, plan check or design review.~~
- ~~2. Registered local, state or federal historical sites;~~
- ~~3. Remodels where, in the discretion of the building official, the unique configuration of the building, its drainage system or portions of the public sewer, or both, are incompatible with efficiency standards listed in the indoor water use efficiency table and require a greater quantity of water to flush the system in a manner that is consistent with public health.~~

~~15.72.040 – Definitions.~~

~~A. As used in this chapter, certain words and phrases shall be defined as follows:~~

- ~~1. "Certified professional" means a licensed contractor, licensed architect or licensed professional engineer.~~
- ~~2. "City" means the city of Brisbane.~~
- ~~3. "Energy star qualified" means that a given fixture meets the United States Environmental Protection Agency standard for an energy efficient product.~~
- ~~4. "Expanded water service" means the installation of a larger meter or addition of a new meter.~~
- ~~5. "gal/cycle" means gallons per cycle.~~
- ~~6. "gal/100 lbs ice" means gallons per hundred pounds of ice.~~
- ~~7. "gpf" means gallons per flush.~~
- ~~8. "gpm" means gallons per minute.~~
- ~~9. "LSI" means langlier saturation index providing an indication of the degree of saturation of water with respect to calcium carbonate related to cooling tower efficiency.~~

10. "Local water purveyor" means any entity other than the city of Brisbane, including a public agency, city, county, or private water company that provides retail water service.

11. "Permit" means the document issued by local agencies in connection with new construction, remodels or renovations and which authorizes the lawful initiation of construction, improvements or repairs to a building or structure.

12. "Project applicant" means the individual or entity submitting an indoor water use efficiency checklist as required under Section 15.72.070 of this chapter, and requesting a permit, plan check, design review, or new or expanded water service application from the city. A project applicant may be the property owner or his, her or its designee.

13. "RMF" means residential multi-family.

14. "sq. ft." means square feet.

15.72.050 – Minimum indoor fixture requirements.

All new construction and applicable remodels will have, at a minimum, fixtures that comply with the efficiency standards listed below (the "indoor water use efficiency table"):

INDOOR WATER USE EFFICIENCY TABLE

Fixture	Residential	Non-Residential
Toilets	≤ 1.28 gpf, and ≥ 350 grams	≤ 1.28 gpf, and ≥ 350 grams
Urinals	≤ 0.5 gpf	≤ 0.5 gpf
Showers	≤ 2.0 gpm	≤ 2.0 gpm
Bathroom faucets	≤ 1.5 gpm	≤ 0.5 gpm
Kitchen faucets	≤ 2.2 gpm	≤ 2.2 gpm
Clothes washers	≤ 6.0 Water Factor	≤ 6.0 Water Factor
Dishwashers	Energy Star Qualified	Energy Star Qualified
Cooling towers	≥ 5 – 10 cycles, or ≥ 2.5 LSI	≥ 5 – 10 cycles, or ≥ 2.5 LSI
Food steamers	—	Boiler less, or Self-contained

Fixture	Residential	Non-Residential
Ice machines	---	≤ 25 gal/100 lbs ice, or Air-cooled
Pre-rinse spray valves	---	≤ 1.15 gpm
Automatic vehicle wash facilities	---	≥ 50% of water that is recycled on-site
Commercial refrigeration	---	Closed loop, or Air-cooled
Meters	Submeters for RMF, and Separate meter for outdoor if landscape >5,000 sq. ft.	Submeters, and Separate meter for outdoor if landscape >5,000 sq. ft.

~~15.72.060 – Compliance with chapter.~~

~~A. As the approving authority, the city will:~~

~~1. Provide the project applicant with a copy of this chapter and the indoor water use efficiency checklist requirements when it provides the applicant with the procedures for permits, plan checks, design reviews or new or expanded water service applications.~~

~~2. Review the indoor water use efficiency checklist submitted by the project applicant.~~

~~3. Approve or deny the project applicant's indoor water use efficiency checklist submittal.~~

~~4. Only upon approval of the indoor water use efficiency checklist, issue a permit or approve the plan check, design review or new or expanded water service application for the project applicant, provided that all other requirements applicable to the issuance or approval of such permit, plan check, or design review or approval of new or expanded water service have been satisfied.~~

~~5. In its discretion, inspect the installation of the water efficient fixtures and appliances to verify that they have been installed and are performing at the required use levels.~~

~~B. The project applicant shall:~~

~~1. Meet the minimum water use efficiency standards for indoor fixtures and appliances provided for in the indoor water use efficiency table and checklist.~~

~~2. Prior to construction, submit all portions of the indoor water use efficiency checklist to the city for verification.~~

~~15.72.070 – Indoor water use efficiency checklist.~~

~~A. The indoor water use efficiency checklist shall require, at a minimum:~~

~~1. Project information;~~

~~2. Quantity and unit water use factors of all indoor fixtures and appliances relative to the standards listed in the indoor water use efficiency table and checklist;~~

~~3. Contain the following statement to be completed by the project applicant: "I certify that the subject project meets the specified requirements of the Indoor Water Use Efficiency Ordinance"; and~~

~~4. Bear the signature of the project applicant, or that of a certified professional.~~

~~**15.72.080 – Enforcement of chapter.**~~

~~A. The violation of any of the provisions of this chapter shall constitute an infraction and a public nuisance, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code.~~

~~B. In addition to any other criminal or civil enforcement proceedings, every violation of this chapter, or any permit or approval granted pursuant to this chapter, determined to be a public nuisance may be abated by the city in accordance with the provisions of Chapter 8.36 of the Brisbane Municipal Code.~~

~~C. This chapter may be enforced by the city manager and his authorized representatives (the "enforcement official"). The director of community development, the director of public works/city engineer, and the city building inspector are hereby designated as authorized representatives of the city manager, with full power to enforce the provisions of this chapter.~~

~~D. The enforcement official has the authority to conduct such inquiries, audits inspections, or surveys to ensure compliance with the requirements of this chapter. Whenever the enforcement official determines that a violation of this chapter has occurred, the enforcement official may serve an administrative citation pursuant to Chapter 1.16 of this code, or an administrative compliance order pursuant to Chapter 1.18 of this code, or both.~~

~~**15.72.090 – Public education.**~~

~~A. The city will provide information to applicants regarding the installation of water efficient fixtures and appliances.~~

~~B. The city will provide information to the public, via the city's website and/or mailings, regarding water conservation, permit requirements for the installation of water efficient fixtures and appliances, and changes in state code regarding water efficient fixtures and appliances.~~

Chapter 15.75 - RECYCLING AND DIVERSION OF DEBRIS FROM CONSTRUCTION AND DEMOLITION

15.75.010 - Definitions Authority.

The building official or his/her designee shall have the authority to enforce the provisions of this chapter.

15.75.020 - Purpose.

The purpose of this chapter is to provide for diversion of demolition and construction materials from landfills to reuse and recycle those materials for conservation and the efficient use of resources.

15.75.030 - Applicability.

This chapter applies to construction and demolition projects that meet the definition of a covered project in Section 17.75.050. The provisions of this chapter are in addition to those prescribed in CalGreen Sections 4.408 and 5.408.

15.75.040 - Conflicts with other laws, rules or regulations.

In the event of any conflict between this code and any law, rule or regulation of the state of California, or any other ordinance, rule or regulation of the city, that requirement which establishes the higher standard of conservation shall govern. Failure to comply with such higher standard shall be a violation of this code.

15.75.050 - Definitions.

For purposes of this chapter, the following words and phrases shall be defined as set forth in this section:

"Applicant" means any person (whether as contractor, subcontractor, owner, occupant, or otherwise) who performs any construction, demolition, remodeling, renovation, land clearing, or landscaping work for a covered project.

"Building official" means the city manager or his or her authorized representative.

"Construction and demolition debris" means and includes:

~~1.~~

~~1. Demolition Debris- Discarded are previously used materials generally considered to be not water soluble and non-hazardous in nature, including from the destruction or renovation of a structure or landscaping that meet the definition of inert solids or inert waste. These may include but are not limited to steel, copper, aluminum, glass, brick, concrete, asphalt material, non-lead pipe, gypsum, wallboard, and lumber from the destruction of a structure as part of a demolition project or from the renovation of a structure and/or landscaping, including, rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project; and~~

~~2.~~

~~2. Construction Debris- Remnants are remnants of new materials, including from any construction and/or landscape project that meet the definition of inert solids or inert waste. These may include but are not limited to: cardboard, paper, plastic, carpet, sheetrock, wood, rock, concrete, metal scraps, and empty containers from any construction and/or landscape project.~~

"Covered project" means and includes any ~~commercial or residential~~ project which consists of one or more of the following:

~~1.~~

~~1. Demolition work only, involving an area greater than two hundred (200) square feet, as determined by the building official;~~

~~2.~~

~~2. The renovation, remodel or addition to an existing structure, or the construction of a new structure where the addition is 1,000 square feet or more and/or the cost of the work exceeds seventy-five thousand dollars (\$75,000.00), as determined by the building official;~~

3-

3. Re-roofing of an existing structure involving an area in excess of five hundred (500) square feet.

~~"Inert solids" means and includes asphalt, concrete, rock, stone, brick, sand and soil.~~

~~"Hazardous Waste" is a waste defined as a "hazardous waste" in accordance with Section 25117 of the Health and Safety Code, or a combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may do either of the following:~~

~~Cause or significantly contribute to, an increase in the mortality or an increase in serious irreversible, or incapacitating reversible, illness.~~

~~Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.~~

~~Unless expressly provided otherwise in the Health and Safety Code, "hazardous waste" includes extremely hazardous waste and acutely hazardous waste.~~

~~"Inert solids" or "Inert Waste" is a non-liquid solid waste including, but not limited to, soil and concrete, that does not contain hazardous waste or soluble pollutants at concentrations in excess of water-quality objectives established by the regional water board pursuant to Division 7 (Commencing with Section 13000) of the California Water Code and does not contain significant quantities of decomposable solid waste.~~

~~"Recycle" or "Recycling" is the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation, as defined in Public Resources Code Section 40201.~~

"Recyclable and reusable materials" means but is not limited to any of the following:

1. Inert solids;
2. Wood materials, including any and all lumber, fencing or construction wood that is not chemically treated, creosoted, pressure treated, contaminated or painted;
3. Vegetative materials, including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use;
4. Metals, including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences;
5. Roofing materials including wood shingles and shakes as well as asphalt, stone, concrete, tile and slate based roofing material;
6. Salvageable materials including, but not limited to, wallboard, doors, windows, fixtures, hardwood flooring, sinks, carpet, carpet padding, bathtubs and appliances;
7. Any other materials that the building official determines can be diverted to a recycling or reuse facility reasonably accessible from the city.

"Re-use" is the use, in the same form as it was produced, of a material which might otherwise be discarded.

"Salvage" means the controlled removal of materials from a covered project, for the purpose of reuse or storage for later reuse.

"Structure" means anything that is built or constructed and requires a location on the ground, including a building or edifice of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Universal Waste" The wastes listed below are subject to regulation pursuant to Chapter 23 of Title 22, California Code of Regulations, and are known as "universal wastes, along with any other wastes which may later be added to the list of universal wastes in the California Code of Regulations:

1. Batteries
2. Electronic devices
3. Mercury containing equipment
4. Lamps
5. Cathode ray tubes
6. Aerosol cans

15.75.020 – Salvage and recovery-060 – Waste Management.

~~A. Prior to demolition of a covered project, the applicant shall make each structure planned for demolition available for salvage and recovery. It shall be the responsibility of the applicant to recover the maximum feasible amount of recyclable and reusable materials.~~

~~B. Recovered and salvaged recyclable and reusable materials from the deconstruction phase shall be counted towards the diversion requirements of this chapter.~~

~~C. Recovered or salvaged materials may be given away or sold on the premises, or may be removed to reuse warehouse facilities for storage or sale.~~

~~D. For both residential and non-residential covered projects, recycle and/or salvage for re-use shall include a minimum of sixty-five percent (65%) of the nonhazardous construction and/or demolition waste and one hundred percent (100%) of inert solid material associated with excavations and land clearing operations, including trees, stumps and rocks, in accordance with either a Waste Management Plan or by an approved Waste Management Company, as outlined below:~~

Waste Management Plan. Submit a waste management plan in conformance with items 1 through 5. The construction waste management plan shall be updated as necessary and shall be available during construction for examination by the City.

1. Identify the construction and demolition waste materials to be diverted from disposal by efficient usage, recycling, reuse on the project or salvage for future use or sale. Priority is to be given to salvage over recycling in the plan.

2. Specify if construction and demolition may commence until a period of at least five (5) working days has elapsed from the date of issuance of a waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
3. Identify diversion facilities where construction and demolition permit-waste materials collected will be taken.
4. Identify construction methods employed to reduce the amount of construction and demolition waste generated.
5. Specify the amount of construction and demolition waste materials diverted shall be calculated by weight or volume, but not by both.

Waste Management Company. Utilize a waste management company, approved by the City, which can provide verifiable documentation that the percentage of construction and demolition waste material diverted from the landfill complies with the minimum recycling and/or salvage for re-use percentages listed above in this section.

15.75.E-070 – Universal Wastes for Non-residential Additions and Alterations

For nonresidential additions and alterations to a building or tenant space that meet the scoping provisions in Section 301.3 of the California Building Code, verification shall be required, that the Universal Waste items such as fluorescent lamps and ballast and mercury containing thermostats as well as other California prohibited Universal Waste materials are disposed of properly and diverted from landfills. A list of prohibited Universal Waste materials shall be included in the construction documents.

15.75.080 - Exceptions.

All of the following exceptions are subject to building official approval, following documentation by the applicant:

In the event the applicant believes that no the required percentage of materials can cannot be salvaged, a written form explanation must be completed and provided identifying the reasons why salvage and recovery cannot take place. City staff will determine, whether this requirement shall be waived in in whole or in part.

F. For emergency demolitions where the structure being demolished poses an immediate hazard to life or surrounding property, the five (5) day salvage period requirement shall be waived upon verification of the emergency condition by city staff.

15.75.030 – Diversion requirements.

A. The applicant shall divert at least the following specified percentages of construction and demolition debris generated from every covered project from going to the landfill by using recycling, reuse and diversion programs:

1. Demolition: One hundred percent (100%) of inert solids, trees, stumps and associated vegetation and fifty percent (50%) of the remaining demolition debris tonnage;

~~2. Construction, remodeling and re-roofing projects: fifty percent (50%) of all construction and demolition debris tonnage.~~

~~8. The diversion requirements of this section may be met by any of the following methods:~~

~~1. Deposit of the recyclable and reusable materials into a debris box provided by the company furnishing solid waste collection services for the city;~~

~~2. Delivery of the recyclable and reusable~~

~~Alternative waste reduction methods, if diversion or recycle facilities are not capable of accepting the materials and where salvage for re-use is not reasonable or feasible.~~

~~For phased projects, excavated materials to a recycling facility approved by the city;~~

~~3. Disposal of recovered or salvaged materials in accordance with Section 15.75.020(C) may be temporarily stockpiled~~

~~15.75.040 - Information required before issuance of permit.~~

~~Every applicant shall submit a properly completed "Recycling and Waste Reduction Plan," on a form prescribed by the building department, as a part of the building or demolition permit application for a covered project. The Recycling and Waste Reduction Plan shall contain an accurate estimate of the tonnage or other specified units of construction and/or demolition debris to be generated from construction and demolition on the site and the intended salvage, reuse, recycling, or other disposition of such debris. Approval of the Recycling and Waste Reduction Plan by the building official shall be a condition precedent to issuance of any building or demolition permit for a covered project site.~~

~~Reuse of vegetation or soil contaminated by disease or pest infestation.~~

15.75.050090 - Cash deposit required.

○

A. As a condition precedent to the issuance of any building or demolition permit for a covered project, the applicant shall post a cash deposit in an amount equal to two and one-half cents (\$0.025) for each estimated pound of construction and demolition debris to be generated by the project, up to a maximum deposit of fifty thousand dollars (\$50,000.00). The deposit shall be returned, without interest, in total or in proportion, upon proof to the satisfaction of the building official, that no less than the required percentages of construction and demolition debris have been diverted from landfills and have been recycled or reused. If a lesser percentage than required is diverted, a proportionate share of the deposit will be returned. The deposit shall be forfeited entirely or to the extent that there has been a failure to comply with the requirements of this chapter.

B. If an applicant has previously forfeited a deposit for failure to comply with the requirements of this chapter, the amount of the deposit will be increased by one and one-half cents (\$0.015) per pound, up to a maximum deposit of seventy-five thousand dollars (\$75,000.00) for each subsequent project.

15.75.060100 - Administrative fee.

○

As a condition precedent to the issuance of any building or demolition permit for a covered project, the applicant shall pay to the city an administrative fee, in such amount as established from time to time by resolution of the city council, to compensate the city for all expenses incurred in administering this chapter.

15.75.070110 - On-site practices.

○

During the performance of the covered project, the applicant shall recycle or divert the required percentages of construction and demolition debris and keep records thereof in tonnage or in other measurements approved by the building official that can be converted to tonnage. The building official will evaluate and monitor each covered project to gauge the percentage of construction and demolition debris which is being recycled, salvaged and disposed of from the project. Where both demolition and construction work will be performed, the required percentages of diversion shall be measured and reported separately for the demolition and construction phases of the project. To the maximum extent feasible, on-site separation of scrap wood and clean green waste in a designated debris box or boxes shall be arranged.

15.75.080120 - Reporting.

○

A. No later than sixty (60) days following completion of a covered project, the applicant shall, as a condition of final approval and for issuance of any certificate of occupancy, submit documentation to the building official that demonstrates compliance with the requirements of this chapter.

B. The documentation shall consist of photocopies of receipts and weight tags or other records of measurement or equivalent documentation from recycling companies, deconstruction contractors, and landfill and disposal companies. The applicant's approved Recycling and Waste Reduction Plan shall be completed by recording and confirming the type of debris diverted and the facilities to which it was taken. The applicant shall sign the completed Recycling and Waste Reduction Plan form to certify its accuracy as part of the documentation of compliance.

C. Progress reports during construction may be required for projects that take more than six (6) months to complete or have a valuation of more than one million dollars (\$1,000,000.00).

D. All documentation submitted pursuant to this section is subject to verification by the building official.

E. It is unlawful for any person to submit documentation to the city under this section which that person knows to contain any false statements, including but not limited to false statements regarding tonnage of materials recycled or diverted, or to submit any false or fraudulent receipt or weight tag or other record of measurement.

15.75.090130 - Violations, penalties and enforcement.

○

A. Each violation of the provisions of this chapter shall constitute a public nuisance and be subject to abatement as such in the manner provided by law.

B. The violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code. Where the violation is the failure to achieve the diversion requirement applicable to the covered project and the construction and demolition debris from the covered project have already been delivered to the landfill, the violation shall be deemed to have ceased after a period of ten (10) days.

C. The building official shall have the authority to enforce this chapter, including but not limited to the authority to order that work be stopped where any work is being done contrary to the provisions of this chapter.

D. No certificate of occupancy or final inspection approval shall be issued for any covered project unless the building department has determined that the provisions of this chapter have been complied with.

BMC Chapter 15.81 – ENERGY CONSERVATION AND GENERATION

15.81.010 – Title.

This Chapter shall be known as the City of Brisbane Energy Conservation and Generation Ordinance.

15.81.020 – Coordination with State Energy Regulations

This code does not replace the most recent edition of the Building Energy Efficiency Standards for Residential and Non-residential Buildings, Title 24, Part 6 of the California Code of Regulation as adopted by the City in Chapter 15.04 of this Title, herein after called “Energy Code”. This Chapter 15.81 amends the Energy Code to place additional provisions on new residential and nonpresidential development projects. To the extent the provisions of this chapter conflict with any current or subsequently adopted provisions of the Energy Code, then the most energy conserving provisions shall supersede and control.

15.81.030 – Definitions

Definition of terms are as provided in the State’s Energy Code.

15.82.040 – Cool Roofs Local Amendment to State Energy Code

Section 110.8(i)l, Mandatory Requirements for Insulation, Roofing Products and Radiant Barriers is amended as follows:

The requirements of Section 110.8(i)l supersede the thermal emittance and aged solar reflectance requirements of Sections 140.1, 140.2, 140.3(a)l, 141.0(b)2B, 150.1(c)1l, 150.2(b)1H or 150.2(b) of the Energy Code. A roofing products thermal emittance and aged solar reflectance shall be certified and labeled according to the requirements of Section 10-113 of the Energy Code, and meet the following requirements:

A. New Non-residential Buildings:

1. Low-sloped roofs shall have:

- a. A minimum aged solar reflectance of 0.70 and a minimum thermal emittance of 0.85; or
- b. A minimum Solar Reflectance Index (SRI) of 85.

2. Exceptions:

- a. Roof constructions that have a thermal mass with a weight of at least 25 pounds per square foot over the roof membrane are exempt from the minimum requirements for solar reflectance and thermal emittance or SRI.

- b. An aged solar reflectance less than 0.70 is allowed provided the maximum roof ceiling U-factor in Table 140.3-B of the Energy Code is not exceeded.
- c. Roof area covered by building integrated photovoltaic panels and building integrated solar thermal panels is exempt from the minimum requirements for solar reflectance and thermal emittance or SRI.

B. New High-rise residential buildings, hotels and motels:

1. Low-sloped roofs shall have:

- a. A minimum aged solar reflectance of 0.70 and a minimum thermal emittance of 0.85; or
- b. A minimum Solar Reflectance Index (SRI) of 85.

2. Exceptions:

- a. Roof constructions that have a thermal mass with a weight of at least 25 pounds per square foot over the roof membrane are exempt from the minimum requirements for solar reflectance and thermal emittance or SRI.
- b. Roof area covered by building integrated photovoltaic panels and building integrated solar thermal panels is exempt from the minimum requirements for solar reflectance and thermal emittance or SRI.

C. New Low-rise residential buildings

1. Low-sloped roofs shall have:

- a. A minimum aged solar reflectance of 0.70 and a minimum thermal emittance of 0.85 or a minimum SRI of 85:

2. Exceptions:

- a. Roof constructions that have a thermal mass over the roof membrane with a weight of at least 25 pounds per square foot over the roof membrane are exempt from the minimum requirements for solar reflectance and thermal emittance or SRI.
- b. Roof area covered by building integrated photovoltaic panels and building integrated solar thermal panels is exempt from the minimum requirements for solar reflectance and thermal emittance or SRI.

15.82.050 – Solar Installation Local Amendment to State Energy Code

Subchapter 2 of the Energy Code – all Occupancies – Mandatory Requirements for the Manufacture, Construction and Installation of Systems, Equipment, and Building Components is amended to include: Solar photovoltaic systems shall be installed on both non-residential and residential building types as follows:

A. New Non-residential buildings:

1. Buildings with less than 10,000 square feet of gross floor area shall provide a minimum of a 3 kilowatt photovoltaic system.
2. Buildings with 10,000 square feet or more of gross floor area shall provide a minimum of a 5 kilowatt photovoltaic system.
3. Exception: As an alternative to a solar photovoltaic system, all of the building types listed above may provide a solar hot water system (solar thermal) with a minimum collector of 40 square feet.

B. New Residential Buildings:

1. Single-family buildings and duplexes shall provide a minimum of a 1 kilowatt photovoltaic system.
2. Multifamily buildings of 3 to 16 units shall provide a minimum of a 2 kilowatt photovoltaic system.
3. Multifamily buildings of 17 units or more shall provide a minimum of a 3 kilowatt photovoltaic system.
4. Exception: As an alternative to a solar photovoltaic system, all of the building types listed above may provide a solar hot water system (solar thermal) with a minimum collector of 40 square feet.

C. New Mixed-use Buildings:

1. Mixed-use buildings shall provide the minimum sized photovoltaic system for both the residential and non-residential components of the building (ie: residential and non-residential minimum requirements are considered additive).

15.82.060 – Infeasibility Exemption

If an applicant believes that circumstances exist that make it infeasible to meet the requirements of this chapter, the applicant may request an exemption via written request to the building official. In applying for the exemption, the burden is on the applicant to demonstrate infeasibility to the satisfaction of the building official. Infeasibility exemption may be granted on the basis of site specific cost effectiveness study information or other site or project specific factors.