EFFECTIVE DATE OF ORDINANCE
January 6, 2011

ORDINANCE NO. 2393 N.C.S

Introduced by David Rabbitt

Seconded by Mike Healy

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA REPEALING CHAPTER 17.04 OF THE PETALUMA MUNICIPAL CODE AND ADDING A NEW CHAPTER 17.04 ADOPTING BY REFERENCE THE FOLLOWING CODES: 2010 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 1 - 2010 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE; PART 2 - 2010 CALIFORNIA BUILDING CODE BASED ON THE 2009 INTERNATIONAL BUILDING CODE; PART 2.5 - 2010 CALIFORNIA RESIDENTIAL BUILDING CODE BASED ON THE 2009 INTERNATIONAL RESIDENTIAL CODE; PART 3 - 2010 CALIFORNIA ELECTRICAL CODE BASED ON THE 2008 NATIONAL ELECTRICAL CODE; PART 4 - 2010 CALIFORNIA MECHANICAL CODE BASED ON THE 2009 UNIFORM MECHANICAL CODE; PART 5 - 2010 CALIFORNIA PLUMBING CODE BASED ON THE 2009 UNIFORM PLUMBING CODE; PART 6 - 2008 CALIFORNIA ENERGY CODE; PART 8 - 2010 CALIFORNIA HISTORICAL BUILDING CODE; PART 10 - 2010 CALIFORNIA EXISTING BUILDING CODE BASED ON THE 2009 INTERNATIONAL EXISTING BUILDING CODE; PART 11 - 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE CHAPTERS 1-8 AND APPENDIX A4 (TIER 1 – RESIDENTIAL VOLUNTARY MEASURES) AND APPENDIX A5 (TIER 1 – NONRESIDENTIAL VOLUNTARY MEASURES) ARE ADOPTED AS MANDATORY PROVISIONS AND INCORPORATED HEREIN BY REFERENCE; PART 12 - 2010 CALIFORNIA REFERENCED STANDARDS CODE; INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION; 1997 UNIFORM HOUSING CODE; AND 1997 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS; APPENDIX CHAPTERS J (GRADING) AMENDED BY DELETING J103.2 EXCEPTIONS 1 H (SIGNS) AND I (PATIO COVERS) OF THE CALIFORNIA BUILDING CODE; AND APPENDIX CHAPTER A (CODE STANDARD 6-2) AND SECTIONS 101.1 THROUGH 112.1 INCLUSIVELY OF THE CALIFORNIA MECHANICAL CODE; AND SECTIONS 101.0 THROUGH 103.1.1 INCLUSIVELY OF CHAPTER 1 (ADMINISTRATION) OF THE CALIFORNIA PLUMBING CODE AS PUBLISHED BY CALIFORNIA BUILDING STANDARDS COMMISSION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

SECTION 1: REPEAL OF OLD BUILDING CODES

Chapter 17.04 of the Petaluma Municipal Code, entitled "Uniform Codes for Construction and Regulation of Buildings and Structures" is hereby repealed in its entirety.

SECTION 2: FINDINGS

The City Council of the City of Petaluma finds that in order to best protect the health, safety and welfare of the citizens of the City of Petaluma, the standards of building within the City must conform with state law except where local climatic, geological, and topographic conditions warrant more restrictive regulations. Therefore, the City Council should adopt the current state building codes, contained in California Building Standards Code Title 24, and other uniform codes governing the construction and regulation of buildings and structures with the modifications and amendments contained herein.

Pursuant to California Health and Safety Code Section 17958.7, the City Council makes the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the California Building Standards Code Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, and 12, are reasonably necessary because of the local climatic, geological or topographical conditions described in Exhibit A.

Pursuant to California Public Resources Code Section 25402.1 and California Code of Regulations, Title 24, Part 1, Article 1, Section 10-106 (Locally Adopted Energy Standards), a city may require additional energy conservation measures and set more stringent energy budgets in a local green building ordinance than the standards set forth in the California Energy Code if the city demonstrates the energy cost-effectiveness of the standards and files with the California Energy Commission the basis of the city's determination that the standards are cost effective. This determination that the standards are cost effective must be adopted by the governing body at a public meeting. Based on the Climate Zone 2 Energy Cost-Effectiveness Study attached hereto as Exhibit "B" and incorporated herein by reference, the City Council hereby finds and determines that the energy standards adopted in the California Green Building Code, Title 24, Part 11, as amended herein, are cost effective.

SECTION 3: CURRENT BUILDING CODES ADOPTED

Chapter 17.04 of the Petaluma Municipal Code, entitled "Uniform Codes for Construction and Regulation of Buildings and Structures" is hereby added to read as follows:

17.040.010: Adoption of Uniform Codes

Pursuant to Section 50022.2 of the California Government Code, the following codes are adopted by reference, including the amendments listed in this chapter which are made pursuant to the findings of fact set forth in the adopting ordinance.

A. Part 1 - 2010 California Administrative Code;
B. Part 2 - 2010 California Building Code based on the 2009 International Building Code, including Appendix Chapters J (Grading) amended by deleting J103.2 Exception 1H (Signs) and I (Patio Covers) except as amended in section 17.04.020 below;
C. Part 2.5 - California Residential Code;
D. Part 3 - 2010 California Electrical Code based on the 2008 National Electrical Code;
E. Part 4 - 2010 California Mechanical Code based on the 2009 Uniform Mechanical Code including Sections 101.0 through 112.1 of Chapter 1 inclusively (Administration) and Appendix Chapter A (Code Standard 6-2);
F. Part 5 - 2010 California Plumbing Code based on the 2009 Uniform Plumbing Code including Sections 101.1 through 103.1 of Chapter 1 inclusively (Administration);
G. Part 6 - 2008 California Energy Code;
H. Part 8 - 2010 California Historical Building Code;
I. Part 10 - 2010 California Existing Building Code based on the 2009 International Existing Building Code;
J. Part 11 - 2010 California Green Building Standards Code Chapters 1-8 and Appendix A4 (Tier 1 – Residential Voluntary Measures) and Appendix A5 (Tier 1 – Nonresidential Voluntary Measures) are adopted as mandatory provisions and incorporated herein by reference;
K. Part 12 - 2010 California Referenced Standards Code;
L. 2009 edition, International Property Maintenance Code;
M. 2006 edition, 1997 Uniform Housing Code; and
N. 1997 Uniform Code for Abatement of Dangerous Buildings.

All references to permit fees are hereby deleted. The permit fees shall be fixed by the Fee Schedules adopted by the City Council via Resolution.

17.04.020: Amendments Made in California Building Code

The California Building Code, as adopted in section 17.04.010, is hereby amended to include the following additions, amendments and deletions:

Section 105.2 (1) is hereby amended to read as follows:

105.2 (1): One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty square feet (120' sq.) (11 m2), there are no wall finishes such as, but not limited to, gypsum wallboard, plaster, stucco, or paneling placed on any interior surface of any wall and/or partition, and no electrical, mechanical or plumbing systems are contained within the structure.

Section 115 is hereby amended to read as follows:

115: Stop Work Orders

115.1 - Authority. Whenever the building official finds any work regulated by this code being performed in a manner that is contrary to the provisions of this code, without a permit, beyond the scope of the issued permit, in violation of the Petaluma Municipal Code or Zoning Ordinance, or dangerous or unsafe, the building official is authorized to issue a stop work order.

115.2 - Issuance. The stop work order shall be in writing and shall be posted in a visible location near the location where the work is being conducted. If the owner or owner's agent is not on site at the time of posting, a notice advising the reasons for the stop work order issuance shall be hand delivered or mailed first-class to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, the conditions under which the cited work will be permitted to resume, and the name and contact information of the official or agency issuing the order.

115.3 - Unlawful Continuance. Any person who continues to engage in any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

115.4 - Removal of Posted Stop Work Order. Any person who removes a posted stop work order without written consent of the Building Official shall be guilty of a misdemeanor.

115.5 - Response Required. Violators receiving a stop work order are required to respond to the Building Division within two (2) business days of the issued notice to receive instructions on how to rescind the order.

115.6 - Permit Application Required. A building permit application with construction or demolition plans and supporting (structural calculations, energy calculations, handicapped access) documents must be submitted for approval within fifteen (15) working days following response to the Building Division. Plans will be reviewed and correction letters issued or permit application approved within fifteen (15) working days of receipt by the Building Division. A response to any correction letter must be submitted within fifteen (15) working days of the date of the correction letter. Five working days will be required to review this second submission and a permit approved for issuance. Permits ready for issuance must be issued within 5 working days thereafter. All construction must be inspected as work progresses and signed off by all (affected) departments within 60 days of building permit issuance.

115.7 - Fee. An additional fee of five times the permit fee shall be added to each permit subject to a stop work order.

Section 202 is hereby amended to add the following definition:

ABANDONED. Work shall be considered abandoned if an inspection has not been recorded and approved within one hundred eighty (180) days from the last approved progress inspection.

CHAPTER 7A – MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE

Section 701A.3 is hereby amended to read as follows:

701A.3 - Applicability. New buildings for which a building permit is submitted on or after January 1, 2011, that are located within any Moderate, High or Very High Fire Severity Zone as designated by the Director of Cal Fire or in any Moderate, High or Very High Fire Severity Zone as identified by the Fire Hazards Severity Zones (FHSZ) map as defined in Section 17.20.020 of the Petaluma Municipal Fire code shall comply with the following sections:

1. Section 4907.1 California Fire Code Defensible Space (moderate, high, very high);
2. 705A, 2010 California Building Code – Roofing (moderate, high, very high);
3. Section 706A, 2010 California Building Code - Vents (moderate, high, very high);
4. Section 707A 2010 California Building Code - Exterior Covering (moderate, high, very high);

5. Section708A 2010 California Building Code – Exterior Windows and Doors (high, very high);
6. Section 709A 2010 California Building Code – Decking (high, very high); and
7. Section 710A 2010 California Building Code – Accessory Structures (high, very high).

Section 701A.3.2.2 is hereby amended to read as follows:

701A.3.2.2 - Local Agency Moderate, High and Very-High Fire Hazard Severity Zone. New buildings located in any local agency moderate, high and very high fire hazard severity zone for which an application for a building permit is submitted on or after January 1, 2011, shall comply with the sections designated in 701A.3, parts 1-6.

CHAPTER 9 – FIRE PROTECTION SYSTEMS

Subsection 901.7.6.1 is added to read as follows:

901.7.6.1 - Problematic and Unreliable Fire Alarms. The Fire Chief may determine a fire alarm to be unreliable upon receipt of more than three (3) false alarms within a twelve-month period. Upon making such a finding, the Fire Chief may order the following:

1. For any nuisance alarm where the system is not restored, the Fire Chief may require the system owner to provide standby personnel or take such other measures, as the Fire Chief deems appropriate. Such measures shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the Fire Chief that the alarm system has been restored to a reliable condition. The Fire Chief may require such tests as he deems necessary to demonstrate the adequacy of the system.
2. Require the owner to pay mitigation fees pursuant to the City of Petaluma Fee Ordinance.

Section 903.2 is amended to read as follows:

903.2 - Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in this section. Additional local requirements are described in Sections 903.2.1 through 903.2.18 and may supersede the following requirements. The most restrictive requirement shall apply.

Section 903.2.19 is added to read as follows:

903.2.19 - Local fire sprinkler system requirements

Section 903.2.19.1 is added to read as follows:

903.2.19.1. - System Requirements. An approved automatic fire sprinkler system shall be installed and maintained in all newly constructed buildings.

Exceptions:

1. Detached Group U occupancies one thousand square feet (1,000' sq.) or less. Agricultural buildings and private riding arenas as approved by the Fire or Building Code Official.
2. Detached pool houses up to one thousand square feet (1,000' sq.) in floor area within fifty feet (50') of the pool and limited to a single bathroom.
3. Detached non-combustible motor vehicle fuel dispensing canopies classified as a Group M occupancy.
4. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities.
5. Detached carports of noncombustible construction with non-habitable spaces above.
6. Detached Group B or M occupancies five hundred square feet (500' sq.) or less.

Section 903.2.19.2 is added to read as follows:

903.2.19.2 - Additions - Residential. Additions to existing residential buildings that increase the total square footage of existing floor area by fifty percent (50%) or greater shall meet the requirements for a newly constructed building. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

Section 903.2.19.3 is added to read:

903.2.19.3 - Additions - Commercial and Multi-Family Additions. Additions to existing commercial buildings that increase the total square footage of existing floor area by twenty-five percent (25%) or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinklers into the addition.

Section 903.2.19.4 is added to read as follows:

903.2.19.4 - Remodels, Alterations, or Repairs. For alterations or repairs to existing building(s) involving demolition, removal, or repair of more than fifty percent (50%) of the structure, the building shall meet the automatic fire sprinkler requirements for a newly constructed building.

Exception: Alterations or additions made solely for the purpose of complying with the American's with Disabilities Act.

Section 903.2.19.5 is added to read:

903.2.19.5 - Changes of Occupancy. When any change of occupancy occurs where the proposed new occupancy classification is more hazardous based on fire and life safety risks, as determined by the Fire Code Official, including, but not limited to, the conversion of residential buildings to condominiums the building shall meet the fire sprinkler requirements for a newly constructed building.

Section 903.2.19.6 is added to read:

903.2.19.6 - Residential Conversions and Additions. Fire sprinkler systems shall be installed in all single-family dwellings that are converted to duplexes and/or multi-family dwellings, bed and breakfasts, inns, lodging houses, or similar uses. All additions to residences with an existing sprinkler system shall be required to extend the sprinkler system into the addition. Existing residences in which an addition is constructed and no fire sprinkler system has been previously installed will not be required to install a sprinkler system in either the existing structure or the addition.

Section 903.2.19.7 is added to read as follows:

903.2.19.7 - Elevation of existing buildings. An automatic fire extinguishing system shall be installed throughout all existing buildings when the building is elevated to: three (3) or more stories, or more than thirty-five feet (35') in height, from grade to the exposed roof.

Exceptions:

1. An automatic fire-extinguishing system need not be provided when the area above thirty-five (35') is provided for aesthetic purposes only and is a non-habitable space.

<u>Section 903.2.19.8</u> is added to read:

903.2.19.8 - Installation of Automatic Fire Sprinklers in Pre-existing Buildings- Historic Downtown Business District.

A. Geographic Boundary- Historic Downtown Business District:

For the purposes of this section, the Historic Downtown Business District shall include all buildings located inside the geographic area generally formed by Kentucky Street to the west, Washington Street to the north, the Petaluma River to the east, and B Street to the south. Also included in this section is 201 Washington Street (Phoenix Theater) and 132 Keller Street (formerly Tuttle Drug), as more particularly described in Figure 1003.2.12.

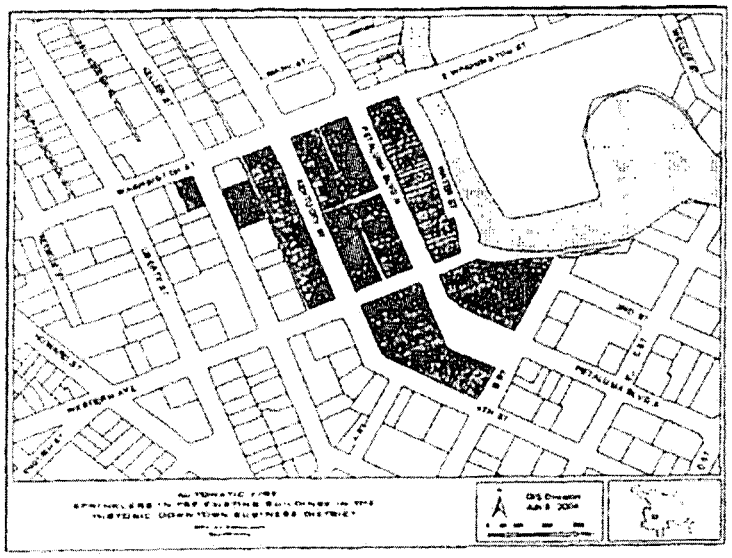

Figure 1003.2.12

B. Installation Requirements:

An automatic sprinkler system conforming to the Standard for the Installation of Sprinkler Systems (NFPA13) shall be installed in all existing buildings in the Historic Downtown Business District in accordance with the following criteria:

(1) Kentucky Street and Western Avenue:

a. In any building wherein a change of occupancy occurs.

b. In any building or occupancy where the square footage of the building or occupancy is increased or alterations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this ordinance.

c. All buildings with basements or space below street grade used for storage, business, or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas no later than December 31, 2010.

d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinkler Systems (NFPA13) by no later than December 31, 2016.

(2) Petaluma Boulevard North:

Automatic fire sprinkler requirements shall not become effective until the City of Petaluma installs an appropriate sized water main and laterals to the curb lines similar to the main previously installed on Kentucky Street and Western Avenue. Upon notice by the City of such installation, an automatic sprinkler system conforming to the Standard for the Installation of Sprinkler Systems (NFPA-13) shall be installed according to the following criteria:

a. In any building wherein a change of occupancy occurs.

b. In any building or occupancy where the square footage of the building or occupancy is increased or alterations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this ordinance.

c. All buildings with basements or space below street grade used for storage, business or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas, no later than December 31 of the year that is six (6) years from the date of the water main installation.

d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinklers (NFPA-13), no later than December 31 of the year that is twelve (12) years from the date of the water main installation.

e. Property Owner's Responsibility for System Installation:

(1) The Property Owner shall be responsible for installation of the lateral service from the curb line into the building. This also includes isolation, check or other valves or devices, as applicable.

(2) The Property Owner shall be responsible for the installation of the automatic fire sprinkler system according to the Standard for the Installation of Sprinkler Systems (NFPA-13).

f. Plans and Specifications: Plans and Calculations (NFPA-13, Chapter 8) for the service lateral and fire sprinkler system shall be submitted to and approved by the Fire Prevention Bureau prior to installation of equipment and materials.

(1) For the Kentucky Street installations that are required on or before December 31, 2010 or December 31, 2016, all Plans and Calculations for service lateral and sprinkler systems shall be submitted no later than June 30, 2010 or June 30, 2016 respectively, with installation and approval of work to occur prior to December 31, 2010 or December 31, 2016 respectively.

(2) For Petaluma Boulevard North installations that occur in the last year of the six (6) or twelve (12) year deadline (when established) after the installation of the water main by the City of Petaluma, Plans and Calculations shall be submitted in that last year no later than June 30 of that year, with installation and approval of work to occur prior to December 31 of that last year.

Section 903.3 is amended as follows

903.3 - Installation Requirements. Sprinkler systems shall be designed and installed in accordance with NFPA 13; NFPA 13R (if approved by the Fire Code Official); and NFPA 13D. Pursuant to Section 102.7.1 and Section 105.1.4 the Fire Code Official may require additional sprinkler coverage to mitigate certain conditions such as access or water supply issues.

Section 903.3.1 is amended to read:

903.3.1 - Design Criteria. Fire sprinkler systems installed in buildings of undetermined use shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of three thousand square feet (3000' sq.). Where a subsequent occupancy change requires a system with greater capacity, it shall be the building owners' responsibility to upgrade the system to the required density and meet any additional requirements of the Fire Code at the time of such change.

Section 903.3.7 is amended to read as follows:

903.3.7 - Fire Department Connections. The location of fire department connections (FDC's) shall be approved by the Fire Code Official. Approved locking caps shall be provided on all newly installed FDC's and on any existing FDC's found to be vandalized.

Section 903.4 is amended to read as follows:

903.4 - Sprinkler System Monitoring and Alarms. Except for Group R, Division 3 Occupancies, all valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, temperatures, critical air pressure, and water flow switches shall be electronically supervised. Valves when used for standpipes are excluded from this provision unless required by the Fire Code Official.

Section 903.4.2 is amended to read as follows:

903.4.2 - Alarms. One (1) exterior approved audible and visual device shall be connected to every automatic fire sprinkler system in an approved location. Such sprinkler waterflow alarm devices shall be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic fire sprinkler system shall actuate the building fire alarm system.

Every new commercial fire alarm system installed as a sprinkler system monitoring alarm shall also function for the purpose of evacuation, including those systems activated solely by fire sprinkler systems, so that occupants of the building shall be notified audibly and visually within each suite or building division. A minimum of one (1) device shall be located in each major suite or building division in an occupied location.

Section 905.3.1 is amended to read as follows:

905.3.1 - Building Height. Class I standpipes shall be installed in buildings three (3) stories or over in height and/or if, in the opinion of the Fire Chief, a hazard or condition exists in which the installation of standpipes would improve firefighting operations. Standpipes will be provided with approved outlets provided on each floor level, including the roof when roof access is provided.

Section 905.9, Exception 2 is deleted.

Section 907.9.6 is added to read as follows:

907.9.6 - False Fire Alarms. Owners of properties with a fire alarm system shall maintain the system in accordance with section 907.9.5. False alarm fees shall be assessed per the current adopted fee schedule.

Section 1907.14 is hereby added to read as follows:

1907.14 - Prohibited Concrete Reinforcement Materials. Welded Wire Fabric of any size or gauge shall not be used as concrete reinforcement of any concrete slab or flat work including, but not limited to, flooring, sidewalks, patios, driveways, foundation slabs, and roadways.

17.04.030 - Violations/Penalty. Every person who violates any provision of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000.00) and/or imprisonment of up to six (6) months. A person is guilty of a separate offense for each day during which he/she commits, or continues or permits a violation of this chapter, or each time he/she disobeys a valid order of an enforcement officer.

In addition to any other remedies available to the city under any applicable state or federal statute or pursuant to any other lawful power the City may possess, any violation of this chapter may be prosecuted or enforced as a nuisance and enforced by a civil court action as provided in Chapter 1.13 of the Petaluma Municipal code or via administrative enforcement as a nuisance as provided in Chapter 1.14 of the Petaluma Municipal Code as Chapters 1.13 and 1.14 and may be amended from time to time.

In addition to any other remedies available to the city under any applicable state or federal statute or pursuant to any other lawful power the city may possess, any violation of this Chapter may be enforced by administrative citation pursuant to Chapter 1.16 of the Petaluma Municipal Code as Chapter 1.16 may be amended from time to time.

17.04.040 - Copies made available. The City Clerk shall retain one (1) copy of each code adopted in Section 17.04.010 of this chapter, and keep the same on file in the office of said City

Clerk for the examination of the public, but such codes shall not be deemed invalid because of the omission to have copies on file at any time.

17.04.050 - Amendments -- State Building Standards Commission. All amendments to the codes mentioned in Section 17.04.010 which have been duly adopted by regulation or act of the California Building Standards Commission shall be deemed to be a part of the code so amended, whether said regulation is effective upon the effective date of this section or thereafter.

SECTION 4: The City Clerk is hereby directed to file this ordinance and the attached findings of fact with the California Building Standards Commission.

SECTION 5: All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code or Standards hereby adopted are hereby repealed.

SECTION 6: If any section, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

SECTION 7: The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 8: This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council, and its provisions shall become applicable on January 1, 2011.

SECTION 9: The City Clerk is hereby further directed to post and publish this ordinance or a synopsis of this ordinance for the period and in the manner required by the City Charter.

INTRODUCED and ordered posted/published this 15th day of November, 2010.

ADOPTED this 6th day of December, 2010 by the following vote:

Ayes: Barrett, Vice Mayor Glass, Harris, Healy, Renee, Rabbitt, Mayor Torliatt

Noes: None

Abstain: None

Absent: None

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

EXHIBIT A

FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS TO THE CALIFORNIA BUILDING STANDARDS CODE TITLE 24, PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11, AND 12

CHANGES OR MODIFICATIONS: Pursuant to Section 17958 of the State of California Health and Safety Code, the governing body of the City of Petaluma in its ordinance adopting and amending the 2010 Editions of the California Building Standards Administrative Code; California Building Code; California Residential Building Code; California Electrical Code; California Mechanical Code; California Plumbing Code; California Energy Code; California Historical Building Code; California Existing Building Code; California Green Building Standards Code and California Reference Standards Code, changes or modifies certain provisions of the California Building Standards Code as it pertains to the regulation of buildings used for human habitation. A copy of the text of such changes or modifications is attached.

FINDINGS: Pursuant to Sections 17958.5 and 17958.7 (a) of the State of California Health and Safety Code, the governing body of the City of Petaluma has determined and finds that all the attached changes or modifications are needed and are reasonably necessary because of local climatic, geological and topographic conditions as discussed below.

LOCAL CONDITIONS: Local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making the changes or modifications in the California Building Standards Code necessary in order to provide a reasonable degree of property security, and fire and life safety in the City of Petaluma.

Below are adverse local climatic, geological and topographic conditions that necessitate the modifications to the California Building Standards Code.

CLIMATIC

Precipitation: Precipitation ranges from twenty inches (20") to approximately twenty-five inches (25") per year. Approximately ninety percent (90%) falls during the months of November through

April, and ten percent (10%) from May through October. Severe flooding occurred during the months of January and March, 1995 and in 1998 and 2006.

Relative Humidity: Humidity generally ranges from fifty percent (50%) during daytime and eighty-six percent (86%) at night. It drops to twenty-percent (20%) during the summer months and occasionally drops lower during the months of September through November.

Temperatures: Temperatures have been recorded as high as 104 degrees Fahrenheit. Average summer highs are in the 78-85 degree range.

Winds: Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5-15 mph range, gusting to 7.4-30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

Soils: Much of Petaluma has "Adobe" soil. This soil has very high clay content and is extremely expansive. With Petaluma's dry summers and wet winters, the moisture content of the soil varies greatly during the course of the year. This moisture content change causes expansion/contraction of the clay soil. This expansion/contraction can place large loads on concrete slabs and foundation systems making some "standard" foundation methods/materials inappropriate for the local conditions encountered.

Summary: These local climatic conditions affect the acceleration intensity, and size of fires 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 also adversely impact structure fires in buildings in close proximity to one another. Winds can carry sparks and burning branches to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts. Petaluma's downtown and surrounding areas contain numerous historic and older buildings that are located very close together, which exacerbates the fire danger from dry conditions, wind, and shake/shingle roofs.

TOPOGRAPHIC

The topographic fire environment of a community is primarily a combination of two (2) factors: the area's physical geographic characteristics and the historic pattern of urban-suburban development. These two (2) factors, alone and combined, create a mixture of environments which ultimately determine the areas' fire protection needs.

The basic geographical boundaries of the city include hills to the south and west, and valley floor in the central area and to the north and east. The Petaluma River bisects the city through the central area. The City of Petaluma covers 13 square miles, including an urban population estimated at 57,000. The city's service area is a conglomeration of bay, plains, hills, valleys, and ridges. Within the City are three (3) fire stations and fifty-six (56) fire personnel. Because of the size of the City of Petaluma, the characteristics of the fire environment changes from one location to the next. For example, the central downtown area contains older buildings situated close together, which increases the ability of fire to spread from one building to the next. In contrast, some of the properties on the outlying hills are far apart, but contain large grassy acreages that promote quickly-spreading wildfires during the long dry season.

The city's development pattern also contributes to its unique fire protection needs. Development has traditionally occurred on the flat lands (0 – 5% slope) in the central and eastern portions of the city. However, over the last ten (10) years, development has spread into the hills and the smaller valleys and canyons. This development has significantly increased the service area for the city's fire department and added complicated logistical challenges for getting fire equipment to remote fires or fires on steep hillsides. The majority of the hillsides in these areas have slopes ranging from 15 - 30%. As a basic rule of thumb, the rate of spread will double as the slope percentage doubles, all other factors remaining the same.

The local vegetation further contributes to fire dangers in the city. Petaluma's semi-arid Mediterranean-type climate produces vegetation similar to that of most of Sonoma County. In the long periods of the year with little or no rain (April through October), this vegetation provides ready fuel for fast-spreading wildfires.

Moreover, some of all the structures in the city have combustible wood-shingle or shake roofs. This very flammable material is susceptible to ignition by embers from a wild land fire, furthering the spread of fire to adjacent buildings.

GEOLOGICAL

The above local topographic conditions enhance the magnitude, exposure, accessibility problems, and fire hazards presented to the City of Petaluma. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

The relatively young geological processes that have created the San Francisco Bay Area are still active today. Two (2) active earthquake faults (San Andreas and the Hayward-Rodgers Creek) affect the Petaluma area. Approximately fifty percent (50%) of the city's land surface is in the high-to-moderate seismic hazard zones.

The majority of the City's industrial complexes are located in the highest seismic risk zones. The highest seismic risk zone also contains the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number of persons, should a significant seismic event occur. The City's resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for fires in smaller single-dwellings and structures.

Other variables that may intensify the fire danger after a major seismic event include:

- The extent of damage to the water system;
- The extent of isolation due to bridge and/or freeway overpass collapse;
- The extent of roadway damage and/or amount of debris blocking the roadways;
- Climatic conditions (hot, dry weather with high winds);
- Time of day, which will influence the amount of traffic on roadways and could intensify the risk of life during normal business hours;
- The availability of timely mutual aid or assistance from neighboring departments, which will likely have similar emergencies at the same time; and
- The large portion of dwellings with wood shingle roof coverings will increase the likelihood of conflagrations.

ENVIRONMENTAL

Design and construction methods, and materials used in the construction of new buildings can have a large impact on the City's environmental sustainability, energy usage, waste management, and the health and productivity of its citizens and visitors.

The new CalGreen requirements will have a significant, positive effect on resource conservation, energy usage, waste and pollution control, and the health and productivity of the citizens and visitors of the City of Petaluma

CalGreen offers regulations titled "Tier One" which contain even higher standards of all the regulated features within its regulations. Making Tier One's optional requirements mandatory will help the City of Petaluma to achieve greater levels of health and productivity for its citizens and visitors to the City of Petaluma

Requiring new commercial and residential projects to incorporate CalGreen Tier One standards is appropriate to help Petaluma achieve its goal of raising public health and welfare benefits for its citizens and visitors in a more timely fashion.

DEFINITION CLARIFICATION

Due to code enforcement problems in the past, the description of buildings not requiring permits was expanded to help clarify when permits are/are not required.

CONCLUSION

Local climatic, geological and topographic conditions impact fire protection efforts, and the frequency, spread, acceleration, intensity and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore it is found to be reasonably necessary that the California Fire Code be changed or modified to mitigate the effects of the above conditions.

The local climatic, environmental, and geological conditions necessitate the modifications to the California Building Codes (Title 24).