Title: PUBLIC HEARING/LEGISLATIVE: Adoption of Several Ordinances Regarding Accessory Dwelling Units and Junior Accessory Dwelling Units Amending Palo Alto Municipal Code Titles 16 (Building) and 18 (Zoning); Amendments Include Repealing Section 18.42.040 (Accessory and Junior Accessory Dwelling Units) and Adding a new Chapter 18.09 (Accessory Dwelling Units and Junior Accessory Dwelling Units); and Updating Chapters 18.04 (Definitions), 16.58 (Development Impact Fees), 16.04 (California Building Code), 16.06 (California Residential Code), and 16.14 (California Green Building Standards Code). Environmental Assessment: Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15282(h), 15301, 15302 and 15305

From: City Manager

Lead Department: Planning and Development Services

Recommendation
Staff recommends the City Council adopt the attached Ordinances amending Palo Alto Municipal Code Titles 16 (Building) and 18 (Zoning) to amend regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

Executive Summary
On January 1, 2020, California’s new ADU and JADU laws went into effect. The Palo Alto City Council adopted an Interim Urgency Ordinance (Attachment B) on January 13, 2020 to comply with the new laws. The Interim Ordinance, in effect through January 2021, was intended to make minimal changes to the City’s existing ADU regulations, while staff prepared a more comprehensive update. The Updated ADU Ordinance (Attachment A) is intended to streamline and simplify Palo Alto’s ADU/JADU regulations, ensure compliance with state laws, and promote the production of ADUs and JADUs in Palo Alto. The Planning and Transportation
Commission recommended approval of the Updated ADU Ordinance related to the Title 18 changes within its purview.

The Updated ADU Ordinance creates PAMC Chapter 18.09, providing development standards for all types of ADUs and JADUs. The chapter replaces the ADU and JADU sections from Chapter 18.42, in a more user-friendly format. The updated ordinance goes further than strictly required by State legislation in some cases, to promote development of housing units.

In addition, Planning and Development Services staff have proposed several minor updates to the local regulations for the California Building Code, California Residential Code, and California Green Building Code as they relate to ADUs. Specifically, the proposed ordinances provided as Attachments D, E and F amend the following PAMC Title 16 (Building) Sections:

- 16.04.300 of Chapter 16.04 (California Building Code, Attachment G)
- 16.06.240 of Chapter 16.06 (California Residential Code, Attachment H)

Proposed revisions to PAMC Chapters 16.04.300 and 16.06.240 of the California Building Code and the California Residential Code Ordinances are to provide clarity related to conversions of existing accessory buildings, such as garages and non-habitable storage structures into Accessory Dwelling Units (ADUs). Section 16.14.080 is proposed as new code section of the California Green Building Standards Code Ordinance (PAMC Chapter 16.14). Additional minor edits to Chapter 16.14 were created to align with Section 16.14.080. These changes consolidate the ADU and JADU requirements for green building compliance to provide clarity and streamlines the ADU and JADU green building requirements.

Following Council adoption of the attached ordinances modifying Titles 16 and 18, staff will continue working toward increasing the production of ADUs and JADUs. Efforts may include:

- process initiatives to simplify the review of these project types,
- use of SB2 funding to design pre-approved ADU/JADU designs,
- establishment of an over-the-counter approval process, and
- ongoing community outreach efforts, including updates to our webpages.

**Background**

**Overview and Role of Palo Alto’s ADUs**

ADUs provide much needed housing for Palo Altans and efforts to meet its Regional Housing Needs Allocation (RHNA) targets. Over the last several years, the number of ADUs permitted and constructed in Palo Alto has steadily increased. The upward trend is documented in the most recent ADU quarterly report in the Council packet for August 17, 2020. For the past three
years, the data shows that detached ADUs are the most prevalent application type (130 filed in total), followed by attached ADUs (60 filed in total). JADUs are a very distant third (3 filed). Staff will continue tracking production and include the data in the quarterly reports to Council.

The proposed ordinance may increase ADU development because the ordinance proposes additional incentives and streamlines regulations. With the updated ordinance, staff anticipates interest in building attached units and JADUs may increase. Staff expect ADU development will be advanced further in the upcoming Housing Element update (must be updated by January 2023). AB 671 requires that Housing Elements incentivize and promote the creation of ADUs at all income levels.

**State Laws**
The State of California continues to propose legislation to promote ADU production. In October 2019, Governor Newsom signed several bills related to ADUs and JADUs (AB 68, AB 881, SB 13). These new laws became effective on January 1, 2020, and invalidated local ordinances that did not comply with the new standards. For expediency, on January 13, 2020, the Council adopted an Interim Urgency Ordinance, incorporating state laws to the minimum extent necessary. The Interim Urgency ordinance is effective until January 31, 2021 or until Council adopts an updated ‘permanent’ ordinance.

Together, the state law, found in Government Code section 65852.2 (Attachment F), requires:
- One detached ADU and one JADU are permitted by right on a single-family lot, subject to certain constraints.
- ADUs are allowed by right in multi-family and mixed-use zones. Up to two detached ADUs, plus conversion of uninhabited spaces for multiple ADUs (up to 25% of units in multifamily buildings).
- There is no minimum lot size for ADUs.
- A zero setback is allowed if converting an existing structure at property line.
- Maximum four-foot interior side and rear setbacks for newly constructed ADUs.
- Lot coverage, floor area ratios (FARs) or open space requirements must allow at least an 800 sf ADU.
- Minimum 16 ft. height allowed.
- Cannot set maximum square footage less than 850 for one-bedroom ADU, or 1,000 sf for two+ bedrooms.
- JADUs are no longer limited to smaller kitchen appliances and sewer connections.
- 60-day permit processing timeline.
- No replacement parking is required for garage conversions to ADU.
- No impact fees on ADUs less than 750 sf; if larger, impact fees to be proportional to main house.
- 5-year moratorium on local owner-occupancy restrictions until 1/1/25.
- Owners may request a 5-year stay of building code enforcement available on unpermitted ADUs if they meet health and safety standards.
- ADUs count towards achieving a jurisdiction’s Regional Housing Needs Allocation (RHNA).
- No short-term rentals of ADUs or JADUs.

**PTC Action**

On May 27, 2020, the Planning and Transportation Commission (PTC) recommended the Accessory Dwelling Unit (ADU) ordinance (voting 4-2-1, Commissioners Lauing and Summa voting no, Commissioner Riggs absent).\(^1\) Note that the PTC is not required to review changes to Title 16, so the PTC did not review the proposed changes to Chapters 16.04, 16.06, 16.16, and 16.58. PTC also recommended Council provide direction to staff to research and find ways to enable ADUs to be used as Affordable units.

**Title 16 Revisions**

Revisions to PAMC Chapters 16.04 and 16.06 for the California Building Code and the California Residential Code Ordinances are proposed to provide clarity related to conversions of existing accessory buildings, such as garages and non-habitable storage structures into Accessory Dwelling Units (ADUs). Sections 16.04.300 and 16.06.240 both apply to the Table 1809.7 for Prescriptive Footings Supporting Walls for Light-Frame Construction and has been revised to include an entry for ADU Conversions. This additional entry allows the existing smaller footing size for Group U Occupancies, (i.e., garages and non-habitable structures) to be maintain when converting these structures to ADUs. This can occur provided that the existing footing is not deteriorating and is deemed structurally sound by the designer, architect, or engineer of record for the ADU conversion.

Section 16.14.080 of the California Green Building Standards Code Ordinance has been created as a new section in Chapter 16.14 that consolidates the ADU and JADU requirements for green building compliance. Previously, the ADU requirements were listed in multiple sections based on Mandatory, Tier 1 or Tier 2 threshold requirements for residential construction. This revision will provide clarity and streamlines the ADU and JADU green building requirements. For example, staff has proposed restructuring the Cool Roof and Recycled Content requirements from Green Building prescriptive mandatory to an elective for Tier 1 projects.

Section 16.58 of the Palo Alto Municipal Code regulates development impact fees for ADU/JADUs. New state code requirements only allow that development impact fees be charged for units that are greater than 750 square feet or more. The current code still reflects Palo Alto’s regulations from before the new state code requirements which did not have a square

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footage threshold for exempting certain units for fees. This change, reflected in Attachment A, is made to bring the City’s current code into conformance with the new requirements.

Additional Efforts to Support ADU Development
The proposed ordinance is part of a multi-prong approach to streamlining. Additional efforts include (1) creation of an ADU checklist for applicants, (2) developing a user-friendly submittal guide for building professionals and homeowners, and (3) consolidating ADU information onto a central location on the City’s ADU website.

City Council previously supported receipt of SB 2 grant funds to develop ADU prototypes and application packages to facilitate expedited approvals. By developing packages that include preapproved drawings, applicants can show the design on their site plan and have the drawings as attachments. This could help applicants to save on the costs for architect/designer services. This project will begin later this year.

Discussion
Staff and the PTC recommend the proposed ordinance, which simplifies the code and encourages ADU/JADU development.

Ordinance Structure
The ordinance is divided into two primary sections. The first, proposed section 18.09.030, provides regulations governing ADUs and JADUs that must be approved under state law and to which the City cannot apply additional standards. The second, proposed section 18.09.040, applies to all other ADUs that do not fit into the categories set forth in section 18.09.030. For these ADUs, the City can apply, to a limited extent, local regulations like daylight plane, tree preservation, and privacy. While many property owners may choose the path prescribed by state law, some may want to deviate from those choices to add additional space or achieve some other flexibility.

Topic Areas
The following section describes the changes the PTC recommended in terms of seven topic areas. These are areas where the proposed ordinance goes beyond the state law in order to promote ADUs/JADUs. These also represent differences from the Interim Urgency Ordinance.

1. **Allowing Either an Attached or a Detached ADU to be Combined with a JADU**
Currently, Government Code section 65852.2(e)(1)(B) states that cities must allow a single-family lot to develop one detached ADU up to 800 square feet, as well as one JADU of up to 500 feet. Staff and the PTC recommend the proposed ordinance to allow the development of JADUs that coincide with the development of attached ADUs as well as detached ADUs, regardless of the size of the ADU.
Whether the unit is detached from the primary house or not, the same amount of floor area could be present on the property. The attached or detached nature of the ADU is unnecessarily restrictive and prohibitive of unit development. Each unit must have separate, exterior entrance and only JADUs can have an interior communicating opening (doorway) to a primary home; therefore, concerns about allowing a house to grow without providing additional housing units are somewhat mitigated.

One downside of allowing an attached ADU to be combined with a JADU is that the size of homes could become larger, with greater massing and without a clear delineation of primary unit and secondary units. Yet, staff supports allowing homeowners the option to build either an attached or detached unit and a JADU, and not be limited to only detached ADUs.

2. Privacy and Two-Story ADUs

The City has historically permitted two story ADUs in only the Residential Estate (RE) and Open Space (OS) zones. Now that state law requires approval of certain ADUs, without the application of local regulations, there are additional avenues to create a two-story ADU. Previously, existing two-story structures could be converted into an ADU, even if they resulted in an ADU taller than 16 feet. Now, if a new attached ADU that is less than 800 sq. ft. is constructed as part of a newly built home, it must be approved if it follows the zoning development standards of that home, including additional height that would be able to support a two-story unit. Finally, if an ADU were created in an existing portion of a two-story home, it could be located on the second floor or span from the ground floor to the upper floor, provided it maintained exterior access and had no internal connection between the units.

It is important to note new construction of full two-story, detached units is not likely feasible within a 16-foot height limit. The Chief Building Official has indicated that new residential structures are typically built about six inches off the ground, and that all habitable rooms shall have a minimum seven-foot floor-to-ceiling clearance. A floor/ceiling and ceiling/roof assembly, separately, can range from between 10 to 16 inches, possibly creating a total height between 16 feet-2 inches and 17 feet-2 inches. This estimated height would be above the 16-foot height the City is required to approve under state law. Nevertheless, constructing such units is certainly of interest.

While the privacy impacts of these units may be cause for concern for neighbors of such units, the City of Palo Alto is unable to impose privacy requirements for units that must be approved under state law. In addition, the City would not be able to prevent ADUs that follow the state requirements from having a loft space, which was previously not allowed. Instead, the proposed ordinance clarifies that such loft space counts as floor area for an ADU.

Staff and the PTC recommend the proposed ordinance to allow loft space in units for which approval is not mandated under state law. By creating a path towards a two-story ADU that
incorporates measures to enhance privacy, the City hopes to encourage ADUs that minimize concerns and conflicts with neighbors. The proposed restrictions are as follows:

1) Units must offset windows to be out of line with an adjacent property’s windows.
2) All windows facing an adjoining property must utilize obscured glazing.
3) Any second floor, non-egress window facing an adjoining property must have a minimum five-foot sill height.

These policies are proven techniques for privacy protection drawn from the Individual Review Guidelines. These would also be easy to implement and support the state requirement that all ADUs be reviewed ministerially.

3. Parking and JADUs

A major reason ADU applications increased following the Council adoption of ADU regulations in 2017 was the relaxation of parking space requirements. State law enabled ADUs and JADUs to be developed without additional parking space requirements beyond the primary units’ requirements. The law stipulated these units were to be located within proximity to well served transit. As an enhancement, City Council adopted a rule that any garage that was converted to an ADU did not require replacement of the displaced garage spaces with covered parking spaces. Instead, the adopted code allowed these spaces to be provided as uncovered spaces and to be located within the front yard setback (which is not currently allowed for new homes). This change removed major barriers to ADU construction and resulted in garage conversions as the most common ADU application proposed.

Parking requirements for JADUs however, were not changed nor was a parking replacement opportunity allowed. Previously, JADUs were only allowed to be conversions of an existing bedroom. Now, State law enables homeowners to build a JADU and an ADU within a brand-new home. Therefore, the interpretation that a JADU is only a converted bedroom is inconsistent. As such, the draft ordinance allows for a JADU conversion of a portion or all, of an existing garage that is attached to an existing home. The covered parking spaces displaced by the JADU would be required to be replaced on site as uncovered parking spaces. The replacement parking spaces could be placed within the required front or street side yards of a property. In the end, residents can choose whether they want to convert the garage to an ADU or JADU. Allowing garages to convert into JADUs creates an incentive and is of great interest to residents. Staff believes there will be increased development of JADUs.

It is important to recognize the negative impacts this approach to increasing dwelling units could have on the community. Staff has heard concerns from residents that the new local and State regulations may increase vehicle traffic and the presence of vehicles parked on public streets in residential neighborhoods. With the opportunity for three separate housing units on a single-family zoned property, more individuals may be living on a site and each may own a car. While this is also a concern to staff, individually, these units do not have parking
requirements as dictated by the State. By allowing JADUs to benefit from the conversion allowances previously afforded to ADUs, the ordinance may increase the likelihood of additional vehicles present in a neighborhood. However, maintaining uncovered, on-site parking would help alleviate this issue, as staff frequently hears from homeowners that they do not use their garage to house vehicles. ADUs no longer have a replacement parking requirement per the recent State laws, so if a homeowner chose to proceed with an ADU instead, the City would be losing additional opportunities to require parking be maintained on the site.

4. Noise Producing Equipment
Currently, the Palo Alto Municipal Code prohibits noise producing equipment within the standard property setbacks. The draft ordinance proposes allowing noise producing equipment for all units to follow their respective setback requirements. This would remove one of the site planning challenges homeowners face when designing an ADU. The City will still have mechanisms in place to protect neighbors from excessive noise.

Under current regulations, noise producing equipment would need to be placed outside of the minimum setbacks for the property. Minimum R-1 setbacks range from six feet to eight feet for interior side setbacks, 16 feet for a street side setback, and 20 feet or more (notwithstanding special setbacks) for front and rear setbacks. This contrasts with the minimum setback of four feet allowed by State law for ADUs. The public has criticized the restrictiveness of this noise-producing equipment location regulation, because it can lead to sub-optimal locations that result in more ducting and, thus, more cost.

Updating the location requirements for noise-producing equipment will not diminish the protection neighbors have from excessive noise as other means can mitigate noise levels. First, newer technology has resulted in quieter equipment. For example, commonly proposed mini-split AC systems used on detached structures have a decibel range between 45 and 60 decibels (dBs). Second, for louder equipment, many manufacturers can provide sound blankets, which typically reduce the decibel rating five or more decibels. The City can require homeowners to utilize a sound blanket or use quieter, new equipment where feasible. Finally, regardless of these changes, the noise ordinance still requires that ambient noise in residential neighborhoods not exceed 66 dBs at the property line, so it is in the interest of an ADU owner to use quiet, well-placed equipment.

5. Removing the Deed Restriction Process for ADUs
The proposed ordinance eliminates the requirement of recording deed restrictions for ADUs. Previously, these included: (1) the owner may not rent the property for less than 30 days, (2) the owner may not sell the properties separately, and (3) the owner had to occupy the property. The proposed ordinance instead relies simply on codified requirements for the rental and sale of an ADU; state law no longer allows an owner occupancy requirement. The
elimination of the deed restriction removes a lengthy recordation process and streamlines the ADU approval process. Note that deed restrictions are still required for JADUs, in compliance with the State laws.

Code Enforcement staff can, using the code, address any issue related to a homeowner not following these rental or sale requirements. Deed restrictions do offer more clarity to future property owners regarding the restrictions placed on ADUs. Staff believe, however, that both disclosure during the property acquisition process and due diligence on a homebuyer’s part will keep all parties informed.

6. **Providing a Uniform Exemption of ADU Square Footage from FAR, Lot Coverage, and Maximum House Size**

Under State rules, the City must allow floor area over a property’s maximum allowable floor area (calculated with respect to site area as a Floor Area Ratio (FAR) maximum) to the extent necessary to construct an 800 sq. ft. ADU. This requirement was incorporated into both the Interim Ordinance and the proposed ordinance without modification. Thus, properties would be entitled to different amounts of exempt ADU square footage depending on the amount of FAR available for the property after accounting for the primary residence.

This can be illustrated by imagining a 6,000 square foot R-1 lot, which would allow up to 2,550 sq. ft. of floor area. A homeowner with a 2,000 square foot primary residence on this property would be entitled to exempt up to 250 square feet of an 800 square foot ADU (550 remaining square feet + 250 square feet over the maximum FAR = 800 sf). In a second scenario, if the primary residence were 2,550 square feet, the property owner would be entitled to exempt all 800 square feet of the ADU. In a final scenario, if the primary residence were less than 1,750 square feet, ADU floor area exemption would not be required or provided.

This creates an incentive for a property owner to build a primary home to the maximum FAR before applying for an ADU. This could have the effect of encouraging tear-down remodels. This approach to ADU square footage also makes it more difficult to construct an ADU over 800 sq. ft, as the entire square footage of the ADU would need to be accommodated within allowable FAR without any exemption.

To avoid these effects and to encourage ADU production, staff and the PTC recommend the ordinance provide a uniform “bonus” for ADUs: only square footage above 800 sq. ft. would count towards the floor area maximum (FAR, lot coverage, or maximum house size). This approach could make it easier for the public to understand how these limits can impact what is allowed and make it easier for staff to implement. It also would remove a potential incentive to demolish an existing residence to max out FAR before building an ADU. Finally, this approach would allow a property owner seeking to build a larger ADU to do so if there is additional FAR available for the site.
A uniform approach to exempting ADU square footage would make it marginally easier to maximize the size of both a primary residence and an ADU by eliminating the two-step process. It is unclear to what extent this would impact the ultimate development of properties.

7. Providing a 500 Square Foot Floor Area Exemption for JADUs

State law does not create any specific floor area allowances for JADUs. In 2017-2018, the City updated its regulations to allow for bonus floor area for ADUs and JADUs (220 sq. ft. and 50 sq. ft. bonus floor area for ADUs and JADUs, respectively). While these changes greatly helped to spur the development of ADUs, JADU remains low. As noted, the City has only received two applications to create JADUs.

Staff and the PTC recommend the updated ordinance, which includes an allowance for JADUs to exempt up to 500 sq. ft. of floor area similar to the exemption for ADU floor area. For homeowners seeking to create both an ADU and JADU, staff and the PTC propose limiting the total exemption by requiring the 800 sq. ft provided by the state to be shared between the ADU and JADU. In this manner, a combination of square footage could be attributed to both units, but it would not limit someone from utilizing all of it to be build an 800 sq. ft. ADU. Conversely, if there were not enough square footage left over to build a JADU, then the applicant would resort to converting a garage or another part of their primary residence. This code change would provide residents the opportunity to build both an ADU and JADU without having to convert the primary home’s allowable floor area.

With these proposed changes, staff believes that it will help to support increased development of accessory units within the City. As identified earlier, staff believes that treating the 800 square foot allowance provided by the state as a ‘bonus’ will simplify implementation for staff and the public of the state’s requirements. Additionally, staff believes it will provide flexibility for homeowners to choose how large or small a unit to build without getting trapped in a sequence-based barrier that would drive more homeowners to demolish everything in order to capture what the state allows them to do.

Policy Implications

The following topics were presented to the PTC and discussed on May 27, 2020. The PTC did not recommend including them in the Updated ADU ordinance:

1. Treatment of secondary street frontages
2. Allowing doorways between an ADU and the primary unit
3. Increasing the exemption for development impact fees
4. The flood zone, screening, and grading and drainage
5. Allowing two-story ADUs
6. Enabling basements at a four-foot setback for accessory/junior dwelling units
7. Proposing changes to the City’s Green Building Program for accessory units
Should the City Council choose to address any of these issues, staff can amend the Updated Ordinances.

**Treatment of Secondary Street Frontages**

Several provisions of the new state ADU laws provide that cities cannot impose “side and rear” setbacks of more than four feet for ADUs. For the first half of this year, the City interpreted this requirement to refer to interior side and rear lot lines only. In other words, secondary street frontages or “street-side” lot lines were still subject to the setbacks provided in the underlying zoning (generally 16-feet). This additionally would apply to streets that have a special setback on the street-side frontage (for example homes on corner lots). Following input from State Department of Housing and Community Development (HCD), staff have applied the four-foot setback rule to all “side and rear” lot lines, including secondary street frontages.

Staff has learned, informally, that HCD interprets the four-foot setback rule to apply to secondary street frontages as well as interior side and rear lot lines. Staff believe this is not the only possible reading of the statute. The terms “side setback” and “rear setback” are not defined in state law; these are primarily creatures of local zoning ordinances. While many jurisdictions refer to a secondary street frontage as a “street-side” yard, others call this a secondary front yard and consider corner lots to have two front yards. Given this variation at the local level, the ADU statute’s reference to side and rear setbacks could be interpreted to mean only interior setbacks. In addition, there are important policy reasons for increased setbacks on street frontages, including maintaining visibility for safety and consistent urban design practices across the streetscape.

HCD’s position on this issue is significant because the department is charged with reviewing all local ADU regulations for compliance with the state law. If HCD finds that a local ordinance is out of compliance, a local agency has 30 days to respond by either amending its ordinance or adopting findings to explain why it believes the ordinance does in fact comply with state law, despite HCD’s contrary opinion. If an agency chooses to adopt such findings, the ultimate question of compliance with state law would likely be resolved by a court.

Staff is looking to receive input on whether or not City Council wishes to accept HCD’s interpretation of the setback issue. There are policy options to encourage increased setbacks for secondary street frontages in the instance City Council does not support a four-foot setback, but was willing to consider reducing corner lot impacts which staff has considered below:

**Removing Requirement to Convert “Existing” Garages/Carports**

Current state and local regulations require that there must be an “existing” garage or carport in order to benefit from reduced parking requirements. In maintaining this requirement, it enshrines that a structure must first be built and then later modified in order to benefit from
the reduced parking requirements. From a process standpoint, this would mean applying for two different permits with the City; each with their own plans, inspections, plan check fees, etc. This creates a two-step process for applicants seeking to develop ADUs that can add time, money, and barriers to unit production. Requiring this additional process, does not necessarily add value to the quality of an application if the homeowner is intent on building a second unit. In the end, it results in more time for staff to review a project at two different stages where the City could instead provide this as an incentive for properties to build units that are compliant with the City’s goals; namely, maintaining the street-side setback on a corner lot.

Providing Additional Bonus FAR and/or Reduced Setbacks for Unit Development
Another incentive to consider would be to provide for additional floor area or more flexible setbacks along the rear and side yards than four-feet. Given that corner lots present design challenges, increasing any bonus square footage may not eliminate the barriers inherent in developing a corner lot property. However, by providing a more reduced setback along the rear and interior side yards (e.g. no setbacks for accessory units on a corner lot) residents may feel more compelled to develop units in conformance with Palo Alto’s intended neighborhood context.

Allowing the Main House to Encroach to a 10 Foot Setback if Only Doing an ADU/JADU
A third incentive to consider would be to allow the main house to have a reduced setback only under the condition that an accessory unit is also developed on the property. Staff believes that providing this incentive will help to simultaneously encourage accessory unit development and provide additional flexibility to develop corner lots, while also supporting the City’s streetscape and urban design principles established by the front yard setback requirement. The transition from 10 feet to 20 feet will be less stark than a transition from four feet to 20 feet.

It would be important to ensure that this allowance applied to a standard street-side setback as well as one that had a special setback. Having a consistent approach would lead to a simplified application process for residents and staff.

Any one of these polices, or combination thereof, could provide an adequate enough incentive for a homeowner to not propose a four foot setback. However, if City Council wishes to defer to the four foot setback, as suggested by HCD, then these items need not be discussed. It would instead be important to identify that these reduced setbacks are applicable to standard corner lots as well as those with a special setback along the street-side frontage.

Resource Impact
The impact to the City’s resources as a result of adopting this ordinance would be minimal. Given that City staff established the proposals in this ordinance, there was no cost for bringing on a consultant or other group to manage this project. At this point, the resources expended would be limited staff trainings on the materials, implementation and communication of this
ordinance to the public, and staff time spent updating checklists or webpage information.

After ordinance adoption, any cost that would be incurred by the City would be driven by staff’s proposal to research model/prototype unit development. The City has been awarded SB 2 grant funding to be able to financially support this project so that there would no General Fund impact for selecting a consultant to perform the work.

**Timeline**

A second reading of the attached ordinance is scheduled for September 14, 2020. Staff also intends to direct SB2 grant money to develop prototype units that can be approved over the counter. For all efforts, staff will update the ADU webpages, checklists, and make process improvements as feasible during this time, to better facilitate ADU development.

**Stakeholder Engagement**

In February 2020, staff reached out to a list of 15 individuals, including local architects and other frequent Development Center applicants, with a 10-question survey. The ten questions requirements/review process. The list of survey questions and responses is Attachment C to this report. Additionally, other City staff members who commonly review ADU applications survey and staff responses are discussed in the Discussion section of this report. A summary of the issues and staff responses to them is in Attachment D. Staff attended a community meeting on ADUs May 19, 2020, presented slides regarding how Palo Alto had implemented the new State laws, and answered questions. The Zoom meeting was sponsored by Palo Alto Forward with multiple panelists. Staff’s presentation was attached to the PTC report.

**Environmental Review**

The Council finds that the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305 because it requirements related to accessory dwelling units as established in Government Code Section 65852.2, and these changes are also likely to result in few additional dwelling units dispersed throughout the City. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment.

**Alternative Actions**

In addition to the recommended action, the Planning and Transportation Commission may:

1. Provide direction to make further modifications to the ordinance prior to Council consideration, or
2. Continue the hearing to a date certain to enable staff to perform additional study, prior to returning to the PTC in the fall.

**Attachments:**
Attachment A: 2020 Update ADU Ordinance
Attachment B: Interim Urgency Ordinance January 2020 (Ordinance #5489)
Attachment C: Ten Survey Questions and Responses (February, 2020)
Attachment D: More Outreach Information
Attachment E: Community Meeting May 19 2020
Attachment F: Government Code Section 65852.2. Accessory Dwelling Units
Attachment G: Ch 16.04 2019 Building Code ADU Amendments 6.23.20
Attachment H: Ch 16.06 2019 Residential Code ADU Amendments 6.23.20
Attachment I: Ch 16.14 2019 Green Building Code ADU Amendments 6.23.20
Ordinance No.
Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Amend Requirements Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

A. Housing in California is increasingly unaffordable. In 2017, the average California home cost about 2.5 times the national average home price and the monthly rent was 50% higher than the rest of the nation. Rents in San Francisco, San Jose, Oakland, and Los Angeles are among the top 10 most unaffordable in the nation.

B. Housing in Palo Alto is especially unaffordable. The average Palo Alto home currently costs about 8 times the national average home price and the monthly rent is about 2.5 times the national average.

C. Palo Alto has a jobs/housing imbalance. When addressing this imbalance, the City must not only provide housing but also ensure affordability.

D. Assembly Bills ("ABs") 68, 587, 671, and 881 and Senate Bill ("SB") 13 ("State ADU Law") pertain to accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") and were approved by the California Legislature on September 13, 2019 and signed by the Governor on October 9, 2019. These bills, codified primarily in California Government Code sections 65952.2 and 65952.22, are intended to spur the creation of lower cost housing by easing regulatory barriers to the creation of ADUs and JADUs.

E. This ordinance is adopted to comply with the mandates of the State ADU Law.

SECTION 2. Section 18.42.040 (Accessory and Junior Accessory Dwelling Units) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning) of the Palo Alto Municipal Code ("PAMC") is deleted in its entirety.

SECTION 3. Chapter 18.09 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 18 (Zoning) of the Palo Alto Municipal Code ("PAMC") is added to read:

18.09.010 Purpose

The intent of this Chapter is to provide regulations to accommodate accessory and junior accessory dwelling units (ADU/JADU), in order to provide for variety to the city's housing stock and additional affordable housing opportunities. These units shall be separate, self-contained living units, with separate entrances from the main residence, whether attached or detached. The standards below are provided to minimize the impacts of units on nearby residents and throughout the city, and to assure that the size and location of such dwellings is compatible with the existing or proposed residence(s) on the site and with other structures in the area.

18.09.020 Applicable Zoning Districts

ORD 2020-07-02 ADU Revamp
The establishment of an accessory dwelling unit is permitted in zoning districts when single-family or multi-family residential is a permitted land use.

**18.09.030 Units Approved Notwithstanding Other Local Regulations**

(a) Government Code section 65852.2, subdivision (e) provides that certain units shall be approved notwithstanding other state or local regulations that may otherwise apply. The following types of units shall be governed by the standards in this section. In the event of a conflict between this section and Government Code section 65852.2, subdivision (e), the Government Code shall prevail.

i. An ADU or JADU within the existing space of a single-family dwelling or an ADU within the existing space of an accessory structure (i.e. conversion).

ii. An ADU or JADU within the proposed space of a single-family dwelling.

iii. A detached, new construction ADU on a lot with a proposed or existing single-family dwelling, provided the ADU does not exceed 800 square feet, sixteen feet in height, or four-foot side and rear (i.e. interior) setbacks.

iv. ADUs created by conversion of portions of existing multi-family dwellings not used as livable space.

v. Up to two detached ADUs on a lot with an existing multi-family dwelling.

(b) The Development Standards for units required to be approved pursuant to Government Code Section 65852.2, subdivision (e) are summarized in Table 1.
Table 1: Units Required to Be Approved Under State Law

<table>
<thead>
<tr>
<th>Conversion of Space Within an Existing Single-Family Home or Accessory Structure</th>
<th>Construction of Attached ADU Within the Space of a Proposed Single-Family Home</th>
<th>New Construction of Detached ADU</th>
<th>Conversion of Non-Habitable Space Within Existing Multi-family Dwelling Structure</th>
<th>Conversion or Construction of Detached ADU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Units Allowed¹</td>
<td>1 (ADU or JADU)</td>
<td>1</td>
<td>25% of the existing units (at least one)</td>
<td>2</td>
</tr>
<tr>
<td>Minimum size²</td>
<td>150 sf</td>
<td>800 sf</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum size²</td>
<td>N/A³</td>
<td>N/A</td>
<td>16⁴</td>
<td>16⁴</td>
</tr>
<tr>
<td>Setbacks</td>
<td>N/A, if condition is sufficient for fire and safety</td>
<td>Underlying zone standard for Single Family Home (ADU must be within space of Single-Family Home)</td>
<td>4 feet from side and rear lot lines; underlying zoning for front setback</td>
<td>N/A</td>
</tr>
<tr>
<td>Daylight Plane</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>N/A</td>
<td>16⁴</td>
<td>N/A</td>
<td>16⁴</td>
</tr>
<tr>
<td>Parking</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>State Law Reference</td>
<td>65852.2(e)(1)(A)</td>
<td>65852.2(e)(1)(A)</td>
<td>65852.2(e)(1)(B)</td>
<td>65852.2(e)(1)(C)</td>
</tr>
</tbody>
</table>

(1) An attached or detached ADU may be built in conjunction with a JADU on a lot with an existing or proposed single family home.
(2) Lofts where the height from the floor level to the underside of the rafter or finished roof surface is 5' or greater shall count towards the unit’s floor area.
(3) Up to 150 sf may be added for ingress and egress.
(4) Units built in a flood zone are not entitled to any height extensions granted to the primary dwelling.

(c) Development standards stated elsewhere in this Section or Title 18, including standards related to FAR, lot coverage, and privacy, shall not be considered in approval of ADUs or JADUs that qualify for approval under this section.

(d) The establishment of accessory dwelling units and junior accessory dwelling units pursuant to this section shall not be conditioned on the correction of non-conforming zoning conditions; provided, however, that nothing in this section shall limit the authority of the Chief Building Official to require correction of building standards relating to health and safety.

(e) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(f) Rental of any unit created pursuant to this section shall be for a term of 30 days or more.

(g) Attached units shall have independent exterior access from a proposed or existing single-family dwelling. Except for JADUs, attached units shall not have an interior access point to the primary dwelling (e.g. hotel door or other similar feature/appurtenance).

(h) Conversion of an existing accessory structure pursuant to Government Code section 65852.2(e)(1)(A) may include reconstruction in-place of a non-conforming structure, so long as the renovation of reconstruction does not increase the degree of non-compliance, such as increased height, envelope, or further intrusion into required setbacks.
(i) Street addresses shall be assigned to all units prior to building permit final to assist in emergency response.

(j) The unit shall not be sold separately from the primary residence.

(k) JADUs shall comply with the requirements of Section 18.09.050.

18.09.040 All Other Units

(a) This section shall govern applications for ADUs and JADUs that do not qualify for approval under section 18.09.030.

(b) The Development Standards for units governed by this section are provided in Table 2.

<table>
<thead>
<tr>
<th>Table 2: All other Units</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Units</strong></td>
</tr>
<tr>
<td><strong>Allowed</strong></td>
</tr>
<tr>
<td><strong>Minimum size</strong></td>
</tr>
<tr>
<td><strong>Maximum size</strong></td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
</tr>
<tr>
<td><strong>Daylight Plane</strong></td>
</tr>
<tr>
<td><strong>Res. Estate (RE)</strong></td>
</tr>
<tr>
<td><strong>Open Space (OS)</strong></td>
</tr>
<tr>
<td><strong>All other eligible zones</strong></td>
</tr>
<tr>
<td><strong>Parking</strong></td>
</tr>
<tr>
<td><strong>Square Footage Exemption</strong></td>
</tr>
</tbody>
</table>

(1) An attached or detached ADU may be built in conjunction with a JADU on a lot with an existing or proposed single family home.

(2) Lofts where the height from the floor level to the underside of the rafter or finished roof surface is 5' or greater shall count towards the unit’s floor area.

(3) Units built in a flood zone are not entitled to any height extensions granted to the primary dwelling.

(4) Lots with both an ADU and a JADU may exempt a maximum combined 800 square feet of the ADU and JADU from FAR, Lot Coverage, and Maximum House Size calculations.

(c) A single-family dwelling shall exist on the lot or shall be constructed on the lot in conjunction with the construction of an ADU/JADU.

(d) ADU and/or JADU square footage shall be exempt from FAR, Lot Coverage, and Maximum House Size calculations for a lot with an existing or proposed single family home, as provided in Table 2. ADU and/or JADU square footage in excess of the exemptions provided in Table 2 shall be included in FAR, Lot Coverage, and Maximum House Size calculations for the lot.

(e) Attached units shall have independent exterior access from a proposed or existing single-family dwelling. Except for JADUs, attached units shall not have an interior access point to the primary dwelling (e.g. hotel door or other similar feature/appurtenance).
(f) No protected tree shall be removed for the purpose of establishing an accessory dwelling unit unless the tree is dead, dangerous or constitutes a nuisance under Section 8.04.050. Any protected tree removed pursuant to this subsection shall be replaced in accordance with the standards in the Tree Technical Manual.

(g) For properties listed in the Palo Alto Historic Inventory, the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, compliance with the appropriate Secretary of Interior’s Standards for the Treatment of Historic Properties shall be required.

(h) Noise-producing equipment such as air conditioners, water heaters, and similar service equipment, shall be located outside of the setbacks for the ADU/JADU. All such equipment shall be insulated and housed, except that the planning director may permit installation without housing and insulation, provided that a combination of technical noise specifications, location of equipment, and/or other screening or buffering will assure compliance with the city’s Noise Ordinance at the nearest property line. All service equipment must meet the city’s Noise Ordinance in Chapter 9.10 of the Municipal Code.

(i) Setbacks

  i. Detached units shall maintain a minimum three-foot distance from the primary unit, measured from the exterior walls of structures.

  ii. No basement or other subterranean portion of an ADU/JADU shall encroach into a setback required for the primary dwelling.

  iii. Projections, including but not limited to windows, doors, mechanical equipment, venting or exhaust systems, are not permitted to encroach into the required setbacks, with the exception of a roof eave of up to 2 feet.

(j) Design

  i. Except on corner lots, the unit shall not have an entranceway facing the same lot line (property line) as the entranceway to the main dwelling unit unless the entranceway to the accessory unit is located in the rear half of the lot. Exterior staircases to second floor units shall be located toward the interior side or rear yard of the property.

  ii. Privacy

    A. Second story doors and decks shall not face a neighboring dwelling unit. Second story decks and balconies shall utilize screening barriers to prevent views into adjacent properties. These barriers shall provide a minimum five-foot, six-inch, screen wall from the floor level of the deck or balcony and shall not include perforations that would allow visibility between properties.

    B. Second story windows, excluding those required for egress, shall have a five-foot sill height as measured from the second-floor level, or utilize obscured glazing on the entirety of the window when facing adjacent properties. Second story egress windows shall utilize obscured glazing on the entirety of the windows which face adjacent properties.

    C. Second story windows shall be offset from neighbor’s windows to maximize privacy.
(k) Parking

i. Replacement parking is not required when a garage, carport, or covered parking structure is converted to, or demolished in conjunction with the construction of, an ADU.

ii. Replacement parking is required when an existing attached garage is converted to a JADU. These replacement spaces may be provided as uncovered spaces in any configuration on the lot including within the front or street side yard setback for the property.

A. The Director shall have the authority to modify required replacement parking spaces by up to one foot in width and length upon finding that the reduction is necessary to accommodate parking in a location otherwise allowed under this code and is not detrimental to public health, safety or the general welfare.

B. Existing front and street side yard driveways may be enlarged to the minimum extent necessary to comply with the replacement parking requirement above. Existing curb cuts shall not be altered except when necessary to promote public health, safety or the general welfare.

iii. When parking is provided, the unit shall have street access from a driveway in common with the main residence in order to prevent new curb cuts, excessive paving, and elimination of street trees, unless separate driveway access will result in fewer environmental impacts such as paving, grading or tree removal.

iv. If covered parking for a unit is provided in any district, the maximum size of the covered parking area for the accessory dwelling unit is 220 square feet. This space shall count towards the total floor area for the site but does not contribute to the maximum size of the unit unless attached to the unit.

(l) Miscellaneous requirements

i. Street addresses shall be assigned to all units prior to building permit final to assist in emergency response.

ii. The unit shall not be sold separately from the primary residence.

iii. Rental of any unit created pursuant to this section shall be for a term of 30 days or more.

iv. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

18.09.050 Additional Requirements for JADUs

(a) A junior accessory dwelling unit shall be created within the walls of an existing or proposed primary dwelling.

(b) The junior accessory dwelling unit shall include an efficiency kitchen, requiring the following components: A cooking facility with appliances, and; food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
i. A cooking facility with appliances shall mean, at minimum a one burner installed range, an oven or convection microwave, a 10 cubic foot refrigerator and freezer combination unit, and a sink that facilitates hot and cold water.

ii. A food preparation counter and storage cabinets shall be of reasonable size in relation to a JADU if they provide counter space equal to a minimum 24-inch depth and 36-inch length.

(c) For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit.

(d) The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

(e) Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, requires owner-occupancy consistent with subsection (m)(iv) above, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

SECTION 4. Subsection (g) of Section 16.58.030 of Chapter 16.58 (Development Impact Fees) of Title 16 (Building) of the Palo Alto Municipal Code ("PAMC") is amended to read:

(g) Accessory dwelling units (ADU) less than 750 square feet in size. Any impact fees to be charged for an accessory dwelling unit of 750 square feet or more shall be proportional to the square footage of the primary dwelling unit established by the conversion of an existing garage or carport, provided that the existing garage or carport was legally constructed, or received building permits, as of January 1, 2017, and is converted to an ADU with no expansion of the existing building envelope;

SECTION 5. Subsections (a)(4) and (a)(75) of Section 18.04.030 (Definitions) of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code ("PAMC") is amended to read:

[. . .]

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
In some instances this Code uses the term second dwelling unit interchangeably with accessory dwelling unit. For the purposes of this definition, in order to provide “complete independent living facilities,” a dwelling unit shall not have an interior access point to another dwelling unit (e.g. hotel door or other similar feature/appurtenance).

[...]

(75) “Kitchen” means a room designed, intended or used for cooking and the preparation of food and dishwashing. Kitchen facilities include the presence of major appliances, utility connections, sink, counter, for storing, preparing, cooking, and cleaning.

(A) For ADUs, major appliances shall mean a minimum two burner installed range, and an oven or convection microwave, as well as a minimum 16 cubic foot freezer and refrigerator combination unit. Kitchens shall also include counter space for food preparation equal to a minimum 24-inch depth and 36-inch length, and a sink that facilitates hot and cold water.

[...]

SECTION 6. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 8. The Council finds that the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305 because it constitutes minor adjustments to the City’s zoning ordinance to implement State law requirements related to accessory dwelling units as established in Government Code Section 65852.2, and these changes are also likely to result in few additional dwelling units dispersed throughout the City. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment.

SECTION 9. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:
NOT PARTICIPATING:

ATTEST:

_______________________________  ________________________________
City Clerk                                      Mayor

APPROVED AS TO FORM:

_______________________________  ________________________________
Assistant City Attorney                       City Manager

_______________________________  ________________________________
Director of Planning & Development Services
Ordinance No. 5489
Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Amend Requirements Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations

A. Assembly Bills (“ABs”) 68, 587, 671, and 881 and Senate Bill (“SB”) 13 pertain to accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”) and were approved by the California Legislature on September 13, 2019 and signed by the Governor on October 9, 2019;

B. These bills, codified primarily in California Government Code sections 65952.2 and 65952.22 will become effective January 1, 2020, and provide that local ordinances that do not comply with state law are null and void;

C. The City Council, pursuant to its police powers, has broad authority to maintain public peace, health, and safety of its community and preserving the quality of life for its residents;

D. Palo Alto Municipal Code Section 2.04.270 authorizes the adoption of an urgency ordinance to protect the public peace, health or safety, where there is a declaration of the facts constituting the urgency and the ordinance is adopted by four-fifths of Council Members present;

E. This urgency ordinance would update the City’s ADU regulations to unambiguously comply with new state requirements contained in ABs 68, 587, 671, and 881 and SB 13;

F. An urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public peace, health, and safety as failure to adopt this urgency ordinance could result in development inconsistent with local values expressed in the City’s ADU regulations.

SECTION 2. Section 18.04.030 of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to add the following definition:

(94.7) “Maximum house size” means, for the primary residential unit within a single-family residential zone, the maximum allowable amount of total gross floor area, regardless of lot size.

SECTION 3. Section 18.42.040 (Accessory and Junior Accessory Dwelling Units) of Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to read as follows:

18.42.040 Accessory and Junior Accessory Dwelling Units

The following regulations apply to the establishment of accessory dwelling units and junior accessory dwelling units.
(a) Accessory Dwelling Units

(1) Purpose

The intent of this section is to provide regulations to accommodate accessory dwelling units, in order to provide for variety to the city's housing stock and additional affordable housing opportunities. Accessory Dwelling Units shall be separate, self-contained living units, with separate entrances from the main residence, whether attached or detached. The standards below are provided to minimize the impacts of accessory dwelling units on nearby residents and throughout the city, and to assure that the size and location of such dwellings is compatible with the existing or proposed residence on the site and with other structures in the area.

(2) Applicable Zoning Districts

The establishment of an accessory dwelling unit is permitted in zoning districts when single-family or multifamily residential is a permitted land use.

(3) Setbacks and Daylight Plane

A. Except as otherwise provided in this section, accessory dwelling units shall comply with the underlying zoning district’s setbacks, including daylight plane requirements, except to the extent daylight plane requirements would preclude an accessory dwelling unit from reaching a height of 16 feet.

B. Notwithstanding subsection (a)(3)(A), no setback shall be required for an existing structure that is converted to or reconstructed in-place as an accessory dwelling unit, except as provided in subsection (a)(5) below.

C. In districts permitting second story accessory dwelling units, a setback of at least four feet from the side and rear lot lines shall be required for an accessory dwelling unit constructed above a garage.

(4) Lot Coverage/Floor Area Ratio/Maximum House Size

A. An accessory dwelling unit shall be included in the lot coverage and floor area ratio requirements applicable to the parcel. In the R-E, R-1, R-2 and RMD districts, and in the OS and PC districts when single-family residential is a permitted land use: (i) any covered parking provided for the accessory dwelling unit shall be included in the total floor area for the site, but shall not be included when determining maximum size of the accessory dwelling unit; and (ii) an attached accessory dwelling unit shall count towards the maximum house size for the primary residence on the parcel.

B. Exceptions:

i. Lot Coverage. When the establishment of an accessory dwelling unit on a parcel with a proposed or existing single family residence would result in the
ii. Basements. In the R-1 district and all R-1 subdistricts, basement space used as an accessory dwelling unit, or portion thereof, shall not be included in the calculation of floor area for the entire site, providing the measurement from first finished floor to grade around the perimeter of the building is no more than three (3) feet.

iii. Additional Floor Area. When the development of an accessory dwelling unit on a parcel with a proposed or existing single family residence would result in the parcel exceeding the maximum floor area ratio, additional floor area above the maximum amount otherwise permitted by the underlying zoning district shall be allowed. The additional floor area allowed shall be the minimum amount required for establishment of an 800 square foot accessory dwelling unit, or 220 square feet, whichever is greater. This additional floor area shall be permitted only to accommodate the development of the accessory dwelling unit and shall not be applied to the primary residence.

iv. Maximum House Size. When the establishment of an attached accessory dwelling unit on a parcel with a proposed or existing single family residence would result in the parcel exceeding the maximum house size, up to 800 square feet of the accessory dwelling unit shall not be included in the calculation of maximum house size applicable to the property.

(5) Ministerial Approval of Certain Accessory Dwelling Units

Notwithstanding the provisions of subsections (a)(3), (a)(4), (a)(7), and (a)(8), the following applications for an accessory dwelling unit or junior accessory dwelling unit within a residential or mixed-use zone shall be ministerially approved:

A. ADU within Single-Family Residence or Accessory Structure. For a lot with a proposed or existing single-family dwelling, one accessory dwelling unit or junior accessory dwelling unit that is contained within the space of a single-family residence or an accessory structure, has independent exterior access from the residence, and provides side and rear setbacks sufficient for fire safety shall be permitted, subject to the following:

i. A unit proposed in an existing accessory structure under this subsection (a)(5)(A) may include an expansion of not more than 150 square feet beyond the physical dimensions of the existing accessory structure solely for the purposes of accommodating ingress and egress.

ii. Conversion of an existing accessory structure to an accessory dwelling unit may require rebuilding or substantial renovation to comply with the California Code of Regulations Title 24, as adopted by the City of Palo Alto.
such instances, and where the existing accessory structure does not comply with applicable accessory dwelling unit development standards in the zoning district, the structure may be renovated or rebuilt, provided that:

(I) If the existing structure does not comply with the applicable development standards for accessory dwelling units in the zoning district, the renovated or rebuilt structure shall not increase the degree of non-compliance, such as increased height or size, or further intrusion into required setbacks;

(II) The renovated or rebuilt structure shall comply with subsection (a)(6), below, pertaining to privacy requirements.

(III) Nothing in this subsection (a)(5)(A)(ii) shall restrict or prevent a renovated or rebuilt structure from being designed to achieve or improve compliance with the development standards applicable to an accessory dwelling unit in the zoning district.

iii. No new or separate utility connection shall be required between the accessory dwelling unit and utility service, such as water, sewer, and power.

iv. The accessory dwelling unit shall comply with the provisions of subsections (a)(6), (a)(9), and (a)(10).

v. New floor area may be added to a space converted in accordance with this subsection (a)(5)(A) and, other than the 150 square feet authorized by subsection (a)(5)(A)(i), shall comply with all regulations set forth in subsection (a), including but not limited to setbacks, maximum accessory dwelling unit size, and height.

B. Single-Family Detached ADU. For a lot with a proposed or existing single-family dwelling, one detached, new construction, accessory dwelling unit that does not exceed 800 square feet, nor 16 feet in height, and that provides at least four-foot side and rear yard setbacks shall be permitted. This detached accessory dwelling unit may be established in addition to a junior accessory dwelling unit established pursuant to subsection (a)(5)(A).

C. Multi-Family Attached ADU. For a lot with an existing multifamily dwelling structure, an accessory dwelling unit shall be permitted within the portions of the existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. The number of dwelling units permitted shall be at least one and up to 25 percent of the existing multifamily dwelling units on the lot.

D. Multi-Family Detached ADU. For a lot that has an existing multifamily dwelling, not more than two detached accessory dwelling units that do not exceed 16 feet in height and that provide at least four-foot side and rear yard setbacks shall be permitted.
E. The establishment of accessory dwelling units and junior accessory dwelling units pursuant to this subsection (a)(5) shall not be conditioned on the correction of non-conforming zoning conditions; provided, however, that nothing in this section shall limit the authority of the Chief Building Official to require correction of building standards relating to health and safety.

(6) Privacy

Second story doors and decks shall not face a neighboring dwelling unit and second story windows shall be placed above eye-level or utilize obscured glazing. Where feasible, screening features, including landscaping, shall be installed between an two-story ADU and a neighboring dwelling.

(7) Additional Development Standards for Attached Accessory Dwelling Units

A. Attached accessory dwelling units are those attached to the primary dwelling. All attached accessory dwelling units, other than those units established pursuant to subsection (a)(5), shall be subject to the additional development requirements specified below.

B. Unit Size: The maximum size of an attached accessory dwelling unit living area, inclusive of a habitable basement, shall not exceed 850 square feet, or 1,000 square feet for a unit with more than one bedroom, and shall not exceed 50% of the proposed or existing living area of the primary dwelling unit. The minimum unit size shall be 150 square feet.

C. Maximum height (including property in a special flood hazard zone): One story and 17 feet, or 16 feet if located in an Eichler Tract identified in the adopted Palo Alto Eichler Neighborhood Design Guidelines. However, in the RE District attached accessory dwelling units may be two stories and 30 feet. In the OS District, attached accessory dwelling units may be two stories and 25 feet.

D. Separate Entry Required for Attached Units: A separate exterior entry shall be provided to serve an accessory dwelling unit.

E. Except on corner lots, the accessory dwelling unit shall not have an entranceway facing the same lot line (property line) as the entranceway to the main dwelling unit unless the second entranceway is located in the rear half of the lot. Exterior staircases to second floor units shall be located toward the interior side or rear yard of the property.

F. If covered parking for an accessory dwelling unit is provided in the RE zone, the maximum size of the covered parking area for the accessory dwelling unit is 200 square feet.

(8) Additional Development Standards for Detached Accessory Dwelling Units

A. Detached accessory dwelling units are those detached from the primary dwelling. All detached accessory dwelling units, other than those units
established pursuant to subsection (a)(5), shall be subject to the additional development standards specified below.

B. The maximum size of the detached accessory dwelling unit living area, inclusive of a habitable basement, shall be 900 square feet, or 1,000 square feet for a unit with more than one bedroom and the minimum unit size shall be 150 square feet.

C. Maximum height (including property in a special flood hazard zone): one story and 17 feet, or one story and 16 feet, if located in an Eichler Tract identified in the adopted Palo Alto Eichler Neighborhood Design Guidelines.

D. Setbacks and Daylight Plane: Notwithstanding subsection (a)(3)(A), a detached accessory dwelling unit may be located in a rear yard, but must maintain a minimum setback of four feet (4') from the side and rear property lines. No basement shall encroach into a required rear yard setback. No portion of a building may encroach into a daylight plane beginning at a height of eight feet (8') at the property line and increasing at a slope of one foot (1') for every one foot (1') of distance from the property line, except that the beginning height shall be increased to the extent necessary to allow an accessory dwelling unit to reach a height of sixteen feet (16').

i. No projections, such as but not limited to windows, doors, mechanical equipment, venting or exhaust systems, shall be permitted to encroach into the required setbacks and daylight plane, with the exception of a roof eave up to two feet.

E. If covered parking is provided for an accessory dwelling unit in the RE District, the maximum size of covered parking area for the detached accessory dwelling unit is 200 square feet.

(9) Additional Requirements for All Accessory Dwelling Units

A. Sale of Units: The accessory dwelling unit shall not be sold separately from the primary residence.

B. Short term rentals. The accessory dwelling unit shall not be rented for periods of less than 30 consecutive days.

C. Number of Units Allowed: Except as provided in subsection (a)(5), only one accessory dwelling unit or junior accessory dwelling unit may be located on any lot where an accessory dwelling unit is permitted.

D. Existing Development: A single-family dwelling shall exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.

E. Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence; does not permit short-term rentals;
and restricts the size and attributes of the accessory dwelling unit to those that conform with this Section 18.42.040.

F. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

G. Street Address Required: Street addresses shall be assigned to all accessory dwellings to assist in emergency response.

H. Street Access: When parking is provided, the accessory dwelling unit shall have street access from a driveway in common with the main residence in order to prevent new curb cuts, excessive paving, and elimination of street trees, unless separate driveway access will result in fewer environmental impacts such as paving, grading or tree removal.

I. For properties listed in the Palo Alto Historic Inventory, the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, compliance with the appropriate Secretary of Interior’s Standards for the Treatment of Historic Properties shall be required.

J. No protected tree shall be removed for the purpose of establishing an accessory dwelling unit unless the tree is dead, dangerous or constitutes a nuisance under Section 8.04.050. Any protected tree removed pursuant to this subsection shall be replaced in accordance with the standards in the Tree Technical Manual.

K. Except as modified by this Section 18.42.040, the accessory dwelling unit shall conform to all requirements of the underlying zoning district, any applicable combining district, and all other applicable provisions of this Title 18.

(10) Parking

A. No additional parking shall be required for accessory dwelling units.

B. Replacement parking is not required when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit.

C. Optional parking for accessory dwelling units may be provided by means of uncovered or tandem spaces on existing driveways within the required front and street side yards; covered parking and mechanical automobile parking lifts may be located in required side and rear yard setbacks in compliance with Section 18.40.050. All new parking spaces and structures shall comply with development standards of the underlying zoning and the applicable parking design standards in Chapter 18.54, except as provided below:

   i. The Director shall have the authority to modify required replacement parking spaces by up to one foot in width and length upon finding that the reduction is necessary to accommodate
parking in a location otherwise allowed under this code and is not detrimental to public health, safety or the general welfare.

ii Existing front and street side yard driveways may be enlarged to the minimum extent necessary to comply with the replacement parking requirement above. Existing curb cuts shall not be altered except when necessary to promote public health, safety or the general welfare.

(b) Junior Accessory Dwelling Units

(1) Purposes:

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing or proposed single family structure and requires owner occupancy in the single family residence where the unit is located.

(2) Development Standards. Junior accessory dwelling units shall comply with the following standards:

A. Number of Units Allowed: Except as provided in subsection (a)(5), either one accessory dwelling unit or one junior accessory dwelling unit, may be located on any lot that permits a single-family dwelling. A junior accessory dwelling unit shall only be located on a lot which already contains one legal single-family dwelling or where a new single-family dwelling is proposed.

B. Size: A junior accessory dwelling unit shall not exceed 500 square feet in size.

C. Lot Coverage/Floor Area Ratio:

i. A junior accessory dwelling unit shall be included in the calculation of lot coverage and floor area ratio applicable to the property.

ii. A primary residence with a junior accessory dwelling unit shall be permitted to develop an additional 50 square feet of floor area above the maximum amount of floor area otherwise permitted by the underlying zoning district.

D. Owner Occupancy: The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

E. Sale Prohibited: A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
F. Short term rentals: The junior accessory dwelling unit shall not be rented for periods of less than 30 consecutive days.

G. Location of Junior Accessory Dwelling Unit: A junior accessory dwelling unit shall be created within the existing walls of an existing or proposed primary dwelling.

H. Separate Entry Required: A separate exterior entry shall be provided to serve a junior accessory dwelling unit. A junior accessory dwelling may include an interior entry to the main living area and a second interior doorway for sound attenuation.

I. Kitchen Requirements: The junior accessory dwelling unit shall include an efficiency kitchen, requiring the following components:

   i. A cooking facility with appliances, and

   ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

J. Parking. No additional parking is required.

K. Fire Protection; Utility Service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit.

L. Deed Restriction. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, requires owner-occupancy consistent with subsection (b)(2)(D) above, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

SECTION 4. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.
SECTION 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is deemed not to conform with the a mandatory provision of Government Code Section 65852.2 or 65852.22, such section, subsection, sentence, clause, or phrase shall be deemed stricken from the Ordinance and the corresponding provision of Government Code Section 65852.2 or 65852.22, if any, shall apply.

SECTION 7. The Council finds that the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305 because it constitutes minor adjustments to the City’s zoning ordinance to implement State law requirements related to accessory dwelling units as established in Government Code Sections 65852.2 and 65852.22, and these changes are also likely to result in few additional dwelling units dispersed throughout the City. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment.

SECTION 8. This ordinance shall be effective upon its adoption by four-fifths of the City Council.

INTRODUCED: January 13, 2020

PASSED: January 13, 2020

AYES: CORMACK, DUBOIS, FILSETH, FINE, KNISS, KOU, TANAKA

NOES: 

ABSENT: 

NOT PARTICIPATING: 

ATTEST:

[Signature]
City Clerk

[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

APPROVED:

[Signature]
City Manager

[Signature]
Director of Planning & Community Environment
## Certificate Of Completion

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  - **Certificate Pages:** 2
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  - **Time Zone:** (UTC-08:00) Pacific Time (US & Canada)
- **Envelope Originator:**
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  - **250 Hamilton Ave, Palo Alto, CA 94301**
  - **kimberly.lunt@cityofpaloalto.org**
  - **IP Address:** 199.33.32.254
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  - **kimberly.lunt@cityofpaloalto.org**
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Ten Survey Questions Regarding ADUs and Responses:

1. What are common challenges that you have experienced when submitting for, or getting approval of, an ADU application?
   - Lack of City preparedness or understanding of State Bills regarding ADUs. Challenges as to which departments need to review plans when a property is in the flood zone.
   - Conflicting interpretations of State law (i.e. Fire Marshal re: sprinklers)
   - Getting other city agencies (PW and Utilities) to respond quickly and proactively
   - Cumbersome process to record deed restrictions
   - Requirements that show up during plan check that were not previously stated
   - There are too many (about 8) forms required at submittal and it changes every time. We need a standard application checklist.

2. How does the current City review process for ADUs impact the cost of the project for the home owner? What changes would you suggest, to reduce those costs?
   - Keeping documentation costs as low as possible by requiring the minimal drawings would help lower costs
   - Consider not requiring a survey in situations where proposal clearly would not have any chance of violating zoning (such as height lower than allowed by one or two feet and setbacks one or two feet more than minimum required)
   - Time! This should be an expedited approval. The longer it takes, the more the cost rises.
   - Reconsider Green Building review—cumbersome process that is too adversarial. Rather, just let a trusted and licensed design professional sign off on code compliance
   - Increase exemption for fees to 800sf instead of current 750sf. Do not require Tier 2 GB.
   - A ‘hidden’ cost may be the amount of time it takes to get some clarity on how best to move forward and exactly what to expect.
   - Full sets of plans are submitted for each department reviewing a project (20 sheets). After they review, these plans go into the recycle. Multiply this by all the projects, this is a ton of waste. Most projects could be reviewed electronically. Require 2 full sets and have others review those

3. What are the information sources that you and your clients rely on to understand the regulations that guide the development of ADUs? Is there information, especially from the City, that is currently outlined in handouts, checklists, or readily available?
   - the Palo Alto Zoning Ordinance Tech Manual for Single Family Residential Zones needs to be updated, and should also include ADUs
   - Online PA website is unhelpful; the information needs to be collected from all departments and assembled in one place with online fillable forms
   - Could use graphics to make it easier to understand, like the Tech Manual.
   - State Bill Language is a main source
4. When considering the total amount of time spent on an ADU project, how much time do you spend on design and communicating with your client when compared to the time that you spend working with City staff once the application is submitted? (e.g. 50/50%, 40/60%, etc.)?  
60/40

- Permitting takes about 10% of our total time
- 80/20%
- 75/25

5. What are the common questions you receive from your clients related to ADUs?

- Where can an ADU go on a lot/building; how does it impact the floor area allowed; what are the setbacks, height; permitting and development fees and/or taxes; rental and reporting requirements
- What else will the City make me do - that I had no intention of doing - that will cost me time and money?
- Utilities and Public Works tend to have expensive requirements – sewer connections, backflow preventers, undergrounding electrical power, etc.

6. What changes to current ADU regulations would you like to see implemented in the next ADU code update?

- Allowing two story ADU designs
- Increase exemption for fees to 800sf instead of at current 750sf
- Do not require Tier 2 GB
- Simplified Energy analysis/prescriptive standards or reduced review
- Eliminate Flood Zone restrictions
- Simplified green building review-current process is very time intensive
- I’d like to see the setbacks for HVAC and similar equipment be dependent on decibel readings and/or ADU setbacks and not zoning setbacks
- ADU to match the architecture of the primary house
- Clarify that a detached accessory unit requires 3 feet separation
- No replacement covered parking for JADU
- No separate sewer line - connect to closest even if through main house
- Remove the requirements of 18.70.100 to allow roof framing replacement

7. Have any of your clients expressed interest in the concept of deed restricting their properties as affordable ADUs?
8. What are some ways you think the ADU review process could be streamlined in order to facilitate an over the counter approval?

- Have a set of pre-approved plans that can be easily implemented on most lots with minor tweaks
- Although over the counter is a goal, realistically there are enough unique design situations that would prevent it. But the first pass review could be sequential at the counter, with Urban Forestry, Fire, and Planning giving comments or approval. Then Building could take it in for structural review (if not conventionally framed) with those other departments, approved and done with
- Get Utilities to cooperate-standardized connections by private contractors
- Get PW to cooperate-no grading and drainage review
- Keep the rules clear and brief; if the proposal meets the rules, it gets approved. An ADU approval should be no more complicated than a kitchen + bath remodel
- Clarify how ADU review process works if permitted at the same time or within an open development application for a new primary house or house addition project.
- Create a 20-minute preliminary process to provide feedback based on limited review

9. What are the barriers that you anticipate may prevent ADU applications from being approved over the counter?

- ADU proposed concurrent with a new house application
- Lack of flexible thinking on the part of the plan checker. Lack of clarity on the rules from one department to the next.
- Utility connections
- Energy efficiency analysis
- Flood zone properties

10. What are your thoughts on establishing an appointment-based time slot system for having staff review and potentially approve ADU applications over the counter (e.g. Every Monday from 9:00am to 12:00pm, appointments occurring once every hour)?

- It may work... or it could create a bottleneck. I would rather see formal intake and quick plan check review rather than limited over-the-counter reviews.
- I like it! Would require careful advance exposition of potential pitfalls in required application materials uniquely in Palo Alto, ie requirements for new utility connections (the joys of sewage ejectors), Urban forestry/canopy replacement, hardship imposition of Tier 2 GB requirements
- One of my clients suggested a designated ADU kiosk that has all the info needed to understand the rules, and that would be staffed at regular times – e.g. Tuesdays and Thursdays from 10am – 2pm – and have handouts available when the staff was not. OTC applications could be folded into the kiosk times or be in addition.
• only when ADU project is the only active permit (i.e. not where a remodel or new house application would trigger Individual Review or some other review process such as an HIE). Allow for option for low cost pre-application meeting.
• It would be best to offer this 2x per week as some people may not be able to come in Monday from 9:00am to 12:00pm
Attachment D: More Information Regarding Outreach

Architects/Contractors Input
Staff reached out to a group of 15 architects/contractors that commonly perform work in the City of Palo Alto and received feedback. These community stakeholders provided insightful comments, relaying issues and concerns, enumerated below:

1. Lack of clear understanding by city staff of new state code regulations
2. Different checklists that do not capture all the requirements needed to get approved
3. Cumbersome process to get deed restriction recorded
4. Look at establishing an Over the Counter process for ADUS
5. Increase exemption for Development Impact Fees on ADUs
6. Reconsider Green Building Requirements for ADUs – Currently requires Tier 2 GB
7. Update City website to include current regulations
8. Update Technical Manual to include ADU regulations
9. Consider allowing two story ADUs
10. Update HVAC requirements for ADUs
11. Do not require replacement parking for garages converted to a JADU
12. Remove grading and drainage requirements
13. Remove flood zone requirements

The draft ordinance addresses Items 3, 9, 10, and 11. The ordinance: (a) Removes the deed restriction requirement for ADUs (item 3); (b) Clarifies that lofts can be allowed for ADUs, whether attached or detached (item 9) where an upper floor area with over five feet in head height is counted towards the gross floor area for the site/unit; (c) Includes language allowing HVAC and other noise producing equipment to follow the setbacks of the accessory dwelling units rather than setbacks of the primary house (item 10); and (d) Enables the conversion of garages into JADUs and provides that replacement spaces can be located within the front yard setback (item 11).

Staff is considering implementing other suggestions to address items 1, 2, 4, 7, and 8. These include updating the website and checklist information, creating handouts, and express permitting following adoption of the updated ordinance. The proposed ordinance should clarify the City’s regulations for all parties. The ordinance does not address Items 5, 6, 12, and 13 as discussed in the Regulations Not Proposed section of the staff report.

Staff ADU Strike Team
PDS staff formed an ‘ADU strike team’ to discuss streamlining the code and processes to help to encourage ADU/JADU development. The strike team provided input into earlier versions of the draft ordinance, which was then circulated to planners for further input. Overall, PDS staff supported the changes. A remaining concern relates to the interplay of ADU construction and preservation of existing Historic Inventory houses or homes deemed eligible for the State’s historic register.
Accessory Dwelling Units
Community Meeting May 19, 2020

ADU/JADU Statistics
62 ADU/JADU permits issued in 2019
122 ADU/JADU permits issued since 2015

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Most units are one-bedroom in R-1, avg size 466 sf, garage conversions is the trend
ADU/JADU Laws

- Fall 2019: State laws became effective January 1, 2020
- Updated ordinance and staff report for May 27, 2020
  Planning and Transportation Commission to be published Friday May 22; access meeting via Zoom – instructions at [https://bit.ly/36eusOx](https://bit.ly/36eusOx) (or watch Channel 26/MidPenMedia)
- Send comments to planning.commission@cityofpaloalto.org

State Laws January 2020

- **Lot Size**: Cannot adopt a minimum lot size
- **Parking**: Cannot require replacement of off-street parking lost as a result of garage conversion to ADU
- **Unit Size**: Cannot adopt maximum unit sizes below 850sf for one bedroom and 1,000sf for two+ bedroom detached ADUs
- **ADU must-allow**: a detached ADU of 800sf, 16 feet in height, with 4-foot setbacks; setbacks follow normal rules for attached units under this provision (City can’t apply zoning regulations (e.g. lot coverage, FAR) to prohibit)
- **Zero setback for conversions/reconstruction of an existing structure in place**
- **Ministerial process, no owner-occupancy required for ADUs (JADUs yes)**
- **Required action on permit within 60 days**, unless ADU is proposed with a new single-family residence or applicant agrees to extension
- **Expanded the unit types via “ministerial” approval**
  - Up to one JADU + one new detached ADU
  - Non-livable space in multifamily residential buildings conversions
  - Detached ADUs on multifamily residential lots
Example: Detached ADU Setbacks

Interim Urgency Ordinance

- Updated January 13, 2020 to minimum extent necessary to comply with State’s new laws
- Adds new categories of ADUs ministerially approved
- Removes owner-occupancy requirements for ADU; still required for JADU by state
- Removes discretionary standards and processes from privacy regulations
- Removes the requirement to replace parking for garage conversions
- Allows reconstructed structures to maintain existing setbacks/non-conforming conditions
Community Input Thus Far

- Staff reached out to a group of 15 applicants and asked 10 questions about the ordinance/process for ADUs
- A few questions were:
  1) “what are challenges applicants typically face?”,
  2) “what suggested changes would you like to see in the updated ordinance?”,
  and
  3) “are residents interested in deed-restricting their units to be affordable?”

Updated Ordinance 2020

- Staff prepared an ordinance to further refine the City’s ADU regulations in the context of these new state mandates and other recommended changes
- The updated ordinance seeks guidance from PTC and Council in the following topic areas: parking, floor area, setbacks, kitchen requirements, and height
Updated Ordinance 2020

- This community meeting is the second public outreach effort to collect feedback from residents about the City's submittal process/ordinance
- The feedback received in this meeting will be summarized to PTC on 5/27 and incorporated into the ordinance for subsequent PTC/Council meetings

Question 1: Biggest Roadblock?

- **Overall project cost** - the most significant roadblock to homeowners
- **Meeting building codes** - as they become more rigid (energy efficiency, all electric) codes may be difficult
- **Addressing utilities requirements** may be hard in certain instances (utility upgrades).
Question 2: Common permitting mistake?

- Misinterpretation of the code and submittal requirements.
- Assumption ADUs don’t have to provide the same/similar materials for review and approval
  - Mandatory codes include energy efficiency, structural integrity, zoning compliance.
  - From a permitting standpoint, ADUs are a smaller version of the main home.
For survey responses, please email to Garrett Sauls at
Garrett.Sauls@CityofPaloAlto.org
Please try to provide them by no later than Friday 5/22 so that I can compile the information into my PTC presentation

Send comments on ordinance to
planning.commission@cityofpaloalta.org
65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph,
including the costs of adopting or amending any ordinance that provides for the
creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by
a local agency or an accessory dwelling ordinance adopted by a local agency shall
provide an approval process that includes only ministerial provisions for the approval
of accessory dwelling units and shall not include any discretionary processes,
provisions, or requirements for those units, except as otherwise provided in this
subdivision. If a local agency has an existing accessory dwelling unit ordinance that
fails to meet the requirements of this subdivision, that ordinance shall be null and
void and that agency shall thereafter apply the standards established in this subdivision
for the approval of accessory dwelling units, unless and until the agency adopts an
ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay
or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall
use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed
or existing single-family dwelling. No additional standards, other than those provided
in this subdivision, shall be used or imposed, including any owner-occupant
requirement, except that a local agency may require that the property be used for
rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate
the policies, procedures, or other provisions applicable to the creation of an accessory
dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed
to be an accessory use or an accessory building and shall not be considered to exceed
the allowable density for the lot upon which it is located, and shall be deemed to be
a residential use that is consistent with the existing general plan and zoning
designations for the lot. The accessory dwelling unit shall not be considered in the
application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory
dwelling units in accordance with subdivision (a) receives an application for a permit
to create an accessory dwelling unit pursuant to this subdivision, the local agency
shall approve or disapprove the application ministerially without discretionary review
pursuant to subdivision (a). The permitting agency shall act on the application to
create an accessory dwelling unit or a junior accessory dwelling unit within 60 days
from the date the local agency receives a completed application if there is an existing
single-family or multifamily dwelling on the lot. If the permit application to create
an accessory dwelling unit or a junior accessory dwelling unit is submitted with a
permit application to create a new single-family dwelling on the lot, the permitting
agency may delay acting on the permit application for the accessory dwelling unit or
the junior accessory dwelling unit until the permitting agency acts on the permit
application to create the new single-family dwelling, but the application to create the
accessory dwelling unit or junior accessory dwelling unit shall still be considered
ministerially without discretionary review or a hearing. If the applicant requests a
delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:
   (i) 850 square feet.
   (ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
   (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure.
An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.
(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency’s ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.
(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department’s findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department’s findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) “Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

   (A) An efficiency unit.
   (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) “Efficiency unit” has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) “Local agency” means a city, county, or city and county, whether general law or chartered.

(6) “Neighborhood” has the same meaning as set forth in Section 65589.5.

(7) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

(8) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
“Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

1. The accessory dwelling unit was built before January 1, 2020.
2. The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 659, Sec. 1.5. (AB 881) Effective January 1, 2020. Repealed as of January 1, 2025, by its own provisions. See later operative version added by Sec. 2.5 of Stats. 2019, Ch. 659.)
NOT YET ADOPTED
Ordinance No.

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Chapter 16.04 of the Palo Alto Municipal Code is hereby amended by repealing it in its entirety and adopting a new Chapter 16.04 to read as follows:

16.04 CALIFORNIA BUILDING CODE


The California Building Code, 2019 Edition, Title 24, Part 2 of the California Code of Regulations, together with those omissions, amendments, exceptions and additions thereto, is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

Unless superseded and expressly repealed, references in City of Palo Alto forms, documents and regulations to the chapters and sections of the former California Code of Regulations, Title 24, 2016, shall be construed to apply to the corresponding provisions contained within the California Code of Regulations, Title 24, 2019. Ordinance No. 5477 of the City of Palo Alto and all other ordinances or parts of ordinances in conflict herewith are hereby suspended and expressly repealed.

Wherever the phrases “California Building Code” or “Building Code” are used in this code or any ordinance of the City, such phrases shall be deemed and construed to refer and apply to the California Building Code, 2019 Edition, Title 24, Part 2 of the California Code of Regulations, as adopted by this chapter.

One copy of the California Building Code, 2019 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.


The following Appendix chapters and section of the California Building Code, 2019 Edition, are adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein:

A. Appendix I – Patio Covers
B. Section J109.4 – Drainage across Property Lines (Appendix J)
C. Appendix O – Emergency Housing

The provisions of this Chapter contain cross-references to the provisions of the California Building Code, 2019 Edition, in order to facilitate reference and comparison to those provisions.

16.04.040  Section 1.11.2.1.1 Duties and powers of the enforcing agency/Enforcement.
Section 1.11.2.1.1 of Chapter 1 of the California Building Code is amended to read:

1.11.2.1.1 The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall, except as provided in Section 1.11.2.1.2, be as follows:
1. The city, county or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R-3 occupancies, as described in Section 310.1 of Part 2 of the California Building Standards Code, to both enforcement divisions specific to their areas of enforcement disciplines:
   1.1 The chief of the fire authority of the city or an authorized representative and;
   1.2. The chief building official of the city or an authorized representative.

16.04.050  Violations -- Penalties.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter or any permits, conditions, or variances granted under this Chapter. Violators shall be subject to any penalty or penalties authorized by law, including but not limited to: administrative enforcement pursuant to Chapters 1.12 and 1.16 of the Palo Alto Municipal Code; and criminal enforcement pursuant to Chapter 1.08 of the Palo Alto Municipal Code. Each separate day or any portion thereof during which any violation of this Chapter occurs or continues shall be deemed to constitute a separate offense.

When the chief building official determines that a violation of this Chapter has occurred, the chief building official may record a notice of pendency of code violation with the Office of the County Recorder stating the address and owner of the property involved. When the violation has been corrected, the chief building official shall issue and record a release of the notice of pendency of code violation.

16.04.060  Enforcement -- Criminal Enforcement Authority.

The employee positions designated in this section are authorized to exercise the authority provided in California Penal Code section 836.5 for violations of this Chapter. The designated employee positions are: (1) chief building official, (2) assistant chief building official, (3) building inspection manager, and (4) code enforcement officer.

16.04.070 Local Amendments.
The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Building Code, 2019 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

**16.04.075 Section 101 General.** Section 101 of Chapter 1 of the California Building Code is amended to read:

**101.1 Title.** The regulations shall be known as the Building Code of City of Palo Alto, hereinafter referred to as “this code.”

**16.04.080 Section 105.1.3 Demolition permits.** Section 105.1.3 of Chapter 1 of the California Building Code is added to read:

**105.1.3 Demolition permits.** In addition to other requirements of law, every person seeking a permit to demolish a unit used for residential rental purposes shall furnish an affidavit or declaration under penalty of perjury that the unit proposed to be demolished is vacant, or that notice to vacate has been given to each tenant lawfully in possession thereof as required by law or by the terms of such tenancy. No work or demolition shall begin upon any portion of such a unit until each and every portion has been vacated by all tenants lawfully in possession thereof.

**16.04.085 Section 105.3.2 Time limitation of application.** Section 105.3.2 of Chapter 1 of the California Building Code is amended to read:

**Section 105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 365 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions and/or reactivations for additional periods not exceeding 90 days each. The extension shall be required in writing and justifiable cause demonstrated.

**16.04.090 Section 105.5 Expiration.** Section 105.5 of Chapter 1 of the California Building Code is amended to read:

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days or 12 months for residential occupancies after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. For the purpose of this section, failure to progress a
project to the next level of required inspection shall be deemed to be suspension of the work.

The chief building official or designee is authorized to grant, in writing, no more than three extensions and reactivations of permits that would otherwise expire or reactivations of expired permits, for periods not more than 180 days each and may require:

1) that the construction documents be revised to partially or fully comply with current codes; and
2) payment of a fee; and
3) payment of a penalty pursuant to Chapter 16.62 of the Palo Alto Municipal Code, as it may be amended from time to time.

Extensions and reactivations shall be requested in writing and justifiable cause demonstrated. Additional extensions or reactivations beyond three may only be granted with the approval of the City Council.

105.5.1 Term Limit for Permits. All work associated with a building permit must be completed, and final inspection issued, within 48 months of permit issuance.

16.04.100 Section 109.6 Refunds. Section 109.6 of Chapter 1 of the California Building Code is amended to read:

109.6 Refunds The building official or designee may authorize the refund of any fee paid hereunder which was erroneously paid or collected. The building official or designee may authorize the refund of not more than eighty percent (80%) of the Permit Fee paid when no work has occurred under a permit issued pursuant to this Chapter. The building official or designee may authorize the refund of not more than eighty percent (80%) of the Plan Review Fee paid when a permit application is withdrawn or canceled before any plan review work has started.

16.04.110 Section 109.7 Re-Inspection fees. Section 109.7 of Chapter 1 of the California Building Code is added to read:

109.7 Re-Inspection Fees. A Re-Inspection Fee may be assessed/authorized by the building official or the building inspection supervisor for each re-inspection required when work for which an inspection is requested is not ready for inspection or when required corrections noted during prior inspections have not been completed. A “Re-Inspection Fee” may be assessed/authorized when:
1. The inspection record card is not posted or otherwise available on the work site; or
2. The approved plans are not readily available for the inspector at the time of inspection; or
3. The inspector is unable to access the work at the time of inspection; or
4. When work has substantially deviated from the approved plans without the prior approval of the building official.
5. When a Re-Inspection Fee is assessed, additional inspection of the work will not be performed until the fee has been paid.

16.04.115 Section 110.2.1 Preliminary accessibility compliance inspection. Section 110.2.1 of Chapter 1 of the California Building Code is added to read:

110.2.1 Preliminary accessibility compliance inspection. Before issuing a permit, the building official or designee is authorized to examine or cause to be examined the pre-construction accessibility compliance conditions of the buildings, structures, and sites for which an application has been filed.

16.04.120 Section 110.3.3 Lowest floor elevation. Section 110.3.3 of Chapter 1 of the California Building Code is amended to read:

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to City Public Works Engineering for inspection approval prior to foundation inspection by City Building Inspection.

16.04.130 Section 111.1 – Use and occupancy. Section 111.1 of Chapter 1 of the California Building Code is amended to read:

111.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing occupancy of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for:
1. Work exempt from permits under Section 105.2
2. Group R – Division 2, 3 occupancies
3. Group U occupancies

111.1.1 Change of occupancy or tenancy. Each change of occupancy, official name or tenancy of any building, structure or portion thereof, shall require a new certificate of occupancy, whether or not any alterations to the building are required by this code.

If a portion of any building does not conform to the requirements of this code for a proposed occupancy, that portion shall be made to conform. The building official may issue a new certificate of occupancy without requiring compliance with all such requirements if it is determined that the change in occupancy or
tenancy will result in no increased hazard to life or limb, health, property or public welfare.

When application is made for a new certificate of occupancy under this section, the building official and fire chief shall cause an inspection of the building to be made. The inspector(s) shall inform the applicant of those alterations necessary, or if none are necessary, and shall submit a report of compliance to the building official.

Before any application for a new certificate of occupancy is accepted, a fee shall be paid by the applicant to cover the cost of the inspection of the building required by the change of occupancy or tenancy.

**16.04.140 Section 111.3–Temporary occupancy.** Section 111.3 of Chapter 1 of the California Building Code is amended to read:

**111.3 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, or as otherwise required, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

**16.04.150 Section 111.5 Posting.** Section 111.5 of Chapter 1 of the California Building Code is added to read:

**111.5 Posting.** The certificate of occupancy shall be posted in a conspicuous, readily accessible place in the building or portion of building to be occupied and shall not be removed except when authorized by the building official.

**16.04.153 Section 115 Stop Work Order.** Section 115 of Chapter 1 of the California Building Code is amended to read:

**SECTION 115
STOP WORK ORDER**

**1151 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 Palo Alto Municipal Code or Zoning Ordinance, or dangerous or unsafe, the building official is authorized to issue a stop work order.

**1152 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.

1153 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.

1154 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.

1155 Response Required. Violators receiving a stop work order are required to respond to the Building Division within five (5) business days of the issued notice to receive instructions on how to rescind the order.

1156 Permit Application Required. A building permit application with construction or demolition plans and supporting (structural calculations, energy calculations, accessible 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 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. Ten 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 180 days of building permit issuance.

1157 Stop Work Order Penalty. The Building Official may impose Stop Work Order Penalties in accordance with Section 1.14.050 of this code and/or other applicable law.

16.04.155 Section 502.1 Address identification. Section 502.1 of Chapter 5 of the California Building Code is amended to read:

502.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm) unless required to be larger by Section 502.1.2. When required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. 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. Address numbers shall be maintained.
502.1.1 Address illumination. Address identification required by Section 501.2 shall be illuminated.

502.1.2 Address identification size. Address numbers and letters shall be sized as follows:
   1. When the structure is between thirty-six (36) and fifty (50) feet from the road or other emergency means of access, a minimum of one-half inch (0.5”) stroke by six inches (6”) high is required.
   2. When the structure is fifty (50) or more feet from the road or other emergency means of access, a minimum of one inch (1”) stroke by nine inches (9”) high is required.

16.04.160 Section 702A Definitions – Wildland-Urban Interface Fire Area.
Section 702A of Chapter 7A of the California Building Code is amended include the following definition of “Wildland-Urban Interface Fire Area”:

WILDLAND-URBAN INTERFACE FIRE AREA is a geographical area identified by the State of California as a “Fire Hazard Severity Zone” in accordance with Public Resources Code Sections 4201 through 4202 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Within the city limits of the City of Palo Alto, “Wild Land-Urban Fire Interface Area” shall also include all areas west of Interstate 280, and all other areas recommended as a “Very High Fire Hazard Severity Zone” by the Director of the California Department of Forestry.

16.04.170 Reserved

Section 903.2 of Chapter 9 the California Building Code is amended to read as follows:

903.2 Automatic sprinkler systems, where required. Approved automatic sprinkler systems in new buildings and structures and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.18 and as follows, whichever is the more restrictive:

1. An automatic sprinkler system shall be provided throughout all new buildings and structures.

   Exception: New non-residential occupancies, buildings or structures that do not exceed 350 square feet of building area and contain no plumbing fixtures.
2. An automatic sprinkler system shall be provided for all existing buildings or structures where modifications have been determined by the Building Official to trigger requirements for seismic retrofit.

3. An automatic sprinkler system shall be provided throughout all existing buildings when modifications are made that create conditions described in Sections 903.2.1 through 903.2.18, or that create an increase in fire area to more than 3600 square feet or when the addition is equal or greater than 50% of the existing building square footage whichever is more restrictive.

4. An automatic sprinkler system shall be provided throughout all new or rendered usable for occupancy and/or storage space basements regardless of size and throughout existing basements that are expanded by more than 50% or is conditioned for use. If the addition is only the basement, then only the basement is required to be fire sprinkler protection.

5. An automatic sprinkler system shall be installed throughout when either the roof structure and/or exterior wall structure have been removed and/or replaced by at least 50% of the existing structure.

6. An automatic sprinkler system shall be installed throughout when any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Chief.

16.04.190 Section 903.3.1.1 NFPA sprinkler systems.
Section 903.3.1.1 of Chapter 9 of the California Building Code is amended to read as follows:

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 and State and local requirements except as provided in Section 903.3.1.1.

1. For new buildings having no designated use or tenant, the minimum sprinkler design density shall be Ordinary Hazard Group II.
2. Where future use or tenant is determined to require a higher density, the sprinkler system shall be augmented to meet the higher density.

16.04.200 Section 903.3.1.2 – NFPA 13R sprinkler systems.
Section 903.3.1.2 of Chapter 9 of the California Building Code is amended to read as follows:

903.3.1.2 NFPA 13R sprinkler systems. Where allowed in buildings of Group R Occupancies, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13 and State and local standards.
Section 903.3.1.3 – NFPA 13D sprinkler systems.
Section 903.3.1.3 of Chapter 9 of the California Building Code is amended to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems installed in one-and two-family detached dwellings and townhouses shall be installed throughout in accordance with NFPA 13D and State and local standards. Fire sprinkler protection is required under rear covered patios extending 4 feet perpendicular from the exterior of the structure.

Reserved

Reserved

Section 903.4.3 - Floor control valves.
Section 903.4.3 of Chapter 9 of the California Building Code is amended to read as follows:

903.4.3 Floor control valves. Automatic sprinkler systems serving buildings two (2) or more stories in height shall have valves installed so as to control the system independently on each floor including basements.

Section 905.3.1 Standpipe Systems.
Section 905.3.1 of the California Building Code is amended to read as follows:

905.3.1 Height. A Class I standpipe system shall be installed in buildings 3 or more stories in height and in below grade occupied levels.

Section 1203.6 Ventilation of weather-exposed enclosed assemblies.
Section 1203.6 of Chapter 12 of the California Building Code is added to read:

1203.6 Ventilation of weather-exposed enclosed assemblies. Exterior projecting elements and appurtenances exposed to the weather and sealed underneath, including but not limited to balconies, landings, decks, and stairs, shall have cross ventilation for each separate enclosed space by ventilation openings protected against the entrance of rain and snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. The net free ventilating area shall not be less than 1/150th of the area of the space ventilated. Ventilation openings shall comply with Section1203.2.1. An access panel of sufficient size shall be provided on the underside of the enclosed space to allow for periodic inspection.

Exceptions:
1. An access panel is not required where the exterior coverings applied to the underside of joists are easily removable using only common tools.
2. Removable soffit vents of at least four inches (4”) in width can be used to satisfy both ventilation and access panel requirements.

16.04.260 Section 1206.3.4 – Roof guardrails at interior courts.
Section 1206.3.4 of Chapter 12 of the California Building Code is added to read:

1206.3.4 Roof guardrails at interior courts. Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12 inch diameter sphere cannot pass through.

Exception: Where the roof opening is greater than 600 square feet in area.

16.04.265 Section 1406.3.1 Projections exposed to weather.
Section 1406.3.1 of Chapter 14 of the California Building Code is added to read:

1406.3.1 Projections exposed to weather. Floor projections exposed to the weather and sealed underneath, including but not limited to balconies, landings, decks, and stairs shall be constructed of naturally durable wood, preservative-treated wood, corrosion-resistant (e.g. galvanized) steel, or similar approved materials.

16.04.270 Section 1503.2.1 Flashing Locations.
Section 1503.2.1 of Chapter 15 of the California Building Code is amended to read:

1503.2.1 Locations. Flashing shall be installed at wall and roof intersections, gutters, wherever there is a change in roof slope or direction, and around roof openings. Where flashing is of metal, the metal shall be corrosion resistant with a thickness of not less than 0.019 inches (0.483 mm) (e.g. no. 26 galvanized sheet) and shall be primed and painted.

16.04.275 Section 1613.5 ASCE 7, Section 13.1.4 Seismic Design Requirements for Nonstructural Components.
Section 1613.5 of Chapter 16 of the California Building Code is added to include the following:

13.1.4 Exemptions. The following nonstructural components are exempt from the requirements of this section:
1. Furniture (except storage cabinets as noted in Table 13.5-1).
2. Temporary or movable equipment
3. Architectural components in Seismic Design Category B other than parapets supported by bearing walls or shear walls provided that the component importance factor, \( I_p \), is equal to 1.0.
4. Mechanical and electrical components in Seismic Design Category B.
5. Mechanical and electrical components in Seismic Design Category C provided that the component importance factor, \( I_p \), is equal to 1.0.
6. Mechanical and electrical components in Seismic Design Categories D, E, or F where all of the following apply:
   a. The component importance factor, $I_p$, is equal to 1.0;
   b. The component is positively attached to the structures;
   c. Flexible connections are provided at seismic separation joints and between the component and associated ductwork, piping, and conduit; and either:
      i. The component weighs 400 lb (1,780 N) or less and has a center of mass located 4 ft (1.22 m) or less above the adjacent floor level; or
      ii. The component weights 20 lb (89 N) or less or, in the case of a distributed system, 5 lb/ft (73 N/m) or less; or
      iii. The component weights 200 lb (890 N) or less and is suspended from roof/floor or mounted on wall.

16.04.280  Section 1612.1.1 - Palo Alto Flood Hazard Regulations.
Section 1612.1.1 of Chapter 16 of the California Building Code is added to read:

1612.1.1 Palo Alto Flood Hazard Regulations. Notwithstanding the provisions of Section 1612.1, all construction or development within a flood hazard area (areas depicted as a Special Flood Hazard Area on Flood Insurance Rate Maps published by the Federal Emergency Management Agency) shall comply with the City of Palo Alto Flood Hazard Regulations (Palo Alto Municipal Code Chapter 16.52). Where discrepancies exist between the requirements of this code and said regulations, the provisions of said regulations shall apply.

16.04.290  Section 1705.3 Concrete Construction.
Section 1705.3 of Chapter 17 of the California Building Code is amended to read:

1705.3 Concrete construction. The special inspections and tests of concrete construction shall be as required by this section and Table 1705.3.

Exception: 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 pound 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 pre-stressed slabs on grade, where the effective pre-stress 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.

16.04.300 Table 1809.7 Prescriptive Footings Supporting Walls of Light-Frame Construction.
Table 1809.7 of Chapter 18 of the California Building Code is amended to read:

TABLE 1809.7

Prescriptive Footings Supporting Walls of Light-Frame Constructionabcd

<table>
<thead>
<tr>
<th>Number of Floors Supported by the Footing</th>
<th>Thickness of Foundation Wall (inches)</th>
<th>Width of Footing (inches)</th>
<th>Thickness of Footing (inches)</th>
<th>Depth of Foundation Below Natural Surface of Ground or Finish Grade (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&amp;2</td>
<td>8</td>
<td>15</td>
<td>8</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
<td>18</td>
<td>8</td>
<td>30</td>
</tr>
<tr>
<td>Group U Occupancies</td>
<td>8</td>
<td>12</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>ADU Conversions</td>
<td>8</td>
<td>12</td>
<td>8</td>
<td>12</td>
</tr>
</tbody>
</table>

a. The ground under the floor shall be permitted to be excavated to the elevation of the top of the footing.
b. Interior stud-bearing walls shall be permitted to be supported by isolated footings. The footing width and length shall be twice the width shown in this table, and footings shall be spaced not more than 6 feet on center.
c. See Section 1905 for additional requirements for concrete footings of structures assigned to Seismic Design Category C, D, E or F.
d. All foundations as required in the above Table shall be continuous and have a minimum of three #4 bars of reinforcing steel, except for one story, detached accessory buildings of Group U occupancy where two bars are required.
e. Footings shall be permitted to support a roof in addition to the stipulated number of floors. Footings supporting roof only shall be as required for supporting one floor.
f. If the existing detached accessory building is being converted to an Accessory Dwelling Unit (ADU) and the existing foundation is being utilized, then a designer, architect or engineer shall provide a letter that the existing foundation complies with the conditions above and is deemed structurally sound.
16.04.305  **Section 1905.1.7 ACI 318, Section 14.1.4.**

Section 1905.1.7 of Chapter 19 of the California Building Code is amended to read:

1905.1.7 ACI 318, Section 14.1.4. Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E or F.
14.1.4.1 - Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Left intentionally blank.

(b) 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.

(c) Plain concrete footings supporting walls are permitted, provided the footings have at least three continuous longitudinal reinforcing bars not smaller than No. 4, with a total area of not less than 0.002 times the gross cross-sectional area of the footing except for one story, detached accessory buildings of Group U occupancy where two bars are required. 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.

16.04.310  **Section 2308.6 Wall Bracing.** Section 2308.6 of Chapter 23 of the California Building Code is amended to read:

...  

2308.6.4 Braced Wall panel construction. For Methods DWB, WSP, SFB, PBS, PCP and HPS, each panel must be not less than 48 inches (1219 mm) in length, covering three stud spaces where studs are spaced 16 inches (406 mm) on center and covering two stud spaces where studs are spaces 24 inches (610 mm) on center. Braced wall panels less than 48 inches (1219 mm) in length shall not contribute toward the amount of required bracing. Braced wall panels that are longer than the required length shall be credited for their actual length.

Vertical joints of panel sheathing shall occur over studs and adjacent panel joints shall be nailed to common framing members. Horizontal joints shall occur over blocking or other framing equal in size to the studng except where waived by the installation requirements for the specific sheathing materials. Sole plates shall be nailed to the floor framing in accordance with Section 2308.7 and top plates shall be connected to the framing above in accordance with Section 2308.6.7.2. Where joists are perpendicular to braced wall lines above, blocking shall be provided under and in line with the braced wall panels.
**2308.6.5 Alternate bracing.** An alternate braced wall (ABW) or a portal frame with hold-downs (PFH) described in this section is permitted to substitute for a 48-inch (1219 mm) braced wall panel of Method DWB, WSP, SFB, PCP or HPS.

Subsections 2308.6.1 through 2308.6.3 are unchanged.

**16.04.315 Table 2308.6.1 – footnote b amended.** Footnote “b” of table 2308.6.1 of Chapter 23 of the California Building Code is amended to read:

b. Method GB, gypsum wallboard is prohibited in Seismic Design Categories D & E.

**16.04.317 Table 2308.6.3(1) Bracing Methods.** Table 2308.6.3(1) – Bracing Methods of Chapter 23 of the California Building Code is amended to add footnote “b” as follows:

<table>
<thead>
<tr>
<th>METHODS, MATERIAL</th>
<th>MINIMUM THICKNESS</th>
<th>FIGURE</th>
<th>CONNECTION CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Method GB, gypsum wallboard is prohibited in Seismic Design Categories D &amp; E.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**16.04.320 Section 2308.9 Attachment of sheathing.** Section 2308.9 of Chapter 23 of the California Building Code is added to read:

**2308.9 Attachment of sheathing.** Fastening of braced wall panel sheathing shall not be less than that prescribed in Table 2308.6.3(1) or 2304.10.1 Wall sheathing shall not be attached to framing members by adhesives.

All braced wall panels shall extend to the roof sheathing and shall be attached to parallel roof rafters or blocking above with framing clips (18 gauge minimum) spaced at maximum 24 inches on center with four 8d nails per leg (total eight-8d nails per clip). Braced wall panels shall be laterally braced at each top corner and at maximum 24 inch intervals along the top plate of discontinuous vertical framing.

**16.04.322 Chapter 31B – Public Pools.** Chapter 31B of the California Building Code has been adopted in its entirety.

The California Building Code, Chapter 31B shall apply to the construction, installation, renovation, alteration, addition, relocation, replacement or use of any public pool and its ancillary facilities, mechanical equipment and related piping.
16.04.325  Section 3304.1 Excavation and fill.
Section 3304.1 of Chapter 33 of the California Building Code is amended to read:

3304.1 Excavation and fill. Excavation and fill for buildings and structures shall be constructed or protected so as not to endanger life or property. Stumps and roots shall be removed from the soil to a depth of not less than 12 inches (305mm) below the surface of the ground in the area to be occupied by the building. Wood forms that have been used in placing concrete, if within the ground or between foundation sills and the ground, shall be removed before a building is occupied or used for any purpose. Wooden stakes shall not be embedded in concrete. Before completion, loose or casual wood shall be removed from direct contact with the ground under the building.


The California Existing Building Code, 2019 Edition, Title 24, Part 10, which provides alternative building regulations for the rehabilitation, preservation restoration or relocation of existing buildings is adopted and hereby incorporated in this Chapter be reference and made a part hereof the same as if fully set forth herein. One copy of the California, 2019 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.


The following Appendix Chapters of the California Existing Building Code (CEBC), 2019 Edition, and International Existing Building Code (IEBC), 2018 Edition, are adopted and hereby incorporated in this Chapter be reference and made a part hereof the same as if fully set forth herein:

A. CEBC Appendix A1 – Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings
B. IEBC Appendix Chapter A2 – Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms.
C. CEBC Appendix A3 – Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings
D. CEBC Appendix A4 – Earthquake Risk Reduction in Wood-Frame Residential Buildings with Soft, Weak or Open Front Walls
E. CEBC Appendix A5 – Referenced Standards

16.04.340  Section 503.17 – Suspended ceiling systems.
Section 503.17 of the California Existing Building Code, Title 24, Part 10 is added to read:

503.17 Suspended ceiling systems. In existing buildings or structures, when a permit is issued for alterations or repairs, the existing suspended ceiling system within the area of the alterations or repairs shall comply with ASCE 7-16 Section 13.5.6.
Section 503.18 - Mechanical and electrical equipment in Seismic Design Categories D, E, or F. Section 503.18 of the California Existing Building Code, Title 24, Part 10 is added to read:

503.18 Mechanical and electrical equipment in Seismic Design Categories D, E, or F. In existing buildings or structures, when a permit is issued for alteration or repairs, the existing mechanical and electrical equipment on the area of the roof shall comply with ASCE 7-16 Section 13.4 Nonstructural Component Anchorage.

Section 405.2.3.1 – Seismic Evaluation and Design Procedures for Repairs. Section 405.2.3.1 of the California Existing Building Code, Title 24, Part 10 is amended to read:

405.2.3.1 Evaluation and design procedures. The building shall be evaluated by a registered design professional, and the evaluation findings shall be submitted to the code official. The evaluation shall establish whether the damaged building, if repaired to its pre-damage state, would comply with the provisions of the California Building Code for load combinations that include wind or earthquake effects, except that the seismic forces shall be reduced seismic forces. Evaluation for earthquake loads shall be required if the substantial structural damage was caused by or related to earthquake effects or if the building is in Seismic Design Category C, D, E or F. The seismic evaluation and design shall be based on the procedures specified in the building code, ASCE 41 Seismic Evaluation and Upgrade of Existing Buildings. The procedures contained in Appendix A of the International Existing Building Code (IEBC) shall be permitted to be used as specified in Section 405.2.3.1.

Wind loads for this evaluation shall be those prescribed in Section 1609.

405.2.3.1.1 CEBC level seismic forces. When seismic forces are required to meet the building code level, they shall be one of the following:

1. One hundred percent of the values in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor specified for structural systems classified as "Ordinary" unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as "intermediate" or "special".

2. Forces corresponding to BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 405.2.3.1.
### TABLE 405.2.3.1
**ASCE 41 PERFORMANCE LEVELS**

<table>
<thead>
<tr>
<th>RISK CATEGORY (BASED ON CBC TABLE 1604.5)</th>
<th>PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL</th>
<th>PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL *</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Life Safety (LS)</td>
<td>Collapse Prevention (CP)</td>
</tr>
<tr>
<td>II</td>
<td>Life Safety (LS)</td>
<td>Collapse Prevention (CP)</td>
</tr>
<tr>
<td>III</td>
<td>Damage Control</td>
<td>Limited Safety</td>
</tr>
<tr>
<td>IV</td>
<td>Immediate Occupancy (IO)</td>
<td>Life Safety (LS)</td>
</tr>
</tbody>
</table>

* Only applicable when Tier 3 procedure is used.

#### 405.2.3.1.1 Reduced CEBC level seismic forces.

When seismic forces are permitted to meet reduced building code levels, they shall be one of the following:

1. Seventy-five percent of the forces prescribed in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor as specified in Section 405.2.3.1.1.
2. In accordance with the California Existing Building Code and applicable chapters in Appendix A of the International Existing Building Code, as specified in Items a. through e. below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced building code force levels.
   a. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix Chapter A1.
   b. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Risk Category I or II are permitted to be based on the procedures specified in IEBC Appendix Chapter A2.
   c. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix Chapter A3.
   d. Seismic evaluation and design of soft, weak, or open-front wall conditions in multi-unit residential buildings of wood construction in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix Chapter A4.
   e. Seismic evaluation and design of concrete buildings and concrete with masonry infill buildings in all risk categories are permitted to be based on the procedures specified in IEBC Appendix Chapter A5.
3. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 405.2.3.1. Where ASCE 41 is used, the design spectral response acceleration parameters SXS and SX1 shall not be taken less than seventy-five percent of the respective design spectral response acceleration parameters SDS and SD1 defined by the California Building Code and its reference standards.


The California Historical Building Code, 2019 Edition, Title 24, Part 8 (authorized by Health and Safety Code Sections 18950 through 18961), which provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of designated historic buildings, is adopted and hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein. One copy of the California Historical Building Code, 2019 Edition, has been filed for use and examination of the public in the Office of the Building Official of the City of Palo Alto.


SECTION 3. The Council finds that this ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the amendments herein adopted will have a significant effect on the environment.
SECTION 4. This Ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Deputy City Attorney

City Manager

Director of Planning and Development Services

Director of Administrative Services
Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions of the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions of the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions.

Local building regulations having the effect of amending the uniform codes, which were adopted by the City prior to November 23, 1970, were unaffected by the regulations of Sections 17958, 17958.5 and 17958.7 of the Health and Safety Code. Therefore, amendments to the uniform codes which were adopted by the City Council prior to November 23, 1970, and have been carried through from year to year without significant change, need no required findings. Also, amendments to provisions not regulating buildings used for human habitation do not require findings.

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**Code: CEBC**

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<td>Earthquake Hazard Reduction in Existing Concrete Buildings</td>
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Key to Justification for Amendments to Title 24 of the California Code of Regulations

C This amendment is justified on the basis of a local climatic condition. The seasonal climatic conditions during the late summer and fall create severe fire hazards to the public health and welfare in the City. The hot, dry weather frequently results in wild land fires on the brush covered slopes west of Interstate 280. The aforementioned conditions combined with the geological characteristics of the hills within the City create hazardous conditions for which departure from California Building Standards Code is required.

G This amendment is justified on the basis of a local geological condition. The City of Palo Alto is subject to earthquake hazard caused by its proximity to San Andreas fault. This fault runs from Hollister, through the Santa Cruz Mountains, epicenter of the 1989 Loma Prieta earthquake, then on up the San Francisco Peninsula, then offshore at Daly City near Mussel Rock. This is the approximate location of the epicenter of the 1906 San Francisco earthquake. The other fault is Hayward Fault. This fault is about 74 mi long, situated mainly along the western base of the hills on the east side of San Francisco Bay. Both of these faults are considered major Northern California earthquake faults which may experience rupture at any time. Thus, because the City is within a seismic area which includes these earthquake faults, the modifications and changes cited herein are designed to better limit property damage as a result of seismic activity and to establish criteria for repair of damaged properties following a local emergency.

T The City of Palo Alto topography includes hillsides with narrow and winding access, which makes timely response by fire suppression and emergency response vehicles difficult. Palo Alto is contiguous with the San Francisco Bay, resulting in a natural receptor for storm and waste water run-off. Also the City of Palo Alto is located in an area that is potentially susceptible to liquefaction during a major earthquake. The surface condition consists mostly of stiff to dense sandy clay, which is highly plastic and expansive in nature. The aforementioned conditions within the City create hazardous conditions for which departure from California Building Standards Code is warranted.
NOT YET ADOPTED

Ordinance No.
Ordinance of the Council of the City of Palo Alto Repealing
Chapter 16.06 of the Palo Alto Municipal Code and Amending Title
16 to Adopt a New Chapter 16.06, California Residential Code,
2019 Edition, and Local Amendments and Related Findings

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Chapter 16.06 of Palo Alto Municipal Code is hereby amended by repealing the
Chapter in its entirety and adopting a new Chapter 16.06 to read as follows:

16.06.010 2019 California Residential Code adopted.

The California Residential Code, 2019 Edition, Title 24, Part 2.5 of the California Code of Regulations,
together with those omissions, amendments, exceptions and additions thereto, is adopted and
hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set
forth herein.

Unless superseded and expressly repealed, references in City of Palo Alto forms, documents and
regulations to the chapters and sections of the former California Code of Regulations, Title 24, 2016,
shall be construed to apply to the corresponding provisions contained within the California Code of
Regulations, Title 24, 2019. Ordinance No. 5479 of the City of Palo Alto and all other ordinances or
parts of ordinances in conflict herewith are hereby suspended and expressly repealed.

Wherever the phrases "California Residential Code" or "Residential Code" are used in this code
or any ordinance of the city, such phrases shall be deemed and construed to refer and apply to
the California Residential Code, 2019 Edition, Title 24, Part 2.5 of the California Code of
Regulations, as adopted by this Chapter.

One copy of the California Residential Code, 2019 Edition, has been filed for use and examination of
the public in the Office of the Building Official of the City of Palo Alto.

16.06.020 2019 California Residential Code Appendix Chapters adopted.

The following Appendix Chapters of the California Residential Code, 2019 Edition, are adopted and
hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set
forth herein:

A. Appendix H – Patio Covers
B. Appendix J – Existing Building and Structures
C. Appendix K – Sound Transmission
D. Appendix V – Swimming Pool Safety Act
16.06.030 Cross - References to California Residential Code.
The provisions of this Chapter contain cross-references to the provisions of the California Residential Code, 2019 Edition, in order to facilitate reference and comparison to those provisions.

16.06.40 Section 1.11.2.1.1 Duties and powers of the enforcing agency/Enforcement is amended with the following language:

Section 1.11.2.1.1 Duties and powers of the enforcing agency/Enforcement
The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall, except as provided in Section 1.11.2.1.2, be as follows:
1. The city, county or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R-3 occupancies, as described in Section 310.1 of Part 2 of the California Building Standards Code, to both enforcement divisions specific to their areas of enforcement disciplines:
   1.1 The chief of the fire authority of the city, county or city and county, or an authorized representative and;
   1.2. The chief building official of the city, county or city and county, or an authorized representative.

16.06.050 Violations -- Penalties.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter or any permits, conditions, or variances granted under this Chapter. Violators shall be subject to any penalty or penalties authorized by law, including but not limited to: administrative enforcement pursuant to Chapters 1.12 and 1.16 of the Palo Alto Municipal Code; and criminal enforcement pursuant to Chapter 1.08 of the Palo Alto Municipal Code. Each separate day or any portion thereof during which any violation of this Chapter occurs or continues shall be deemed to constitute a separate offense.

When the chief building official determines that a violation of this Chapter has occurred, the chief building official may record a notice of pendency of code violation with the Office of the County Recorder stating the address and owner of the property involved. When the violation has been corrected, the chief building official shall issue and record a release of the notice of pendency of code violation.

16.06.060 Enforcement -- Criminal Enforcement Authority.

The employee positions designated in this section are authorized to exercise the authority provided in California Penal Code section 836.5 for violations of this Chapter. The designated employee positions are: (1) chief building official, (2) assistant chief building official, (3) building
inspection manager, and (4) code enforcement officer.

16.06.070  Local Amendments.

The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Residential Code, 2019 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.06.080  Section R101.1 Title is amended to read:

R101.1 Title These provisions shall be known as the Residential Code for One- and Two-family Dwellings of City of Palo Alto, and shall be cited as such and will be referred to herein as “this code.”

16.06.090  Section R105.1.1 Demolition permits is added to read:

R105.1.1 Demolition permits. In addition to other requirements of law, every person seeking a permit to demolish a unit used for residential rental purposes shall furnish an affidavit or declaration under penalty of perjury that the unit proposed to be demolished is vacant, or that notice to vacate has been given to each tenant lawfully in possession thereof as required by law or by the terms of such tenancy. No work or demolition shall begin upon any portion of such a unit until each and every portion has been vacated by all tenants lawfully in possession thereof.

16.04.100  Section R105.5 Expiration is amended to read:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The chief building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each and may require:

1) that the construction documents be revised to partially or fully comply with current codes, and
2) payment of a fee.

Extensions shall be requested in writing and justifiable cause demonstrated. For the purpose of this section, failure to progress a project to the next level of required inspection shall be deemed to be suspension of the work.

16.06.110  Section R108.5 Refunds is amended to read:

R108.5 Refunds. The building official or permit center manager may authorize the refund of any fee paid hereunder which was erroneously paid or collected. The building official or permit center manager may authorize the refund of not more than eighty
percent (80%) of the permit fee paid when no work has occurred under a permit issued pursuant to this Chapter. The building official or permit center manager may authorize the refund of not more than eighty percent (80%) of the Plan Review Fee paid when a permit application is withdrawn or canceled before any plan review work has started.

16.06.120  **Section R109.1.3 Floodplain inspections** is amended to read:

*R109.1.3 Floodplain inspections.* In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to City Public Works Engineering for inspection approval prior to foundation inspection by city building inspection.

16.06.130  **Section R109.5 Re-inspection fees assessed/authorized** is added to read:

*R109.5 Re-inspection fees.* A Re-Inspection Fee may be assessed/authorized by the building official or building inspection supervisor for each re-inspection required when work for which an inspection is requested is not ready for inspection or when required corrections noted during prior inspections have not been completed. A “Re-Inspection Fee” may be assessed/authorized when:
1. The inspection record card is not posted or otherwise available on the work site; or
2. The approved plans are not readily available for the inspector at the time of inspection; or
3. The inspector is unable to access the work at the time of inspection; or
4. When work has substantially deviated from the approved plans without the prior approval of the building official.
5. When a Re-Inspection Fee is assessed, additional inspection of the work will not be performed until the fee has been paid.

16.06.140  **Section R110.1 Use and occupancy** is amended to read:

*R110.1 Use and occupancy.* A building or structure shall not be used or occupied, and a change of occupancy or change of use of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

**Exceptions:** Certificates of occupancy are not required for:
1. Work exempt from permits under Section 105.2
2. Accessory buildings or structures
3. Group R - Division 3 occupancies
4. Group U occupancies

16.06.150  **Section R202 amended – Definitions added.**
Section R202 of the California Residential Code is amended to include the following definition:

**WILDLAND-URBAN INTERFACE FIRE AREA** is a geographical area identified by the State of California as a “Fire Hazard Severity Zone” in accordance with Public Resources Code Sections 4201 through 4202 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Within the city limits of the City of Palo Alto, “Wildland-Urban Fire Interface Area” shall also include all areas west of Interstate 280, and all other areas recommended as a “Very High Fire Hazard Severity Zone” by the Director of the California Department of Forestry.

16.06.160 Table 301.2(1) Climatic and Geographic Design Criteria: Section Table 301.2(1) of the California Residential Code is added to read:

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q The effective date of the current Flood Insurance Study and Flood Insurance Rate Map is May 18, 2009.
r The panel numbers and dates of all currently effective FIRMs and FBFMs: 06085CIND0A, 06085C0010H, 06085C0015H through 06085C0019H, 06085C0030H, 06085C0036H, 06085C0038H, 06085C0180H, 06085C0185H (May 18, 2009 for all)

16.06.165 Section R310 Emergency escape and rescue openings: Section R310 of the California Residential Code is amended to read:

**R310.1 Emergency escape and rescue opening required.** Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape...
and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

**Exceptions:**
1. Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet (18.58 m²)

**16.06.170 Section R310.2.3.3 Window well fall protection:** Section R310.2.3.3 of the California Residential Code is added to read:

**R310.2.3.3 Window well fall protection.** Window wells with a vertical depth greater than 30 inches shall have guards on all sides. The guards shall be provided in accordance with Section R312.1. Openings shall comply with Section R312.1.3. Access ladder shall comply with Section R310.2.3.1 and shall extend from the bottom of the well to the top of the guard.

**16.06.180 Section R310.4.1 Security bars:** Section R310.4.1 of the California Residential Code is added to read:

**R310.4.1 Security bars.** Fire Department plan check review and approval of all security bar submittals shall be required prior to the issuance of a Building Permit.

**16.06.190 Section R313.2 One- and two-family dwellings automatic fire sprinkler systems.** Section R313.2 of the California Residential Code is amended to read:

**R313.2 One- and two-family dwellings automatic fire sprinkler systems.** Approved automatic sprinkler systems in new buildings and structures and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.18 of the California Building Code and as follows, whichever is the more restrictive:

1. An automatic sprinkler system shall be provided throughout all new buildings and structures.

   **Exception:** New residential occupancies, buildings or structures that do not exceed 350 square feet of building area.

2. An automatic sprinkler system shall be provided for all existing buildings or structures where modifications have been determined by the Building Official to trigger requirements for seismic retrofit.

3. An automatic sprinkler system shall be provided throughout all existing buildings when modifications are made that create an increase in fire area
to more than 3600 square feet or when the addition is equal or greater than 50% of the existing building square footage whichever is more restrictive.

4. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50% or is conditioned for use. If the addition is only the basement, then only the basement is required to be fire sprinkler protection.

5. An automatic sprinkler system shall be installed throughout when either the roof structure and/or exterior wall structure have been removed and/or replaced by at least 50% of the existing structure.

6. An automatic sprinkler system shall be installed throughout when any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Chief.

16.04.193 Section R313.1.1 – Design and installation.
Section R313.1.1 of the California Residential Code is amended to read as follows:

R313.1.1 Design and installation. Where allowed, automatic sprinkler systems installed in townhouses shall be installed throughout in accordance with NFPA 13D and State and local standards.

16.04.195 Section R313.2.1 – Design and installation.
Section R313.2.1 of the California Residential Code is amended to read as follows:

R313.2.1 Design and installation. Where allowed, automatic sprinkler systems installed in one-and two-family detached dwellings shall be installed throughout in accordance with NFPA 13D and State and local standards.

16.06.200 Section R314.1– Smoke detection and notification.
Section R314.1 of the California Residential Code is amended to read:

R314.1 Smoke detection and notification. Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with the California Fire Code Sections 907.2.11.1 through 907.2.11.5 and manufacturer’s installation and use instructions.

Smoke alarms and smoke detectors shall be in compliance with this code or subject to the provisions of the Health and Safety Code, they shall also be listed and approved for rapid response to smoldering synthetic materials. All smoke
alarms or detectors shall be of the photoelectric type or shall have equivalent
detection capabilities in compliance with UL 217.

**Exception:** A combination photoelectric/ionization smoke alarm or
detector may be used if located no closer than 20 feet to a kitchen,
bathroom, fireplace or woodburning stove.

### 16.06.205 Section R319.1 Address numbers.
The following subsections are added to Section R319.1 of the California Residential Code:

**R319.1.1 Address illumination.** Address identification required by Section R319.1 shall be illuminated.

**R319.1.2 Address identification size.** Address numbers and letters shall be sized as follows:
1. When the structure is between thirty-six (36) and fifty (50) feet from the road or other emergency means of access, a minimum of one-half inch (0.5”) stroke by six inches (6”) high is required.
2. When the structure is fifty (50) or more feet from the road or other emergency means of access, a minimum of one inch (1”) stroke by nine inches (9”) high is required.

### 16.06.210 Section R322.1 – General.
The following paragraph is added to Section R322.1 of the California Residential Code:

**Palo Alto Flood Hazard Regulations.** Notwithstanding the provisions of this section, all construction or development within a flood hazard area (areas depicted as a Special Flood Hazard Area on Flood Insurance Rate Maps published by the Federal Emergency Management Agency) shall comply with the City of Palo Alto Flood Hazard Regulations (Palo Alto Municipal Code Chapter 16.52). Where discrepancies exist between the requirements of this code and said regulations, the provisions of said regulations shall apply.

### 16.06.220 Section R337.1.5 Vegetation management compliance. Section R337.1.5 of the California Residential Code is amended to read:

**R337.1.5 Vegetation management compliance.** Prior to building permit final approval, the property shall be in compliance with the vegetation management requirements prescribed in California Fire Code section 4906, including California Public Resources Code 4291 or California Government Code Section 51182. Acceptable methods of compliance inspection and documentation shall be determined by the enforcing agency and may include any of the following:

1. Local, state, or federal fire authority or designee authorized to enforce vegetation management requirements.
2. Enforcing agency - City of Palo Alto Fire Inspection shall inspect the aforementioned requirements and indicate compliance prior to building division final inspection sign-off.

3. Third party inspection and certification authorized to enforce vegetation management requirements.

4. Property owner certification authorized by the enforcing agency.

16.06.230 Section R403.1.3 Footing and stem wall reinforcing in Seismic Design Categories D₀, D₁, and D₂. Section R403.1.3 of the California Residential Code is amended to read:

R403.1.3 Footing and stem wall reinforcing in Seismic Design Categories D₀, D₁, and D₂. Concrete footings located in Seismic Design Categories D₀, D₁ and D₂, as established in Table R301.2(1), shall have not fewer than three No. 4 horizontal bars. One No. 4 horizontal bar shall be installed within 12 inches (305 mm) of the top of the stem wall and two No. 4 horizontal bars shall be located 3 to 4 inches (76 mm to 102 mm) from the bottom of the footing.

R403.1.3.1 Concrete stem walls with concrete footings. In Seismic Design Categories D₀, D₁ and D₂ where a construction joint is created between a concrete footing and a stem wall, not fewer than one No. 4 vertical bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall have a standard hook and extend to the bottom of the footing and shall have support and cover as specified in Section R403.1.3.5.3 and extend not less than 14 inches (357 mm) into the stem wall. Standard hooks shall comply with Section R608.5.4.5. Not fewer than one No. 4 horizontal bar shall be installed within 12 inches (305 mm) of the top of the stem wall and two No. 4 horizontal bars shall be located 3 to 4 inches (76 mm to 102 mm) from the bottom of the footing.

R403.1.3.2 Masonry stem walls with concrete footings. In Seismic Design Categories D₀, D₁ and D₂ where a grouted masonry stem wall is supported on a concrete footing, not fewer than one No. 4 vertical bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall have a standard hook and extend to the bottom of the footing and have support and cover as specified in Section R403.1.3.5.3 and extend not less than 14 inches (357 mm) into the stem wall. Standard hooks shall comply with Section R608.5.4.5. Not fewer than one No. 4 horizontal bar shall be installed within 12 inches (305 mm) of the top of the wall and two No. 4 horizontal bars shall be located 3 to 4 inches (76 mm to 102 mm) from the bottom of the footing. Masonry stem walls shall be solid grouted.

In Seismic Design Categories D₀, D₁ and D₂ masonry stem walls without solid grout and vertical reinforcing are not permitted.

16.06.240 Section R403.1.8 – Foundations on expansive soils. Section R403.1.8 of the California Residential Code is amended to read:
**R403.1.8 Foundations on expansive soils.** Foundations and floor slabs for buildings located on expansive soils shall be designed in accordance with Section 1808.6 or Table 1809.7 of the California Building Code.

Table 1809.7 of the California Building Code is added and amended to read:

**TABLE 1809.7**

**Prescriptive Footings Supporting Walls of Light-Frame Construction**

<table>
<thead>
<tr>
<th>Number of Floors Supported by the Footing</th>
<th>Thickness of Foundation Wall (inches)</th>
<th>Width of Footing (inches)</th>
<th>Thickness of Footing (inches)</th>
<th>Depth of Foundation Below Natural Surface of Ground or Finish Grade (inches)</th>
</tr>
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<tbody>
<tr>
<td>1&amp;2</td>
<td>8</td>
<td>15</td>
<td>8</td>
<td>20</td>
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<tr>
<td>3</td>
<td>8</td>
<td>18</td>
<td>8</td>
<td>30</td>
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<td>Group U Occupancies</td>
<td>8</td>
<td>12</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>ADU Conversions</td>
<td>8</td>
<td>12</td>
<td>8</td>
<td>12</td>
</tr>
</tbody>
</table>

a) The ground under the floor shall be permitted to be excavated to the elevation of the top of the footing.

b) Interior stud-bearing walls shall be permitted to be supported by isolated footings. The footing width and length shall be twice the width shown in this table, and footings shall be spaced not more than 6 feet on center.

c) See Section 1905 of California Building Code for additional requirements for concrete footings of structures assigned to Seismic Design Category C, D, E or F.

d) All foundations as required in the above Table shall be continuous and have a minimum of three #4 bars of reinforcing steel, except for one story, detached accessory buildings of Group U occupancy where two bars are required.

e) Footings shall be permitted to support a roof in addition to the stipulated number of floors. Footings supporting roof only shall be as required for supporting one floor.

f) If the existing detached accessory building is being converted to an Accessory Dwelling Unit (ADU) and the existing foundation is being utilized, then a designer, architect or engineer shall provide a letter that the existing foundation complies with the conditions above and is deemed structurally sound.
Section R504.3.1 Projections exposed to weather. Section R504.3.1 of the California Residential Code is added to read:

R504.3.1 Projections exposed to weather. Floor projections exposed to the weather and sealed underneath, including but not limited to balconies, landings, decks, and stairs shall be constructed of naturally durable wood, preservative-treated wood, corrosion-resistant (e.g. galvanized) steel, or similar approved materials.

Section R602.10.4.5 Limits on methods GB and PCP. Section R602.10.4.5 of the California Residential Code is added to read:

R602.10.4.5 Limits on methods GB and PCP. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted for use as an 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 form other types of braced wall panel sheathing. In Seismic Design Categories D₀, D₁, and D₂, the use of Method PCP is limited to one-story single family dwelling and accessory structures.

Table R602.10.3(3) – Bracing requirements based on seismic design category. Footnote e to Table R602.10.3(3) is amended to read as follows:

  g. In Seismic Design Categories D₀, D₁ and D₂, Method GB is not permitted and PCP is limited to one-story dwellings and accessory structures.

Section R703.8.5.1 Locations. Section R703.8.5.1 of the California Residential Code is added to read:

R703.8.5.1 Locations. Flashing shall be installed at wall and roof intersections, gutters, wherever there is a change in roof slope or direction, and around roof openings. Where flashing is of metal, the metal shall be corrosion resistant with a thickness of not less than 0.019 inches (0.483 mm) (e.g. no. 26 galvanized sheet) and shall be primed and painted.

Section R806.6 Ventilation of weather-exposed enclosed assemblies. Section R806.6 of the California Residential Code is added to read:

R806.6 Ventilation of weather-exposed enclosed assemblies. Exterior projecting elements and appurtenances exposed to the weather and sealed underneath, including but not limited to balconies, landings, decks, and stairs, shall have cross ventilation for each separate enclosed space by ventilation openings protected against the entrance of rain and snow. Blocking and bridging shall be arranged so as not to interfere with the movement of air. The net free ventilating area shall not be less than 1/150th of the area of the space ventilated. Ventilation openings shall comply with Section R806.1. An access panel of sufficient size shall be provided on the underside of the enclosed space to allow for periodic inspection.

Exceptions:
1. An access panel is not required where the exterior coverings applied to the underside of joists are easily removable using only common tools.
2. Removable soffit vents 4 inches minimum in width can be used to satisfy both ventilation and access panel requirements.

16.06.260  Section R902.1.4 – Roofing requirements in a Wildland-Urban Interface Fire Area.  
Section R902.1.4 of the California Residential Code is amended to read:

**R902.1.4 Roofing requirements in a Wild Land-Urban Interface Fire Area.** The entire roof covering on new structures and existing structures on which more than 50 percent of the total roof area is replaced within any one-year period, and any roof covering applied in the alteration, repair or replacement of roofs on existing structures, shall be a fire-retardant roof covering that is at least Class A. Roofing requirements for structures located in a Wildland-Urban Interface Fire Area shall also comply with Section R337.5.

16.06.270  Section R1003.9.2.1 – Repairs, replacements and alterations.  
Section R1003.9.2.1 is added to the California Residential Code to read:

**R1003.9.2.1 Repairs, replacements and alterations.** When any repair, replacement or alteration to the roof of an existing structure is performed, a spark arrester shall be installed on the existing chimney in accordance with Section R1003.9.2.

16.06.280  Section AJ103 – Preliminary Meeting.  
Section AJ103 of Appendix J of the California Residential Code is amended to read:

**Section AJ103.1 General.** If a building permit is required at the request of the prospective permit applicant, the building official or his or her designee may meet with the prospective applicant to discuss plans for any proposed work under these provisions prior to the application for the permit. The purpose of this preliminary meeting is for the building official to gain an understanding of the prospective applicant’s intentions for the proposed work, and to determine, together with the prospective applicant, the specific applicability of these provisions.

**SECTION 2.** The Council adopts the findings for local amendments to the California Residential Code, 2013 Edition, attached hereto as Exhibit “A” and incorporated herein by reference.

**SECTION 3.** The Council finds that this project is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the amendments herein adopted will have a significant effect on the environment.
SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABS

TENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Deputy City Attorney

City Manager

Director of Planning & Development Services

Director of Administrative Services
Exhibit A
FINDINGS FOR LOCAL AMENDMENTS
TO CALIFORNIA RESIDENTIAL CODE (CRC)

Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions of the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions of the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions.

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<thead>
<tr>
<th>Code: CRC</th>
<th>Section</th>
<th>Title</th>
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<th>Deleted</th>
<th>Amended</th>
<th>Justification (See below for keys)</th>
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</table>
Key to Justification for Amendments to Title 24 of the California Code of Regulations

C  This amendment is justified on the basis of a local climatic condition. The seasonal climatic conditions during the late summer and fall create severe fire hazards to the public health and welfare in the City. The hot, dry weather frequently results in wild land fires on the brush covered slopes west of Interstate 280. The aforementioned conditions combined with the geological characteristics of the hills within the City create hazardous conditions for which departure from California Building Standards Code is required.

G  This amendment is justified on the basis of a local geological condition. The City of Palo Alto is subject to earthquake hazard caused by its proximity to San Andreas fault. This fault runs from Hollister, through the Santa Cruz Mountains, epicenter of the 1989 Loma Prieta earthquake, then on up the San Francisco Peninsula, then offshore at Daly City near Mussel Rock. This is the approximate location of the epicenter of the 1906 San Francisco earthquake. The other fault is Hayward Fault. This fault is about 74 mi long, situated mainly along the western base of the hills on the east side of San Francisco Bay. Both of these faults are considered major Northern California earthquake faults which may experience rupture at any time. Thus, because the City is within a seismic area which includes these earthquake faults, the modifications and changes cited herein are designed to better limit property damage as a result of seismic activity and to establish criteria for repair of damaged properties following a local emergency.

T  The City of Palo Alto topography includes hillsides with narrow and winding access, which makes timely response by fire suppression vehicles difficult. Palo Alto is contiguous with the San Francisco Bay, resulting in a natural receptor for storm and waste water run-off. Also the City of Palo Alto is located in an area that is potentially susceptible to liquefaction during a major earthquake. The surface condition consists mostly of stiff to dense sandy clay, which is highly plastic and expansive in nature. The aforementioned conditions within the City create hazardous conditions for which departure from California Building Standards Code is warranted.
Ordinance No.
Ordinance of the Council of the City of Palo Alto Amending and
Restating Chapter 16.14 of the Palo Alto Municipal Code, California
and Related Findings, and Amending Section 16.12.035 of Chapter
16.12 to Make Conforming Changes

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Title 16 of the Palo Alto Municipal Code is hereby amended by repealing in its entirety
Chapter 16.14 and adopting a new Chapter 16.14 to read as follows:


of Regulations, together with those omissions, amendments, exceptions and additions thereto, is
adopted and hereby incorporated in this Chapter by reference and made a part hereof the same
as if fully set forth herein.

Unless superseded and expressly repealed, references in City of Palo Alto forms, documents and
regulations to the chapters and sections of the former California Code of Regulations, Title 24, shall
be construed to apply to the corresponding provisions contained within the California Code of
Regulations, Title 24, 2019. Ordinance No. 5481 of the City of Palo Alto and all other ordinances or
parts of ordinances in conflict herewith are hereby suspended and expressly repealed.

Wherever the phrases “California Green Building Standards Code” or “CALGreen” are used in this
code or any ordinance of the City, such phrases shall be deemed and construed to refer and apply
to the California Green Building Standards Code, 2019 Edition, as adopted and amended by this
chapter.

One copy of the California Green Building Standards Code, 2019 Edition, has been filed for use and
examination of the public in the Office of the Building Official of the City of Palo Alto.


The following Appendix Chapters of the California Green Building Standards Code, 2019 Edition,
are adopted and hereby incorporated in this Chapter by reference and made a part hereof the
same as if fully set forth herein:

A. Appendix A4 - Residential Voluntary Measures (Tier 1 and Tier 2)
B. Appendix A5 - Non-residential Voluntary Measures (Tier 1 and Tier 2)

The provisions of this Chapter contain cross-references to the provisions of the California Green Building Standards Code, 2019 Edition, in order to facilitate reference and comparison to those provisions.


It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter or any permits, conditions, or variances granted under this Chapter. Violators shall be subject to any penalty or penalties authorized by law, including but not limited to: administrative enforcement pursuant to Chapters 1.12 and 1.16 of the Palo Alto Municipal Code; and criminal enforcement pursuant to Chapter 1.08 of the Palo Alto Municipal Code. Each separate day or any portion thereof during which any violation of this Chapter occurs or continues shall be deemed to constitute a separate offense.

When the chief building official determines that a violation of this Chapter has occurred, the chief building official may record a notice of pendency of code violation with the Office of the County Recorder stating the address and owner of the property involved. When the violation has been corrected, the chief building official shall issue and record a release of the notice of pendency of code violation.


The employee positions designated in this section are authorized to exercise the authority provided in California Penal Code section 836.5 for violations of this Chapter. The designated employee positions are: (1) chief building official, (2) assistant chief building official, (3) building inspection manager, and (4) code enforcement officer.


The provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Green Building Standards Code, 2019 Edition, and shall be deemed to replace the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.


Section 202 of the California Green Building Standards Code is amended to include the following definitions:
**CPAU:** The City of Palo Alto Utilities Department.

**CALGREEN MANDATORY:** CALGreen mandatory requirements are triggered for projects outlined in Section 301.1 Scope of the code, as amended. Projects that trigger only CALGreen mandatory measures are not required to fulfill CALGreen Tier 1 or Tier 2 as listed in Appendix A4 and A5.

**CALGREEN “TIER 1”**: To achieve Tier 1 status, a project must comply with the requirements identified in Appendix A4, section A4.601.4 for residential projects and Appendix A5, section A5.601.2 for non-residential projects. The local adaptations to these appendices are identified in this ordinance. Projects subject to Tier 1 must fulfill CALGreen mandatory measures and CALGreen Tier 1 prerequisite measures. Tier 1 projects must also select the minimum amount of CALGreen elective measures required for Tier 1.

**CALGREEN “TIER 2”**: To achieve Tier 2 status, a project must comply with the requirements identified in Appendix A4, section A4.601.5 for residential projects and Appendix A5, section A5.601.3 for non-residential projects. The local adaptations to these appendices are identified in this ordinance. Projects subject to Tier 2 must fulfill CALGreen mandatory measures and CALGreen Tier 2 prerequisite measures. Tier 2 projects must also select the minimum amount of CALGreen elective measures required for Tier 2.

**CALGREEN “TIER 1” AND “TIER 2” PREREQUISITE MEASURES:** Projects subject to CALGreen Tier 1 or Tier 2 must fulfill the minimum prerequisites as described within Appendix A4, section A4.6 for residential projects and Appendix A5, section A5.6 for non-residential Projects, and local amendments within this ordinance. Tier 1 and Tier 2 prerequisite and elective measures are generally preceded by an “A”.

**CALGREEN “TIER 1” AND “TIER 2” ELECTIVE MEASURES:** Projects subject to CALGreen Tier 1 or Tier 2 must fulfill the minimum number of electives as described within Appendix A4, section A4.6 for residential projects and Appendix A5, section A5.6 for non-residential Projects, and local amendments within this ordinance. Tier 1 and Tier 2 prerequisite and elective measures are generally preceded by an “A”.

**CALGREEN INSPECTOR:** An individual certified through the International Code Council (ICC) CALGreen Inspector/Plans Examiner Certification for demonstrating knowledge and application of Green Building concepts during plan review and inspection. For projects that require a CALGreen Inspector/Plans Examiner verification, the Inspector must be contracted directly with the owner and may not be a contractor or employee of the design or construction firm.
MODEL WATER EFFICIENT LANDSCAPE ORDINANCE. The California Department of Water Resources Model Water Efficient Landscape Ordinance.

PROCESS WATER. Process water means untreated wastewater, uncontaminated by toilet discharge or an unhealthy bodily waste, which is not a threat from unhealthful processing, manufacturing or operating wastes.

SALVAGE. Salvage means the controlled removal of items and material from a building, construction, or demolition site for the purpose of on- or off-site reuse, or storage for later reuse. Examples include air conditioning and heating systems, columns, balustrades, fountains, gazebos, molding, mantels, pavers, planters, quoins, stair treads, trim, wall caps, bath tubs, bricks, cabinetry, carpet, doors, ceiling fans, lighting fixtures, electrical panel boxes, fencing, fireplaces, flooring materials of wood, marble, stone or tile, furnaces, plate glass, wall mirrors, door knobs, door brackets, door hinges, marble, iron work, metal balconies, structural steel, plumbing fixtures, refrigerators, rock, roofing materials, siding materials, sinks, stairs, stone, stoves, toilets, windows, wood fencing, lumber and plywood.

SQUARE FOOTAGE. For application of green building requirements, square footage means all new square footage, including basement areas (7 feet or greater in height).


Section 301 of the California Green Building Standards Code is amended to read:

SECTION 301 GENERAL

301.1 Scope. Buildings shall be designed to include the green building measures specified as mandatory in the application checklists contained in this code and any applicable local amendments. In addition, the City requires the use of Voluntary Tiers, as provided in Appendices A4 and A5, for certain residential and non-residential new construction, additions, and alterations.

301.1.1 Residential additions and alterations. [HCD] The mandatory provisions of Chapter 4 shall be applied to additions and/or alterations of existing residential buildings where the addition and/or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.
**Tier 1 adopted (Residential).** All residential building additions and/or alterations exceeding 1000 square feet must meet CALGREEN MANDATORY plus the Tier 1 requirements, as amended by this Chapter and as applicable to the scope of work.

For Tier 1 projects, the area of alterations will include any construction or renovation to an existing structure other than repair or addition. Alterations include remodeling, reconstruction, historic restoration, changes or rearrangements of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full height partitions. Normal maintenance, reroofing, painting or wall papering, floor finishes, or replacement-in-kind of mechanical, plumbing and electrical systems are not alterations for the purposes of establishing scope of Tier 1 projects. The area of alteration should be limited to the footprint of the component(s) being altered. This does not exclude mandatory CALGreen requirements.

**Exception:** Attached and detached Accessory Dwelling Units, ADU conversions of existing structures shall meet the California Green Building Standards Code Mandatory requirements only.

301.2 Low-rise and high-rise residential buildings. [HCD] The provisions of individual sections of CALGreen may apply to either low-rise residential buildings, high-rise residential buildings, or both. Individual sections will be designated by banners to indicate where the section applies specifically to low-rise only (LR) or high-rise only (HR). When the section applies to both low-rise and high-rise buildings, no banner will be used.

301.3 Non-residential additions and alterations. [BSC] The provisions of individual sections of Chapter 5 apply to building non-residential additions of 1,000 square feet or greater, and/or building alterations with a permit valuation of $200,000 or above (for occupancies within the authority of California Building Standards Commission). Code sections relevant to additions and alterations shall only apply to the portions of the building being added or altered within the scope of the permitted work.

A code section will be designated by a banner to indicate where the code section only applies to newly constructed buildings [N] or to additions and alterations [A]. When the code section applies to both, no banner will be used.

**Tier 1 adopted.** Non-residential alterations (including tenant improvements or renovations) of 5,000 square feet that include replacement of at least two of the following: HVAC system, building envelope, hot water system, or lighting system, must
comply with CALGREEN MANDATORY plus Tier 1 requirements, as amended by this
Chapter and as applicable to the scope of work.

**Tier 2 adopted.** Non-residential additions of 1000 square feet or greater must comply
with CALGREEN MANDATORY plus Tier 2 requirements, as amended by this Chapter and
as applicable to the scope of work.

**301.1.2 Residential new construction – Tier 2 adopted.** All newly constructed
Residential Buildings must meet CALGREEN MANDATORY plus Tier 2 requirements, as
amended by this Chapter and as applicable to the scope of work.

**301.1.3 Exception:** Free standing detached Accessory Dwelling Units of new construction
shall meet the following:

1. California Green Building Standards Code Mandatory plus Tier 2 prerequisite requirements.
2. No Planning and Design electives.
3. Two (2) Water Efficiency and Conservation electives.

**301.1.4301.1.2** One (1) Environmental Quality elective.

**301.1.3 Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).** Attached
and detached Accessory Dwelling Units, ADU conversions of existing structures that increases the
building’s conditioned area and are less than 1,000 square feet shall meet the California Green
Building Standards Code (CALGreen) Mandatory requirements only. ADU additions to existing
residential buildings less than 1,000 square feet shall meet the CALGreen Mandatory requirements
only. Junior Accessory Dwelling Units (JADUs) that increase the volume of the building’s
conditioned space shall meet the CALGreen Mandatory requirements only.

**Tier 2 adopted.** Free standing detached Accessory Dwelling Units of new
construction shall meet the following:

2. No Planning and Design electives.
3. Two (2) Water Efficiency and Conservation electives.
5. One (1) Environmental Quality elective.

**301.3.3 Non-residential new construction – Tier 2 adopted.** All new non-residential
construction must meet CALGREEN MANDATORY plus Tier 2 requirements, as amended
by this Chapter and as applicable to the scope of work.

**301.6 Special Inspector Requirements.** Residential and non-residential project owners
subject to CALGREEN MANDATORY plus Tier 1 or Tier 2 requirements shall contract a
Special Inspector in accordance with section 702.2 of CALGreen, as amended.

16.14.090  Section 702.2 Special Inspection.

Section 702.2 of the California Green Building Standards Code is amended to read:

702.2 Special Inspection. When required by the enforcing agency, the owner or responsible entity acting as the owner’s agent shall employ one or more Special Inspectors to provide inspection or other duties necessary to substantiate compliance with this code. Special Inspectors shall demonstrate competence to the satisfaction of the enforcing agency for the particular type of inspection or task to be performed. In addition to other certifications or qualifications acceptable to the enforcing agency, the following certifications or education may be considered by the enforcing agency when evaluating the qualifications of a Special Inspector. The City shall maintain a list of pre-
approved Special Inspectors in accordance with this section. The owner shall contract a Special Inspector from the pre-approved list meeting one of the following:

1) Certification by a national or regional green building program:

**ICC Certified CALGreen Inspector/Plans Examiner:** Contract a CALGreen Inspector to provide third-party verification of compliance prior to Permit Issuance and prior to Final Inspection.

2) Other programs acceptable to the enforcing agency.

When required by the enforcing agency, the owner or responsible entity acting as the owner’s agent shall employ one or more Special Inspectors to provide inspection or other duties necessary to substantiate compliance with this code. Special Inspectors shall demonstrate competence to the satisfaction of the enforcing agency for the particular type of inspection or task to be performed. In addition, the Special Inspector shall have a certification from a recognized state, national or international association, as determined by the local agency. The city shall maintain a list of pre-approved Special Inspectors in accordance with this section.

**Note:** Special Inspectors shall be independent entities with no financial interest in the materials or the project they are inspecting for compliance with this code.

16.14.100 Reserved.


A preface is added to Chapter 4 of the California Green Building Standards Code to read:

**Preface - Green Building Requirements for Project Type and Scope.** For design and construction of residential projects, the City of Palo Alto requires compliance with the mandatory measures of Chapter 4, in addition to use of Tier 1 and Tier 2 as specified in Palo Alto Municipal Code Chapter 16.14. See Section 202 for definitions on CALGREEN MANDATORY, Tier 1 prerequisites and electives, and Tier 2 prerequisites and electives. All elective measures are adopted as written under Appendix A4 unless otherwise indicated in this Section.

16.14.120 Section A4.104 Site Preservation.

Section A4.104.1 is adopted as a Tier 1 and Tier 2 elective and is amended to read:
A4.104.1 Supervision and Education by a Special Inspector. Individuals with oversight authority on the project, as defined in section 16.14.090 of this code, who have been trained in areas related to environmentally friendly development, shall teach green concepts to other members of the builder’s staff and ensure training and written instruction has been provided to all parties associated with the development of the project. Prior to the beginning of the construction activities, the builder shall receive a written guideline and instruction specifying the green goals of the project.

Note: Lack of adequate supervision and dissemination of the project goals can result in negative effects on green building projects. If the theme of green building is not carried through the project, the overall benefit can be substantially reduced by the lack of knowledge and information provided to the various entities involved with the construction of the project.


Section A4.105.1 Section A4.105.1 is adopted as an elective measure effective through June 30, 2020. Starting July 1, 2020 per Chapter 5.24 of Title 5 of the Municipal Code, Section A4.105.1 is not adopted as an elective measure. See Chapter 5.24 of the Municipal Code for the local deconstruction requirements.

Section A4.105.2 is adopted as a Tier 1 and Tier 2 elective measure.

A4.105.2 Reuse of materials. Nonhazardous materials which can be easily reused include but are not limited to the following:

1. Light fixtures
2. Plumbing fixtures
3. Doors and trim
4. Masonry
5. Electrical devices
6. Appliances
7. Foundations or portions of foundations

Note: Reused material must be in compliance with the appropriate Title 24 requirements.
Section A4.106.5 is not adopted as a Tier 1 prerequisite. Section A4.106.5 is adopted as a Tier 1 elective.


Section A4.106.8 is not adopted as a Tier 1 and Tier 2 elective measure. Projects must comply with the mandatory electric vehicle supply equipment (EVSE) requirements stated in Section A4.106.8, as amended.


Section A4.106.9 is not adopted as a Tier 1 and Tier 2 elective measure. Projects must comply with the bicycle parking requirements in the Palo Alto Municipal Code.


Section A4.106.10 is adopted as a Tier 1 and Tier 2 elective measure for all covered projects and is amended to read:

**A4.106.10 Light pollution reduction.** Outdoor lighting systems shall be designed and installed to comply with the following:

1. The minimum requirements in the California Energy Code for Lighting Zones 1-4 as defined in Chapter 10 of the California Administrative Code; and
2. Backlight, Uplight and Glare (BUG) ratings as defined in IES TM-15-11; and
3. Allowable BUG ratings not exceeding those shown in Table A4.106.10; or
4. Comply with a local ordinance lawfully enacted pursuant to Section 101.7 of this code, whichever is more stringent.

Projects may use an approved equal reference standard for light fixtures where BUG ratings are unavailable.

**Exceptions:**
1. Luminaires that qualify as exceptions to the California Energy Code.
2. Emergency lighting.
3. One- and two-family dwellings.

**Note:** The International Dark-Sky Association (IDA) and the Illuminating...
Engineering Society of North America (IESNA) have developed a Model Lighting
Ordinance (MLO). The MLO was designed to help municipalities develop outdoor lighting standards that reduce glare, light trespass, and skyglow. The model ordinance and user guides for the ordinance may be accessed at the International Dark-Sky Association web site.


Sections A4.203.1 is not adopted as a Tier 1 and Tier 2 elective measure. Projects shall comply with Chapter 16.17 of the Palo Alto Municipal Code (Energy Reach Code).


Section A4.304.3 is adopted as a Tier 1 and Tier 2 elective measure and is amended to read:

A4.304.3 Irrigation Metering Device. Dedicated irrigation meters from CPAU are to be installed in all new construction and rehabilitated landscapes when the landscape is greater than 1,000 square feet.


Sections A4.305.1, A4.305.2, and A4.305.3 are adopted as Tier 1 and Tier 2 elective measures, and are amended to read:

A4.305.1 Graywater. Alternative plumbing piping is installed to permit the discharge from the clothes washer and other fixtures (except toilets and kitchen sinks) to be used for an irrigation system in compliance with the California Plumbing Code. In the event that the whole house graywater system is installed in compliance with the California Plumbing Code, then this measure shall count as 3 electives.

A4.305.2 Recycled Water Piping. Based on projected availability, dual water piping is installed for future use of recycled water at the following locations:

1.  Interior piping for the use of recycled water is installed to serve all water closets, urinals, and floor drains.
2. Exterior piping is installed to transport recycled water from the point of connection to the structure. Recycled water systems shall be designed and installed in accordance with the California Plumbing Code.

**A4.305.3 Recycled water for landscape irrigation.** Recycled water piping is used for landscape irrigation.

Section A4.305.4 is added as Tier 1 and Tier 2 prerequisite and shall read as follows:

**A4.305.4 Additions and alterations.** All multifamily residential additions and alterations must install recycled water infrastructure for irrigation when the landscape area exceeds 1,000 square feet.

16.14.240 **Section A4.403.1 Frost Protection Foundation Systems.**

Sections A4.403.1 is not adopted as a Tier 1 and Tier 2 elective measure.

16.14.250 **Section A4.403.2 Reduction in cement use.**

Section A4.403.2 is not adopted as a Tier 1 and Tier 2 prerequisite. Section A4.403.2 is adopted as a Tier 1 and Tier 2 elective measure and shall read as:

**A4.403.2 Reduction in cement use.** As allowed by the enforcing agency, cement used in foundation mix design shall be reduced as follows:

- **Tier 1.** Not less than a 20 percent reduction in cement.
- **Tier 2:** Not less than a 25 percent reduction in cement.

Note: Products commonly used to replace cement in concrete mix designs include, but are not limited to:

1. Fly ash
2. Slag
3. Silica fume
4. Rice hull ash

16.14.255 **Section A4.405.3.1 Recycled content**

Section A4.405.3.1 is not adopted as a Tier 1 prerequisite. Section A4.405.3.1 is adopted as a Tier 1 elective.
Section A4.408.1 Enhanced Construction Waste Reduction.

Section A4.408.1 is adopted as mandatory and is amended to read:
A4.408.1 Enhanced Construction Waste Reduction. Nonhazardous construction and demolition debris generated at the site is diverted to recycle or salvage in compliance with the following:

Projects with a given valuation of $25,000 or more must have at least an 80-percent reduction. Any mixed recyclables that are sent to mixed-waste recycling facilities shall include a qualified third party verified facility average diversion rate. Verification of diversion rates shall meet minimum certification eligibility guidelines, acceptable to the local enforcing agency.

A4.408.1.1 Documentation. Documentation shall be provided to the enforcing agency which demonstrates compliance with all construction and demolition waste reduction requirements.


Section A4.504.1 is adopted as a Tier 1 and Tier 2 elective measure.


Section A4.504.3 is not adopted as a Tier 1 and Tier 2 prerequisite. Section A4.504.3 is adopted as a Tier 1 and Tier 2 elective measure.

16.14.280 Non-Residential Projects: Chapter 5 Preface Green Building Requirements for Project Type and Scope.

A Preface is added to Chapter 5 of the California Green Building Standards Code to read:

Preface – Green Building Requirements for Project Type and Scope. For design and construction of non-residential projects, the City requires compliance with the mandatory measures of Chapter 5, in addition to use of Tier 1 and Tier 2 as specified in Palo Alto Municipal Code Chapter 16.14. See Section 202 for definitions on CALGREEN MANDATORY, Tier 1 prerequisites and electives, and Tier 2 prerequisites and electives. All elective measures are adopted as written under Appendix A5 unless otherwise indicated in this Section.

16.14.290 Section 5.106.1.1 Local storm water pollution prevention.

Section 5.106.1.1 Local ordinance is amended to read:
5.106.1.1 Local ordinance. Newly constructed projects and additions shall comply with additional storm water pollution prevention measures as applicable. (See Chapter 16.11, Storm Water Pollution Prevention, of the Palo Alto Municipal Code.)

16.14.295 Section 5.106.8 Light pollution reduction

Section 5.106.8 Light pollution reduction is amended to read:

5.106.8 Light pollution reduction. Outdoor lighting systems shall be designed and installed to comply with the following:

1. The minimum requirements in the California Energy Code for Lighting Zones 0-4 as defined in Chapter 10, Section 10-114 of the California Administrative Code; and
2. Backlight (B) ratings as defined in IES TM-15-11 (shown in Table A-1 in Chapter 8);
3. Uplight and Glare ratings as defined in California Energy Code (shown in Tables 130.2-A and 130.2-B in Chapter 8); and
4. Allowable BUG ratings not exceeding those shown in Table 5.106.8 [N]; or
5. Comply with a local ordinance lawfully enacted pursuant to Section 101.7, whichever is more stringent.

Projects may use an approved equal reference standard for light fixtures where BUG ratings are unavailable.

Exceptions:

1. Luminaires that qualify as exceptions in Section 140.7 of the California Energy Code.
2. Emergency lighting.
3. Building facade meeting the requirements in Table 140.7-B of the California Energy Code, Part 6.
4. Custom lighting features as allowed by the local enforcing agency, as permitted by Section 101.8 Alternate materials, designs and methods of construction.

16.14.300 Section 5.305.1.3 Dual Plumbing.

Section 5.305.1.3 Dual plumbing is added as mandatory and is amended to read:
5.305.1.3 Dual plumbing. New buildings and facilities shall be dual plumbed for potable and recycled water systems for toilet flushing when recycled water is available. All building projects for which CPAU recycled water service is available must install dual Plumbing and use recycled water for toilet and urinal flushing when the building area is greater than 10,000 square feet or where installation of 25 or more toilets and urinals is proposed. All projects for which CPAU recycled water service is not yet available must install dual plumbing for use of recycled water for toilet and urinal flushing when the building area exceeds 50,000 square feet or where installation of 50 or more toilets and urinals is proposed.


16.14.360 Section 5.304.2 Invasive species prohibited.

Section 5.304.2 is added as mandatory to read:

5.304.2 Invasive species prohibited. All non-residential new construction, additions, and alterations shall not install invasive species in a landscape area of any size.


Section 5.306 Non-residential enhanced water budget is added as mandatory to read:

5.306 Non-residential enhanced water budget. Non-residential buildings anticipated to use more than 1,000 gallons of water a day shall complete an Enhanced Water Budget Calculator as established by the Chief Building Official or designee.


Section A5.408.3.1.1 Enhanced Construction Waste Reduction is adopted at Tier 2 (80% construction waste reduction) as a mandatory requirement for all non-residential construction, including new construction, additions, and alterations, as long as the construction has a
valuation exceeding $25,000. Non-residential projects with a lower valuation shall remain subject to California Green Building Code Chapter 5 mandatory requirements.


Section 5.410.4.6 Energy STAR portfolio manager is added as mandatory to read:

**5.410.4.6 Energy STAR portfolio manager.** All non-residential projects exceeding $100,000 valuation must provide evidence of an Energy STAR Portfolio Manager project profile for both water and energy use prior to Permit Issuance, acquire an Energy STAR Portfolio Manager Rating, and submit the rating to the City of Palo Alto once the project has been occupied after 12 months.


Section 5.410.4.7 Performance reviews – energy is added to read:

**5.410.4.7 Performance reviews – energy.** All projects over 10,000 square feet. The City reserves the right to conduct a performance review, no more frequently than once every five years unless a project fails review, to evaluate the building's energy use to ensure that resources used at the building and/or site do not exceed the maximum allowance set forth in the rehabilitation or new construction design. Following the findings and recommendations of the review, the City may require adjustments to the energy usage or energy-using equipment or systems if the building is no longer compliant with the original design. Renovation or rehabilitation resulting from such audit activity shall be considered a project and shall be subject to applicable documentation submittal requirements of the City. This section is effective only for those projects for which a building permit was issued after January 1, 2009.

16.14.400  Section 5.410.4.8 Performance reviews – water.

Section 5.410.4.8 Performance reviews – water is added to read:

**5.410.4.8 Performance reviews – water.** All sites greater than one acre: The City reserves the right to conduct performance reviews, no more frequently than once every five years unless a project fails review, to evaluate water use to ensure that resources used at the building and/or site do not exceed a maximum allowance set forth in the rehabilitation or new construction design. Water use reviews may be initiated by the
Building Division, or as a coordinated effort between the CPAU and the Santa Clara Valley Water District (SCVWD), or as part of SCVWD's established water conservation programs. Following the findings and recommendations of the review, the City may require adjustments to irrigation usage, irrigation hardware, and/or landscape materials to reduce consumption and improve efficiency. Renovation or rehabilitation resulting from such audit activity shall be considered a project and shall be subject to applicable documentation submittal requirements of the City.


Section 5.506.3 is added as mandatory to read:


Section A4.106.8 of the California Green Building Standards Code is adopted as mandatory and amended to read:

A4.106.8 Electric Vehicle (EV) Charging for Residential Structures. Newly constructed single family and multifamily residential structures, including residential structures constructed as part of a mixed-use development, shall comply with the following requirements for electric vehicle supply equipment (EVSE). All parking space calculations under this section shall be rounded up to the next full space. The requirements stated in this section are in addition to those contained in Section 4.106.4 of the California Green Building Standards Code. In the event of a conflict between this section and Section 4.106.4 of the California Green Building Standards Code, the more robust EV Charging requirements shall prevail.

Definitions. For the purposes of this section, the following definitions shall apply:

(a) Level 2 EVSE. “Level 2 EVSE” shall mean an EVSE capable of charging at 30 amperes or higher at 208 or 240 VAC. An EVSE capable of simultaneously charging at 30 amperes for each of two vehicles shall be counted as two Level 2 EVSE.
(b) Conduit Only. “Conduit Only” shall mean, at minimum: (1) a panel capable to accommodate a dedicated branch circuit and service capacity to install a 208/240V, 50 amperes grounded AC outlet; and (2) raceway or wiring with capacity to accommodate a 100 ampere circuit; terminating in (3) a listed cabinet, box, enclosure, or NEMA receptacle. The raceway shall be installed so that minimal removal of materials is necessary to complete the final installation.

(c) EVSE-Ready Outlet. “EVSE-Ready Outlet” shall mean, at minimum: (1) a panel capable to accommodate a dedicated branch circuit and service capacity to install a 208/240V, 50 amperes grounded AC outlet; (2) a two-pole circuit breaker; (3) raceway with capacity to accommodate 100-ampere circuit; (4) 50 ampere wiring; terminating in (5) a 50 ampere NEMA receptacle in a covered outlet box.

(d) EVSE Installed. “EVSE Installed” shall mean an installed Level 2 EVSE.

**A4.106.8.1 New one-family, two-family and townhouse dwellings.** The following standards apply to newly constructed detached and attached single family, two-family and townhouse residences.

(a) In general. The property owner shall provide Conduit Only, EVSE-Ready Outlet, or EVSE Installed for each residence.

(b) Location. The proposed location of a charging station may be internal or external to the dwelling and shall be in close proximity to an on-site parking space consistent with City guidelines, rules, and regulations.

**A4.106.8.2 New Multi-Family Dwellings.** The following standards apply to newly constructed residences in a multi-family residential structure, except as provided in section A4.106.8.2.1.

(a) Resident parking. The property owner shall provide at least one EVSE-Ready Outlet or EVSE Installed for each residential unit in the structure.

(b) Guest parking. The property owner shall provide Conduit Only, EVSE-Ready Outlet, or EVSE Installed, for at least 25% of guest parking spaces, among which at least 5% (and no fewer than one) shall be EVSE Installed.

(c) Accessible spaces. Projects shall comply with the 2019 California Building Code requirements for accessible electric vehicle parking.
(d) Minimum total circuit capacity. The property owner shall ensure sufficient circuit capacity, as determined by the Chief Building Official or designee, to support a Level 2 EVSE in every location where Circuit Only, EVSE-Ready Outlet or EVSE Installed is required.

(e) Location. The EVSE, receptacles, and/or raceway required by this section shall be placed in locations allowing convenient installation of and access to EVSE. In addition, if parking is deed-restricted to individual residential units, the EVSE or receptacles required by subsection (a) shall be located such that each unit has access to its own EVSE or receptacle. Location of EVSE or receptacles shall be consistent with all City guidelines, rules, and regulations.

A4.106.8.2.2 Exception – Multi-Family Residential Structures with Individual, Attached Parking. The property owner shall provide Conduit Only, EVSE-Ready Outlet, or EVSE Installed for each newly constructed residence in a multi-family residential structure featuring: (1) a parking space attached to the residence; and (2) a shared electrical panel between the residence and parking space (e.g., a multi-family structure with tuck-under garages).

A4.106.8.3 New Hotels. The following standards apply to newly constructed hotels.

(a) In general. The property owner shall provide Conduit Only, EVSE-Ready Outlet, or EVSE Installed for at least 30% of parking spaces, among which at least 10% (and no fewer than one) shall be EVSE Installed.

(b) Accessible spaces. Projects shall comply with the 2019 California Building Code requirements for accessible electric vehicle parking.

(c) Minimum total circuit capacity. The property owner shall ensure sufficient circuit capacity, as determined by the Chief Building Official or designee, to support a Level 2 EVSE in every location where Circuit Only, EVSE-Ready Outlet or EVSE Installed is required.

(d) Location. The EVSE, receptacles, and/or raceway required by this section shall be placed in locations allowing convenient installation of and access to EVSE. Location of EVSE or receptacles shall be consistent with all City guidelines, rules, and regulations.

Section A5.106.5.3 of the California Green Building Standards Code is adopted as mandatory and amended to read:

**A5.106.5.3 Electric Vehicle (EV) Charging for Non-Residential Structures.** New non-residential structures shall comply with the following requirements for electric vehicle supply equipment (EVSE). All parking space calculations under this section shall be rounded up to the next full space. The requirements stated in this section are in addition to those contained in Section 5.106.5.3 of the California Green Building Standards Code. In the event of a conflict between this section and Section 5.106.5.3, the more robust EV Charging requirements shall prevail.

**Definitions.** For the purposes of this section, the following definitions shall apply:

(a) Level 2 EVSE. “Level 2 EVSE” shall mean an EVSE capable of charging at 30 amperes or higher at 208 or 240 VAC. An EVSE capable of simultaneously charging at 30 amperes for each of two vehicles shall be counted as two Level 2 EVSE.

(b) Conduit Only. “Conduit Only” shall mean, at minimum: (1) a panel capable to accommodate a dedicated branch circuit and service capacity to install at least a 208/240V, 50 amperes grounded AC outlet; and (2) raceway or wiring with capacity to accommodate a 100 ampere circuit; terminating in (3) a listed cabinet, box, enclosure, or NEMA receptacle. The raceway shall be installed so that minimal removal of materials is necessary to complete the final installation.

(c) EVSE-Ready Outlet. “EVSE-Ready Outlet” shall mean, at minimum: (1) a panel capable to accommodate a dedicated branch circuit and service capacity to install at least a 208/240V, 50 amperes grounded AC outlet; (2) a two-pole circuit breaker; (3) raceway with capacity to accommodate a 100-ampere circuit; (4) 50 ampere wiring; terminating in (5) a 50 ampere NEMA receptacle in a covered outlet box.

(d) EVSE Installed. “EVSE Installed” shall mean an installed Level 2 EVSE.

**A5.106.5.3.5 Non-Residential Structures Other than Hotels.** The following standards apply to newly constructed non-residential structures other than hotels.
(a) In general. The property owner shall provide Conduit Only, EVSE-Ready Outlet, or EVSE Installed for at least 25% of parking spaces, among which at least 5% (and no fewer than one) shall be EVSE Installed.

(b) Accessible spaces. Projects shall comply with the 2019 California Building Code requirements for accessible electric vehicle parking.

(c) Minimum total circuit capacity. The property owner shall ensure sufficient circuit capacity, as determined by the Chief Building Official or designee, to support a Level 2 EVSE in every location where Circuit Only, EVSE-Ready Outlet or EVSE Installed is required.

(d) Location. The EVSE, receptacles, and/or raceway required by this section shall be placed in locations allowing convenient installation of and access to EVSE. Location of EVSE or receptacles shall be consistent with all City guidelines, rules, and regulations.


SECTION 3. Section 16.12.035 of Chapter 16.12 of Title 16 of the Palo Alto Municipal Code is hereby amended to read as follows:

16.12.035 New construction; recycled water use for toilet and urinal flushing and floor trap priming.

(a) All applications for building permits for new or remodeled buildings or groups of buildings within the boundaries of a recycled water project area, filed after the adoption of this chapter, where the building square footage total, including both the original square footage and any addition, is greater than 10,000 square feet or where installation of twenty-five or more toilets and urinals is proposed, shall incorporate dual plumbing in the design of the facility to allow the use of recycled water, when it becomes available, for flushing toilets and urinals and priming floor traps. Dual plumbing requirements shall not apply to single family homes.

(b) All applications for building permits for new or remodeled buildings or groups of buildings in geographic areas not within the boundaries of a recycled water project area, filed after the adoption of this chapter, where the building square footage total, including both the original square footage and any addition, is greater than 50,000-100,000 square feet or where installation of 50 to 100 or more toilets and urinals is proposed, shall incorporate dual plumbing in the design of the facility to allow the use of
recycled water, when it becomes available, for flushing toilets and urinals and priming floor traps. Dual plumbing requirements shall not apply to single family homes.

(c) When dual plumbing requirements are triggered by remodeling, only those restroom facilities located within the remodel project area shall be required to incorporate dual plumbing.

**SECTION 4.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**SECTION 5.** The Council finds that this project is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the amendments herein adopted will have a significant effect on the environment.
SECTION 6. This Ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED: November 4, 2019

PASSED: November 18, 2019

AYES: CORMACK, DUBOIS, FILSETH, KNIS, KOU, TANAKA

NOES:

ABSENT: FINE

ABSTENTIONS:

ATTEST:

DocuSigned by: Beth Minus
City Clerk

DocuSigned by: Eric Filseth
Mayor

DocuSigned by: Sandra Lee
Deputy City Attorney

DocuSigned by: Ed Sinka
City Manager

DocuSigned by: Kely A. Hess
Director of Planning and Development Services

DocuSigned by: 
Director of Administrative Services

APPROVED AS TO FORM:

APPROVED:

2019102205
Exhibit A

FINDINGS FOR LOCAL AMENDMENTS TO
CALIFORNIA GREEN BUILDING STANDARD CODE, 2019 EDITION

Section 17958 of the California Health and Safety Code provides that the City may make changes to the provisions in the uniform codes that are published in the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions.

Local building regulations having the effect of amending the uniform codes, which were adopted by the City prior to November 23, 1970, were unaffected by the regulations of Sections 17958, 17958.5 and 17958.7 of the Health and Safety Code. Therefore, amendments to the uniform codes which were adopted by the City Council prior to November 23, 1970 and have been carried through from year to year without significant change, need no required findings. Also, amendments to provisions not regulating buildings used for human habitation, including amendments made only for administrative consistency, do not require findings.

| Code: Cal Green |
|-----------------|-----------------|-----------------|-----------------|-----------------|
| **Section**     | **Title**       | **Add**         | **Deleted**     | **Amended**     |
| 301             | Voluntary tiers added | ✓              | ✓              | C & E           |
| 301.1.3         | Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) | ✓              |              | C & E           |
| 303.1.2         | Cumulative Construction | ✓              |              | C & E           |
| 4.105           | Deconstruction Survey | ✓              |              | C & E           |
| 4.304           | Outdoor Water Use | ✓              | ✓              | C               |
| A4.106.5        | Cool roof for reduction of heat island effect | ✓              | ✓              | C               |
| A4.405.3.1      | Recycled content | ✓              | ✓              | E               |
| 5.105.1         | Salvage | ✓              | ✓              | E               |
| 5.106.1.1       | Local ordinance | ✓              |              | C               |
| 5.106.8         | Light pollution reduction | ✓              |              | E               |
| 5.303.5         | Dual Plumbing | ✓              |              | C               |
| 5.304.5         | Potable Water Elimination | ✓              |              | C               |
| 5.304.6         | Invasive Species | ✓              |              | C               |
| 5.305.1         | Non-residential enhanced water budget | ✓              |              | C               |
| 5.410.4.6       | Energy STAR portfolio manager | ✓              |              | C & E           |
| 5.410.4.7       | Performance reviews – energy | ✓              | ✓              | C & E           |
| 5.410.4.8       | Performance reviews – water | ✓              |              | C & E           |
| 5.506.3         | Indoor Air Quality Management Plan | ✓              |              | C & E           |
| 702.2           | Special Inspection | ✓              |              | E               |
| Appendix A4     | Residential Voluntary Measures | ✓              | ✓              | C & E           |
| Appendix A5     | Non-Residential Voluntary Measures | ✓              | ✓              | C & E           |
Key to Justification for Amendments to Title 24 of the California Code of Regulations

C This amendment is justified on the basis of a local climatic condition. The seasonal climatic conditions during the late summer and fall create severe fire hazards to the public health and welfare in the City. The hot, dry weather frequently results in wild land fires on the brush covered slopes west of Interstate 280. The aforementioned conditions combined with the geological characteristics of the hills within the City create hazardous conditions for which departure from California Building Standards Code is required. Failure to address and significantly reduce greenhouse gas (GHG) emissions could result in rises in sea level, including in San Francisco Bay, that could put at risk Palo Alto homes and businesses, public facilities, and Highway 101 (Bayshore Freeway), particularly the mapped Flood Hazard areas of the City. Energy efficiency is a key component in reducing GHG emissions, and construction of more energy efficient buildings can help Palo Alto reduce its share of the GHG emissions that contribute to climate change. The burning of fossil fuels used in the generation of electric power and heating of buildings contributes to climate change, which could result in rises in sea level, including in San Francisco Bay, that could put at risk Palo Alto homes and businesses 1 public facilities, and Highway 101. Due to decrease in annual rain fall, Palo Alto experiences the effect of drought and water saving more than some other communities in California.

E Green building enhances the public health and welfare by promoting the environmental and economic health of the City through the design, construction, maintenance, operation and deconstruction of buildings and sites by incorporating green practices into all development. The green provisions in this Chapter are designed to achieve the following goals:
(a) Increase energy efficiency in buildings;
(b) Increase water and resource conservation;
(c) Reduce waste generated by construction and demolition projects;
(d) Provide durable buildings that are efficient and economical to own and operate;
(e) Promote the health and productivity of residents, workers, and visitors to the city;
(f) Recognize and conserve the energy embodied in existing buildings;
(g) Encourage alternative transportation; and
(h) Reduce disturbance of natural ecosystems.

G This amendment is justified on the basis of a local geological condition. The City of Palo Alto is subject to earthquake hazard caused by its proximity to San Andreas fault. This fault runs from Hollister, through the Santa Cruz Mountains, epicenter of the 1989 Loma Prieta earthquake, then on up the San Francisco Peninsula, then offshore at Daly City near Mussel Rock. This is the approximate location of the epicenter of the 1906 San Francisco earthquake. The other fault is Hayward Fault. This fault is about 74 mi long, situated mainly along the western base of the hills on the east side of San Francisco Bay. Both of these faults are considered major Northern California earthquake faults which may experience rupture at any time. Thus, because the City is within a seismic area which includes these earthquake faults, the modifications and changes cited herein are designed to better limit property damage as a result of seismic activity and to establish criteria for repair of damaged properties following a local emergency.

T The City of Palo Alto topography includes hillsides with narrow and winding access, which makes timely response by fire suppression vehicles difficult. Palo Alto is contiguous with the San Francisco Bay, resulting in a natural receptor for storm and waste water run-off. Also, the City of Palo Alto is located in an area that is potentially susceptible to liquefaction during a major earthquake. The surface condition consists mostly of stiff to dense sandy clay, which is highly plastic and expansive in nature. The aforementioned conditions within the City create hazardous conditions for which departure from California Building Standards Code is warranted.