

ORDINANCE NO. 2964-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CHAPTER 16.43 (GREEN BUILDING CODE) OF TITLE 16 (BUILDING AND CONSTRUCTION) OF THE SUNNYVALE MUNICIPAL CODE, WITH CERTAIN AMENDMENT THERETO

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

SECTION 1. CHAPTER 16.43 AMENDED. SECTION 16.43.040 (Pre-Wiring for Electric Car Chargers) is hereby added to read as set forth in Exhibit "A" attached and incorporated by reference.

SECTION 2. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in *The Sun*, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2011, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney

Chapter 16.43.

GREEN BUILDING CODE

- 16.43.010. Title.**
- 16.43.020. Adoption by reference.**
- 16.43.030. Fireplaces and wood-burning appliances.**
- 16.43.040 Pre-Wiring for Electric Car Chargers**

16.43.010. Title.

This chapter shall be known and may be cited and referred to as the “Green Building Code for the City of Sunnyvale.”

16.43.020. Adoption by reference.

The “2010 California Green Building Standards Code” is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the green building code of the city of Sunnyvale.

16.43.030. Fireplaces and wood-burning appliances.

California Green Building Code Section 4.503 is amended to read:

(a) **Section 4.503 Fireplaces and Wood-Burning Appliances.** Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed wood-burning fireplace, stove, or pellet stove shall comply with U.S. EPA Phase II emission limits where applicable.

(b) This section shall not apply to the repair, reconstruction or replacement of any lawful, existing wood-burning appliance.

(c) This section shall not apply to a gas fireplace. 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 this chapter.

(d) It is unlawful to burn the following in any fireplace or wood-burning appliance:

- (1) Coal;
- (2) Garbage;
- (3) Glossy or colored paper;
- (4) Paint;
- (5) Paint solvent;
- (6) Particle board;
- (7) Plastic or items made from plastic;
- (8) Rubber or items made from rubber;
- (9) Salt water driftwood;
- (10) Treated wood; and
- (11) Waste petroleum products.

California Green Building Code Section 5.503 is amended to read:

(a) **Section 5.503 Fireplaces and Wood-Burning Appliances.** Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed wood-burning fireplace, stove, or pellet stove shall comply with U.S. EPA Phase II emission limits where applicable.

(b) This section shall not apply to the repair, reconstruction or replacement of any lawful, existing wood-burning appliance.

(c) This section shall not apply to a gas fireplace. 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 this chapter.

(d) It is unlawful to burn the following in any fireplace or wood-burning appliance:

- (1) Coal;
- (2) Garbage;
- (3) Glossy or colored paper;
- (4) Paint;
- (5) Paint solvent;
- (6) Particle board;
- (7) Plastic or items made from plastic;
- (8) Rubber or items made from rubber;
- (9) Salt water driftwood;
- (10) Treated wood; and
- (11) Waste petroleum products.

16.43.040. Pre-Wiring for Electric Car Chargers.

California Green Building Code Section 4.106.4 is hereby added:

(a) **Section 4.106.4 Pre-Wiring for Electric Car Chargers. Effective July 1, 2012,** parking spaces shall be pre-wired to accommodate Level 2 electric car chargers in accordance with section 16.32, as follows:

- (1) all garages or carports accessory to single family dwelling
- (2) all garages or carports in residential developments with attached individual garages or carports
- (3) 12.5% of the total required parking spaces in residential developments that provide common shared parking