



**Council Meeting: November 19, 2013**

**SUBJECT: Discussion and Possible Action to Adopt a Resolution of Findings and Introduce Ordinances for Adoption by Reference of the 2013 California Building Codes with Local Amendments and to Consider Finding that the Action is Exempt from the California Environmental Quality Act**

**BACKGROUND**

The California Building Standards Commission (CBSC) is responsible for administering the implementation of the California building codes, which includes the proposal, review, and adoption processes. The building codes are contained in the California Code of Regulations, Title 24. Since 1989, the CBSC has published triennial editions of these codes.

In January 2013, the State of California adopted the 2013 California Building Codes and published the documents on July 1, 2013. All local jurisdictions are required to adopt these codes with appropriate amendments by January 1, 2014, or be mandated to accept by default the version adopted by the State.

**EXISTING POLICY**

The City of Sunnyvale is presently using the 2010 California Building Code, Residential Code, Green Building Code, Plumbing Code, Mechanical Code, Electrical Code, Historical Building Code, Existing Building Code, Building Standards Administrative Code, 2009 International Property Maintenance Code, and the 2008 Energy Code. In order to use the updated versions of the building codes an ordinance for each code must be adopted.

**DISCUSSION**

Following is a list of codes adopted by the State of California for implementation on January 1, 2014 and that are proposed to be adopted by the City:

- 2013 California Building Code (based on the 2012 International Building Code)
- 2013 California Residential Code (based on the 2012 International Residential Code)
- 2013 California Mechanical Code (based on the 2012 Uniform Mechanical Code)

- 2013 California Plumbing Code (based on the 2012 Uniform Plumbing Code)
- 2013 California Electrical Code (based on the 2011 National Electrical Code)
- 2013 California Building Standards Administrative Code
- 2013 California Energy Code
- 2013 California Historical Building Code
- 2013 California Existing Building Code
- 2013 California Green Building Standards Code
- 2012 International Property Maintenance Code

Every city and county in California is required to adopt these codes, with local amendments as may be appropriate, and implement them on January 1, 2014. The following sections summarize the proposed amendments:

#### *Administrative Provisions*

Staff recommends maintaining the current amendments related to administrative provisions along with minor clarifications.

#### *Structural Design*

As with previous code adoptions, the City of Sunnyvale has coordinated with other Bay Area jurisdictions to review proposed structural amendments to the State building codes. During the past year, staff has participated in monthly meetings with other jurisdictions from the Peninsula, East Bay, and Monterey Bay communities and agreed on recommended structural amendments to the State codes.

Staff is recommending that four structural amendments be adopted. These four amendments were included in the adoption of the 2010 codes and are recommended to be carried over to the 2013 codes. Staff believes these are necessary amendments due to the Bay Area's high potential for seismic activity.

#### *Fire Protection Systems*

The Fire Protection System standards for buildings other than single-family and duplex, are located within the California Building Code (Chapter 9). Amendments to these standards are recommended by the Public Safety Department and will be presented to Council on November 19, 2013 for consideration along with the adoption of the Fire Code.

Fire sprinkler requirements for single-family and duplex buildings are located within the California Residential Code. The California Residential Code requires fire sprinklers to be installed in new single-family and duplex buildings. The proposed ordinance maintains a local amendment (originally adopted in May

1987) that requires existing single-family and duplex buildings to install fire sprinklers above and beyond the building code standards.

### *Swimming Pools*

Since 1975 the Municipal Code (16.44) has included requirements for fencing around public and private swimming pools. At that time, the building codes did not provide any provisions for safety fencing around swimming pools. The fence required by the Municipal Code is intended to provide protection for members of the public in the public right-of-way. The standard property line fence meets the Municipal Code requirements.

The building and residential codes now contain requirements for protecting members of the public and building occupants from swimming pools. These requirements are more strict than the Municipal Code and, in general, require a fence around the pool itself, an approved pool cover, or restrictions on the doors that lead to the pool. Since the building code requirements exceed the standards of the Municipal Code, staff recommends deleting this Municipal Code section.

### *Numbering of Buildings*

Similar to the Swimming Pool requirements, standards for the numbering/addressing of buildings was added to the Municipal Code in 1975 (16.58). At that time, the building codes did not include any provisions for building numbering or addressing. Now, the building code does include a section on building address identification. Therefore, staff is recommending relocating the stand-alone requirements and incorporating them into the amendments to the building code. This will eliminate any confusion about which code section prevails in the event of conflicting requirements. This consolidation does not change the current practices for the building numbering or addressing.

## **ENVIRONMENTAL REVIEW**

The proposed action 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. (Title 14 of the California Code of Regulations, Section 15061(b)(3).)

## **FISCAL IMPACT**

No fiscal impact to the City is expected.

## **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

Notice of this meeting was also published in the Sun newspaper, a newspaper of general circulation, on November 1 and 8, 2013.

**ALTERNATIVES**

1. Adopt the resolution of local findings and approve the first reading of the ordinances (Attachment A) adopting the 2013 California Building Codes.
2. Adopt the resolution of local findings and approve the first reading of the ordinances (Attachment A) adopting the 2013 California Building Codes with amendments.
3. Do not adopt the resolution or the proposed ordinances.

**RECOMMENDATION**

Staff recommends Alternative 1: Adopt the resolution of local findings and approve the first reading of the ordinances (Attachment A) adopting the 2013 California Building Codes with amendments.

As noted under the Discussion section, staff has been working with other Bay Area jurisdictions to coordinate and limit local amendments to the building codes. As part of these efforts, the amendments that are recommended will be generally made throughout local jurisdiction in the Bay Area. Staff is also recommending other modifications to the 2013 California Building Codes to maintain conformance with our current policies and procedures, as described in this report.

The adoption of these codes and amendments will have a positive impact as it will allow the public to avail themselves of current and upgraded construction and life safety provisions that have been revised under these codes.

Reviewed by:

Hanson Hom Director, Community Development  
Prepared by: Diana Perkins, Permit Center Coordinator  
Reviewed by: Ali Fatapour, Chief Building Official

Approved by:

Gary M. Luebbers  
City Manager

**Attachments**

- A. Resolution Finding and Determining the Need for Modifications to the California Building Codes
- B. Proposed Ordinances for Adoption of the 2013 California Building Codes

DRAFT 10/17/13 RUM

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE FINDING AND DETERMINING THE  
NEED FOR MODIFICATIONS TO THE 2013 CALIFORNIA  
BUILDING CODE**

WHEREAS, the City of Sunnyvale is adopting the 2013 California Building Codes with numerous changes and modifications;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE that it finds and determines there is a need to adopt the changes or modifications because of local climatic, topographic, geological and related geographic conditions.

**General Findings**

**1. Climatic**

- a. **Precipitation.** Precipitation ranges from 4.83 to 30.30 inches per year with an average of approximately 13.86 inches per year. Approximately 90% falls during the months of November through April and 10% from May through October. This area experienced a major drought in 1977-78 and a moderate drought the next five years; it is possible that more droughts will occur in the future. The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the expansive characteristics of soil.
- b. **Relative Humidity.** Humidity generally ranges from 60% during daytime to 80% at night. It drops to 20% during the summer months and occasionally drops lower.
- c. **Temperatures.** Temperatures have been recorded as high as 108° F. Average summer highs are in the 78°-82° F. range.
- d. **Winds.** Prevailing winds are from the Northwest or Southeast. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5-mph to 15-mph range, gusting to 7.4 mph to 30 mph, particularly during the summer months. Extreme winds, up to 60 mph, have been known to occur.
- e. **Summary.** These local climatic conditions affect the acceleration, intensity and size of fire in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another commonly found in Sunnyvale. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and can create a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

**2. Geological, Geographic and Topographic**

- a. **Geographic Location.** Sunnyvale is located in the Santa Clara Valley. It has taken its place as the second largest city in the heart of the "Silicon Valley," the center for an expanding and changing technology industry.

b. **Seismic Location.** Sunnyvale is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zone. The City's location makes it particularly vulnerable to damage to taller and older structures caused by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the City sits between two active earthquake faults (San Andreas and the Hayward/Calaveras) and numerous potentially active faults.

c. **Seismic and Fire Hazards.** Gypsum wallboard and exterior portland cement plaster have performed poorly during recent California seismic events. The shear values for gypsum wallboard and portland cement stucco contained in the code are based on mono-directional testing. It is appropriate to limit the use of these products until cyclic loading testing are performed and evaluated. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires.

Other variables may tend to intensify the situation:

1. The extent of damage to the water system;
2. The extent of isolation due to bridge and/or freeway overpass collapse;
3. The extent of roadway damage and/or amount of debris blocking the roadways;
4. Climatic conditions (hot, dry weather with high winds);
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
6. The availability of timely mutual aid or military assistance;
7. The large portion of dwellings with wood shingle roof coverings could result in conflagrations.

d. **Size and Population.** The City has an area over 24 square miles in size and a population estimated to be 142,896.

e. **Development.** Sunnyvale is a community, which is projected to add 8,300 new residential units within the next twenty-five years, primarily in multi-family configurations, for which building security is a matter of acute importance.

f. **Public Safety Department.** Sunnyvale utilizes a public safety (joint police/fire) department with personnel who function as both fire suppression and police officers, resulting in fewer personnel than otherwise would be required for a city of its size. A premium is therefore placed on built-in physical techniques and devices as crime preventative measures. It is therefore also imperative that fire detection and suppression occur as quickly as possible to minimize loss of property and life. For these reasons the most stringent provisions are required concerning fire detection, alarm and suppression systems.

g. **Roads and Streets.** The number of vehicle miles driven in the City is steadily increasing and considerable efforts in traffic and roadway improvements are being made to ease the crush of commuters to and through the City to their homes and places of work. Because of the City's high concentration of jobs, much of the peak traffic is made by nonresidents traveling to or from Sunnyvale. The impact of planned developments and traffic flow will continue to have an effect on the Department of Public Safety and delivery of fire services.

**h. Industry.** Sunnyvale is the site of many manufacturing and research industries which use toxic, flammable and explosive chemicals and materials in potentially hazardous combinations. Special precautions thus are required to minimize the risk of damage to adjoining persons and properties.

**i. Mixed Industrial/Residential Uses.** High-density residential uses are located near high-risk industries, necessitating special precautions.

**j. Transportation.** Sunnyvale is divided by an interstate highway, which potentially could affect response times of fire suppression equipment.

**k. Soil Conditions and Topography.** Sunnyvale lies at the southern end of San Francisco Bay and is built atop the alluvial deposits that surround the margins of the Bay. The alluvium was created by the flooding of the many streams emptying into the San Francisco Bay depression, and from intermittent seawater inundation that has occurred over the last 2 or 3 million years. The areas closest to the Bay are overlain by unconsolidated fine silty clay, known as "Bay Mud" which varies in thickness from a few feet to as much as 30 feet. Generally, the older, more stable alluvium is to the south and the younger, less stable material is to the north. Bedrock lies beneath the area at depths generally 300' or more. The topography is essentially flat, dropping from an elevation of 300 feet to sea level. The slope across the City is in a northeasterly direction from the high point in the southwest corner to the Bay. The average slope is approximately 0.9%.

The Silicon Valley is within a very active seismic area and local soil conditions can be highly expansive (clay soils). The Northridge earthquake provided hundreds of examples of damage to plain concrete footings. This type of damage is extremely expensive to repair, in contrast to the small expense of providing nominal footing reinforcement. Footing reinforcement is also necessary to prevent damage due to pumping action caused by local expansive soils, which shrink and swell during seasonal drying and wetting conditions.

Most of the surface soils in the Silicon Valley are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering, and the relatively acid environment have created soils of varying types, which are particularly corrosive in nature. Much of the surface soil in the Silicon Valley is highly expansive (i.e., shrink-swell behavior) and has low bearing strength.

**l. Water/Sewer.** Some parts of the Silicon Valley have hard water, which is corrosive to ferrous pipe. The groundwater table is unusually high in many places. Expansive soils create unstable conditions, which increase the potential of breaks in sewer laterals. To maintain health and sanitary services, it is necessary to gain access, to periodically maintain public sanitary laterals.

**m. Buildings, Landscaping and Clearances.** Many of the newer large buildings and building complexes are of designs, which greatly limit visibility and approach to and accessibility by Public Safety resources. Many houses and other buildings with wood roofs and/or sidings are so close together that fire may readily spread from one to another by both radiation and convection.

**n. Summary.** The stated local geological, geographic and topographical conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Department of Public Safety. Lying beneath Sunnyvale are thick layers of sand, gravel and clay, known as alluvium, which amplify the effects of earthquakes. Based on the damage caused in Santa Clara Valley by the 1906 earthquake and the poor performance of alluvial deposits during earthquakes, this area could be subject to severe damage.

**Findings.**

With the exception of changes justified on administrative grounds, the local amendments of the 2013 California Building Codes are justified by all of the aforementioned general findings.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the ordinances making the changes and modifications to the enumerated uniform codes, to be filed with the State Department of Housing and Community Development.

Adopted by the City Council at a regular meeting held on November 19, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

DRAFT 10/17/13 RUM

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA ADMINISTRATIVE CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE ADMINISTRATIVE CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. REPEAL. Ordinance No. 2930-10, codified as Chapter 16.08 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.08 ADDED. Sunnyvale Municipal Code Chapter 16.08 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

Chapter 16.08.  
ADMINISTRATIVE CODE

ATTACHMENT B  
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16.08.010. Title.

16.08.020. Adoption by reference.

16.08.030. Hours of construction—Time and noise limitations.

16.08.010. Title.

This chapter shall be known and may be cited and referred to as the “Administrative Code for California Codes Adopted by the City of Sunnyvale.”

16.08.020. Adoption by reference.

The “2010 2013 California Administrative Code” adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 1 is hereby adopted by reference as the administrative code for all California codes adopted by the city of Sunnyvale.

16.08.030. Hours of construction—Time and noise limitations.

Construction activity shall be permitted between the hours of seven a.m. and six p.m. daily Monday through Friday. Saturday hours of operation shall be between eight a.m. and five p.m. There shall be no construction activity on Sunday or national holidays when city offices are closed.

No loud environmentally disruptive noises, such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments, radios, etc., will be allowed where such noises may be a nuisance to adjacent residential neighborhoods.

Exceptions:

(a) Construction activity is permitted for detached single-family residential properties when the work is being performed by the owner of the property, provided no construction activity is conducted prior to seven a.m. or after seven p.m. Monday through Friday, prior to eight a.m. or after seven p.m. on Saturday and prior to nine a.m. or after six p.m. on Sunday and national holidays when city offices are closed. It is permissible for up to two persons to assist the owner of the property so long as they are not hired by the owner to perform the work. For purposes of this section, “detached single-family residential property” refers only to housing that stands completely alone with no adjoining roof, foundation or sides.

(b) As determined by the chief building official:

(1) No loud environmentally disruptive noises, such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments, radios, etc., will be allowed where such noises may be a nuisance to adjacent properties.

(2) Where emergency conditions exist, construction activity may be permitted at any hour or day of the week. Such emergencies shall be completed as rapidly as possible to prevent any disruption to other properties.

## EXHIBIT A

(3) Where additional construction activity will not be a nuisance to surrounding properties, based on location and type of construction, a waiver may be granted to allow hours of construction other than as stated in this section.

ATTACHMENT B  
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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA BUILDING CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE BUILDING CODE OF THE CITY OF SUNNYVALE**

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

SECTION 1. REPEAL. Ordinance No. 2931-10, codified as Chapter 16.16 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.16 ADDED. Sunnyvale Municipal Code Chapter 16.16 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

Chapter 16.16.  
BUILDING CODE

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- 16.16.010. Title.
- 16.16.020. Adoption by reference.
- 16.16.030. Administration.
- 16.16.040. Definitions.
- 16.16.050. Standards for high-rise buildings.
- 16.16.060. Numbering of buildings.
- 16.16.070. Fire extinguishing systems.
- 16.16.080. Fire protection systems.
- 16.16.090. Roof material rating.
- 16.16.100. Concrete construction.
- 16.16.110. Modifications to ACI 318.
- 16.16.120. Moved structures.
- ~~16.16.030. Standards for high-rise buildings.~~
- ~~16.16.040. Fire extinguishing systems.~~
- ~~16.16.050. Definitions.~~
- ~~16.16.060. Roof material rating.~~
- ~~16.16.070. Modifications to ASCE 7.~~
- ~~16.16.080. Modifications to ACI 318.~~
- ~~16.16.090. Concrete construction.~~
- ~~16.16.100. Moved structures.~~
- ~~16.16.110. Administration.~~

**16.16.010. Title.**

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

**16.16.020. Adoption by reference.**

The 2012 International Building Code in its entirety, along with Appendices C, I, and J as published by the International Code Council, Inc. and amendments to sections of the 2012 International Building Code adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 2 known as the California Building Code, is hereby adopted by reference. The “2010 California Building Code,” including appendices C, I, and J, is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the building code of the city of Sunnyvale.

**16.16.110030. Administration.**

~~2010~~2013 California Building Code, Chapter 1, Division II, is hereby amended as follows:

**101.2. Scope.**

(a) The provisions of this chapter shall apply to grading and to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location,

maintenance, removal, and demolitions of every building or structure within the city, including all plumbing and drainage systems, mechanical systems, and electrical wiring and fire safety systems, or parts thereof, within and serving such building or structure, excluding therefrom the following:

- (1) Any building or structure located on real property belonging to:
  - (A) United States of America,
  - (B) State of California, or any political subdivision thereof,
  - (C) Any chartered city or non-chartered city, or
  - (D) Any school district, except when the proposed use is for non-classroom facilities;
- (2) Work located primarily in a public way;
- (3) Public utility towers and poles;
- (4) Mechanical equipment not specifically regulated in any of the codes; and
- (5) Hydraulic flood control structures.

(6) Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the California Residential Code.

#### **105.3.2 Time Limitation of Application.**

An application for a permit for any proposed work shall be deemed to have been expired 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official is authorized to grant one or more extensions of time for additional period not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. ~~In order to renew action on an application after expiration, the applicant shall resubmit plans and other documents and pay a new plan review fee.~~ In order to proceed with a project once an application has expired, a new application is required with new plan reviews fees and plans based on the code in effect at the time of the new application.

#### **105.5 Permit Expiration.**

(1) Every permit issued under the provisions of this title shall expire by limitation and become null and void, if the work authorized by the permit is not commenced within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days.

(2) For purposes of this title, the failure of the permittee to call for an inspection within one hundred eighty days of the date the permit was originally issued, or within one hundred eighty days of the last inspection, shall create a rebuttable presumption that the work authorized by the permit has been suspended or abandoned, and the chief building official may make a determination that the permit has expired.

(3) Upon a determination by the chief building official that a permit has expired, the permittee shall be notified in writing that such a determination has been made.

(4) If a permit has expired, no work may be recommenced until a new permit is obtained. The fee for a new permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for

such work, and provided further that the period of suspension or abandonment was not in excess of one year, in which case the permittee shall pay a new, full permit fee and plan review fee.

(5) Any permittee holding an unexpired permit may apply for an extension of the time within which to commence or complete work under the permit. Such requests must be submitted in writing. The building official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.7 Placement of Permit.** The building permit, along with all plans and documentation approved by the building official, shall be kept on the site of the work until final approval has been granted by the building official.

**107.5 Retention of Construction Documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 90 days from the date of completion of the permitted work, or as required by state and local law.

**Note:** Reference Building Standards Law, Health and Safety Code Sections 19850 and 19851, for provisions related to permanent retention of plans.

**109.2 Schedule of Permit Fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or alternations requiring a permit, a fee for each permit shall be paid as required by the current fee resolution approved by the city council.

**109.4 Work Commencing Before Permit Issuance.** When ever any work for which a permit is required by this code has been commenced without first obtaining said permit, the fee for such permit shall be double the fee established by the current fee resolution approved by the city council.

**109.4.1 Investigation Fees: Work Without a Permit.** Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit a special investigation may be made before a permit may be issued for such work.

**109.4.2 Fee.** An investigation fee in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee.

**109.6 Refunds.** The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when the permit is canceled and no work has been done under a permit issued in accordance with this section.

The building official may authorize refunding of ~~not more than 80 percent~~ of the plan review fee paid with an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except by written request filed by the original permittee and for building permits that are not expired.

**109.7 Plan Review Fees.** When a plan review is required a plan checking fee shall be paid at the time of submitting plans and specifications for checking.

When submittal documents are incomplete or ~~changes~~changed so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee may be charged as deemed necessary by the building official at rate established in the current fee resolution adopted by the city council.

**110.3.8 Other Inspections.** In addition to the inspections specified above the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency.

**110.7 Inspection Record Card.** Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card issued by the building official such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

**110.8 Reinspections.** A reinspection fee may be assessed as deemed necessary by the building official for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection records card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is required, or for deviating from plans requiring the approval of the building official.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required reinspection fees have been paid.

The reinspection fee shall be in accordance with the current fee resolution adopted by the city council.

**111.2 Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building safety division, the building official shall either sign the approved inspection record card or issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structures.
- ~~3. The name and address of the owner.~~
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
- ~~10. The occupant load.~~
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.

1211. Any special stipulations and conditions of the building permit.

**114.1. Unlawful Acts.** It is unlawful for any person to perform any grading, or to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or to install or maintain any plumbing or drainage systems, or any mechanical systems, or any electrical wiring or fire safety systems in or about any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of the administrative or technical code. Each such person is guilty of a separate offense for each and every day during any portion of which a violation of any provision of any codes continued, or permitted by such person and shall be punishable accordingly.

### **Section 117 Address Identification**

#### **117.1. Address Identification.**

All entrances from the public streets of the city of Sunnyvale to buildings fronting thereon shall be numbered as provided in this chapter.

The numbers shall be placed upon, or immediately above or to one side of the door or gate or post of such entrance or shall be otherwise conspicuously located near said entrance so that the same shall be in plain view. Each character shall be a minimum 4 inches high and not less than 0.5 inch in width. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property.

Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.

When required by the building official or fire marshal, address numbers and street names shall be provided in additional approved locations to facilitate emergency response.

#### **117.2. Odd and even numbers.**

Where possible all numbers on the northerly and westerly sides of streets shall be odd numbers and all numbers on the southerly and easterly sides of streets shall be even numbers.

#### **117.3. Official street numbering map.**

A map entitled "official street numbering map of the city of Sunnyvale" on file in the office of the chief building official exhibiting the various numbers to lots and parcels of land fronting on the various streets in the city of Sunnyvale is hereby referred to for particulars and is made a part hereof and numbers shall be determined and located as shown on the map.

#### **117.4. Numbers designated by chief building official.**

It shall be the duty of the chief building official to designate the respective numbers for buildings or parcels of land fronting on streets heretofore laid out or extended.

#### **117.5. Display of numbers required.**

No owner, occupant, lessee, tenant or subtenant of any building having an entrance which fronts on a public street shall display any number of such building or entrance thereto other than the proper number designated by the chief building official and shall within five days after receiving notice of such designated number from the chief building official place the same upon or immediately above or to one side of the door, gate, post or entrance to such building or in some other conspicuous location as provided in this chapter.

#### **117.6. Placing of numbers at occupant's expense.**

It shall be the responsibility of both the owner and occupant of any building, at his expense, to cause the same to be numbered in accordance with this chapter.

**117.7. Permit required for numbers on streets, sidewalks or curb.**

No person shall place, maintain or permit to be placed or maintained any number, figure, letter, carving, drawing, design or other marking upon any street, sidewalk, parking place or curb in the city without first obtaining written authorization from the director of public works who shall have the authority to issue regulations and standards for such activity. The following requirements and conditions shall apply to all requests to conduct the service of curb identification marking:

(a) No person shall engage in the business of painting numbers or other markings on curbs, which markings identify the street location of any structure within the city, without first obtaining a business license.

(b) Written consent and approval of the owner or occupant of the structure shall be obtained, prior to commencing any work, on forms which shall be approved by the director of public works.

(c) Markings shall be three and one-half inches to four inches in height of high gloss black enamel paint on a white background or of such dimensions, color and quality of materials as shall be approved by the director of public works.

(d) The authorization provided for herein may be revoked by the director of public works whenever he finds noncompliance with the provisions of this chapter or any regulation or standards promulgated by him pursuant to the authority granted herein.

**16.16.050040. Definitions.**

California Building Code Chapter 2 is hereby amended to include:

For the purpose of the California Building Code, certain terms are defined as follows:

(1) "Board of appeals" means the board created to hear and determine appeals from a decision or order of the building inspection superintendent.

(2) "Building inspection superintendent" means the officer or other person charged with the administration and enforcement of the following codes of the city:

- (A) Building Code,
- (B) Residential Code,
- (C) Existing Building Code,
- (D) Plumbing Code,
- (E) Mechanical Code,
- (F) Electrical Code,
- (G) Historical Buildings Code,
- (H) Energy Code,
- (I) Green Building Code.

(3) "Building official" or "chief building official" means building inspection superintendent.

(4) "The codes" mean each and all of the following codes of the city:

- (A) Building Code,
- (B) Residential Code,
- (C) Existing Building Code,
- (D) Plumbing Code,
- (E) Mechanical Code,
- (F) Electrical Code,
- (G) Historical Buildings Code,
- (H) Fire Code,
- (I) Energy Code,
- (J) Green Building Code,
- (K) Property Maintenance Code.

**16.16.050. Standards for high-rise buildings.**

2013 California Building Code Section 403 is hereby replaced by the applicable provisions of Chapter 16.5452.

**16.16.060. Numbering of Buildings.**

2013 California Building Code Section 501.2 is hereby replaced with the applicable provisions of Chapter 16.16.030.

**16.16.040070. Fire extinguishing systems.**

Except for the application of Sections 504.2 and 506.3 of the California Building Code, the installation requirements for fire extinguishing systems, including California Building Code Section 903, shall be governed by the applicable provisions of the California Fire Code as adopted by Chapter 16.52, and by the applicable provisions of Chapter 16.54.

**16.16.080. Fire protection systems.**

2013 California Building Code Chapter 9 is hereby replaced by the applicable provisions of Chapter 16.52.

**16.16.060090. Roof material rating.**

~~2010~~ 2013 California Building Code Section 1505.1.3 is amended to read as follows:

**1505.1.3 Roof Coverings in All Other Areas.** The entire roof covering of every existing structure where more than fifty percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B ~~as defined in the California Building Code.~~

**16.16.070. Modifications to ASCE 7.**

~~Modification to ASCE 7, Section 12.8.1.1. Modify ASCE 7 Section 12.8.1.1 by amending Equation 12.8-5 as follows:~~

~~$C_s = 0.044 S_{DS} I \geq 0.01$  (Eq. 12.8-5)~~

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

~~$\theta = \frac{P \Delta I}{V_s h_s C_s}$  (Eq. 12.8-16)~~

**16.16.090100. Concrete construction.**

~~2010~~2013 California Building Code Section ~~1704.4~~1705.3 is hereby amended to read:

**1705.3 Concrete Construction.** The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

**Exceptions:** Special inspections shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength,  $f'_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 MPa).
2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:
  - 2.1. The footings support walls of light-frame construction;
  - 2.2. The footings are designed in accordance with Table 1809.7; or
  - 2.3. The structural design of the footing is based on a specified compressive strength,  $f'_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.
3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).
4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.
5. Concrete patios, driveways and sidewalks, on grade.

**16.16.080110. Modifications to ACI 318.**

~~2008~~2013 California Building Code Section 1905.1.8 is amended to read as follows:

~~1908~~1905.1.8 ACI 318, Section 22.10. Delete ACI 318, Section 22.10, and replace with the following:

**22.10** - Plain concrete in structures assigned to seismic design category C, D, E or F.

**22.10.1**- Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

**Exception:** In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

**Exception:** In detached one and two-family dwellings three stories or less in height and constructed with stud bearing walls, plain concrete with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

**16.16.100120. Moved structures.**

California Building Code Section 3410 is hereby amended to read:

**3410.1 Conformance.** Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

**Exception:** Moved apartment houses and dwellings may retain existing materials and methods of construction, provided the apartment house or dwelling complies with the building standards for foundations applicable to new construction and does not become or continue to be a substandard building. For additional information, see Health and Safety Code Section 17958.9.

DRAFT 10/17/13 Rum

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA RESIDENTIAL CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE RESIDENTIAL CODE CODE OF THE CITY OF SUNNYVALE**

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

SECTION 1. REPEAL. Ordinance No. 2932-10, codified as Chapter 16.17 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.17 ADDED. Sunnyvale Municipal Code Chapter 16.17 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

Chapter 16.17.  
RESIDENTIAL CODE

- 16.17.010. Title.
- 16.17.020. Adoption by reference.
- 16.17.030 Administration
- 16.17.040. Definitions.
- 16.17.050. Fire-resistant construction.
- 16.17.060. Townhouses.
- 16.17.070. Sound transmission.
- 16.17.080. Fire extinguishing systems.
- 16.17.090. Concrete construction.
- 16.17.100. Gypsum board and plaster as wall bracing materials.
- 16.17.110. Roof material rating.
- ~~16.17.030. Fire extinguishing systems.~~
- ~~16.17.040. Definitions.~~
- ~~16.17.050. Roof material rating.~~
- ~~16.17.060. Sound transmission.~~
- ~~16.17.070. Concrete construction.~~
- ~~16.17.080. Gypsum board and plaster as wall bracing materials.~~
- ~~16.17.090. Administration.~~

**16.17.010. Title.**

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

**16.17.020. Adoption by reference.**

The 2012 International Residential Code in its entirety, along with Appendices G and H as published by the International Code Council, Inc. and amendments to sections of the 2012 International Residential Code adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 2.5 known as the California Residential Code, is hereby adopted by reference. The “2010 California Residential Code,” including appendix H, is hereby adopted by reference with changes and modifications as hereinafter set forth, as the residential code of the city of Sunnyvale.

**16.17.030. Administration.**

2013 California Residential Code chapter 1 division II is hereby amended as follows:  
2013 California Residential Code chapter 1 division II is hereby replaced by the provisions of Chapters 16.16.

**16.17.040. Definitions.**

~~2010~~2013 California Building Residential Code Chapter 2 is hereby amended to include as follows:

For the purpose of the California Code, certain terms are defined as follows:

- (1) “Board of appeals” means the board created to hear and determine appeals from a decision or order of the building inspection superintendent.

(2) "Building inspection superintendent" means the officer or other person charged with the administration and enforcement of the following codes of the city:

- (A) Building Code,
- (B) Residential Code,
- (C) Existing Building Code,
- (D) Plumbing Code,
- (E) Mechanical Code,
- (F) Electrical Code,
- (G) Historical Buildings Code,
- (H) Energy Code,
- (I) Green Building Code

(3) "Building official" or "chief building official" means building inspection superintendent.

(4) "The codes" mean each and all of the following codes of the city:

- (A) Building Code,
- (B) Residential Code,
- (C) Existing Building Code,
- (D) Plumbing Code,
- (E) Mechanical Code,
- (F) Electrical Code,
- (G) Historical Buildings Code,
- (H) Fire Code,
- (I) Energy Code,
- (J) Green Building Code.
- (K) Property Maintenance Code.

(4) "TOWNHOUSE". A single-family dwelling unit on an individual lot and constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.

**16.17.050. Fire-resistant construction.**

2013 California Residential Code Table R302.1(2) footnote "a" is amended to read follows:

<sup>a</sup> For residential subdivisions where all dwellings and accessory buildings are equipped throughout with an automatic sprinkler system installed in accordance with Section R313, the fire separation distance for nonrated exterior walls and rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard with a recorded no-build easement that is 6 feet or more in width on the opposite side of the property line.

**16.17.060. Townhouses.**

2013 California Residential Code Section R302.2 is amended as follows:

Delete the exception.

**16.17.06070. Sound transmission.**

The title for 20102013 California Residential Code Section R303 is amended to read as follows:

**LIGHT, VENTILATION, HEATING, AND SOUND TRANSMISSION**

20102013 California Residential Code Section R303.10 is added to Chapter 3 of the 20102013 California Residential Code to read as follows:

**R303.910 Sound Transmission.** For sound transmission control between attached dwelling units, see Section 1207 of the California Building Code.

**16.17.030080. Fire extinguishing systems.**

2013 California Residential Code sections R313.1, R313.2, and R313.3 are hereby amended to read as follows:

**R313.1 Townhouse automatic fire sprinkler systems.**

An automatic residential fire sprinkler system shall be installed in townhouses.

Existing Townhouses. An automatic residential fire sprinkler system shall be installed in existing townhouses when additions are made that are in excess of 50 percent of the original building area.

Firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

Exception: A one-time addition to existing townhouses that do not exceed 500 square feet of building area.

**R313.1.1 Design and Installation.**

Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with NFPA 13D and local standards.

**R313.2 One- and two-family dwellings automatic fire systems.**

An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Existing one and two-family dwellings. An automatic residential fire sprinkler system shall be installed in existing one and two-family dwellings when additions are made that are in excess of 50 percent of the original building area.

Firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

Exception: One-time additions to one and two-family dwellings that do not exceed 500 square feet of building area.

Group U private garages and carports shall comply with Section 903.2.18 of the California Fire Code.

**R313.2.1 Design and Installation.**

Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with NFPA 13D and local standards.

2013 California Residential Code Section R313.3 is hereby amended by deleting the following provisions:

R313.3 Dwelling unit fire sprinkler systems.

~~California Residential Code Section R313.1 is hereby amended by deleting the following provision:~~

~~R313.1 Exception.~~

~~California Residential Code Section R313.1 is hereby amended by adding the following provision:~~

~~1. Existing Townhouses. An automatic residential fire sprinkler system shall be installed in existing townhouses when additions are made that are in excess of 50 percent of the original building area.~~

~~Firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.~~

~~Exception: A one-time addition to existing townhouses that do not exceed 500 square feet of building area.~~

~~California Residential Code Section R313.2 is hereby amended by deleting the following provision:~~

~~R313.2 Exception.~~

~~California Residential Code Section R313.1.1 is hereby amended to read:~~

~~R313.1.1 Design and Installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with NFPA 13D and local standards.~~

~~California Residential Code Section R313.2 is hereby amended by adding the following provision:~~

~~1. Existing one and two family dwellings. An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings when additions are made that are in excess of 50 percent of the original building area.~~

~~Firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.~~

~~Exception: One-time additions to one and two-family dwellings that do not exceed 500 square feet of building area.~~

~~2. Group U private garages and carports shall comply with Section 903.2.18 of the California Fire Code.~~

~~California Residential Code Section R313.2.1 is hereby amended to read:~~

~~R313.2.1 Design and Installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with NFPA 13D and local standards.~~

~~California Residential Code Section R313.3 is hereby amended by deleting the following provisions:~~

~~R313.3 Dwelling unit fire sprinkler systems.~~

**16.17.070090. Concrete construction.**

~~20102013~~ California Residential Code Section R403.1.3 is amended to read as follows:

**R403.1.3 Seismic Reinforcing.** Concrete footings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub> where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub> where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub> masonry stem walls without solid grout and vertical reinforcing are not permitted.

**Exception:** In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

**16.17.080100. Gypsum board and plaster as wall bracing materials.**

Title for the 20102013 California Residential Code Table R602.10.3(3) R602.10.1.2(2) is amended to read as follows:

**TABLE R602.10.3(3) R602.10.1.2(2)<sup>a,b,c,d,e</sup>  
BRACING REQUIREMENTS BASED ON  
SEISMIC DESIGN CATEGORY**

**(AS A FUNCTION OF BRACED WALL LINE LENGTH)**

20102013 California Residential Code Table R602.10.3(3) R602.10.1.2(2) footnote "ed" is added to the end of the table to read as follows:

<sup>ed</sup> In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Methods GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

20102013 California Residential Code Section R602.10.4.4 R602.10.2.1.1 is added to Chapter 6 of the 20102013 California Residential Code to read as follows:

**R602.10.2.1.1 R602.10.4.4 Limits on Methods GB and PCP.** In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Methods GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

**16.17.090. Administration.**

~~2010 California Residential Code Chapter 1 Division II is hereby amended as follows:~~

~~R101.2. Scope.~~

~~(a) The provisions of this chapter shall apply to grading and to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolitions of detached one and two family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures within the city, including all plumbing and drainage systems, mechanical systems, and electrical wiring and fire safety systems, or parts thereof, within and serving such buildings or structures, excluding therefrom the following:~~

~~(1) Any building or structure located on real property belonging to:~~

~~(A) United States of America;~~

~~(B) State of California, or any political subdivision thereof;~~

~~(C) Any chartered city or non-chartered city, or~~

~~(D) Any school district, except when the proposed use is for non-classroom facilities;~~

~~(2) Work located primarily in a public way;~~

~~(3) Public utility towers and poles;~~

~~(4) Mechanical equipment not specifically regulated in any of the codes; and~~

~~(5) Hydraulic flood control structures.~~

~~R105.3.2 Time Limitation of Application.~~

~~An application for a permit for any proposed work shall be deemed to have been expired 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official is authorized to grant one or more extensions of time for additional period not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and other documents and pay a new plan review fee.~~

~~R105.5 Permit Expiration.~~

~~(1) Every permit issued under the provisions of this title shall expire by limitation and become null and void, if the work authorized by the permit is not commenced within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days.~~

~~(2) For purposes of this title, the failure of the permittee to call for an inspection within 180 days of the date the permit was originally issued, or within one hundred eighty days of the last inspection, shall create a rebuttable presumption that the work authorized by the permit has been suspended or abandoned, and the chief building official may make a determination that the permit has expired.~~

~~(3) Upon a determination by the chief building official that a permit has expired, the permittee shall be notified in writing that such a determination has been made.~~

~~(4) If a permit has expired, no work may be recommenced until a new permit is obtained. The fee for a new permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that the period of suspension or abandonment was not in excess of one year, in which case the permittee shall pay a new, full permit fee and plan review fee.~~

~~(5) Any permittee holding an unexpired permit may apply for an extension of the time within which to commence or complete work under the permit. Such requests must be submitted in writing. The building official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

~~R105.7 Placement of Permit. The building permit, along with all plans and documentation approved by the building official, shall be kept on the site of the work until final approval has been granted by the building official.~~

~~R106.5 Retention of Construction Documents. One set of approved construction documents shall be retained by the building official for a period of not less than 90 days from the date of completion of the permitted work, or as required by state and local law.~~

~~Note: Reference Building Standards Law, Health and Safety Code Sections 19850 and 19851, for provisions related to permanent retention of plans.~~

~~R108.2 Schedule of Permit Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alternations requiring a permit, a fee for each permit shall be paid as required by the current fee resolution approved by the city council.~~

~~R108.6 Work Commencing Before Permit Issuance. When ever any work for which a permit is required by this code has been commenced without first obtaining said permit, the fee for such permit shall be double the fee established by the current fee resolution approved by the city council.~~

~~R108.6.1 Investigation Fees: Work Without a Permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit a special investigation may be made before a permit may be issued for such work.~~

~~———— R108.6.2 Fee. An investigation fee in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee.~~

~~———— R108.5 Refunds. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.~~

~~———— 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 section.~~

~~———— The building official may authorize refunding of not more than 80 percent of the plan review fee paid with an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.~~

~~———— The building official shall not authorize refunding of any fee paid except by written request filed by the original permittee and for building permits that are not expired.~~

~~———— R108.7 Plan Review Fees. When a plan review is required a plan checking fee shall be paid at the time of submitting plans and specifications for checking.~~

~~———— When submittal documents are incomplete or changes so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee may be charged as deemed necessary by the building official at rate established in the current fee resolution adopted by the city council.~~

~~———— R109.1.5 Other Inspections. In addition to the inspections specified above the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency.~~

~~———— R109.5 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card issued by the building official such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.~~

~~———— R109.6 Reinspections. A reinspection fee may be assessed as deemed necessary by the building official for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.~~

~~———— Reinspection fees may be assessed when the inspection records card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is required, or for deviating from plans requiring the approval of the building official.~~

~~———— In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required reinspection fees have been paid.~~

~~———— The reinspection fee shall be in accordance with the current fee resolution adopted by the city council.~~

~~———— R110.3 Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building safety division, the building official shall either sign the approved inspection record card or issue a certificate of occupancy that contains the following:~~

- ~~———— 1. The building permit number.~~
- ~~———— 2. The address of the structures.~~
- ~~———— 3. The name and address of the owner.~~
- ~~———— 4. A description of that portion of the structure for which the certificate is issued.~~

~~5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.~~

~~6. The name of the building official.~~

~~7. The edition of the code under which the permit was issued.~~

~~8. If an automatic sprinkler system is provided, whether the sprinkler system is required.~~

~~9. Any special stipulations and conditions of the building permit.~~

~~R113.1. Unlawful Acts. It is unlawful for any person to perform any grading, or to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or to install or maintain any plumbing or drainage systems, or any mechanical systems, or any electrical wiring or fire safety systems in or about any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of the administrative or technical code. Each such person is guilty of a separate offense for each and every day during any portion of which a violation of any provision of any codes continued, or permitted by such person and shall be punishable accordingly.~~

**16.17.050110. Roof material rating.**

~~2010~~2013 California Residential Code Section R902.1.3 is amended to read as follows:

**R902.1.3 Roof Coverings in All Other Areas.** The entire roof covering of every existing structure where more than fifty percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B ~~as defined in the California Residential Code.~~

DRAFT 10/17/13 RUM

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA EXISTING BUILDING CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE EXISTING BUILDING CODE OF THE CITY OF SUNNYVALE**

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

SECTION 1. REPEAL. Ordinance No. 2933-10, codified as Chapter 16.18 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.18 ADDED. Sunnyvale Municipal Code Chapter 16.18 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

Chapter 16.18.  
EXISTING BUILDING CODE

**16.18.010. Title.**

**16.18.020. Adoption by reference.**

**16.18.010. Title.**

This chapter shall be known and may be cited and referred to as the "Existing Building Code for the City of Sunnyvale."

**16.18.020. Adoption by reference.**

The "~~2010~~2013 California Existing Building Code," adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part ~~10~~ and the ~~2009 International Existing Building Code Appendix A, Chapters A2, A3, A4, and A5,~~ are ~~is~~ hereby adopted by reference as the existing building code of the city of Sunnyvale.

ATTACHMENT B  
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DRAFT 10/17/13 rum

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA PLUMBING CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE PLUMBING CODE OF THE CITY OF SUNNYVALE**

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

SECTION 1. REPEAL. Ordinance No. 2934-10, codified as Chapter 16.24 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.24 ADDED. Sunnyvale Municipal Code Chapter 16.24 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

Chapter 16.24.  
PLUMBING CODE

APPROVED BY B  
DATE 31 53

**16.24.010. Title.**

**16.24.020. Adoption by reference.**

**16.24.025. Administration.**

**16.24.030. Nonpotable water reuse systems. Alternative water sources for nonpotable applications.**

**16.24.010. Title.**

This chapter shall be known and may be cited and referred to as the "Plumbing Code for the City of Sunnyvale."

**16.24.020. Adoption by reference.**

The 2012 Uniform Plumbing Code in its entirety as published by the International Association of Plumbing and Mechanical Officials and amendments to sections of the 2012 Uniform Plumbing Code adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 5 known as the California Plumbing Code, is hereby adopted by reference. The "2010 California Plumbing Code" is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the plumbing code of the city of Sunnyvale.

**16.24.025. Administration.**

~~2010~~2013 California Plumbing Code Chapter 1 Division II is hereby amended as follows:

2013 California Plumbing Code Chapter 1 Division II is hereby replaced by the applicable provisions of Chapters 16.16 and 16.17.

**16.24.030. Nonpotable water reuse systems. Alternative water sources for nonpotable applications.**

~~2010~~2013 California Plumbing Code Chapter 16A is amended to read as follows:

1604A.11602.10.3 **Groundwater Depth.** Adequate groundwater separation shall be demonstrated to the satisfaction of the Enforcing Agency per the requirements below. Adequate demonstration of the requirements can be shown through documented seasonal high groundwater levels within the area or if there is no evidence of groundwater in a test hole of the required depth.

Clothes washer system or simple system: The deepest irrigation or disposal point of the proposed graywater system shall not extend within five (5) vertical feet (1,524 mm) of groundwater.

Complex system: The deepest irrigation or disposal point of the proposed graywater system shall not extend within ten (10) vertical feet (3,048 mm) of groundwater.

~~1607A.0~~1602.10 **Required Area of Irrigation or Disposal Fields.** Irrigation or disposal fields may have one or more valved zones. Each zone must be of adequate size to receive the graywater anticipated in that zone. No irrigation or disposal field shall extend to a depth where graywater contaminates the groundwater, ocean water or surface water. The applicant shall supply evidence of groundwater depth to the satisfaction of the Enforcing Agency in accordance with the requirements in Section 1604A.1.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA MECHANICAL CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE MECHANICAL CODE OF THE CITY OF SUNNYVALE**

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

SECTION 1. REPEAL. Ordinance No. 2935-10, codified as Chapter 16.28 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.28 ADDED. Sunnyvale Municipal Code Chapter 16.28 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

Chapter 16.28.  
MECHANICAL CODE

EXHIBIT A  
3A of 53 B

- 16.28.010. Title.
- 16.28.020. Adoption by reference.
- 16.28.025. Administration.

**16.28.010. Title.**

This chapter shall be known and may be cited and referred to as the "Mechanical Code for the City of Sunnyvale."

**16.28.020. Adoption by reference.**

The 2012 Uniform Mechanical Code in its entirety as published by the International Association of Plumbing and Mechanical Officials and amendments to sections of the 2012 Uniform Mechanical Code adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 4 known as the California Plumbing Code, is hereby adopted by reference. The "2010 California Mechanical Code," with State amendments, is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the mechanical code of the city of Sunnyvale.

**16.28.025. Administration.**

~~2010~~2013 California Mechanical Code Chapter 1 Division II is hereby amended as follows:

2013 California Mechanical Code Chapter 1 Division II is hereby replaced by the applicable provisions of Chapters 16.16 and 16.17.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA ELECTRICAL CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE ELECTRICAL CODE OF THE CITY OF SUNNYVALE**

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

SECTION 1. REPEAL. Ordinance No. 2936-10, codified as Chapter 16.32 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.32 ADDED. Sunnyvale Municipal Code Chapter 16.32 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

ATTACHMENT B  
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SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

ATTACHMENT B  
Page 37 of 53

Chapter 16.32.  
ELECTRICAL CODE

**16.32.010. Title.**

**16.32.020. Adoption by reference.**

**16.32.030. Administration.**

**16.32.010. Title.**

This chapter shall be known and may be cited and referred to as the "Electrical Code for the City of Sunnyvale."

**16.32.020. Adoption by reference.**

The 2011 National Electrical Code in its entirety as published by the National Fire Protection Association and amendments to sections of the 2011 National Electrical Code adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 3 known as the California Electrical Code, is hereby adopted by reference. The "2010 California Electrical Code" is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the electrical code of the city of Sunnyvale.

**16.32.030. Administration.**

~~2010~~2013 California Electrical Code section 89.101 is hereby amended as follows:

2013 California Electrical section 89.101 is hereby replaced by the applicable provisions of Chapters 16.16 and 16.17.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA HISTORICAL BUILDING CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE HISTORICAL BUILDING CODE OF THE CITY OF SUNNYVALE**

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

SECTION 1. REPEAL. Ordinance No. 2937-10, codified as Chapter 16.34 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.34 ADDED. Sunnyvale Municipal Code Chapter 16.34 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

ATTORNEY GENERAL B  
39 53

SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

Chapter 16.34.

HISTORICAL BUILDING CODE

**16.34.010. Title.**

**16.34.020. Adoption by reference.**

**16.34.010. Title.**

This chapter shall be known and may be cited and referred to as the "Historical Building Code for the City of Sunnyvale."

**16.34.020. Adoption by reference.**

The "~~2010~~2013 California Historical Building Code" adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 8 is hereby adopted by reference as the historical building code of the city of Sunnyvale.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA ENERGY CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE ENERGY CODE OF THE CITY OF SUNNYVALE**

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

SECTION 1. REPEAL. Ordinance No. 2938-10, codified as Chapter 16.42 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.42 ADDED. Sunnyvale Municipal Code Chapter 16.42 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

Chapter 16.42.  
ENERGY CODE

**16.42.010. Title.**

**16.42.020. Adoption by reference.**

**16.42.010. Title.**

This chapter shall be known and may be cited and referred to as the "Energy Code for the City of Sunnyvale."

**16.42.020. Adoption by reference.**

The "~~2010~~2013 California Energy Code" adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 6 is hereby adopted by reference as the energy code of the city of Sunnyvale.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA GREEN BUILDING CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE GREEN BUILDING CODE OF THE CITY OF SUNNYVALE**

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

SECTION 1. REPEAL. Ordinance No. 2939-10, codified as Chapter 16.43 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.43 ADDED. Sunnyvale Municipal Code Chapter 16.43 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, 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~~2013 California Green Building Standards Code" adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 11 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.**

2013 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.**

2013 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 Chapter 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) Twelve and one-half percent of the total required parking spaces in residential developments that provide common shared parking.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE REPEALING CHAPTER 16.44 (SWIMMING POOLS) OF TITLE 16 (BUILDING AND CONSTRUCTION) OF THE SUNNYVALE MUNICIPAL CODE**

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

SECTION 1. REPEAL. Chapter 16.44 (Swimming Pools) of Title 16 (Building and Construction) of the Sunnyvale Municipal Code is hereby repealed.

SECTION 2. EXEMPTION FROM CEQA. 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.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 4. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE PROPERTY MAINTENANCE CODE OF THE CITY OF SUNNYVALE**

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

SECTION 1. REPEAL. Ordinance No. 2940-10, codified as Chapter 16.50 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.50 ADDED. Sunnyvale Municipal Code Chapter 16.50 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for the purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. \_\_\_\_\_.

SECTION 7. EXEMPTION FROM CEQA. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 9. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

Chapter 16.50.

PROPERTY MAINTENANCE CODE

**16.50.010. Title.**

**16.50.020. Adoption by reference.**

**16.50.010. Title.**

This chapter shall be known and may be cited and referred to as the "Property Maintenance Code for the City of Sunnyvale."

**16.50.020. Adoption by reference.**

The "~~2009~~2012 International Property Maintenance Code" is hereby adopted by reference as the property maintenance code of the city of Sunnyvale. All references to jurisdictional requirements are found in the Sunnyvale Municipal Code or other appropriate schedules.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE REPEALING CHAPTER 16.58 (NUMBERING OF BUILDINGS) OF TITLE 16 (BUILDING AND CONSTRUCTION) OF THE SUNNYVALE MUNICIPAL CODE**

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

SECTION 1. REPEAL. Chapter 16.58 (Numbering of Buildings) of Title 16 (Building and Construction) of the Sunnyvale Municipal Code is hereby repealed.

SECTION 2. EXEMPTION FROM CEQA. 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.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2014.

SECTION 4. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation: \_\_\_\_\_  
(SEAL)

APPROVED AS TO FORM:

---

Joan A. Borger, City Attorney